

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

AGENDA

6:00-7:00 P.M. CONTINUATION OF 2017 BUDGET WORK SESSION

REGULAR MEETING

DECEMBER 12, 2016

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held November 28, 2016, as recorded and transcribed.
APPROVAL of the Motion Summary of the Budget Work Session of Council held December 3, 2016, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held October 26, 2016.
 - B. Acceptance of the Motion Summary for the Planning Commission meeting held November 2, 2016.
 - C. Resolution No. 16-52, a resolution authorizing the modification of certain traffic control signage to extend the No Parking Here to Corner zone on the west side of North Liberty Street from West William Street to the north property line of 25 North Liberty Street.
 - D. Resolution No. 16-53, a resolution repealing Resolution No. 05-23 and Resolution No. 96-43; removing the time restrictions on the two (2) 2-hour parking spaces and one (1) 15-minute parking space in front of 216 North Sandusky Street.
 - E. Resolution No. 16-54, a resolution authorizing the installation of a No Parking Anytime zone on the north side of Firestone Drive from the east property line of 188 Firestone Drive to Delaware Drive.
 - F. Establish January 9, 2017 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-110, an ordinance amending Section 737.01 of the City of Delaware's

Codified Ordinances, relating to circuses (Council Permission, License, Bond and Insurance Required).

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. 7:30 SECOND PUBLIC HEARING AND SECOND READING Ordinance No. 16-103, an ordinance making appropriations for the Year 2017, and declaring an emergency.
9. THIRD READING of Ordinance No. 16-98, an ordinance approving the Rezoning Amendment for Delaware Development Plan LTD from A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) to A-1 PMU for Coughlin's Crossing on 15 parcels encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way.
10. THIRD READING of Ordinance No. 16-99, an ordinance approving a Conditional Use Permit for Delaware Development Plan LTD allowing the placement of a PMU (Planned Mixed Use Overlay District) for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way.
11. THIRD READING of Ordinance No. 16-100, an ordinance approving an Amendment to the Comprehensive Plan for Delaware Development Plan LTD on property designated as Mixed Use, Low Density Single Family and Medium Density Single Family on the future land use map to Mixed Use for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way.
12. THIRD READING of Ordinance No. 16-101, an ordinance approving the Preliminary Development Plan for Delaware Development Plan LTD for Coughlin's Crossing, encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way.
13. THIRD READING of Ordinance No. 16-102, an ordinance approving a Preliminary Subdivision Plat for Delaware Development Plan LTD for Coughlin's Crossing, encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way.
14. SECOND READING of Ordinance No. 16-105, an ordinance authorizing the City Manager to enter into a Settlement Agreement with the Delaware County Board of Commissioners and Wolf Industrial Park Company.

15. SECOND READING of Ordinance No. 16-107, an ordinance amending the Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies, and declaring an emergency.
16. SECOND READING of Ordinance No. 16-108, an ordinance amending Ordinance No 15-115 establishing the pay and benefits for various part-time and intermittent/seasonal employees of the City of Delaware, and declaring an emergency.
17. SECOND READING of Ordinance No. 16-109, an ordinance amending the Management, Professional, Technical, Confidential, and Supervisory Employees Pay Plan, and declaring an emergency.
18. CONSIDERATION of Ordinance No. 16-110, an ordinance amending Section 737.01 of the City of Delaware's Codified Ordinances, relating to circuses (Council Permission, License, Bond and Insurance Required).
19. CONSIDERATION of Ordinance No. 16-111, an ordinance approving a Final Subdivision Plat for Bowtown Delaware, LTD., Old Colony Estates Phase 2 consisting of 55 single-family lots on approximately 14.92 acres zoned R-4 with text limitations (Medium Density Residential District) and located on Wallace Drive, Vernon Avenue and Pilgrim Circle.
20. CONSIDERATION of Ordinance No. 16-112, an ordinance approving a Preliminary Development Plan for T&R Properties for Willowbrook West consisting of 96 single-family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Overlay District) located on the west side of South Houk Road just north of Arthur Place.
21. CONSIDERATION of Ordinance No. 16-113, an ordinance approving a Preliminary Subdivision Plat for T&R Properties for Willowbrook West consisting of 96 single-family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Overlay District) located on the west side of South Houk Road just north of Arthur Place.
22. CITY MANAGER'S REPORT
23. COUNCIL COMMENTS
24. **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. (If necessary)

25. ADJOURNMENT

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held November 28

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6:30 EXECUTIVE SESSION: Mr. Rohrer moved to enter into Executive Session at 6:30 p.m. This motion was seconded by Mr. DiGenova 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, 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: Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, and Mayor Carolyn Kay Riggle. Absent from the discussion was First Ward Chris Jones and Vice-Mayor Kent Shafer. Following the discussion at 6:56 p.m., it was moved by Mr. DiGenova that Council move into Open Session, seconded by Mr. Rohrer and approved by a 5-0 vote.

The regular meeting of Council held November 28, 2016 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was First Ward Chris Jones and Vice-Mayor Shafer. The invocation was given Mr. DiGenova, followed by the Pledge of Allegiance, led by members of Boy Scout Troop 249.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Brad Stanton, Director of Public Utilities, Bruce Pijanowski, Police Chief, Sean Hughes, Economic Development Director, Jackie Walker, Assistant City Manager, Tom Homan, City Manager

Motion to Excuse: Mr. DiGenova moved to excuse Mr. Jones and Vice-Mayor Shafer, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held November 14, 2016, as recorded and transcribed.

Motion: Mr. Hellinger moved to approve the Motion Summary for the regular meeting of Council held November 14, 2016, seconded by Mr. DiGenova. Motion approved by a 5-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the motion summary for the Parks and Recreation Advisory Board meeting held October 18, 2016.
B. Acceptance of the motion summary for the Parking and Safety Committee meeting held August 16, 2016.
C. Resolution No. 16-49, a resolution authorizing the installation of additional stop signs on North Street and Curve Road at the intersection of Armstrong Road in order to establish an all-way stop condition.

Motion: Mr. Rohrer moved to approve the Consent Agenda, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

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ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

ITEM 8: CONSIDERATION OF A NEW LIQUOR PERMIT/TREX

A. FLYING PIG ALE HOUSE, LLC, 12 SANDUSKY ST., DELAWARE, OH 43015.
CLASS: D5

Mr. Shulman discussed the TREX liquor permit from one county to another. Mr. Hughes discussed the applicant's ability to locate a liquor license from Franklin County.

Chief Pijanowski recommended that the City Manager request a hearing regarding the TREX due to concern that the applicant had two social security numbers issued under his name. Chief Pijanowski stated that during the investigation it was discovered that one social security number was related to a felony.

APPLICANT:

James Talbert
10 W. Broad St. Suite 2100
Columbus, Ohio

Xuegong Chen
1440 Boswell Dr.
Delaware, Ohio

Mr. Talbert discussed his attempt to disclose the felony on the application and discussed his findings on why the applicant had two social security numbers.

Motion: Mr. Hellinger moved to accept the TREX application, as submitted, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

Motion: Mr. Hellinger moved to request a hearing in Franklin County in regards to the liquor permit, seconded by Mr. DiGenova. Motion approved by a 5-0 vote.

ITEM 9: ORDINANCE NO. 16-94 [Public Hearing and First Reading]

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2017, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

There was no public comment.

Mr. Homan provided information on the December 3, 2016 budget work session.

ITEM 10: ORDINANCE NO. 16-98 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING THE REZONING AMENDMENT FOR DELAWARE DEVELOPMENT PLAN LTD FROM A-1 (AGRICULTURAL DISTRICT) AND A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED

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MIXED USE OVERLAY DISTRICT) TO A-1 PMU FOR COUGHLIN'S CROSSING ON 15 PARCELS ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the second time.

Mr. Efland provided a presentation regarding the zoning and Comprehensive Land Use Plan and well as reviewed the Proposed Site Plan.

APPLICANT:

Connie Klema
P.O. Box 991
Pataskala, Ohio

Ms. Klema provided a presentation on the proposed development plan.

PUBLIC COMMENT:

Joanne Meyer
170 Wagner Way
Delaware, Ohio

Ms. Meyer voiced her concern regarding the potential harm to her well water supply and concerns over the increase in traffic in the area. Ms. Meyer expressed concern regarding the developer not mowing surrounding areas, which has caused a flea and rodent infestation in her yard.

Ms. Klema stated she will speak with Ms. Meyer to address her concerns.

Mr. Ferrigno provided information on the traffic study and the potential plans for an additional traffic signal.

ITEM 11: ORDINANCE NO. 16-99 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR DELAWARE DEVELOPMENT PLAN LTD ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the second time.

ITEM 12: ORDINANCE NO. 16-100 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN FOR DELAWARE DEVELOPMENT PLAN LTD ON PROPERTY DESIGNATED AS MIXED USE, LOW DENSITY SINGLE FAMILY AND MEDIUM DENSITY SINGLE FAMILY ON THE FUTURE LAND USE MAP TO MIXED USE FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the second time.

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ITEM 13: ORDINANCE NO. 16-101 [Second Reading]
AN ORDINANCE APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR DELAWARE DEVELOPMENT PLAN LTD FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the second time.

APPLICANT:
Connie Klema
P.O. Box 991
Pataskala, Ohio

ITEM 14: ORDINANCE NO. 16-102 [Second Reading]
AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT FOR DELAWARE DEVELOPMENT PLAN LTD FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the second time.

ITEM 15: RESOLUTION NO. 16-50 [First Reading]
A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 1.7023 ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE DELAWARE DEVELOPMENT PLAN (AKA COUGHLIN'S CROSSING DEVELOPMENT RIGHT OF WAY) ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the resolution for the first time.

Motion: Mr. DiGenova moved to adopt Resolution No. 16-50, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

ITEM 16: RESOLUTION NO. 16-51 [First Reading]
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT OF THE SECURITY AGREEMENT ARISING OUT OF THE REVOLVING LOAN FUND (RLF) LOAN AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, FOR THE PURPOSE OF PURCHASING LAND AND EQUIPMENT AT THEIR NEW DEVELOPMENT SITE ON PITTSBURGH DRIVE.

The Clerk read the resolution for the first time.

Motion: Mr. Rohrer moved to adopt Resolution No. 16-50, seconded by Mr. DiGenova. Motion approved by a 5-0 vote.

ITEM 17: ORDINANCE NO. 16-104 [First Reading]
AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH RLB ENTERPRISES, LLC, MIDWAY STRUCTURAL PIPE AND SUPPLY, INC., DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER,

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FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A PARCEL ON PITTSBURGH DRIVE.

The Clerk read the ordinance for the first time.

APPLICANT: Robin Brannan 10509 Mackenzie Way Dublin, Ohio

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-104, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 16-104, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-104, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

ITEM 18: ORDINANCE NO. 16-105 [First Reading] AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND WOLF INDUSTRIAL PARK COMPANY.

The Clerk read the ordinance for the first time.

ITEM 19: ORDINANCE NO. 16-106 [First Reading] AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A RECRUITMENT TRAINING AGREEMENT BETWEEN THE CITY OF DELAWARE AND THE CITY OF COLUMBUS, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-106, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

Motion: Mr. Rohrer moved to enact the emergency clause for Ordinance No. 16-106, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

Motion: Mr. Rohrer moved to adopt Ordinance No. 16-106, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

ITEM 20: ORDINANCE NO. 16-107 [First Reading] AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 21: ORDINANCE NO. 16-108 [First Reading] AN ORDINANCE AMENDING ORDINANCE NO 15-115 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

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The Clerk read the ordinance for the first time.

ITEM 22: ORDINANCE NO. 16-109 [First Reading]
AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 23: CITY MANAGER'S REPORT

Mr. Homan provided information on MORPC funding.
Mr. Homan discussed the need to set a meeting regarding the Parking Study.
Mr. Homan discussed the need for the Recreation Sub-Committee to meet at the beginning of 2017.

Mr. Homan provided information on the upcoming First Friday event and tree lighting ceremony.

ITEM 24: COUNCIL COMMENTS

Mr. Hellinger thanked staff for the informative signage near The Point regarding how to merge appropriately.

ITEM 25: ADJOURNMENT

Motion: Mr. Rohrer moved to adjourn the meeting. The meeting adjourned at 9:02 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

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Held December 3 20 15

The Delaware City Council Budget Work Session meeting of December 3, 2015 was called to order at 9:03 a.m., in the Delaware City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer (exited the meeting at 3:05 p.m.) and Mayor Carolyn Kay Riggle (exited the meeting at 10:55 a.m.) who presided.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Sean Hughes, Economic Development Director, Scott Stowers, Chief Information Officer, David Efland, Planning and Community Development Director, Bill Ferrigno, Public Works Director/City Engineer, Brad Stanton, Public Utilities Director, Ted Miller, Parks and Natural Resource Director, Lee Yoakum, Community Affairs Coordinator, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager.

ITEM 2: REVIEW OF PROPOSED 2017 BUDGET

a. Budget Overview - Tom Homan, City Manager and Dean Stelzer, Finance Director

Mr. Stelzer discussed the financial policies and discussion of the transfer of funds.

Mrs. Keller questioned the numbers provided for the fund balance. Mr. Homan determined that the Fund Balance calculations are off and will present Council with the corrections.

b. Police Department - Bruce Pijanowski, Police Chief

Chief Pijanowski reviewed the proposed budget and recommendations for professional services for new software. Chief Pijanowski discussed plans to expand shelving in the evidence room.

Chief Pijanowski presented plans to increase staffing to one full-time patrol officer and one part-time parking control officer.

Chief Pijanowski discussed the benefits and concerns regarding the use of body cameras.

c. Information Technology - Scott Stowers, Chief Information Officer

Mr. Stowers discussed the programmatic budget and proposal for a new analyst position. Mr. Stowers discussed the need to analyze and interpret the data that comes in.

Mayor Riggle requested a break at 10:55 a.m. Mayor Riggle exited the meeting at 10:55 a.m. related to a family emergency.

Vice-Mayor Shafer reconvened the meeting at 11:04 a.m.

d. Planning Department, Dave Efland, Planning and Community Development Director

Mr. Efland provided an overview of the past development of the year. Mr. Efland provided information on the estimated population and expected

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Held December 3 20 15

growth. Mr. Efland discussed the single family permits and commercial permits that were requested.

Mr. Efland discussed the need to look and update the Comprehensive Plan. Mr. Efland discussed the need to engage and receive input from the public. Mr. Efland discussed the recommendation to hire a consultant to assist with the update.

e. Public Works/Airport/Engineering, Bill Ferrigno, Public Works Director/City Engineer

Mr. Ferrigno discussed the need for Land Development Staffing.

Mr. Ferrigno discussed the budget for Building Maintenance and accessing security features. Mr. Ferrigno discussed the need to remove mechanical door systems.

Mr. Ferrigno discussed the efforts to cross train staff.

Mr. Ferrigno discussed the purchase of a pavement sealer to help do spot repairs to roads.

Mr. Ferrigno provided information on LED street lights and plans to meet with a vendor on receiving an estimate on the cost of the conversion. Mr. Ferrigno discussed the need to investigate both potential positive and negative factors on using LED lighting.

Mr. Ferrigno discussed the budget for the Airport. Mr. Ferrigno informed Council that fuel sales were down due to the temporary closing of the runway. Mr. Ferrigno discussed the benefits to install security cameras at the airport.

Mr. Ferrigno discussed the refuse and recycling efforts. Mr. Ferrigno discussed the proposal for food waste recycling.

Mr. Ferrigno provided information regarding the fleet garage and assessing the cost to use some electric vehicles.

f. Public Utilities, Brad Stanton, Public Utilities Director

Mr. Stanton discussed the excess time spent on staff to locate utilities.

Mr. Stanton provided an AMI status update and plans to review staff duties upon the installation of AMI

g. Finance Department - Dean Stelzer, Finance Director

Mr. Stelzer discussed projected costs for software changes. Mr. Stelzer discussed the use of paying utilities online and the difficulty to bill out residents with up to date email addresses.

h. Economic Development - Sean Hughes Economic Development Director

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Mr. Hughes reviewed the Economic Development Report. Discussion was held on how to market the land surrounding Sawmill Parkway to potential business development.

Mr. Hughes provided an update on the Entrepreneur and Innovation Center.

i. Fire Department – John Donahue, Fire Chief

Chief Donahue discussed the strategic planning process. Chief Donahue discussed the Emergency Management Plan, the need to partner with other agencies, and internal and external education programs.

Chief Donahue discussed personnel development and facility maintenance costs, such as, resurfacing the black top.

j. Parks and Natural Resource, Ted Miller, Parks and Natural Resource Director

Mr. Miller discussed the need for a part-time maintenance worker due to the increase in landscaping needs. Mr. Miller discussed the increase in hanging baskets to the downtown area.

Mr. Miller discussed the goals for 2017 and the need to fill in the gaps in the current trail projects.

Discussion held with Council on the declining Fund Balance for the Hidden Valley Golf Course. Mr. Miller discussed the recent formation of a new working group to discuss the issues at the course.

Council requested data on how many citizens utilize the course.

Mr. Shafer exited the meeting at 3:05 p.m.

Discussion on the need for a Master Plan at Oak Grove Cemetery and discussion held with Council on the need to reevaluate the cost to hire a company to manage the cemetery.

k. Legal Department, Darren Shulman, City Attorney

Mr. Shulman discussed the potential need for a consultant to determine a plan for better efficiency.

l. Community Affairs, Lee Yoakum, Community Affairs Coordinator

Mr. Yoakum discussed the plans to connect with the community and encourage citizen engagement.

m. Department of Administrative Services, Jackie Walker, Assistant City Manager

Mrs. Walker discussed the benefits to having the Human Resource Coordinator.

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Held December 3 20 15

ITEM 3: ADJOURNMENT

Motion: Mr. DiGenova moved to adjourn the Budget Work Session meeting, seconded by Mr. Hellinger. The Budget Work Session meeting adjourned at 3:33 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
October 26, 2016**

ITEM 1. Roll Call

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

Members Present: James Kehoe, Erinn Nicley, Councilman Kyle Rohrer, Vice-Chairman Mark Hatten, and Chairman Roger Koch

Members Absent: Joe Coleman and Sherry Riviera

Motion to Excuse: Mr. Nicley moved to excuse Mr. Coleman and Ms. Riviera 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 September 28, 2016, as recorded and transcribed.

Motion: Vice-Chairman Hatten moved to approve the Motion Summary of the Historic Preservation Commission meeting held on September 26, 2016, as recorded and transcribed, seconded by Mr. Kehoe. Motion approved by 5-2 vote.

ITEM 3. REGULAR BUSINESS

- A. 2016-3015: A request by Manos Properties-9 N Sandusky Street LLC for a Certificate of Appropriateness for renovation of the rear addition of 9 North Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core of the Downtown Historic District Overlay.

APPLICANT:

James Manos
5973 Macewen Ct.
Dublin, Ohio 43015

Ms. Guenther reviewed the location map and photographs of the location. Ms. Guenther discussed the applicant's plan to renovate a rear ground floor storage area into a residential unit. Ms. Guenther discussed the applicant's desire to

remove the boarded-up windows and reinstate the windows, if possible according to building and fire codes. The applicant indicated he was unclear as to what was behind the boards and which openings could be re-instated. Ms. Guenther reviewed the proposed window style and door style. The applicant had been advised by Staff the entry door style did not comply with the Standards; the applicant provided no alternative for HPC review.

Mr. Manos indicated he had a discussion with City of Delaware Inspection Division regarding his plan. City Planning and Inspection Staff provided explanation of information, drawings, and detailed plans required for presentation to HPC. The applicant wished to appear before HPC on this date without this information. Staff, therefore, could not provide adequate review.

A discussion was held on the need for the case to be brought before the Planning Commission for conditional use permit approval and then come before the Historic Preservation Commission to present materials/design requiring compliance with the Standards.

Motion: Vice-Chairman Hatten moved to table 2016-3015, seconded by Councilman Rohrer. Motion approved by a 5-0 vote.

ITEM 4. COMMISSION MEMBER COMMENTS AND DISCUSSION

A. Request by Bill Michailidis for an informal discussion regarding items pertaining to 16 North Sandusky Street (The Hamburger Inn Diner)

Ms. Guenther informed the Commission the applicant requested to remove the discussion from the agenda and re-schedule at a later date.

Motion: Mr. Rohrer moved to remove the informal discussion regarding items pertaining to 16 North Sandusky Street from the agenda, seconded by Vice-Chairman Hatten. Motion approved by a 5-0 vote.

ITEM 5. NEXT REGULAR MEETING: November 30, 2016 (Request Date Change From November 16, 2016 Due To Holiday. Commission is requested to take formal action in this regard.)

Motion: Mr. Nicley moved to change the meeting date from November 16, 2016 to November 30, 2016 at 7:00 p.m., seconded by Councilman Rohrer. Motion approved by a 5-0 vote.

ITEM 6. ADJOURNMENT

Motion: Councilman Rohrer moved to adjourn the meeting, seconded by Vice-Chairman Hatten. The Historic Preservation Commission meeting adjourned at 7:27 p.m.



Roger Koch, Chairman



Elaine McCloskey, Clerk

**PLANNING COMMISSION
MOTION SUMMARY
November 2, 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, Dean Prall, Vice-Chairman Stacy Simpson and Chairwoman Lisa Keller

Members Absent: Jim Halter

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

Motion to Excuse: Vice-Chairman Simpson moved to excuse Mr. Halter, seconded by Mr. Mantzoros. Motion approved by a 5-0 vote.

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on October 19, 2016, as recorded and transcribed.

Motion: Mr. Badger moved to approve the Motion Summary for the October 19, 2016 meeting, seconded by Mr. Mantzoros. Motion approved by a 4-0-1 (Simpson) vote.

ITEM 3. REGULAR BUSINESS

- A. 2016-2859: A request by Mr. & Mrs. Cory Hupp for approval of an Alley Vacation just east of Euclid Avenue between West Fountain Avenue and West Lincoln Avenue adjacent to 8 parcels that encompass approximately 0.10 acres (Tabled 10/19/16).

Anticipated Process

- a. Staff Presentation
- b. Applicant Presentation
- c. Public comment (public hearing)
- d. Commission Action

Motion: Vice-Chairman Simpson moved to table 2016-2859, until the December 7, 2016 meeting, seconded by Mr. Badger. Motion approved by a 5-0 vote.

B. Coughlin's Crossing

- (1) 2016-2783: A request by Delaware Development Plan LTD for approval of a Rezoning Amendment from A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) to A-1 PMU for Coughlin's Crossing on 15 parcels encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (Tabled 10/19/16).
- (2) 2016-2784: A request by Delaware Development Plan LTD for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (Tabled 10/19/16).
- (3) 2016-2785: A request by Delaware Development Plan LTD for approval of an Amendment to the Comprehensive Plan on property designated as Mixed Use, Low Density Single Family and Medium Density Single Family on the Future Land Use Map to Mixed Use for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (Tabled 10/19/16).
- (4) 2016-2786: A request by Delaware Development Plan LTD for approval of a Preliminary Development Plan for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (Tabled 10/19/16).
- (5) 2016-2787: A request by Delaware Development Plan LTD for approval of a Preliminary Subdivision Plat for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (Tabled 10/19/16).

Anticipated Process

a. Staff Presentation

Mr. Efland provided a staff update and reviewed the commercial patio locations and restrictions. Mr. Efland clarified the restrictions and location of a potential gas station.

b. Applicant Presentation

APPLICANT:

Connie Klema
P.O. Box 991
Pataskala, Ohio

Randy Vantilburg
157 Thornapple Trail
Delaware, Ohio

Ryan Bush
MS Consultants
2221 Schrock Rd
Westerville, Ohio

c. Public comment (public hearing)

Tom Wolber
272 Hearthstone Dr.
Delaware, Ohio 43015

Mr. Wolber discussed renewable energy sources and if the installation of solar roof will be used on the residential houses.

Roger Plummer
2505 Stratford Rd.
Delaware, Ohio 43015

Mr. Plummer voiced his concerns regarding the water drainage and concerns regarding increased speeding along Stratford Road since the opening of Meeker Way.

Peter Ruffing
1960 Stratford Rd.
Delaware, Ohio 43015

Mr. Ruffing voiced his concerns of increased speeding on Stratford Road and the concern for pedestrian safety with a bike path. Mr. Ruffing also discussed the importance of keeping trees healthy in the area to be part of landscape screening.

Jeanie Ball
1989 Stratford Rd.
Delaware, Ohio

Ms. Ball discussed the current historic buildings on the subject properties in relation to the storm water drainage plans.

Jeannine Ruffing
1960 Stratford Rd.
Delaware, Ohio

Ms. Ruffing voiced her concern over the increased speed and increase of pedestrian use on Stratford Road.

Michael Shade
P.O. Box 438
Delaware, Ohio

Mr. Shade discussed the annexation process that Turkey Hill was uncooperative with.

Mr. Vantilburg addressed the storm water concerns and the plans to release treated water into the Olentangy River. Mr. Vantilburg also informed the Commission that they were aware of the historic building location.

Ms. Klema discussed the potential use of solar energy and at this time there are no restrictions, but would like to have some design requirements.

Mr. Weber discussed the need to monitor speed in the area.

d. Commission Action

Motion: Vice-Chairman Simpson moved to remove from the table cases 2016-2783, 2016-2784, 2016-2785, 2016-2786, and 2016-2787, seconded by Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-2783, along with all staff recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-2784, along with all staff recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-2785, along with all staff recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-2786, along with all staff recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

Motion: Mr. Prall moved to approve 2016-2787, along with all staff recommendations, seconded by Mr. Badger. Motion approved by a 5-0 vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

Mr. Efland discussed the meeting date change for January 18, 2017.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Prall stated that he will not be at the December meeting.

Mr. Badger requested an update on filling the empty seat on the Commission.
Mr. Efland provided an update.

ITEM 6. NEXT REGULAR MEETING: December 7, 2016

ITEM 7. ADJOURNMENT:

Motion: Chairwoman Keller moved for the November 2, 2016 Planning Commission meeting to adjourn. The meeting adjourned at 7:51 p.m.



Lisa Keller, Chairwoman



Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM C

DATE: 12/12/16

ORDINANCE NO:

RESOLUTION NO: 16-52

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE MODIFICATION OF CERTAIN TRAFFIC CONTROL SIGNAGE TO EXTEND THE NO PARKING HERE TO CORNER ZONE ON THE WEST SIDE OF NORTH LIBERTY STREET FROM WEST WILLIAM STREET TO THE NORTH PROPERTY LINE OF 25 NORTH LIBERTY STREET.

BACKGROUND:

A resident requested that the No Parking Here to Corner Zone on North Liberty Street north of West William Street be extended further north to accommodate additional southbound traffic at West William Street and Liberty Street intersection. The existing No Parking Zone only allows for 3-4 cars and the vehicular traffic back-up blocks access to the southbound left turn lane at the intersection. Staff reviewed the accident history and noted there have been nine (9) accidents in the past five (5) years in the southbound approach. Six (6) of the accidents were rear-end collisions and three (3) accidents were side-swipe accidents, two (2) of which involved parked cars. Staff also observed this southbound approach during AM, midday and PM peak hours and found that traffic routinely backs up to 25 North Liberty Street and blocks access to the southbound left turn lane. Staff recommended that the No Parking Here to Corner Zone be extended to the north property line of 25 North Liberty Street to increase the capacity for vehicular traffic and provide for a safer maneuverability in the southbound approach at the West William Street and Liberty Street intersection.

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

The action is being taken as a result of the Parking and Safety Committee recommendation at the November 21, 2016 meeting.

FISCAL IMPACT(S):

The cost of materials to install the signage is estimated at \$50.00 to come out of the Public Works Traffic Division annual operating budget.

POLICY CHANGES:

N/A

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM D DATE: 12/12/16
ORDINANCE NO: RESOLUTION NO: 16-53
READING: FIRST PUBLIC HEARING: NO

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION REPEALING RESOLUTION NO. 05-23 AND RESOLUTION NO. 96-43; REMOVING THE TIME RESTRICTIONS ON THE TWO (2) 2-HOUR PARKING SPACES AND ONE (1) 15-MINUTE PARKING SPACE IN FRONT OF 216 NORTH SANDUSKY STREET.

BACKGROUND:

A resident requested that the time restrictions on the two (2) 2-hour parking spaces and one (1) 15-minute parking space in front of 216 North Sandusky Street be removed and converted back to regular on-street parking. These time restrictions are no longer necessary as the requesting business no longer resides at 216 North Sandusky Street.

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

The action is being taken as a result of the Parking and Safety Committee recommendation at the November 21, 2016 meeting.

FISCAL IMPACT(S):

The cost of materials to modify this signage is estimated at \$50.00 to come out of the Public Works Traffic Division annual operating budget.

POLICY CHANGES:

N/A

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM E DATE: 12/12/16
ORDINANCE NO: RESOLUTION NO: 16-54
READING: FIRST PUBLIC HEARING: NO

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE INSTALLATION OF A NO PARKING ANYTIME ZONE ON THE NORTH SIDE OF FIRESTONE DRIVE FROM THE EAST PROPERTY LINE OF 188 FIRESTONE DRIVE TO DELAWARE DRIVE.

BACKGROUND:

A resident living in the Sunnyview Farms and Carson Farms area requested that a No Parking Anytime Zone be installed along Firestone Drive, in particular at the curve between Gold Dust Ct and Delaware Drive, due to sight distance issues and the ability for only one car to pass through the area at a given time when vehicles are parked on both the north and south sides of Firestone Drive. The Parking and Safety Committee and Staff heard and reviewed the pros and cons provided by residents whom live in the area. Staff made a final recommendation that a No Parking Anytime Zone be installed on the north side of Firestone Drive from the east property line of 188 Firestone Drive to Delaware Drive.

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

The action is being taken as a result of the Parking and Safety Committee recommendation at the November 21, 2016 meeting.

FISCAL IMPACT(S):

The cost of materials to install the signage is estimated at \$150.00 to come out of the Public Works Traffic Division annual operating budget.

POLICY CHANGES:

N/A

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

Exhibit A

NO.	DATE	DESCRIPTION	APPROVED

FIRESTONE DRIVE

NO PARKING SIGNAGE PLAN



DATE ISSUED: 11/22/2016
Sheet 01/01



 NORTH
 SCALE 1" = 20'
 PROPOSED "NO PARKING" SIGNAGE



FACT SHEET

AGENDA ITEM NO: 8

DATE: 12/12/16

ORDINANCE NO: 16-103

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
November 28, 2016 at 7:30 p.m.
and December 12, 2016 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: --

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2017, AND DECLARING AN EMERGENCY.

BACKGROUND:

This is the second reading and second public hearing of the 2017 budget.

REASON WHY LEGISLATION IS NEEDED:

The budget is required to be adopted by Council pursuant to Section 78 of the City Charter.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager

Dean Stelzer, Finance Director

RECOMMENDATION:

Approval at third reading

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-103

AN ORDINANCE MAKING APPROPRIATIONS FOR THE
YEAR 2017 AND DECLARING AN EMERGENCY

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

SECTION 1. That from and out of the balances in the various funds of the City of Delaware, and from money anticipated to be received into said funds, there are hereby appropriated the following sums for use by the various departments of the City in performance of their functions and activities during the year ending December 31, 2017.

GENERAL FUND

CITY COUNCIL		
Personnel		129,671
Other		22,126
CITY MANAGER		
Personnel		594,310
Other		89,850
ADMINISTRATIVE SERVICES		
Personnel		232,534
Other		116,764
ECONOMIC DEVELOPMENT		
Personnel		180,535
Other		208,299
LEGAL AFFAIRS/PROSECUTOR		
Personnel		723,672
Other		74,088
FINANCE		
Personnel		1,241,885
Other		669,250
GENERAL ADMINISTRATION		
Other		5,684,387
RISK MANAGEMENT		
Other		332,900
POLICE		
Personnel		7,360,932
Other		812,437
PLANNING		
Personnel		979,171
Other		157,315
ENGINEERING		
Personnel		838,246
Other		647,083
MUNICIPAL BUILDINGS		
Personnel		127,949
Other		350,814
TOTAL GENERAL FUND		21,574,218

STREET MAINTENANCE & REPAIR

Administration		
Personnel		665,077
Other		212,315
Street Maintenance		
Personnel		628,915
Other		742,579
Traffic Division		
Personnel		370,941
Other		304,346
TOTAL STREET MAINTENANCE		2,924,173

STATE HIGHWAY IMPROVEMENT		100,000
LICENSE FEE FUND		460,000
STORM SEWER FUND		
Operations		
Personnel	244,131	
Other	253,327	
Projects		
Other	1,045,000	
TOTAL STORM SEWER		1,542,458
PARKS & RECREATION FUND		
Park Maintenance		
Personnel	764,065	
Other	284,883	
Recreation		
Other	209,153	
Urban Forestry		
Personnel	73,368	
Other	62,250	
TOTAL PARKS & RECREATION		1,393,719
CEMETERY FUND		
Personnel	185,526	
Other	225,755	
TOTAL CEMETERY FUND		411,281
TREE FUND		125,000
AIRPORT OPERATIONS FUND		
Personnel	177,739	
Other	623,812	
TOTAL AIRPORT OPERATIONS FUND		801,551
AIRPORT 2000 T-HANGAR FUND		101,535
FIRE/EMS OPERATINS FUND		
Personnel	8,101,682	
Other	6,009,869	
TOTAL FIRE/EMS OPERATIONS FUND		14,111,551
MUNICIPAL COURT		
Judicial		
Personnel	1,210,712	
Other	70,150	
Clerk of Courts		
Personnel	1,276,164	
Other	84,875	
TOTAL MUNICIPAL COURT		2,641,901
RECREATION CENTER INCOME TAX		2,071,150
SKY CLIMBER/V&P HYDRAULICS TIF FUND		70,000
MILL RUN TIF FUND		170,000
IDIAM FUND		25,000
DRUG ENFORCEMENT FUND		49,000
INDIGENT ALCOHOL TREATMENT FUND		100,000

OMVI ENFORCEMENT & EDUCATION FUND		3,000
POLICE JUDGMENT FUND		70,000
PARKS EXACTION FEE FUND		201,241
COMPUTER LEGAL RESEARCH FUND		284,416
COURT SPECIAL PROJECTS FUND		416,257
COURT PROBATION SERVICES FUND		298,500
POLICE DISABILITY PENSION FUND		224,300
FIRE DISABILITY PENSION FUND		224,300
COMMUNITY PROMOTION FUND		108,529
COMMUNITY DEVELOPMENT BLOCK GRANT FUND		82,000
REVOLVING LOAN FUND		380,215
HOUSING PROGRAM INCOME FUND		12,619
CHIP GRANT 2015		179,000
GENERAL BOND RETIREMENT FUND		1,746,015
PARK IMPROVEMENT BOND FUND		1,292,902
SE HIGHLAND SEWER BOND FUND		995,772
CAPITAL IMPROVEMENTS FUND		3,729,158
FAA AIRPORT GRANT FUND		16,667
FAA AIRPORT AIP GRANT FUNC		424,020
EQUIPMENT REPLACEMENT FUND		506,077
PARK IMPACT FEE FUND		844,800
POLICE IMPACT FEE FUND		70,652
FIRE IMPACT FEE FUND		118,750
MUNICIPAL IMPACT FEE IMPROVEMENT FUND		152,023
GLENN ROAD SOUTH CONSTRUCTION FUND		11,376,840
GLENN ROAD NORTH CONSTRUCTION FUND		115,395
GLENN ROAD TIF FUND		266,082
GOLF COURSE FUND		
	Personnel	138,195
	Other	61,819
TOTAL GOLF COURSE FUND		200,014
PARKING LOT FUND		53,175

WATER FUND			
Administration			
	Personnel	250,974	
	Other	2,740,656	
Treatment			
	Personnel	808,385	
	Other	1,131,794	
Distribution			
	Personnel	580,428	
	Other	426,974	
	TOTAL WATER FUND		5,939,211
WATER CONSTRUCTION FUND			2,008,000
WATER CAPACITY FEE FUND			2,310,726
WATER CUSTOMER DEPOSIT FUND			37,000
SEWER FUND			
Administration			
	Personnel	204,725	
	Other	4,478,731	
Treatment			
	Personnel	875,435	
	Other	1,128,341	
Maintenance			
	Personnel	386,996	
	Other	317,447	
	TOTAL SEWER FUND		7,391,675
SEWER CONSTRUCTION FUND			2,076,333
SEWER CAPACITY FEE FUND			3,593,882
SE HIGHLAND SEWER FUND			995,925
REFUSE FUND			
Administration			
	Other	2,289,650	
Refuse Collection			
	Personnel	702,555	
	Other	1,717,383	
Recycling Collection			
	Personnel	452,869	
	Other	208,375	
	TOTAL REFUSE FUND		5,370,832
GARAGE ROTARY FUND			
	Personnel	325,158	
	Other	318,475	
	TOTAL GARAGE ROTARY FUND		643,633
INFORMATION TECHNOLOGY ROTARY FUND			
Staff Support			
	Personnel	419,857	
	Other	47,878	
System Support			
	Other	427,190	
GIS Operations			
	Personnel	89,495	
	Other	68,700	
	TOTAL IT ROTARY FUND		1,053,120
SELF INSURANCE FUND			5,332,100

WORKERS COMPENSATION RESERVE FUND	562,000
FIRE DONATION FUND	3,000
POLICE DONATION FUND	7,677
MAYOR'S DONATION FUND	2,800
PROJECT TRUST FUND	10,000
UNCLAIMED FUNDS TRUST FUND	8,000
UNCLAIMED FUNDS COURT FUND	2,500
DEVELOPMENT RESERVE FUND	150,000
JEDD INCOME TAX FUND	200,000
CEMETERY PERPETUAL CARE FUND	1,900
STATE HIGHWAY PATROL FUND	70,000
STATE BUILDING PERMIT FEE FUND	15,000
TOTAL APPROPRIATIONS - ALL FUNDS	110,850,570

SECTION 2. That the Finance Director is hereby authorized to make payment from any of the foregoing appropriations to the extent of the amounts contained in the respective appropriations whenever claims, duly approved by the officer authorized by law to approve such claims, are presented.

SECTION 3. That the Finance Director is hereby authorized and empowered to make necessary changes which are not in conflict with this ordinance within a given appropriation to carry out the functions of the City. No changes to the total amount of a departmental or fund appropriation may be made without the legislative action of the City Council.

SECTION 4. That any sums which shall be expended from the above appropriation and which are a proper charge against any other department, or against any person, firm or corporation, shall, if repaid within the period covered by such appropriation, be credited to the fund from which such payment was made.

SECTION 5. In accordance with Ohio Revised Code Sections 5705.14, 5705.15, and 5705.16 the Finance Director is hereby authorized to make the interfund transfers identified in the 2017 Budget Detail presented to, and approved by, City Council as part of the 2017 Budget adoption process.

SECTION 6. That the Clerk of Council is directed to certify a copy of this ordinance to the Budget Commission of Delaware County.

SECTION 7. 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 further to provide lawful appropriations available for expenditure by January 1, 2017, and as such will be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE:

YEAS ____ NAYS ____
 ABSTAIN ____ ABSTAIN ____

PASSED: _____, 2016

YEAS ____ NAYS ____
 ABSTAIN ____ ABSTAIN ____

ATTEST:

CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 9

DATE: 12/12/16

ORDINANCE NO: 16-98

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES
November 28, 2016 7:45 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 THE REZONING AMENDMENT FOR DELAWARE DEVELOPMENT PLAN LTD FROM A-1 (AGRICULTURAL DISTRICT) AND A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) TO A-1 PMU FOR COUGHLIN'S CROSSING ON 15 PARCELS ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

BACKGROUND:

The applicant is proposing to rezone the approximate 80 acre site to a master planned mixed use development that would include commercial, office and residential uses on this signature site along US 23. The site encompasses fifteen parcels located east of US 23, west of Stratford Road, north of Meeker Way and south of Chesrown Chevrolet and Elliot Estates Subdivision. The southernmost three parcels and the northwest most parcel are located in the City and zoned A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) respectively. The remaining eleven parcels are located in the Township and are zoned FR-1 (Farm Residential) and generally are single family detached dwellings. The subject eleven parcels are in the process of being annexed into the City though the formal filing has not occurred as of writing

The intent of the development is to provide a plan that takes advantage of the natural topography by preserving the existing streams and much of the trees with common significantly upgraded architectural design, streetscape, signage, lighting and pedestrian amenities to be compatible throughout the entire development and adjacent environment. The development would be divided into six Sub-Areas with specific permitted uses in each that provide scaled and transitional development with effective buffers adjacent to the single family residential homes along the Stratford Road corridor while transitioning to more auto-oriented uses along the US 23 corridor and maintaining a consistent high end architectural theme based on the surrounding environment and the historic Stratford Village area. The development also incorporates a large open space amenity call Stratford Commons as well as many acres of permanently reserved area. There would be two access locations along US 23 with one being signalized adjacent to Stratford Woods Subdivision and a right-in/right-out /left-in curb cut (no left out) adjacent to the traffic signal across from Wendy's, one full movement access point on Meeker Way and one full access point on Stratford Road. A proposed spine road would bisect the site connecting Meeker Way and US 23. The entire development would have to achieve compliance with following site plan standards identified in the development text and zoning code: tree replacement, landscaping and screening, pedestrian connectivity, lighting, signage, building architecture and materials along with all other City development requirements. The proposed development would be constructed in phases based on the market demands with public roads, bike paths, utility infrastructure and perimeter mounding and landscaping constructed in Phase 1.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

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

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-98

AN ORDINANCE APPROVING THE REZONING AMENDMENT FOR DELAWARE DEVELOPMENT PLAN LTD FROM A-1 (AGRICULTURAL DISTRICT) AND A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) TO A-1 PMU FOR COUGHLIN'S CROSSING ON 15 PARCELS ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

WHEREAS, the Planning Commission at its meeting of November 2, 2016 recommended approval of a Rezoning Amendment for Delaware Development Plan LTD from A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) to A-1 PMU for Coughlin's Crossing on 15 parcels encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (2016-2783) and

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

SECTION 1. That the Rezoning Amendment for Delaware Development Plan LTD from A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) to A-1 PMU for Coughlin's Crossing on 15 parcels encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way, is hereby confirmed, approved, and accepted with the following conditions that:

1. Any new structure(s) or any change of use of any proposed buildings or property shall require conformance to all provisions of the Development Text.
2. The parcels and/or sites that have a layout on the Preliminary Development Plan shall require Final Development Plan approval while the parcels and/or site that do not have a layout shall require Preliminary and Final Development Approval by the Planning Commission and City Council.
3. The development text, renderings and all associated submitted plans (including the Comprehensive Sign Plan) comprise the zoning and development requirements for the site together with all other City applicable code and 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



FACT SHEET

AGENDA ITEM NO: 10

DATE: 12/12/16

ORDINANCE NO: 16-99

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES
November 28, 2016 at 7:45 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 CONDITIONAL USE PERMIT FOR DELAWARE DEVELOPMENT PLAN LTD ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

BACKGROUND:

The applicant is proposing to rezone the approximate 80 acre site to a master planned mixed use development that would include commercial, office and residential uses on this signature site along US 23. The site encompasses fifteen parcels located east of US 23, west of Stratford Road, north of Meeker Way and south of Chesrown Chevrolet and Elliot Estates Subdivision. The southernmost three parcels and the northwest most parcel are located in the City and zoned A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) respectively. The remaining eleven parcels are located in the Township and are zoned FR-1 (Farm Residential) and generally are single family detached dwellings. The subject eleven parcels are in the process of being annexed into the City though the formal filing has not occurred as of writing

The intent of the development is to provide a plan that takes advantage of the natural topography by preserving the existing streams and much of the trees

with common significantly upgraded architectural design, streetscape, signage, lighting and pedestrian amenities to be compatible throughout the entire development and adjacent environment. The development would be divided into six Sub-Areas with specific permitted uses in each that provide scaled and transitional development with effective buffers adjacent to the single family residential homes along the Stratford Road corridor while transitioning to more auto-oriented uses along the US 23 corridor and maintaining a consistent high end architectural theme based on the surrounding environment and the historic Stratford Village area. The development also incorporates a large open space amenity call Stratford Commons as well as many acres of permanently reserved area. There would be two access locations along US 23 with one being signalized adjacent to Stratford Woods Subdivision and a right-in/right-out /left-in curb cut (no left out) adjacent to the traffic signal across from Wendy's, one full movement access point on Meeker Way and one full access point on Stratford Road. A proposed spine road would bisect the site connecting Meeker Way and US 23. The entire development would have to achieve compliance with following site plan standards identified in the development text and zoning code: tree replacement, landscaping and screening, pedestrian connectivity, lighting, signage, building architecture and materials along with all other City development requirements. The proposed development would be constructed in phases based on the market demands with public roads, bike paths, utility infrastructure and perimeter mounding and landscaping constructed in Phase 1.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1148 Conditional Use Regulations of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

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

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A



FACT SHEET

AGENDA ITEM NO: 11

DATE: 12/12/16

ORDINANCE NO: 16-100

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: YES
November 28, 2016 at 7:45 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 TO THE COMPREHENSIVE PLAN FOR DELAWARE DEVELOPMENT PLAN LTD ON PROPERTY DESIGNATED AS MIXED USE, LOW DENSITY SINGLE FAMILY AND MEDIUM DENSITY SINGLE FAMILY ON THE FUTURE LAND USE MAP TO MIXED USE FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

BACKGROUND:

The applicant is proposing to rezone the approximate 80 acre site to a master planned mixed use development that would include commercial, office and residential uses on this signature site along US 23. The site encompasses fifteen parcels located east of US 23, west of Stratford Road, north of Meeker Way and south of Chesrown Chevrolet and Elliot Estates Subdivision. The southernmost three parcels and the northwest most parcel are located in the City and zoned A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) respectively. The remaining eleven parcels are located in the Township and are zoned FR-1 (Farm Residential) and generally are single family detached dwellings. The subject eleven parcels are in the process of being annexed into the City though the formal filing has not occurred as of writing

The intent of the development is to provide a plan that takes advantage of the natural topography by preserving the existing streams and much of the trees with common significantly upgraded architectural design, streetscape, signage, lighting and pedestrian amenities to be compatible throughout the entire development and adjacent environment. The development would be divided into six Sub-Areas with specific permitted uses in each that provide scaled and transitional development with effective buffers adjacent to the single family residential homes along the Stratford Road corridor while transitioning to more auto-oriented uses along the US 23 corridor and maintaining a consistent high end architectural theme based on the surrounding environment and the historic Stratford Village area. The development also incorporates a large open space amenity call Stratford Commons as well as many acres of permanently reserved area. There would be two access locations along US 23 with one being signalized adjacent to Stratford Woods Subdivision and a right-in/right-out /left-in curb cut (no left out) adjacent to the traffic signal across from Wendy's, one full movement access point on Meeker Way and one full access point on Stratford Road. A proposed spine road would bisect the site connecting Meeker Way and US 23. The entire development would have to achieve compliance with following site plan standards identified in the development text and zoning code: tree replacement, landscaping and screening, pedestrian connectivity, lighting, signage, building architecture and materials along with all other City development requirements. The proposed development would be constructed in phases based on the market demands with public roads, bike paths, utility infrastructure and perimeter mounding and landscaping constructed in Phase 1.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

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

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A



FACT SHEET

AGENDA ITEM NO: 12

DATE: 12/12/16

ORDINANCE NO: 16-101

RESOLUTION NO:

READING: THIRD

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 PRELIMINARY DEVELOPMENT PLAN FOR DELAWARE DEVELOPMENT PLAN LTD FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

BACKGROUND:

The applicant is proposing to rezone the approximate 80 acre site to a master planned mixed use development that would include commercial, office and residential uses on this signature site along US 23. The site encompasses fifteen parcels located east of US 23, west of Stratford Road, north of Meeker Way and south of Chesrown Chevrolet and Elliot Estates Subdivision. The southernmost three parcels and the northwest most parcel are located in the City and zoned A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) respectively. The remaining eleven parcels are located in the Township and are zoned FR-1 (Farm Residential) and generally are single family detached dwellings. The subject eleven parcels are in the process of being annexed into the City though the formal filing has not occurred as of writing

The intent of the development is to provide a plan that takes advantage of the natural topography by preserving the existing streams and much of the trees with common significantly upgraded architectural design, streetscape, signage, lighting and pedestrian amenities to be compatible throughout the entire development and adjacent environment. The development would be divided

into six Sub-Areas with specific permitted uses in each that provide scaled and transitional development with effective buffers adjacent to the single family residential homes along the Stratford Road corridor while transitioning to more auto-oriented uses along the US 23 corridor and maintaining a consistent high end architectural theme based on the surrounding environment and the historic Stratford Village area. The development also incorporates a large open space amenity call Stratford Commons as well as many acres of permanently reserved area. There would be two access locations along US 23 with one being signalized adjacent to Stratford Woods Subdivision and a right-in/right-out /left-in curb cut (no left out) adjacent to the traffic signal across from Wendy's, one full movement access point on Meeker Way and one full access point on Stratford Road. A proposed spine road would bisect the site connecting Meeker Way and US 23. The entire development would have to achieve compliance with following site plan standards identified in the development text and zoning code: tree replacement, landscaping and screening, pedestrian connectivity, lighting, signage, building architecture and materials along with all other City development requirements. The proposed development would be constructed in phases based on the market demands with public roads, bike paths, utility infrastructure and perimeter mounding and landscaping constructed in Phase 1.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1129 Procedures of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

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

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-101

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR DELAWARE DEVELOPMENT PLAN LTD FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

WHEREAS, the Planning Commission at its meeting of November 2, 2016 recommended approval of a Preliminary Development Plan for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (2016-2786) and

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

SECTION 1. That the Preliminary Development Plan for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way, 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.
2. Any new or existing utilities to be constructed and/or extended within the development shall comply with the City minimum requirements and as approved by the City Director of Utilities.
3. All State and local rules and regulations regarding the regulation of water courses within the site shall apply as they are in effect at the time of permitting.
4. The applicant shall be responsible for any roadway improvements and/or financial obligations of the traffic impact study per ODOT, City Engineer and County Engineer. The applicant shall recognize that traffic impact study has not been approved in final form and access points and the site layout may change as a result. Major changes will require resubmittal of the Preliminary Development Plan and possible amendment of the development text and accompanying planning documents.
5. An access easement though lot 1 to the Chesrown Property to the north to give access to the spine road and ultimately US 23 shall be delineated, executed and recorded at the County concurrent with or prior to development of any portion of the proposed spine road or development of the first Final Development Plan for the site. The applicant shall ensure

Chesrown's concurrence with such easement and its alignment prior to filing.

6. The applicant shall be required to provide easements for a sidewalk (if it cannot be accommodated within the existing right-of-way as determined by the City Engineer) along US 23 and shall make a payment in lieu of construction per the City Engineer with development of the first lot adjacent to US 23
7. Except for along US 23, concrete sidewalks shall be 5 feet in width, achieve compliance with minimum engineering requirements, shall be provided on one side of all public streets, and shall be located throughout the development to provide pedestrian connectivity to and between Sub-Areas, buildings and uses as determined through the Final Development Plan process.
8. The Final Development Plans shall achieved compliance with all fire department requirements.
9. The Janes Home and Janes Barn in Sub-Area 1b shall, in the absence of tenants, be maintained so as to retain the existing structural integrity and exterior aesthetic appeal of both buildings. Demolition of either structure in its entirety shall not be permitted unless a Final Development Plan that permits such demolition is approved per the development text.
10. The maximum amount of units permitted in Sub-Area 2a shall be 24 single-family attached and detached units.
11. The minimum apartment size in Sub-Area 2b shall be 800 square feet for a one bedroom unit and 200 square feet for each additional bedroom and shall be allowed as part of a mixed use commercial building only. Stand alone or separately constructed units shall require a Zone Amendment, Preliminary Development Plan amendment and subsequent Final Development Plan approval.
12. All the required landscape buffering shall be installed per the approved development text and all perimeter buffering and landscaping shall be installed for the entire 80 acre site with the first construction of any portion of the site.
13. Additional landscaping shall be installed between the rear of the building in Sub-Area 3 and Sub-Area 2 per staff approval consistent with this report and as determined at the Final Development Plan.
14. Lots 3, 9 and 13 shall be identified as preservation areas on the final plat.
15. According to the tree replacement schedule, the applicant shall pay \$100,000 up front with the first approved final development plan and infrastructure improvements. The balance of \$307,200 (or 3,072 caliper inches of qualifying replacement trees) shall be paid on a per acre basis as the site developments. The preliminary development plan identifies 67.95 net developable acres which would require \$4,521 per acre (\$307,200/\$67.95) to be paid as development occurs and as given in the process requirements of this section. The process shall be that when



FACT SHEET

AGENDA ITEM NO: 13

DATE: 12/12/16

ORDINANCE NO: 16-102

RESOLUTION NO:

READING: THIRD

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 PRELIMINARY SUBDIVISION PLAT FOR DELAWARE DEVELOPMENT PLAN LTD FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

BACKGROUND:

The applicant is proposing to rezone the approximate 80 acre site to a master planned mixed use development that would include commercial, office and residential uses on this signature site along US 23. The site encompasses fifteen parcels located east of US 23, west of Stratford Road, north of Meeker Way and south of Chesrown Chevrolet and Elliot Estates Subdivision. The southernmost three parcels and the northwest most parcel are located in the City and zoned A-1 (Agricultural District) and A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) respectively. The remaining eleven parcels are located in the Township and are zoned FR-1 (Farm Residential) and generally are single family detached dwellings. The subject eleven parcels are in the process of being annexed into the City though the formal filing has not occurred as of writing

The intent of the development is to provide a plan that takes advantage of the natural topography by preserving the existing streams and much of the trees with common significantly upgraded architectural design, streetscape, signage, lighting and pedestrian amenities to be compatible throughout the entire

development and adjacent environment. The development would be divided into six Sub-Areas with specific permitted uses in each that provide scaled and transitional development with effective buffers adjacent to the single family residential homes along the Stratford Road corridor while transitioning to more auto-oriented uses along the US 23 corridor and maintaining a consistent high end architectural theme based on the surrounding environment and the historic Stratford Village area. The development also incorporates a large open space amenity call Stratford Commons as well as many acres of permanently reserved area. There would be two access locations along US 23 with one being signalized adjacent to Stratford Woods Subdivision and a right-in/right-out /left-in curb cut (no left out) adjacent to the traffic signal across from Wendy's, one full movement access point on Meeker Way and one full access point on Stratford Road. A proposed spine road would bisect the site connecting Meeker Way and US 23. The entire development would have to achieve compliance with following site plan standards identified in the development text and zoning code: tree replacement, landscaping and screening, pedestrian connectivity, lighting, signage, building architecture and materials along with all other City development requirements. The proposed development would be constructed in phases based on the market demands with public roads, bike paths, utility infrastructure and perimeter mounding and landscaping constructed in Phase 1.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1111 Platting of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

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

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-102

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT FOR DELAWARE DEVELOPMENT PLAN LTD FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 80 ACRES LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

WHEREAS, the Planning Commission at its meeting of November 2, 2016 recommended approval of a Preliminary Subdivision Plat for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way (2016-2787) and

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

SECTION 1. That the Preliminary Subdivision Plat for Coughlin's Crossing encompassing approximately 80 acres located east of US 23, west of Stratford Road and north of Meeker Way, is hereby confirmed, approved, and accepted with the following conditions that:

1. The applicant needs to obtain 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. Any new or existing utilities to be constructed and/or extended within the development shall comply with the City minimum requirements and as approved by the City Director of Utilities.
3. Lots 3, 9 and 13 shall be identified as permanent preservation area (some allowing storm water improvements) on the Preliminary and Final Subdivision Plat.
4. An access easement though lot 1 to the Chesrown Property to the north to give access to the spine road and ultimately US 23 shall be delineated, executed and recorded at the County concurrent with or prior to development of any portion of the proposed spine road or development of the first Final Development Plan for the site. The applicant shall ensure Chesrown's concurrence with such easement and its alignment prior to filing.

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



FACT SHEET

AGENDA ITEM NO: 14

DATE: 12/12/16

ORDINANCE NO: 16-105

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Bill Ferrigno, Public Works Director/City Engineer
Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND WOLF INDUSTRIAL PARK COMPANY.

BACKGROUND:

This agreement facilitates the resolution of the County's eminent domain case for land needed for Sawmill Parkway from Wolf Industrial Corp. The owners of the property have requested that the public right of way for planned future roads through their property be dedicated now (prior to potential future development). The proposed location of the roads and associated access points, has been reviewed by the City Public Works and Planning Staff, and which has concluded that the specifications listed adequately protect the City's interests should development occur. With City concurrence, the County was able to finalize the property acquisition necessary for the construction of Sawmill Parkway immediately south of US42.

REASON WHY LEGISLATION IS NEEDED:

Pursuant to Charter, intergovernmental agreements require an ordinance. This settlement includes the County.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Bill Ferrigno, Public Works Director/City Engineer
Darren Shulman, City Attorney

RECOMMENDATION:

Approval

ATTACHMENT(S)

Settlement Agreement

ORDINANCE NO. 16-105

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND WOLF INDUSTRIAL PARK COMPANY.

WHEREAS, the City of Delaware and Delaware County have worked together to advance the plan for and construct Sawmill Parkway through the southwest corner of the City, and

WHEREAS, the County acting as lead agency worked with property owners to acquire necessary easements and right of way for construction of the parkway, and

WHEREAS, an agreement with the owners of the Wolf Industrial Park property involved adjustments to access to Sawmill Parkway and proposed alignments for future service roads to be constructed on the property, and

WHEREAS, City consent to such conditions is required by the County and property owner as part of the property settlement agreement.

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

SECTION 1. That the City Manager is hereby authorized to be signatory on the Settlement Agreement for the purchase of property from Wolf Industrial Park.

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

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into on this ____ day of _____, 2016, by and among the Delaware County Board of Commissioners (the "County"), whose address is 101 North Sandusky Street, Delaware, Ohio 43015, the City of Delaware (the "City"), whose address is 1 South Sandusky Street, Delaware, Ohio 43015, and Wolf Industrial Park Co. ("Wolf"), whose address is US 42 S, P.O. Box 352, Delaware, Ohio 43015, any of which may hereinafter individually be referred to as "Party" and which hereinafter collectively may be referred to as the "Parties."

RECITALS

WHEREAS, on or about January 23, 2015, the County and the City entered into a cooperative agreement relating to the construction of the Sawmill Parkway Extension (the "Project"); and

WHEREAS, on or about September 28, 2015, and in furtherance of the construction of the Sawmill Parkway Extension, the County filed a Petition for Appropriation of Property against Wolf, being Delaware County Common Pleas Case No. 15-CV-H-09-0640, to appropriate a portion of Wolf's property for use in connection with the Project (the "Litigation"); and

WHEREAS, as a result of direct negotiations, the County and Wolf now wish to fully settle and resolve the Litigation, and the Parties wish to set forth the conditions for providing vehicular access to Wolf's residual property from the Project;

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The County and Wolf shall, within fifteen (15) days of the execution of this Agreement, execute and file with the Court a stipulation of dismissal of the Litigation, which shall mutually acknowledge that the dismissal shall not constitute abandonment of the Litigation for purposes of R.C. 163.21.
2. Wolf shall, within fifteen (15) days of the preparation of final conveyance documents by the County, deliver to the County fully executed and notarized copies of the warranty deed and deed of easement attached hereto as Exhibit A and, by this reference, fully incorporated herein. Said documents shall be held in escrow by the County and are to be recorded at the time of the filing of the stipulation of dismissal with the Court.
3. Wolf shall be entitled to retain the deposit paid by the County in the Litigation and distributed to Wolf, which shall constitute full just compensation for the appropriation of Wolf's property. Wolf, in consideration of the agreed upon compensation, releases all claims for further compensation, including damages and interest, resulting from the appropriation of property for the Project.
4. The County ordered a design modification to the Project in order to relocate the intersection located east of Wolf's property in the original approved design for the

Project to a new location on the Wolf property as shown on Exhibit B. The parcel owned by Tamela S. Bauslaugh, as depicted on Exhibit B, shall have access to the aforementioned intersection by using Road A and Road B. The relocation of the intersection will provide Wolf with direct, unrestricted, full-movement access to and from its residual lands both north and south of the Project to and from Sawmill Parkway. Wolf acknowledges that the design modification required a change order to the County's contract with its design professional and agrees to pay to the County \$9,850.00, which constitutes fifty percent (50%) of the cost of the change order, payable within thirty (30) days of the execution of this Agreement.

5. The City and Wolf agree to the location of city streets connecting to the relocated intersection and extending adjacent to or across Wolf's residual lands, as depicted on Exhibit B. Wolf agrees to dedicate, at no cost to the City or County, such right-of-way in fee simple from its residual lands necessary for the city streets, designated as Road A and Road B. However, the right of way for Road A, from the intersection of Road A and Road B to the planned cul-de-sac to be designed and located at the terminus of Road A, will not be conveyed to the City until such time as the location and design of the cul-de-sac has been approved by the City, RS 42 North LLC and Wolf. The right of way for Roads A and B shall be at least sixty (60) feet in width and shall not exceed ninety (90) feet in width. Road A must extend into the 10 acre tract and the 50 acre tract owned by RS 42 North LLC, and into the 50 plus acre tract owned by Wolf, so that all three properties will have access to Sawmill Parkway using the cul-de-sac and Road A. Wolf shall be furnished, subject to the approval of the City Engineer in accordance with City location and design standards, curb cut approvals by the City, to access Roads A and B for the development of its Property, at no cost to Wolf or its limited liability company to be formed by the partners of Wolf. Said limited liability company shall be bound by the terms of this Settlement Agreement. Notwithstanding the foregoing sentence, Wolf's successors in interest, excepting therefrom Wolf's LLC, may be subject to assessment for curb cut approvals, in addition to other costs for the development, plan review, and construction of Roads A and B and related improvements. The Parties acknowledge that neither the City nor the County shall be required to construct the city streets depicted on Exhibit B as Road A, Road B and the cul-de-sac. The County will cause the preparation of documents for the dedication of the right-of-ways as a "Cost of the Project" for which the City shall be responsible in its entirety.
6. This Agreement shall be binding upon all Parties, and the Parties' respective successors, or assigns, and shall insure to the Parties' benefit and to that of their respective directors, managers, shareholders, officers, employees, agents or other representative of any kind.
7. This Agreement shall be governed by the laws of the State of Ohio, and any and all disputes arising hereunder shall be filed in and heard before the courts of Delaware County, Ohio.
8. The Parties acknowledge and agree that this Agreement is voluntarily entered into by all Parties hereto and that they have each reviewed this Agreement and have had an opportunity to obtain the advice of counsel of their choice prior to execution.

9. In the event that any portion of this Agreement is deemed illegal, invalid, or unenforceable, in any respect, then such illegality, invalidity, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as though such illegal, invalid, or unenforceable provision had never been contained herein.
10. This Agreement may be executed in counterparts, and a copy or fax shall constitute an original.
11. This Agreement shall constitute the full and entire agreement and understanding between the Parties with respect to the subject matter hereof, and there are no agreements, representations, or covenants except as specifically set forth herein. All prior settlement discussions, negotiations, and demands of any kind are fully merged into this Agreement and are to be construed to be of no further force or effect, it being the intention of the Parties that this Agreement shall serve as the sole and entire expression of their agreement and understanding. This Agreement may not be amended or modified except by an instrument in writing signed by all Parties.
12. None of the Parties shall be considered to be the drafter of this Agreement or any provision hereof for the purpose of any statute, case law, or rule of interpretation or construction that would or might cause any provision hereof to be construed against the drafter.
13. The Parties represent and warrant that the person executing this Agreement on their behalf is duly authorized by each of them to do so.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first written above.

DELAWARE COUNTY BOARD OF COMMISSIONERS

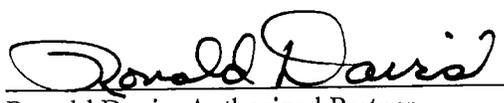


Ferzan M. Ahmed, County Administrator

CITY OF DELAWARE

R. Thomas Homan, City Manager

WOLF INDUSTRIAL PARK COMPANY



Ronald Davis, Authorized Partner

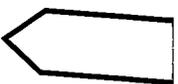


EXHIBIT A

ODOT LPA RE 801
Rev. 09/2009

Warranty Deed
LPA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Wolf Industrial Park Company, the Grantor(s) herein, in consideration of the sum of \$1.00 to be paid by the Board of Commissioners of Delaware County, Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release, with general warranty covenants, to said Grantee, its successors and assigns forever, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 84-WD

Sawmill Parkway Extension Phase E

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Volume 379, Page 186, Delaware County Recorder's Office.

And the said Grantor(s), for themselves and their successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that they are the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

In the event that the Grantee decides not to use the property conveyed herein for the above-stated purpose, the Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase will be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

IN WITNESS WHEREOF, Wolf Industrial Park Company has caused its name to be subscribed by _____, its duly authorized agent on the ____ day of _____, 2015.

Wolf Industrial Park Company

By: _____

STATE OF OHIO, COUNTY OF _____ ss:

BE IT REMEMBERED, that on the ____ day of _____, 2015, before me the subscriber, a Notary Public in and for said state and county, personally came the above named _____, who acknowledged being the _____ and duly authorized agent of Wolf Industrial Park Company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC
My Commission expires: _____

This document was prepared by or on behalf of the Board of Commissioners of Delaware County.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Wolf Industrial Park Company, the Grantor(s) herein, in consideration of the sum of \$1.00 to be paid by Board of Commissioners of Delaware County, Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 84-CH

Sawmill Parkway Extension Phase E

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Volume 379, Page 186, Delaware County Recorder's Office.

And the said Grantor(s), for themselves and their successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that they are the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

In the event that the Grantee decides not to use the property conveyed herein for the above-stated purpose, the Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase will be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

IN WITNESS WHEREOF, Wolf Industrial Park Company has caused its name to be subscribed by _____, its duly authorized agent on the ___ day of _____, 2015.

Wolf Industrial Park Company

By: _____

STATE OF OHIO, COUNTY OF _____ ss:

BE IT REMEMBERED, that on the ___ day of _____, 2015, before me the subscriber, a Notary Public in and for said state and county, personally came the above named _____, who acknowledged being the _____ and duly authorized agent of Wolf Industrial Park Company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC

My Commission expires: _____

This document was prepared by or on behalf of the Board of Commissioners of Delaware County.

EXHIBIT B

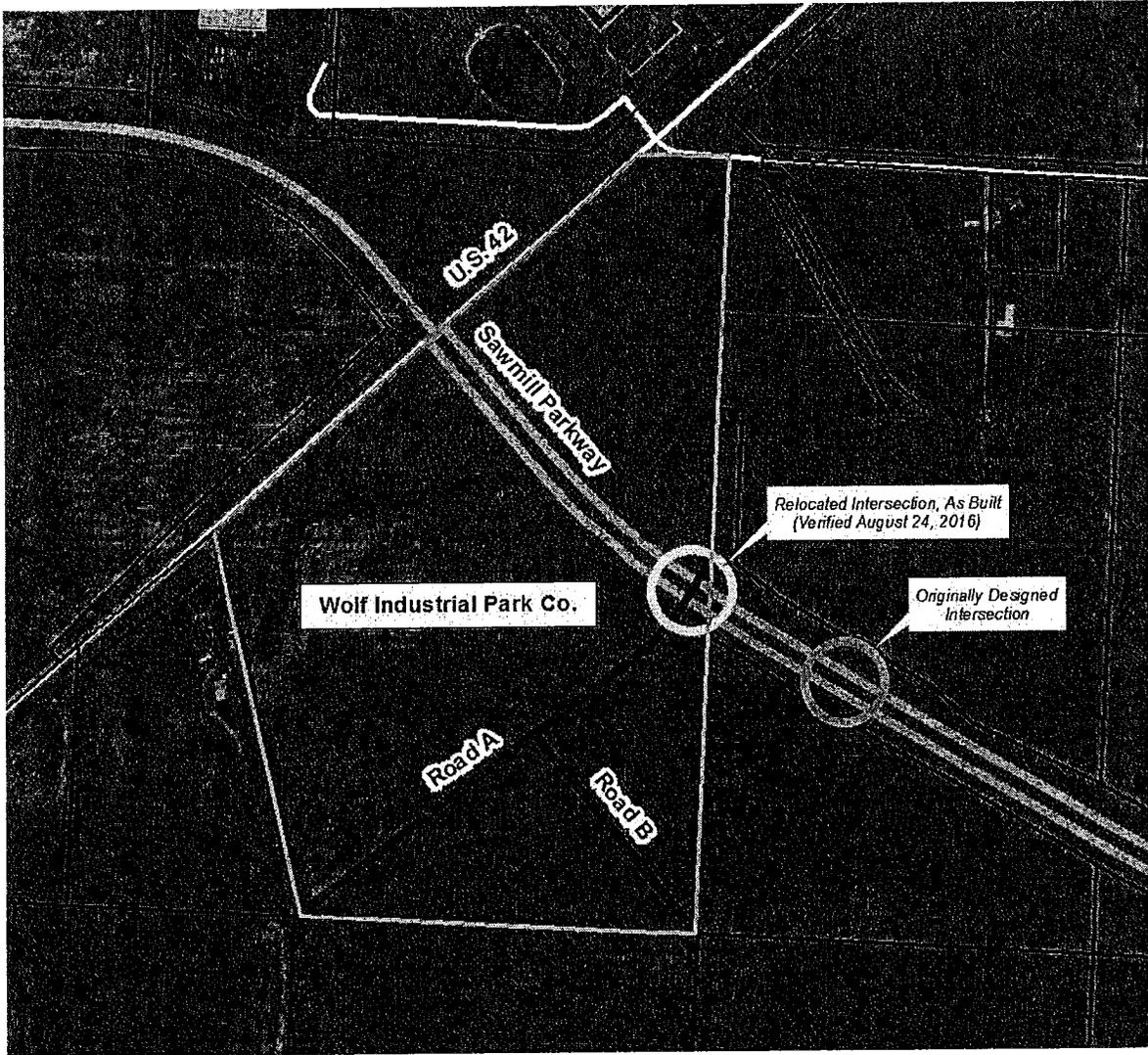


EXHIBIT B





FACT SHEET

AGENDA ITEM NO: 15

DATE: 12/12/16

ORDINANCE NO: 16-107

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Judge David Sunderman, Judge Marianne Hemmeter and Clerk
Cindy Dinovo

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

BACKGROUND:

The Municipal Court and Clerk of Court's 2017 Employee Benefits and Leave Policies are attached.

Policy 23, Section 1-pg 2; Holiday Pay and Personal Leave

Because of the way the calendar falls, instead of a half day off the day before Christmas and New Year's, the court will observe the half day off on the Friday before both holidays (22nd, 29th).

Policy 32-pg 14; Parks and Recreation Credit

The credit has been increased to \$60.

Policy 34-pg 15; Salary Ranges

The court added the position of Assignment Commissioner/Jury Commissioner. Effective date November 28, 2016

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Parks Credit increased to \$60
New position created at \$22/hour

POLICY CHANGES:

N/A

PRESENTER(S):

Judge David Sunderman, Judge Marianne Hemmeter and Clerk Cindy Dinovo

RECOMMENDATION:

Approval

ATTACHMENT(S)

Amended Pay Plan

ORDINANCE NO. 16-107

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies shall be amended to reflect the noted changes (attached hereto).

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. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 28, 2016. Therefore this Ordinance shall be in full force and effect immediately upon its passage.

EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Delaware Municipal Court and Clerk of Court

Employee Benefits And Leave Policies

Effective December 28, 2016

Delaware Municipal Court
and
Clerk of Court
70 North Union Street
Delaware, Ohio 43015

SECTION IV. EMPLOYEE BENEFITS AND LEAVE

Policy 23. Holiday Pay and Personal Leave

Section 1. The following are designated as paid holidays for the Municipal Court and the Clerk of Court employees:

New Year's Day, January 2
Martin Luther King Day, 3rd Monday in January
Memorial Day, last Monday in May
Independence Day, July 4th
Labor Day, 1st Monday in September
Little Brown Jug Day, 1/2 day - 3rd Thursday after Labor Day
Thanksgiving Day, 4th Thursday in November
Day after Thanksgiving
Friday before Christmas, December 22, 1/2 day
Christmas Day, December 25
Friday before New Year's, December 29, 1/2 day

Revised Nov. 2016

Holidays that fall on Saturday will be observed on Friday, and holidays that fall on Sunday will be observed on the following Monday.

Section 2. If one of the holidays set forth above occurs while an employee is on vacation leave, that day will not be charged against his/her vacation.

Section 3. Employees will be credited with 32 hours of personal leave a year. Use of personal days will be at the employee's discretion with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

Section 4. Employees are permitted to accumulate two years' worth of personal days.

Section 5. At the time of separation, an employee will be compensated for all accrued but unused personal days.

Policy 24. Vacation Leave

Section 1. The vacation year for employees will end at the close of business on the last pay period that ends in the month of December.

Section 2. Each full-time employee will accrue vacation leave by pay period at the annual rate of work hours based on years of full-time total service which is established in the schedules contained in Section 3 of this article. Years of total full-time service is defined to be the total of all periods of full-time employment for the Delaware Municipal Court or Clerk of Court or as defined in Section 6. 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, will 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.

If an employee of the Court or of the Clerk’s office has received or is receiving retirement benefits from any of the state retirement funds – the Ohio Public Employees Retirement System, the Police and Fire Pension Fund, the State Teachers Retirement System, the Public School Employees Retirement System, or the Highway Patrol Retirement System – the years of public service for which the employee has received or is receiving those retirement benefits will not be included in any computation of service time for vacation-leave accrual while the employee is working for the Court or for the Clerk.

Section 3. For employees hired before December 31, 2013, vacation leave will accrue as follows:

Years of Total Service	Vacation Hours/Year	Vacation Hours/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 or more years	200.2	7.7

For employees hired after December 31, 2013, vacation leave will accrue as follows:

Years of Total Service	Vacation Hours/Year	Vacation Hours/Pay
Start through 5 years	80.6	3.1
6 through 15 years	119.6	4.6
16 or more years	161.2	6.2

Section 4. Any vacation balance in excess of the maximum number of work hours established in the following paragraph will 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	161.2
6 through 10 years	239.2
11 through 15 years	322.4
16 or more years	400.4

The only exception to that chart will apply to any employee who – on the last day of the last pay period in December 2013 – has a vacation-leave balance of more than 500 hours. The vacation-leave-accrual cap for any such employee will be 600.6 hours, and any vacation-leave hours that such an employee has accrued but not used in excess of 600.6 hours on the last day of the last pay period of 2013 – and on that same last-pay-period day in each succeeding year – will be void.

Section 5.

- 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 his/her control, absence from work for the balance of that day will not be construed as unpaid work status.
- B.** An employee in full-time status who is to be separated from the Delaware Municipal Court or Clerk of Court service through discharge, resignation, retirement or layoff, and who has unused vacation leave to his/her credit, will be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his/her last day of active service with the Delaware Municipal Court or Clerk of Court. That payment will be paid at the employee’s hourly rate of pay at the time of separation.
- C.** When an employee dies while in paid status in the Delaware Municipal Court or Clerk of Court, any unused vacation leave to his/her credit will be paid in a lump sum to the surviving spouse, or other person the employee may have designated in writing.

Section 6. To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware (Delaware Municipal Court or Clerk of Court) from prior employment inside the State of Ohio:

- A.** Employees are eligible to transfer prior years of service completed as employees of this Court, the Clerk of this Court, or the City of Delaware.
- B.** The amount of years of service that can be transferred is unlimited.
- C.** Prior employment must be in full-time status.

Section 7. An employee may elect to convert up to two weeks of accrued and unused vacation time to cash during any calendar year. An employee must inform the Administrative Judge or the Clerk of Court prior to August 1 of the year preceding the calendar year in which the employee intends to convert the unused vacation leave to cash, and the employee must maintain at least 40 hours of accrued and unused vacation leave in the employee's account after that conversion takes place.

Policy 25. Funeral Leave

Section 1. Each regular full-time employee is entitled to funeral leave with pay as follows:

<u>Leave for Death of:</u>	<u>Days/Hours of Leave</u>
Immediate Family Member	1 - 3 days
Other Relative	4 - 8 hours

* One work day/shift is automatic for the day of the funeral, but additional time up to the maximum will be given only with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

** All leave time with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

Section 2. For the purposes of this section, Immediate Family Member means spouse, child, brother, sister, parents, step-child, step-brother, step-sister, step-parents, grandparents, grandchildren, sister-in-law, brother-in-law, and parents-in-law.

Section 3. Funeral Leave time does not include an employee's regularly scheduled day off to which the employee is already entitled.

Policy 26. Sick Leave

The Court and the Clerk of Court may from time to time supplement these sick leave policies with additional terms that apply to their employees only. For a full understanding of the use of sick leave, employees should consult not only this benefit manual but also the office policies promulgated by the particular officeholder – whether the Administrative Judge or the Clerk of Court – for whom the employee works.

Section 1. Each employee is entitled to sick leave with pay of 4.6 hours for each completed 80 hours of service.

An employee may use sick leave upon approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee for the following reasons:

A. Illness or injury of the employee or his/her immediate family.

- B.** Medical, dental, or optical examinations or treatment of an employee or his/her immediate family that requires the employee's attendance.
- C.** If a member of the immediate family is afflicted with a contagious disease, or when, through exposure to a contagious disease, the presence of the employee at his/her job will jeopardize the health of others.
- D.** Pregnancy and/or childbirth and other conditions related thereto inclusive of leave for male employees for the care of the employee's wife and family during postnatal period.

For purposes of this section, the definition of immediate family is: grandparents, mother, mother-in-law, father, father-in-law, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, spouse, child, stepchild, grandchild, legal guardian, or other person who stands in the place of a parent (in loco parentis).

Employees are required to report their intent to use sick leave prior to the start of each workday, unless the employee has made other reporting arrangements with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, and state the nature of the illness. The employee must make this phone call unless medically detained by a physician at the time. The Administrative Judge, or his/her designee or the Clerk of Court or his/her designee, may contact the employee sometime during the day to discuss the reasons for the absence.

Section 2. Sick leave must be taken in half-hour increments.

Section 3. If an employee used zero hours of sick leave in any calendar year, that employee will be credited with an additional three vacation days the following year. If an employee uses between one and eight hours of sick leave in any one calendar year, that employee will be credited with an additional two vacation days the following year. If an employee uses between nine and 16 hours of sick leave in any one calendar year, that employee will be credited with one additional vacation day the following year. At the employee's option, any additional vacation days earned can be taken in the form of vacation leave or compensation in cash.

Section 4. Any employee who has accumulated at least 800 hours of sick leave credit may, during any calendar year, convert up to 80 hours of sick leave to vacation on the basis of two hours of sick leave for one hour vacation leave.

If an employee has earned sick leave in another public-sector job and then has transferred unused sick leave to the Court or Clerk of Court's office at the start of the employee's current period of employment with the Court or Clerk of Court that transferred sick leave cannot be converted to vacation leave under this section.

All sick leave accumulated by the employee during the employee's current period of employment with the Court or the Clerk of Court must be exhausted by the employee or converted to vacation leave before the employee may use any sick leave that has been added to the employee's sick-leave balance in accordance with Section 5 of this sick-leave policy.

Section 5. To be eligible to transfer sick leave to the City of Delaware from prior public employment in the State of Ohio:

- A.** Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
- B.** Employment with the City of Delaware must take place within 10 years of termination from their previous employer.
- C.** The maximum amount of sick leave hours that can be transferred is unlimited.

Section 6. Any employee who separates from the Delaware Municipal Court or Clerk of Court employment for other than just cause will be paid for all accumulated and unused sick leave on the basis of one hour of pay for every three hours of unused sick leave. Total sick leave payout cannot exceed 12 weeks' pay.

Section 7. An employee must complete and sign a request for leave form provided by the City to justify the use of sick leave. Payment for sick leave is subject to final approval by the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The City, Delaware Municipal Court, or Clerk of Court may require the employee to furnish a statement from a licensed medical practitioner if medical attention was sought or for any absence in excess of three consecutive days whether for the employee or his/her immediate family. Such statement must include the nature of the illness or injury, the inability to perform his/her duties, the prognosis, and the estimated date when the employee can be expected to return to work. Failure of the employee to provide such statement and request for leave form when requested may result in the denial of sick leave pay.

Section 8. Falsification of a request for leave form or a medical practitioner's statement may be grounds for disciplinary action. The City, Delaware Municipal Court, or Clerk of Court maintains the right to have any employee examined by a licensed medical practitioner selected and paid by the City. Alternatively, the employee required to see a physician may see a physician of his/her own choosing, but in that event will not be reimbursed for the costs incurred.

The City, Delaware Municipal Court, or Clerk of Court may deny the payment of sick leave if the investigation indicates that the absence was not within the provisions of this article. Denial of sick-leave payment will

not preclude the Delaware Municipal Court or Clerk of Court from implementing any disciplinary action.

Section 9. Sick Leave Abuse

It is the mutual interest of the employee and the Delaware Municipal Court or Clerk of Court to prevent the abuse or misuse of sick leave. The acceptable usage of sick leave is explained in this policy.

Employees must not abuse or demonstrate a pattern of sick-leave and/or leave-without-pay usage. The abuse of sick leave or the patterned use of sick leave will be just and sufficient cause for discipline. A request of sick leave will be denied if the employee fails to comply with the procedures for proper sick leave usage, fails to present a required physician's statement, or if an investigation of a request for sick leave discloses facts inconsistent with the proper use of sick leave. Falsification of applications for sick leave or the filing of sick leave applications and documentation with intent to defraud may result in the disapproval of sick leave and may be grounds for disciplinary action, up to and including discharge.

Any employee who is hospitalized will not have such period of leave considered in determining whether the employee is abusing sick-leave benefits.

The implementation of this section does not preclude the right of the Delaware Municipal Court or Clerk of Court to discipline an employee for the abuse of sick leave, to require a statement from the employee's physician, or to have the employee examined by a physician. Any employee who has been disciplined for abuse of sick leave may be required to furnish a statement from the employee's physician for each use of sick leave up to six months in duration. The City, Delaware Municipal Court, or Clerk of Court may, with mutual agreement of both parties, extend the need for sick leave verification for an additional six month period. The City, Delaware Municipal Court, or Clerk of Court also maintains the right to investigate all absences.

Policy 27. Injury Leave

Section 1. All regular full-time employees are entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits that they may be awarded by the Industrial Commission of Ohio (ICO), for a period not to exceed 120 consecutive working days for employees working a 40 hour work week for each injury incurred in the performance of employment duties with the Delaware Municipal Court or Clerk of Court, provided that the following procedures are followed:

A. In all cases of personal injury to any full-time Delaware Municipal Court or Clerk of Court employee as a result of the performance of employment duties, the employee must immediately complete an

accident/injury investigation form and report the accident/injury to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, who must immediately report said accident/injury to the Department of Administrative Services and ensure that a claim is filed with ICO.

- B.** In the event that time off from work is required by the injured employee, he/she 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 ICO forms and other documents as may be required by the City. In the event that the ICO determines that the injury is NOT employment related, any time the employee is, or has been, absent from work will be deducted first, from any accrued sick leave, then accrued vacation, or accrued compensation 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 employees will remain in force with no deductions to earned sick leave and/or vacation time.
- D.** In all cases where an injury leave of more than 120 consecutive working days is requested by an employee working a 40 hour work week, the Administrative Judge or his/her designee or Clerk of Court or his/her designee may extend such leave by an additional 120 consecutive working days 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.

Policy 28. 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:

	NETWORK PROVIDERS	NON-NETWORK PROVIDERS
Annual Deductible		
Single	None	\$ 500.00
Family	None	\$1,000.00

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	90/10% of first \$1,000 80/20% of next \$3,000	50/50% of first \$5,000
Family	90/10% of first \$2,000 80/20% of next \$5,000	50/50% of first \$10,000

Contributions will be deducted from the member's gross income prior to taxes, subject to compliance with all applicable tax regulations.

Employees will contribute to the cost of the health benefit plan in an amount determined annually by the City of Delaware. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. Contributions will be deducted from all members in a paid status based on twelve months times the monthly rate, divided by the number of pay periods per year. An example would be \$56.95/mo. x 12 = \$683.40, \$683.40/26 pay periods = \$26.28 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 plan options through a spouse to opt out of the City plan in return for a payment of \$100.00 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. Likewise, these employees will not be subject to monthly payroll contributions. 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 their qualifying family circumstances. The member must give thirty 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, 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 employee's 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.

A. Prescription Plan

The City will provide a prescription card plan for members and their dependents.

The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:

- 80/20% for generic drugs
- 50/50% name brand drugs with a \$25.00 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 \$25.00 co-pay.

The maximum expense an employee will pay for coinsurance is \$250.00 annually for single coverage and \$500.00 for family annually for prescription benefits, however, the \$25.00 co-pay for retail name brand drugs will not count towards the calculation of the \$250.00 or the \$500.00 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.

B. Dental Care Plan

The City will maintain the current dental coverage for all members. Please contact Department of Administrative Services if you have questions.

Section 2. Life Insurance

The City will provide the following amount of life insurance:

Clerk of Court	\$ 50,000.00
Magistrate	\$ 45,000.00

Clerk's Chief Deputy	\$ 30,000.00
<i>Court IT Director*</i>	\$ 30,000.00
All other full time employees	\$ 20,000.00

*Revised 2017

Section 3. Certificate of Coverage

The City will provide a certificate of coverage for each Court employee. Such certificate will be for the employee's family situation.

Policy 29. Overtime Compensation

Section 1. Overtime Pay and Compensatory Time - Nonexempt Employees

Employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act are entitled to overtime pay or compensatory time as described below:

- Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.
- Employees will be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of 40 hours in any work week will be compensated at a rate of time and one-half. Payment in cash will be made for any overtime due at the time of separation from City service.
- In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off will be equal to 1.5 hours for each hour overtime compensation to which the employee is entitled. All requests for compensatory time are subject to approval of the department head. Any compensatory time that is used by an employee must be taken at a time mutually agreeable to the supervisor and the employee.
- Employees can accumulate up to 80 hours of compensatory time. When an employee has 80 hours of accumulated compensatory time, all further overtime will be paid in cash.
- Compensatory time will be submitted on the regular payroll sheet detailing the time earned and taken.

Section 2. Overtime Pay and Compensatory Time - Exempt Employees

Employees exempt under the Fair Labor Standard Act are not entitled to overtime pay but are entitled to compensatory time as described below:

- Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.

- Compensatory time will be earned for approved work that exceeds the 40 hour work week and such employees may receive said compensatory time at the rate of one hour for each hour worked in excess of 40 hours per week.
- The maximum accrual of compensatory time is 80 hours.
- Compensatory time must be used in minimum increments of one hour and maximum increments of 16 hours.
- At no time will compensatory time be converted to any other form of leave or compensation.
- Compensatory time must be listed on the regular payroll sheet detailing the time earned and taken.

Policy 30. Special Leave

The Administrative Judge or his/her designee or the Clerk of Court or his/her designee, may authorize special leave of absence, with or without pay, for purposes beneficial to the employee and/or the Court or Clerk of Court.

A. Jury Service Leave

An employee, while serving on a jury in any court of record in Delaware County, the State of Ohio, or any adjoining county, will be paid his/her regular salary for each workday during the period of time so served. Time so served will be deemed active and continued service for all purposes. All jury fees received from the court where the jury was seated will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

B. Court Leave

Time off with pay will be allowed for work-related incidents where an employee is subpoenaed as a witness in civil matters in any court of record in Delaware County, State of Ohio, or any adjoining county. All witness fees will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

Policy 31. Family and Medical Leave Act

The Family and Medical Leave Act policies in the City of Delaware's Employment Handbook apply to the employees of both the Court and the Clerk of Court.

Policy 32. Parks and Recreation Credit

The City will provide each employee with a credit 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 is \$60.00. This membership is defined and regulated by the Recreation

Services Department and employees must 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.

Revised Nov. 2016

Policy 33. On-Call Compensation

Both exempt and non-exempt employees of the Clerk of Court will be eligible for on-call compensation for weekly periods when assigned the responsibility of responding to law-enforcement requests during non-scheduled work periods. Employees assigned to this on-call status will serve in this posture for weekly time periods as authorized by the Clerk or by the Clerk’s designee. Employees assigned to on-call status will be compensated at a weekly rate of between \$25 and \$50 as determined by the Clerk of Court. On-call compensation will be added to regular and overtime wages earned during the pay period and will be paid as taxable income through the bi-weekly payroll process.

Policy 34. Salary Ranges

Each employee is required to pay all required employee contributions to the Ohio Public Employees Retirement System (OPERS).

SALARY RANGES - MUNICIPAL COURT:

JOB TITLE	HOURLY WAGE		ANNUAL SALARY	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
OFFICE ASSISTANT	\$12.37	\$17	\$25,730	\$35,360
ADMINISTRATIVE ASSISTANT	\$14.53	\$20	\$30,222	\$41,600
BAILIFF/SECURITY OFFICER	\$16.28	\$27	\$33,662	\$56,160
COMMUNITY CONTROL OFFICER	\$16.35	\$28	\$34,000	\$58,240
OVI DOCKET COORDINATOR/ COMMUNITY CONTROL OFFICER	\$16.35	\$28	\$34,000	\$58,240
ASSIGNMENT ADMINISTRATOR	\$18.81	\$28	\$39,125	\$58,240
*ASSIGNMENT COMMISSIONER/JURY COMMISSIONER	\$18.81	\$28	\$39,125	\$58,240
ADMIN. ASSISTANT/JURY COMMISSIONER	\$18.81	\$28	\$39,125	\$58,240
CHIEF COMMUNITY CONTROL OFFICER	\$20.74	\$32	\$43,139	\$66,560
MAGISTRATE	\$34.67	\$52	\$72,114	\$108,160

Revised Nov. 2016 *Position effective 11-28-16

SALARY RANGES - CLERK OF COURT:

1901.31(H) Deputy Clerks of a municipal court other than the Carroll County Municipal Court may be appointed by the Clerk and shall receive the compensation, payable in either biweekly instalments or semi-monthly instalments, as determined by the payroll administrator, out of the City Treasury, that the Clerk may prescribe, except that the compensation of any Deputy Clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the Court is located. The Judge of the Carroll County Municipal Court may appoint Deputy Clerks for the Court, and the Deputy Clerks shall receive the compensation, payable in biweekly instalments out of the county treasury, that the Judge may prescribe. Each Deputy Clerk shall take an oath of office before entering upon the duties of the Deputy Clerk's office and, when so qualified, may perform the duties appertaining to the office of the Clerk. The Clerk may require any of the Deputy Clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the Deputy Clerk's duties.

Policy 35. Permanent Part-Time Employees

Permanent part-time employees will receive the following wages and benefits:

Section 1. Wages

Permanent part-time employees will be paid on an hourly basis in accordance with the table in Policy 34 above.

Section 2. Benefits

- A. Permanent part-time employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
- B. Permanent part-time employees are eligible for holiday pay if they work a major holiday, which includes the following: Memorial Day, July 4, Labor Day, Thanksgiving, Christmas, and New Year's Day. Holiday Pay is defined as one and one-half times the permanent part-time employee's regular hourly rate.
- C. Overtime will be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week will be compensated for a rate of time and one-half.
- D. The permanent part-time employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.
- E. Upon termination of employment with the Court or Clerk of Court, permanent part-time employees will not receive pay-out for any leave accumulated.
- F. If a permanent part-time employee becomes full time with the Court or

Clerk of Court, any accumulated Universal Leave will be added to the permanent part-time employee's sick leave balance.

Policy 37. Intermittent Part-Time/Seasonal Employees

Intermittent part-time and seasonal employees will receive the following wages and benefits:

Section 1. Wages

Intermittent part-time and seasonal employees will be paid on an hourly basis in accordance with the table in Policy 35 above.

Section 2. Benefits

Intermittent part-time and seasonal employees are not eligible for benefits, but the intermittent part-time, and/or seasonal employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.

Receipt and Acknowledgment Form

The employee policy manual and employee benefits manual include important information about employment at the Delaware Municipal Court and the Clerk of Court's office, and I understand that I should consult my immediate supervisor regarding any questions that are not answered in those documents. If my supervisor cannot answer my question, I should consult with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

I have entered into my employment relationship with the Delaware Municipal Court or the Clerk of Court voluntarily and I acknowledge that there is no specified length of employment. Accordingly, the Delaware Municipal Court, the Clerk of Court, or I may terminate the relationship at will, with or without cause, at any time.

Because the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the administrative policy manual and the employee-benefits manual may occur, though I also understand that my position is and will remain an employment-at-will position. Any changes in the manuals will be communicated through official notices, and I understand that that revised information may supersede, modify, or eliminate existing policies. Only the Administrative Judge or Clerk of Court of the Delaware Municipal Court has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the administrative policy manual and the employee-benefits manual, and I understand that it is my responsibility to read and to comply with the policies contained in these documents as well as any revisions made to them later.

Employee's Signature

Date

Employee's Name (Please Print)



FACT SHEET

AGENDA ITEM NO: 16

DATE: 12/12/16

ORDINANCE NO: 16-108

RESOLUTION NO:

READING: SECOND

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 AMENDING ORDINANCE NO. 15-115 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

BACKGROUND:

The proposed 2017 budget reflects an increase in wages by 2% for all permanent part-time and intermittent part-time/seasonal positions. Permanent part-time personnel will also receive a 20% discount on all individual registrations for City recreation programs.

REASON WHY LEGISLATION IS NEEDED:

Legislation is necessary in order to process payroll changes.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

2 percent increase for all permanent part-time and intermittent part-time/seasonal positions, as reflected in the proposed 2017 budget.

POLICY CHANGES:

N/A

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-108

AN ORDINANCE AMENDING ORDINANCE NO. 15-115 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT, AND SEASONAL EMPLOYEES OF THE CITY OF DELAWARE.

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

WHEREAS, Section 155.09, Appointment Status, of the Codified Ordinances of the City of Delaware defines part-time employment, and Ordinance No. 15-115 established pay and benefits for various part-time employees of the City, and

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

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

SECTION 1. Ordinance No. 15-115 is hereby amended to read as follows:

A. Effective ~~December 30, 2015~~ **DECEMBER 28, 2016** permanent part-time employees shall receive the following wages and benefits:

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

Pay Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
PT 1	8.88	9.21	9.59	9.79	9.99
PT 2	13.40	13.92	14.49	15.08	15.66
PT 3	14.09	14.65	15.20	15.85	16.48
PT 4	16.23	16.88	17.56	18.26	18.99
PT 5	18.80	19.38	19.98	20.61	21.22
PT 6	21.47	22.11	22.70	23.38	24.08

PAY GRADE

PT 1

PT 2

PT 3

POSITION

Facility Maintenance Technician I

Support Services Aide, Parking Control Officer

Facility Maintenance Technician II

	Clerical Specialist, Records Clerk, Laborer, Front Counter Clerk, Help Desk Technician
PT 4	No present position
PT 5	Investigator/Diversion Manager, Code Enforcement Officer
PT 6	Human Resource Coordinator

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

- (a) Employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
- (b) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday Pay is defined as one and one half times the employee's regular hourly rate.
- (c) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week shall be compensated for a rate of time and one half.
- (d) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.
- (e) Upon termination of employment with the City employees will not receive pay-out for any leave accumulated.
- (f) If an employee becomes full time with the City, any accumulated Universal Leave will be added to the employee's sick leave balance.
- (g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. **EMPLOYEES WILL ALSO RECEIVE A 20% DISCOUNT ON ALL INDIVIDUAL REGISTRATIONS FOR CITY RECREATION PROGRAMS.** Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the

time of registration/purchase. Credits are non-transferrable.

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

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

1. Benefits. Benefits for permanent part-time firefighters are as follows:
 - (a) The City will provide \$10,000 of life insurance
 - (b) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 2 1/2 hours in any 28 day pay cycle shall be compensated for a rate of time and one half.
 - (c) The employee will be responsible for payment of the employee contribution to their pension system.
 - (d) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday pay is defined as one and one half times the employee's regular hourly rate.
 - (e) Permanent part-time firefighters may not exceed 1500 hours worked in a calendar year.
 - (g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hillborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. **EMPLOYEES WILL ALSO RECEIVE A 20% DISCOUNT ON ALL INDIVIDUAL REGISTRATIONS FOR CITY RECREATION PROGRAMS.** Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-

issued if lost or stolen and must be surrendered at the time of registration/purchase. Credits are non-transferrable.

C. Effective ~~December 31, 2014~~ **DECEMBER 28, 2016** intermittent part-time/seasonal employees shall receive the following wages and benefits:

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

Pay Grade	Position	Wage/Hour
SL 1	Cashier I	\$8.26
SL 2	Cashier II	\$8.57
SL 3	Cashier III	\$9.08
SL 4	Laborer I, Intern I	\$9.46
SL 5	Laborer II	\$10.51
SL 6	Intern II, Clubhouse Manager, Laborer III	\$11.56
SL 7	Laborer IV	\$12.61
SL 8	Intern III	\$13.66
SL 9	Intern IV, Cemetery Office Manager	\$14.71

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

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

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

SECTION 2. Existing Ordinance No. 15-115 is hereby repealed.

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

law including Section 121.22 of the Revised Code.

SECTION 4. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 28, 2016. Therefore this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS ____ NAYS ____
ABSTAIN ____

EMERGENCY CLAUSE:

YEAS ____ NAYS ____
ABSTAIN ____

PASSED: _____, 2016

YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 17

DATE: 12/12/16

ORDINANCE NO: 16-109

RESOLUTION NO:

READING: SECOND

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 AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

BACKGROUND:

The proposed 2017 budget reflects the addition of four new positions within the non-union employee pay plan and an increase in wages by 2% for the non-union employee pay plan.

The department head pay plan has been redefined by banding positions within three pay grades with amounts to be determined at a later date.

Other notable additions/changes include optional vision coverage, reinstatement of the 20% discount on all individual registrations for City recreation programs, and restrictions on the earned time off conversion benefit.

In addition, the ordinance includes a section authorizing the Finance Director to sign an annual OPERS earned time off conversion document.

REASON WHY LEGISLATION IS NEEDED:

Legislation is necessary in order to process payroll changes.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

A 2 percent increase for all non-union positions, as reflected in the proposed 2017 budget.

POLICY CHANGES:

N/A

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval

ATTACHMENT(S)

Amended Pay Plan

ORDINANCE NO. 16-109

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the attached Management, Professional, Technical, Confidential and Supervisory Pay Plan shall be amended to reflect the noted changes.

SECTION 2. That the Finance Director is hereby authorized to execute and submit the annual OPERS earned time conversion document on behalf of the City.

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

SECTION 4. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 28, 2016 which coincides with the new calendar year. Therefore this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

EMERGENCY CLAUSE:

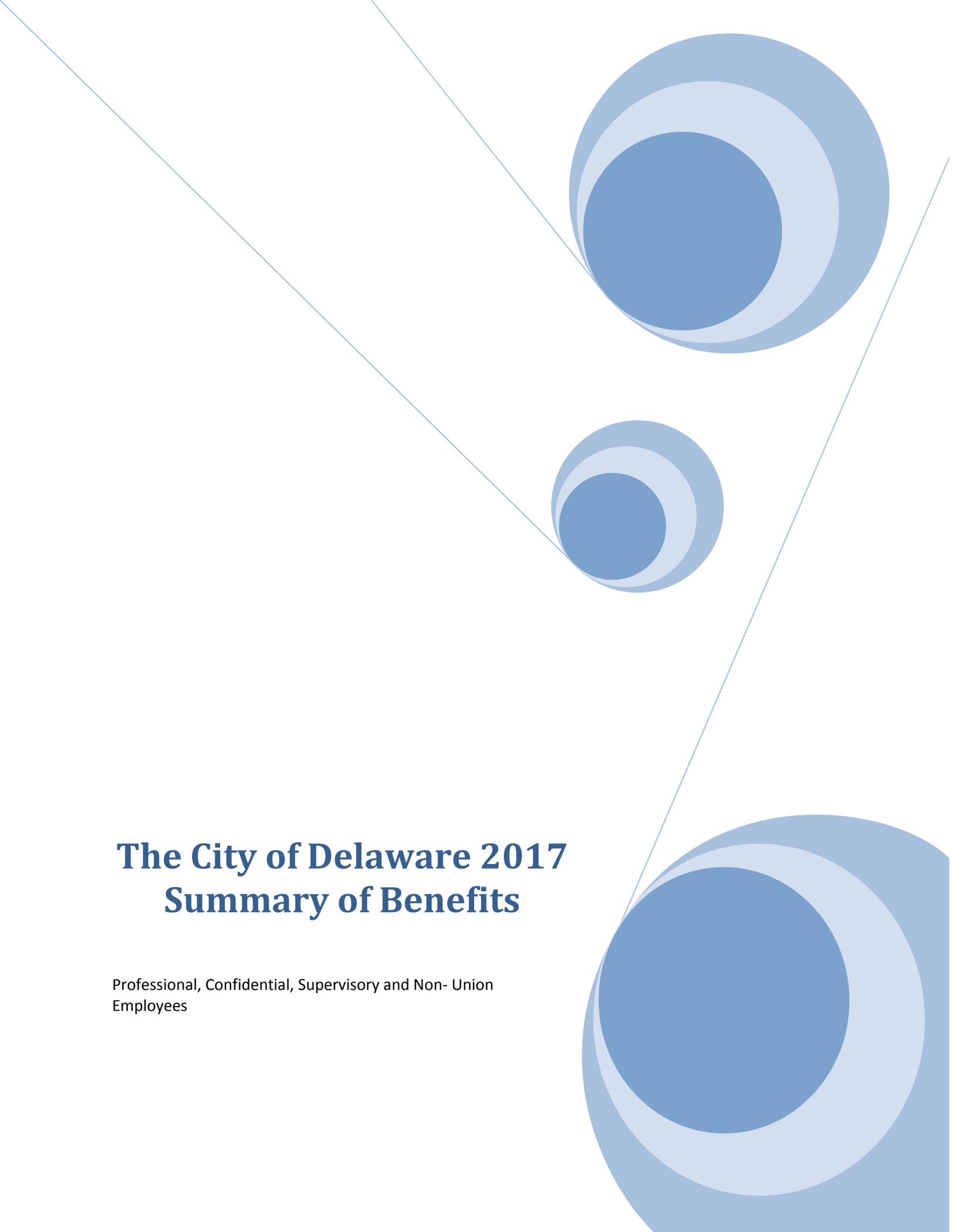
YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

A decorative graphic consisting of three overlapping blue circles of varying sizes, arranged in a triangular pattern. The circles are composed of concentric layers of different shades of blue. Thin blue lines extend from the top corners of the page towards the circles, creating a sense of depth and movement.

The City of Delaware 2017 Summary of Benefits

Professional, Confidential, Supervisory and Non- Union
Employees

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SECTION I WAGES AND PAY PLAN

A. Non-Union Employee Pay Plan

The following pay schedule is to be effective December 31, 2015 **28, 2016** and the table below reflects a **2%** increase for each step. Step increases shall take effect the first full pay period following the employee's anniversary date.

<u>PAY GRADE</u>	<u>POSITION</u>
M1	Administrative Assistant, Police Administrative Aide, Desktop Technician
M2	Airport Technician, Watershed Coordinator, Police Assistant
M3	Economic Development Communications Specialist
M4	Cemetery Manager, Financial Specialist I, Arborist
M5	CMMS Analyst, Administrative Services Specialist, Right-of-Way Inspector, Zoning Technician, CMMS/CSR Technician
M6	Police Technician
M7	Building & Code Enforcement Officer I, Customer Service Liaison, Facility Maintenance Supervisor
M8	Engineering Technician, Airport Operations Supervisor, Division Supervisor, Financial Specialist II, Executive Assistant, Building & Code Enforcement Officer II, Golf Course Superintendent, Project Manager I, Collections Manager
M9	Assistant City Attorney/Prosecutor
M10	Development Planner
M11	No Current Position
M12	GIS Coordinator, Project Manager II, Airport Manager, Construction Inspection Manager, IT Project Coordinator, Budget Analyst
M13	Vacant
M14	Information Systems & Network Administrator, Human Resource Manager, Assistant Prosecutor
M15	Project Engineer I, Assistant Water Manager, Assistant Wastewater Manager, Parks Superintendent
M16	No current position
M17	Project and Maintenance Manager, Public Works Superintendent, Accountant, Zoning Administrator, Water Manager, Wastewater Manager, Community Affairs Coordinator, Project Engineer II, Income Tax Administrator
M18	Project Engineer III
M19	Deputy City Engineer
M20	No current position
<u>Grade TBD</u>	<u>Clerk of Council (new position)</u>
<u>Grade TBD</u>	<u>Database Analyst (new position)</u>
<u>Grade TBD</u>	<u>Zoning Technician (new position)</u>
<u>Grade TBD</u>	<u>Cost Accountant (new position)</u>

Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5
M1	18.13	18.83	19.49	20.38	21.19
M2	18.65	19.75	20.17	21.01	21.82
M3	19.58	20.36	21.19	22.04	22.91
M4	20.36	21.18	22.03	22.94	23.83
M5	21.41	22.34	23.68	24.56	25.29
M6	22.28	23.30	24.60	25.53	26.31
M7	23.15	24.25	25.58	26.53	27.37
M8	24.43	25.47	26.49	27.62	28.77
M9	25.43	26.47	27.56	28.72	29.93
M10	26.44	27.54	28.69	29.89	31.15
M11	27.50	28.60	29.87	31.06	32.34
M12	28.64	29.77	31.03	32.29	33.67
M13	29.75	30.96	32.27	33.61	35.03
M14	30.91	32.22	33.57	34.96	36.43
M15	32.14	33.52	34.92	36.36	37.84
M16	33.47	34.84	36.30	37.80	39.35
M17	34.80	36.22	37.80	39.30	40.96
M18	36.16	37.67	39.30	40.91	42.61
M19	37.64	39.20	40.88	42.52	44.28
M20	39.13	40.73	42.52	44.24	46.06

B. Department Head Pay Plan

The following pay schedule for the positions below is to be effective ~~December 30, 2015~~ **28, 2016**.

DH III		Range
	Dean Stelzer Finance Director	\$100,800.00 to \$141,120.00
	Darren Shulman City Attorney	
	Bruce Pijanowski Police Chief	
	John Donahue Fire Chief	
DH II		\$84,000.00 to \$117,600.00
	Bill Ferrigno Public Works Director/City Engineer	
	David Efland Planning Director	
	Scott Stowers IT Director	
	Doug Stewart Assistant Fire Chief	
	Brad Stanton Public Utilities Director	
	Jackie Walker Assistant City Manager	
DH I		\$70,000.00 to \$98,000.00
	Jerry Warner Chief Building Official	
	Sean Hughes Economic Development Director	
	Ted Miller Parks & Recreation Director	
	Melissa Schiffel City Prosecutor	

C. Safety Forces Pay Plan

The following pay schedule is to be effective ~~December 30, 2015~~ **28, 2016**. The table below reflects a **2%** increase for each step. Step increases shall take effect the first full pay period following the employee’s anniversary date.

Pay Grade	STEP 1		STEP 2		STEP 3	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
SF1	46.88	\$97,508.74	48.64	\$101,179.10	50.40	\$104,828.26

<u>PAY GRADE</u>	<u>POSITION</u>
SF1	Police Captain

1. Maximum Vacation Accrual

If an employee enters into the Management Pay Plan with more than the maximum accrual of vacation hours allowed, the following will occur: 1.the employee may request a pay out to take the current level below the maximum allowed or 2. the current accrual will be “frozen” as a maximum cap for the calendar year. The last pay of each year will be the next annual cap if the accrual is lower than the previous cap. This will continue to occur until the employee reaches the maximum management accrual rate.

2. Initial Compensatory Time

Prior to entering the Management Pay Plan all compensatory time will be paid out according to the provision in the respective bargaining contract and the employee compensation time will be zero (0).

3. Clothing Maintenance Allowance

The positions of Police Chief and Police Captain shall receive an annual clothing maintenance allowance of three hundred and forty dollars (\$340) in January of each year.

4. Uniforms Allowance

The Management Pay Plan positions in the Police and Fire Departments will receive replacement uniform items when determined by the Chief that replacement is necessary.

D. Overtime Pay and Compensatory Time: Non-Exempt Employees

For employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act they shall be entitled to overtime pay or compensatory time as described below:

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 workweek shall be compensated for at a rate of time and one-half. Payment in cash shall be made for any overtime due at the time of separation from City service.
2. In lieu of cash payment, the employee may request 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 use of 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.
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.
4. At no time shall compensatory time be converted to any other form of leave or compensation; except when an employee separates from City service. Upon termination of employment, a non-exempt employee shall be paid for unused compensatory time provided that the time was earned after April 14, 1986 at a rate of compensation not less than:
 - a.) The average regular rate (hourly rate) received by such employee during the last 3 years of the employee's employment, or
 - b.) The final regular rate (hourly rate) received by such employee, whichever is higher.
5. Compensatory time shall be submitted on the regular payroll sheet detailing the time earned and taken.

E. Compensatory Time: Exempt Employees

Employees exempt under the Fair Labor Standard Act shall not be entitled to overtime pay but

shall be entitled to compensatory time as described below:

1. No existing compensatory time balances will be carried over from an outside position or when the employ transfers into the Management Pay Plan.
2. Compensatory time shall be earned for approved work that exceeds eight (8) hours per day and such employees may receive said compensatory time at the rate of one (1) hour for each hour worked in excess of eight (8) hours per day.
3. The maximum accrual of compensatory time shall be eighty (80) hours.
4. Compensatory time must be used in minimum increments of one (1) hour and maximum increments of twenty four (24) hours per pay period.
5. At no time shall compensatory time be converted to any other form of leave or compensation. Upon termination of employment, an exempt employee is not entitled to payment for unused compensatory time.
6. Compensatory time shall be submitted on the regular payroll sheet detailing the time earned and taken.

SECTION II ACCRUED TIME AND VARIOUS LEAVES

A. Vacation

1. The vacation year for employees shall end at the close of business on the last pay period that ends in the month of December.
2. Each full-time employee shall accrue vacation leave by pay period at the annual rate of work hours based on years of full time total service which is established in the schedules contained in Section 3 of this article. Years of total full time service is defined to be the total of all periods of employment for the City of Delaware. 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.
3. The following vacation accrual schedules are established:

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

4. Any vacation balance in excess of the maximum accrual 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	241.8
6 through 10 years	358.8
11 through 15 years	483.6
16 plus years	600.6

5. Eligibility

- a. To be eligible for biweekly (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 their 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 their credit, shall be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his 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 a member dies while in paid status in the City service, any unused vacation leave to their credit shall be paid in a lump sum to the surviving spouse, or such other person the employee may have designated in writing.
- d. To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment inside the State of Ohio:
 - 1) Employees will only be eligible to transfer years of service from a public agency as defined by State law.
 - 2) The amount of years of service that can be transferred is unlimited.
 - 3) Prior employment must be in full-time status.
- e. To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment outside the State of Ohio:
 - 1) Employees will only be eligible to transfer years of service from their immediate previous employer.
 - 2) Said previous employer must be a public agency.
 - 3) Employment with the City of Delaware must take place within twelve months of termination from their immediate previous employer.
 - 4) The maximum amount of years of service that can be transferred is five (5) years.
 - 5) Present employees are not eligible.
 - 6) Prior employment must be in full-time status.
- f. An employee may elect to trade three (3) weeks of vacation time, or the equivalent of vacation time earned in one year, whichever is greater, for equivalent pay during **any the** calendar year. **Conversion of vacation time may occur in January, June, or December of each year.** An employee must inform the Department Head prior to August 1 of the year preceding the calendar year in which he intends to make the trade and must maintain at least forty (40) hour of vacation time in the employee's account after said trade takes place.

B. Sick Leave

- 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 his or her 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, dependent children, step-children or parent. It is the option of a supervisor, with cause, to require return to work documentation from the employee.

2. If an employee used 0 hours of sick leave in any one calendar year, that employee shall be credited with an additional three (3) vacation days the following year. If an employee uses between one (1) and eight (8) hours of sick leave in any one calendar year that employee shall be credited with an additional two (2) vacation days the following year. If an employee uses between nine (9) and sixteen (16) hours of sick leave in any one calendar year that member shall be credited with one (1) additional vacation day the following year. At the employee's option, any additional vacation days earned can be converted to pay in the months of January, June, or December of the year the additional vacation is earned ~~taken in the form of vacation leave or compensation in cash.~~
3. To be eligible to transfer sick leave to the City of Delaware from prior employment inside the State of Ohio:
 - a. Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
 - b. Employment with the City of Delaware must take place within ten (10) years of termination from their previous employer.
 - c. The maximum amount of sick leave hours that can be transferred is unlimited as long as it is accrued at a rate of no greater than 15 days per year.
4. To be eligible to transfer sick leave to the City of Delaware from prior employment outside the State of Ohio:
 - a. Employees will only be eligible to transfer sick leave from their immediate previous employer.
 - b. Said previous employer must be a public agency.
 - c. Employment with the City of Delaware must take place within twelve (12) months of termination from their immediate previous employer
 - d. The maximum amount of sick leave hours that can be transferred is six hundred (600).
 - e. Any sick leave time so transferred shall have been accumulated at the rate of one and one-fourth days per month of employment.
 - f. Present employees are not eligible.
5. Any City employee who has accumulated at least 100 days of sick leave credit may convert any excess thereof up to fifteen (15) days per year of sick leave to vacation leave on the basis two (2) sick leave days for one (1) day vacation leave. Such annual conversion, if made, shall occur in December for the year of conversion.

6. Any employee separated from City service for other than just cause shall be paid for all accumulated and unused sick leave on the basis of one (1) hour of pay for every two (2) hours of unused sick leave. Total sick leave pay out cannot exceed sixteen (16) weeks pay.
7. For Employees Hired After November 1, 2013

Each member hired by the City of Delaware after November 1, 2013 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 hours 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.

C. Holiday and Personal Days

1. The following are designated as paid holidays for covered employees:

New Year's Day, January 1	Little Brown Jug Day, ½ day ¹
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

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.
3. 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 following, provided that the employee works their last regularly scheduled work day preceding and following the holiday.
4. For each of the holidays specified in Section 1 of this article on which a FLSA non-exempt employee works, they shall be entitled to holiday compensation equal to double the employee's regular rate of pay, except that the employee shall be entitled to holiday compensation at two and one-half times the employee's regular rate of pay if they work on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Only eight (8) hours per day will be used when computing the holiday rate. Compensation for holidays may be in the form of cash or compensatory time off.
5. Employees shall be credited with 32 hours of personal leave a year.
6. All employees will be permitted to accumulate three (3) years' worth of holiday compensatory time and personal leave. Once an employee accumulates the maximum allowable number of personal leave/holiday compensatory time then future personal leave/holiday compensatory time

¹ In the event that an office remains open on a designated paid holiday all affected staff may take the corresponding time off for that holiday on another date, upon prior approval of their supervisor and/or department director.

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 personal leave each year (32 hours) in the months of January, June, or December each year. An employee must inform his or her Department Head prior to August 1 of the year preceding the calendar year in which they intend to make the trade.

D. Funeral Leave

Each covered employee shall be entitled to funeral leave with pay according to the following schedule:

Leave for Death of:	Days/Hours of Leave	
	Local Funeral	Other Funeral
Immediate Family Member	1 - 3 Days	1 - 5 Days
Other Relative	May Use Up To One 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.
1. 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.
 2. For the purposes of the article, "Local Funeral" means a funeral in the City of Delaware, or within fifty (50) miles thereof.

E. Special Leave

In addition to other leaves authorized herein, the City Manager may authorize a special leave of absence, with or without pay, for purposes beneficial to the employee and/ or the City.

For exempt employees who are absent, if the absence cannot be covered or paid through appropriate leave time, said employees shall be subject to a reduction in pay, unless the absence is less than one workday.

F. Jury Duty Leave

An employee, while serving on a jury in any court of record in Delaware County, or any adjoining county, will be paid his regular salary for each of his workdays during the period of time so served.

Time so served shall be deemed active and continuous service for all purposes. All jury fees received from the court of record shall be assigned to the City of Delaware.

When an employee has been released from Jury Duty they shall report back to work if more than two (2) hours are left in the workday

G. Court Leave

Time off with pay shall be allowed employees who are subpoenaed to attend any court of record in Delaware County, Delaware, Ohio, or any adjoining county, as a witness in civil matters, as they pertain to City matters. All witness fees shall be assigned to the City of Delaware.

H. Injury Leave

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:

1. 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 Department of Administrative Services immediately and ensure that a claim is filed with the BWC.
2. 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 BWC forms and other documents as may be required by the City. In the event that the BWC 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.
3. 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.
4. In all cases where more than 30 consecutive working days are needed for injury leave for employees working a 40-hour workweek, 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.

SECTION III - INSURANCE

A. 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

1. Contributions will be deducted from the member's gross income prior to taxes, subject to compliance with all applicable tax regulations.
2. 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. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. 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. *An example would be \$56.95/mo. x 12 = \$683.40, \$683.40/26 pay periods = \$26.28 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 plan options through a spouse to opt out of the City plan in return for a payment of \$100.00 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 their qualifying family circumstances. 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, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.

3. 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.

4. Payments will begin on the first pay period of the month following 30 days notice of an employee's 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.
5. 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 OPERS contributions but will be subject to all applicable taxes.

B. Prescription Plan

The City will provide a prescription card plan for members and their dependents.

The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:

- 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.

C. Dental Care Plan

The City will maintain the current dental coverage for all members. Please refer to the Plan Document for specific covered services

D. Life Insurance

The City will provide the following amount of life insurance:

Department Heads = \$50,000

Assistant Fire and Police Chiefs = \$50,000

Pay Grades M11 through M20 = \$40,000

Police Captain and Fire Captain = \$40,000

Pay Grades M 1 through M10 = \$30,000

E. Vision Plan

The City will provide a vision plan for members and their dependents covered by this Summary of Benefits. The City will contribute \$6.00 per month on behalf of the employee. The employee will be responsible for the balance of the monthly cost of the coverage selected.

SECTION IV OTHER COMPENSATION

A. 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	\$550.00 / year
After ten (10) years of continuous service	\$750.00 / year
After fifteen (15) years of continuous service	\$950.00 / year
After twenty (20) years of continuous service	\$1150.00 / year

1. Longevity compensation shall be paid, in accordance with the above schedule, in two (2) separate lump sum payments during the first pay periods in June and December of each year.
2. Upon termination of service for any reason, employees who are eligible for longevity pay under this section (or in the event of death, the surviving spouse 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 employee's last payment date.
3. For the purpose of this section, continuous years of service shall include approved military leave.

B. Automobile Expense Reimbursement

Employees shall receive reimbursement for business use of their personal vehicle. Reimbursement will be in accordance with Internal Revenue Service (IRS) regulations for not-taxable reimbursements and shall be at the IRS per mile reimbursement rate in effect when the business use miles were incurred. Department Heads as department heads employed by the City prior to January 1, 1999 who had received a monthly automobile allowance will only be reimbursed for business use of their personal vehicle for travel outside the City limits.

C. Non-Uniformed Clothing Allowance

All employees covered under this pay plan in Pay Grades M1 through M9 who are not provided with a uniform shall receive an annual clothing allowance of \$150.00. Such allowance shall be utilized to purchase necessary work related items of clothing such as, but not limited to: steel toed boots, coats, rain gear, rubber boots, gloves etc. All purchases of clothing shall be the responsibility of the employee. Upon hire the clothing allowance will be prorated based on the full months of service for that year.

D. Call In Pay

Both exempt and nonexempt employees shall be eligible for "on call" compensation for weekly periods when assigned the responsibility of directing Parks, Public Works, or Utility personnel in response to service requests during non-scheduled work periods. Employees assigned to this "on call" status shall serve in this posture for weekly time periods as authorized by the respective Department Head. Said employees shall be responsible for responding to after hour service requests. Employees assigned to an "on call" status shall be compensated at a weekly rate of between \$25.00 and \$50.00 as determined by the City Manager. On call compensation shall be paid in addition to regular and overtime wages earned during the pay period. On call assignments will be posted in June and December of each year for the following six-month period. Changes to the schedule must be made in advance with approval of the Department Head.

SECTION V MISCELLANEOUS

A. Personnel Files

The official personnel files of all employees shall be maintained in the Department of Administrative Services (DAS). All employee personnel records shall include but not limited to, applications, performance evaluations, promotions, acts of reward and recognition, disciplinary actions and any other pertinent information pertaining to the job performance of the individual employee. Copies therein shall be available to the employee.

DAS shall be responsible for the care and maintenance of all personnel files and records. Department heads shall be responsible for promptly forwarding all pertinent personnel information and documentation to DAS. Employees may, during normal office hours, review their official personnel files.

B. Parks and Recreation Credit

The City shall provide each employee with a credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization 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.**

Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/ purchase. Credits are non-transferrable.



FACT SHEET

AGENDA ITEM NO: 18

DATE: 12/12/16

ORDINANCE NO: 16-110

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
January 9, 2017 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTION 737.01 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO CIRCUSES (COUNCIL PERMISSION, LICENSE, BOND AND INSURANCE REQUIRED).

BACKGROUND:

Last March, in conjunction with consideration of a circus permit, Council indicated it would like staff to propose an update to the Code. The proposed changes update the requirements for getting a permit as these requirements have not been updated since 1976. In addition, the revision allows rejection of the permit if the Council finds that the circus mistreats animals.

Circus Pages has started the process for a permit for their tentative circus date of March 24, 2017. The resolution will come before Council sometime in 2017.

Prior to placing this item on the agenda a draft of this ordinance was provided to Circus Pages and the individuals who came to speak at the hearing last March.

REASON WHY LEGISLATION IS NEEDED:

The Code has not been updated since 1976.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

Allows Council to decline to issue a permit, if Council finds that the circus has mistreated animals.

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-110

AN ORDINANCE AMENDING SECTION 737.01 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO CIRCUSES (COUNCIL PERMISSION, LICENSE, BOND AND INSURANCE REQUIRED).

WHEREAS, Section 737.01 has not been amended since 1976; and

WHEREAS, Council has determined that the criteria for issuing a circus permit must be updated; and

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

SECTION 1. 737.01 of the City of Delaware Codified Ordinances shall be amended as follows:

737.01. - Council permission, license, bond and insurance required.

(a) No person, firm or corporation, except a licensee under this chapter, shall operate, manage, exhibit or produce any circus, carnival or menagerie within the City.

(b) Every person, firm or corporation desiring to engage in such business shall secure the permission of Council therefor, and shall obtain from the City Manager a license therefor, for which ~~a fee of ten dollars (\$10.00) per day~~ **THE FEE SET FORTH IN THE FEE SCHEDULE** of presence and/or operation in the City shall be **PAID** ~~charged~~. **A LICENSE APPLICATION MUST BE SUBMITTED AT LEAST 30 DAYS PRIOR TO THE EVENT. IF TIMELY FILED**, the permission of Council shall be granted unless it ~~affirmatively appears~~ DETERMINES that ~~any such~~ **THE** proposed circus, carnival or menagerie shall in any way endanger or threaten the public peace, property, health, safety or welfare of the City **OR THAT THE CIRCUS MISTREATS ANIMALS.**

(c) If the issuance of a license under this section is authorized by Council, the same shall not be issued until the applicant files with the City Manager a bond executed by the licensee as principal and by a good and sufficient corporate surety company licensed to do business in Ohio as surety, and whose name appears on the current list published by the United States Treasury Department of accepted sureties on Federal bonds, conditioned that the principal obligor will operate any such circus, carnival or menagerie in strict accordance with the terms of this chapter and other applicable provisions of these Codified Ordinances; that the principal will remedy any and all damages to and shall clean up any refuse, litter, debris or dirt deposited on any streets, curbs, gutters, water lines, fire hydrants and other public property, occasioned in any manner by his operation of such

circus, carnival or menagerie. Such bond shall inure to the benefit of the City, shall be in a form to comply herewith, shall be in the amount of **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** ~~twenty thousand dollars (\$20,000.00)~~ and shall be approved by the City Attorney.

(d) In addition to the aforesaid bond, the applicant shall furnish to the City Manager a certified copy of a certificate of general liability and property damage insurance, **NAMING THE CITY AS AN ADDITIONAL INSURED** in the amounts as follows:

(1) Public liability insurance in an amount of not less than **ONE MILLION** ~~one hundred thousand~~ dollars (**\$100,000,000.00**) for injuries, including accidental death, to any one person; subject to the same limit for each person, in an amount not less than three hundred thousand dollars (\$300,000.00) on account of each accident;

(2) Property damage insurance in the amount of not less than **ONE MILLION** ~~fifty thousand dollars (\$50,000.00)~~ (**\$1,000,000**) on account of any one accident which insurance shall protect the general public, and shall save, indemnify and keep harmless, within such limits, the City against all liability, judgments, damages, costs and expenses which may in any way accrue against the City in consequence of the granting of such license and will in all things strictly comply with the conditions of such license.

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: 12/12/16

ORDINANCE NO: 16-111

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BOWTOWN DELAWARE LTD., OLD COLONY ESTATES PHASE 2 CONSISTING OF 55 SINGLE FAMILY LOTS ON APPROXIMATELY 14.92 ACRES ZONED R-4 WITH TEXT LIMITATIONS (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED ON WALLACE DRIVE, VERNON AVENUE AND PILGRIM CIRCLE.

BACKGROUND:

In October 2002 City Council (Ordinance 02-138) approved the Final Subdivision Plat for Old Colony Estates and the subsequent engineering drawings were also approved in October 2002. In September 2004 City Council approved an extension of the aforementioned Final Subdivision Plat until July 2005. The developer constructed the infrastructure (streets, utilities, etc.) in Phase 1 with the construction improvements accepted by the City in early 2008. Before the houses could be constructed the recession of 2008 occurred and the development was halted. In 2014, Ryan Homes purchased the lots and began constructing houses and now most of Phase 1 is built out. Also during this time, Ryan Homes constructed a playground and bike path in the parkland area and agreed this to be in the Homeowners Association and maintained via covenants and declarations. Since 2005, the Final Subdivision Plat and the engineering drawings for Phase 2 have expired and now the developer is requesting Final Subdivision Plat approval for Phase 2 which consists of 55 single family lots on approximately 14.92 acres.

Phase 2 is accessed by Wallace Drive which extends north from Ferguson Avenue which is in Phase 1. Wallace Drive extends north and then proceeds east to connect into the Kensington Place Subdivision. In addition, this Phase would finally connect Vernon Avenue from Kensington Place to the existing western leg of Vernon Avenue that extends to Channing Street. Storm water in this area has been a source of concern with negative impacts to the adjacent residents in the area since this and the adjacent developments were constructed in the late 1990's (Kensington Place and Village Gate Apartments). Due to the fact that there are concerns with the existing and adjacent ponds and outlet staging and the proposed development will contribute flows to this pond, the applicant's engineer was advised to model the storm water system again to determine the need for an additional outlet. In addition, there are concerns regarding stagnant water in the existing ponds to the east and south of this development. The developer shall provide appropriately sized aeration systems for the existing pond to the southeast of this development and for the ponds south of Ferguson Avenue between Old Colony Drive and Village Gate Apartments.

Phase 2 contains 55 single family lots on 14.92 acres with lots ranging in size from 0.152 acres (6,600 square feet) to 0.581 acres (25,308 square feet) and has a minimum frontage of 55 feet and a minimum depth of 120 feet. Most of the lots are in the 0.152 acre (6,600 square foot) size range with the corner lots being oversized per the zoning code. 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). Per the zoning code, the minimum house size is 1,250 square feet for a three bedroom unit with each additional bedroom adding 200 square feet to the totals. The proposed lot dimensions/sizes and minimum dwelling sizes are in accordance with the previously approved Final Subdivision Plat and consistent with lots already developed within the subdivision. 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 this phase. Reserve A, which encompasses 0.347 acres, is an island located just west of Pilgrim Circle and is dedicated open space. This open space shall be an open "field" area and shall be maintained by the Homeowner's Association. Reserve B, which is located behind lots 97-105, is a detention basin and shall be maintained by the Homeowner's Association. Additionally, the aforementioned Phase 1 playground and bike path shall be owned and maintained by the Homeowners Association. This shall be formalized prior to acceptance of public improvements in Phase 2. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively.

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 4-0 on December 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. 16-111

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BOWTOWN DELAWARE LTD. OLD COLONY ESTATES PHASE 2 CONSISTING OF 55 SINGLE FAMILY LOTS ON APPROXIMATELY 14.92 ACRES ZONED R-4 WITH TEXT LIMITATIONS (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED ON WALLACE DRIVE, VERNON AVENUE AND PILGRIM CIRCLE.

WHEREAS, the Planning Commission at its meeting of December 7, 2016 recommended approval of a Final Subdivision Plat for Old Colony Phase 2 consisting of 55 single family lots on approximately 14.92 acres zoned R-4 with Text Limitations (Medium Density Residential District) and located on Wallace Drive, Vernon Avenue and Pilgrim Circle (PC 2016-3400), 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 Old Colony Phase 2 consisting of 55 single family lots on approximately 14.92 acres zoned R-4 with Text Limitations (Medium Density Residential District) and located on Wallace Drive, Vernon Avenue and Pilgrim Circle, 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. 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 1,250 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 lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official.
7. The playground and bike path in Phase 1 shall be owned and maintained by the Homeowners Association. This shall be formalized prior to acceptance of public improvements in Phase 2.

8. The developer shall provide appropriately sized aeration systems for the existing pond to the southeast of this development and for the ponds south of Ferguson Avenue between Old Colony Drive and Village Gate Apartments.

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: 2016-3400

REQUEST: Final Subdivision Plat

PROJECT: Old Colony Estates Phase 2

MEETING DATE: December 7, 2016

APPLICANT/OWNER

Bowtown Delaware Ltd.
536 South Wall Street
Dublin, Ohio 43016

REQUEST

2016-3400: A request by Bowtown Delaware Ltd. for approval of a Final Subdivision Plat for Old Colony Estates Phase 2 consisting of 55 single family lots on approximately 14.92 acres zoned R-4 with Text Limitations (Moderate Density Residential District) and located on Wallace Drive, Vernon Avenue and Pilgrim Circle.

PROPERTY LOCATION & DESCRIPTION

The subject site is located north of Bowtown Road and just north of Phase I of the Old Colony Estates and west of Kennington Place Subdivision. The zoning of the subject property is R-4 with Text Limitations (Moderate Density Residential District). The zoning to the east is R-3 (One Family Residential), the zoning to the west is R-6 (Multi-Family Residential District), and the zoning to the south is R-4 with Text Limitations while the zoning to the north is residential in the Township.

BACKGROUND

In October 2002 City Council (Ordinance 02-138) approved the Final Subdivision Plat for Old Colony Estates and the subsequent engineering drawings were also approved in October 2002. In September 2004 City Council approved an extension of the aforementioned Final Subdivision Plat until July 2005. The developer constructed the infrastructure (streets, utilities, etc.) in Phase 1 with the construction improvements accepted by the City in early 2008. Before the houses could be constructed the recession of 2008 occurred and the development was halted. In 2014, Ryan Homes purchased the lots and began constructing houses and now most of Phase 1 is built out. Also during this time, Ryan Homes constructed a playground and bike path in the parkland area and agreed this to be in the Homeowners Association and maintained via covenants and declarations. Since 2005, the Final Subdivision Plat and the engineering drawings for Phase 2 have expired and now the developer is requesting Final Subdivision Plat approval for Phase 2 which consists of 55 single family lots on approximately 14.92 acres.

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 3.12 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.
- **STORM WATER:** Storm water in this area has been a source of concern with negative impacts to the adjacent residents in the area since this and the adjacent developments were constructed in the late 1990's (Kennington Place and Village Gate Apartments). The engineer has only had one review of the engineering drawings and the initial storm water plan was incomplete. Due to the fact that there are concerns with the existing and adjacent ponds and outlet staging and the proposed development will contribute flows to this pond, the engineer was advised to model the storm water system again to determine the need for an additional outlet. In addition, there are concerns regarding stagnant water in the existing ponds to the east and south of this development. The developer shall provide appropriately sized aeration systems for the existing pond to the southeast of this development and for the ponds south of Ferguson Avenue between Old Colony Drive and Village Gate Apartments.
- **ROADS, TRAFFIC & ACCESS:** Phase 2 is accessed by Wallace Drive which extends north from Ferguson Avenue which is in Phase 1 (the plat indicates this street is Bowtown Road and needs to be revised to Ferguson Avenue). Wallace Drive extends north and then proceeds east to connect into the Kennington Place Subdivision. In addition, this Phase would finally connect Vernon Avenue from Kennington Place to the

existing western leg of Vernon Avenue that extends to Channing Street. All the streets have 60 feet of right-of-way except for Pilgrim Circle which has 50 feet of right-of-way. The pavement widths would be 36 feet for Vernon Avenue, 32 feet for Wallace Drive and 28 feet for Pilgrim Circle. 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 2 contains 55 single family lots on 14.92 acres with lots ranging in size from 0.152 acres (6,600 square feet) to 0.581 acres (25,308 square feet) and has a minimum frontage of 55 feet and a minimum depth of 120 feet. Most of the lots are in the 0.152 acre (6,600 square foot) size range with the corner lots being oversized per the zoning code. 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). Also a 33 foot wide gas easement bisects this phase in a southeast to northwest direction and impacts the buildable area of 13 lots with a significant impact to 3 lots (lots 91, 98 & 99). This same gas easement also impacts buildable area of lots of Phase 1 (which are already constructed). In addition, a sanitary easement along the northern portion of lot 102 restricts the buildable area of that lot. Staff understands this development design was approved in 2002 as a Final Subdivision Plat but this site design pertaining to the gas line easement and sanitary easement impacting the said lots are not ideal but are consistent with what was previously approved. The future owners of the lots significantly impacted (lots 91, 98, 99 and 102) should be made aware of the aforementioned gas easement and sanitary line easement. Per the zoning code, the minimum house size is 1,250 square feet for a three bedroom unit with each additional bedroom adding 200 square feet to the totals. The proposed lot dimensions/sizes and minimum dwelling sizes are in accordance with the previously approved Final Subdivision Plat 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 2.
- **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 are two reserves in this phase. Reserve A, which encompasses 0.347 acres, is an island located just west of Pilgrim Circle and is dedicated open space. This open space shall be an open “field” area and shall be maintained by the Homeowner’s Association. Reserve B, which is located behind lots 97-105, is a detention basin and shall be maintained by the Homeowner’s Association. Additionally, the aforementioned Phase 1 playground and bike path shall be owned and maintained by the Homeowners Association. This shall be formalized prior to acceptance of public improvements in Phase 2.
- **TREE PRESERVATION:** The subject site does not appear to have any trees. However if any trees are removed the development would have to achieve compliance with Chapter 1168 Tree Preservation Regulations.

STAFF RECOMMENDATION – (2016-3400 FINAL SUBDIVISION PLAT)

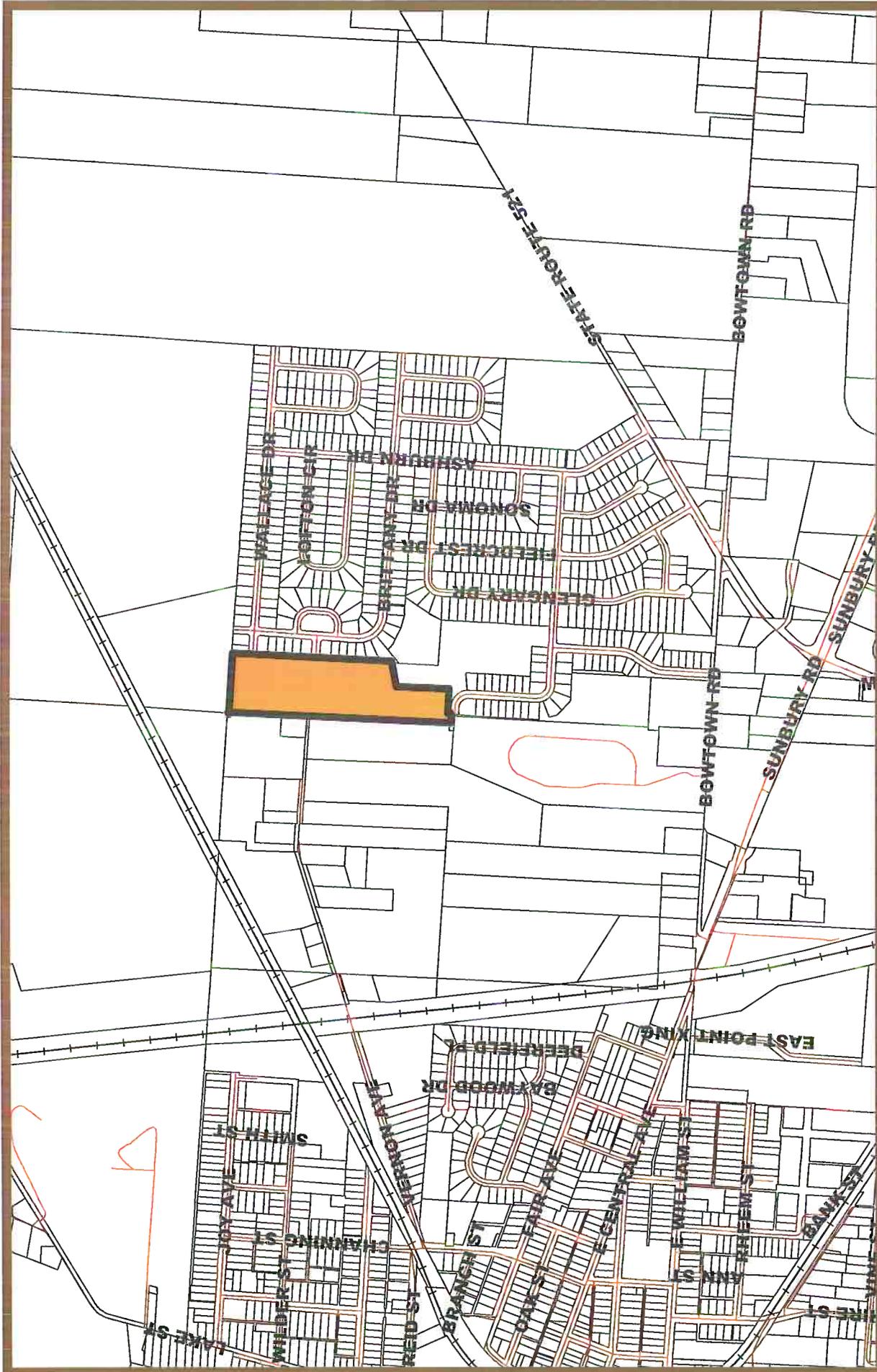
Staff recommends approval of a request by Bowtown Delaware Ltd. for a Final Subdivision Plat for Old Colony Estates Phase 2 consisting of 55 single family lots on approximately 14.92 acres zoned R-4 with Text Limitations (Moderate Density Residential District) and located on Wallace Drive, Vernon Avenue and Pilgrim Circle, 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 1,250 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 lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official.
7. The playground and bike path in Phase 1 shall be owned and maintained by the Homeowners Association. This shall be formalized prior to acceptance of public improvements in Phase 2.
8. The developer shall provide appropriately sized aeration systems for the existing pond to the southeast of this development and for the ponds south of Ferguson Avenue between Old Colony Drive and Village Gate Apartments.

CONCLUSIONS

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



2016-3400
 Final Subdivision Plat
 Old Colony Estates - Phase 2
 Location Map





2016-3400
Final Subdivision Plat
Old Colony Estates - Phase 2
Aerial (2016)





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



Project # 161-622

Case # 2016-3400 FSP

Planning Commission

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

Subdivision/Project Name Old Colony Estates Phase 2 Address City of Delaware, Delaware County, Ohio

Acreage 14.962 Square Footage 651,744.72 Number of Lots 55 Number of Units ---

Zoning District/Land Use R-4 Proposed Zoning/Land Use R-4 Parcel # 51944101015000

Applicant Name Civil & Environmental Consultants, Inc. Contact Person Chad Buckley

Applicant Address 250 Old Wilson Bridge Road, Suite 250, Worthington, Ohio 43085

Phone 614-468-6200 Fax 614-540-6638 E-mail cbuckley@cecinc.com

Owner Name Bowtown Delaware, Ltd. Contact Person Jack Wendell

Owner Address 536 South Wall Street, Suite 300, Columbus, OH 43215

Phone 614-224-9255 Fax _____ E-mail jwendell@smithtandy.com

Engineer/Architect/Attorney Civil & Environmental Consultants, Inc. Contact Person Chad Buckley

Address 250 Old Wilson Bridge Road, Suite 250, Worthington, Ohio 43085

Phone 614-468-6200 Fax 614-540-6638 E-mail cbuckley@cecinc.com

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

Jack Wendell
REPRESENTING Owner Signature
[Signature]
Agent Signature

Jack Wendell
REPRESENTING Owner Printed Name
Chad Buckley
Agent Printed Name

Sworn to before me and subscribed in my presence this 9th day of November, 2016 by Jack A Wendell



Amy A. Friend
Notary Public, State of Ohio
Notary Commission Expires 02/17/2019

[Signature]
Notary Public



FACT SHEET

AGENDA ITEM NO: 20

DATE: 12/12/16

ORDINANCE NO: 16-112

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 PRELIMINARY DEVELOPMENT PLAN FOR T&R PROPERTIES FOR WILLOWBROOK WEST CONSISTING OF 96 SINGLE FAMILY ATTACHED UNITS ON APPROXIMATELY 15.18 ACRES ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

BACKGROUND:

In 1999 (Ordinance 99-76), Medrock LLC., received approval of a Planned Mixed Use Development (PUD) that encompassed approximately 282 acres essentially south of US 36, north of the railroad tracks, west of Acme Road and along and east of the Houk Road. The permitted land uses include single family, two family attached, multi-family, commercial and industrial uses. A large portion of this area has been built out which includes the following developments: Adalee Park, Millbrook, Braddington Commons, Arthur Place, Village at Willowbrook Farms, Willowbrook East. In 2007, this portion of the Willowbrook PUD was subject to a rezoning which was coordinated with the initial submission for what became Arthur Place. In 2008, Arthur Place “flipped” sites and became located at its current site. This left the multi-family area in question in this case as the land remaining between the proposed retail and existing senior housing sites (Arthur Place). Also in 2008, the retail site underwent a rezoning which included some revised development text as well as the required mounding and landscaping along the south boundary of the retail

site. All of the previous plans and changes have been reviewed with this case to ensure consistency and adherence to prior actions.

Now the developer is proposing to develop 96 single family attached units on 96 lots on approximately 15.18 acres for a density of 6.32 units per acre. The main access would be a full movement curb cut on South Houk Road adjacent to Rockmill Street with a second access point utilizing the northern most access point to Arthur Place which is a right-in/right-out only curb cut. The site layout would entail a looped street configuration with a main access drive bisecting the development. An open space area would be located behind the lots on Mara Avenue and Amelia Lane and include a sidewalk which would connect to the development mail box on the southeastern portion of the site on Isaac Lane. A retention pond is located along South Houk Road in the southeastern portion of the site. Just east of the retention pond is the existing mound with landscaping that buffers South Houk Road and the subject development. Per the approved revised PUD development text, a proposed 8 to 10 foot high mound with landscaping would be located just north of the development to buffer the future commercial zoned property. There would be six common spaces located in front of the mailbox area on Isaac Lane and six spaces on Blaise Lane on the northwestern portion of the site. The subject 96 single family lots (owner occupied) would have a minimum lot size of 4,275 square feet (45-ft x 95-ft). The attached units would have a minimum front yard of 25 feet and a minimum rear yard setback of 18 feet while there would be a minimum 10 feet between units. Also, morning/sunroom(s) would be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet. In addition, each unit will be permitted a deck or patio that would need to be setback a minimum 10 feet from the rear property line. The minimum unit size is 1,350 square feet. Each unit would have a two car garage with a driveway which can accommodate parking for two vehicles. Furthermore, the subject condominium development would have a homeowners association that would have a common maintenance plan for lawn, landscaping and snow removal within the development. The intent of the design requirements is to mimic the Arthur Place ranch style attached units with a stone wainscoting (see attached exhibits) and all the units would have an earth tone color to be harmonious and compatible with the adjacent neighborhoods while allowing a color pallet to provide unit diversification and visual integrity (this will be submitted with Final Development Plan). Additionally, there would be only a maximum of two attached units giving a more single family development appearance. A comprehensive landscape plan would be required to be submitted, reviewed and approved by staff prior to submitting for any Final Development Plans and Plats. The landscaping plan would include street trees, individual building landscaping and perimeter buffering which would have to be approved by the Shade Tree Commission. Also, the lighting plans would need to achieve compliance with the zoning code and be approved by the Chief Building Official

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.04 Preliminary Development Plan Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 4-0 on December 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. 16-112

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR T&R PROPERTIES FOR WILLOWBROOK WEST CONSISTING OF 96 SINGLE FAMILY ATTACHED UNITS ON APPROXIMATELY 15.18 ACRES ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

WHEREAS, the Planning Commission at its meeting of December 7, 2016 recommended approval of a Preliminary Development Plan for T&R Properties for Willowbrook West consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Overlay District) located on the west side of South Houk Road just north of Arthur Place (PC 2016-3396), and

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

SECTION 1. That the Preliminary Development Plan for T&R Properties for Willowbrook West consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Overlay District) located on the west side of South Houk Road just north of Arthur Place, 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. Two curb cuts would be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development could be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network would be comprised of 24 foot wide private streets built to public street standards with no parking permitted on the streets.

4. The street names shall be vetted and approved by the appropriate agencies to ensure compliance and non-duplication prior to Final Subdivision Plat submission.
5. The three parking spaces located at the southern terminus of Blaise Lane shall be removed because they will inhibit the movement of emergency and refuse vehicles.
6. Internal sidewalks shall be located on one side of each private street.
7. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
8. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
9. The single family attached units shall comply with the minimum architectural standards approved in the development text and include minimum 8 inch overhang, shutters, window trim, one garage light course, etc.
10. The minimum attached unit house size shall be 1,350 square feet.
11. A morning/sunroom shall be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet.
12. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
13. The mounding and landscaping along South Houk Road shall be maintained as constructed and the maintenance of the mound and associated landscaping shall be the responsibility of the Homeowner's Association.
14. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height to block views of the future commercial development to the north. A mix of deciduous, evergreen and ornamental tree plantings shall be provided on the top of the mound consistent with the existing South Houk Road landscape mound and have a minimum 60% opacity at the time of installation. The subject mound shall either be located on the subject property or within an easement with the property to the north and shall be constructed with the initial construction of the subject development.
15. All landscaping plans shall be submitted, reviewed and approved by the Shade Tree Commission.
16. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and shall be required prior to final plat approvals for each section.
17. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval.

18. The open space between Maria Avenue and Amelia Lane shall be programmed with amenities and submitted concurrent with Final Development Plan and Plat approval.
19. A comprehensive landscape plan that includes street trees, individual building landscaping and perimeter buffering shall be required to be submitted, reviewed and approved by the City prior to Final Development Plan and Plat.
20. All signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways and Corridor Plan.
21. The Final development Plan and Final Subdivision Plat shall comply with the submission requirements of Chapters 1129.05 (Final Development Plans) and Chapters 1111.04 (Final Subdivision Plats) respectively of the codified ordinances.

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

CASE NUMBERS: 2016-3396 & 3397

REQUEST: Multiple Requests

PROJECT: Willowbrook West

MEETING DATE: December 7, 2016

APPLICANT/OWNER

T&R Properties
3895 Stonebridge Court
Dublin, Ohio 43016

REQUEST

2016-3396: A request by T&R Properties for approval of a Preliminary Development Plan for Willowbrook West consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District) located on the west side of North Houk Road just north of Arthur Place.

2016-3397: A request by T&R Properties for approval of a Preliminary Subdivision Plat for Willowbrook West consisting of 96 single family lots on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District) located on the west side of North Houk Road just north of Arthur Place.

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the west side of North Houk Road just north of Arthur Place. The subject site is zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District). The properties to the east and west are zoned R-3 PUD while the property to the north is zoned B-3 PUD and the property to the south is zoned R-6 PUD.

BACKGROUND

In 1999 (Ordinance 99-76), Medrock LLC., received approval of a Planned Mixed Use Development (PUD) that encompassed approximately 282 acres essentially south of US 36, north of the railroad tracks, west of Acme Road and along and east of the Houk Road. The permitted land uses include single family, two family attached, multi-family, commercial and industrial uses. A large portion of this area has been built out which includes the following developments: Adalee Park, Millbrook, Braddington Commons, Arthur Place, Village at Willowbrook Farms, Willowbrook East. In 2007, this portion of the Willowbrook PUD was subject to a rezoning which was coordinated with the initial submission for what became Arthur Place. In 2008, Arthur Place “flipped” sites and became located at its current site. This left the multi-family area in question in this case as the land remaining between the proposed retail and existing senior housing sites (Arthur Place). Also in 2008, the retail site underwent a rezoning which included some revised development text as well as the required mounding and landscaping along the south boundary of the retail site. All of the previous plans and changes have been reviewed with this case to ensure consistency and adherence to prior actions.

Now the developer is proposing to develop 96 single family attached units on 96 lots on approximately 15.18 acres for a density of 6.32 units per acre. The main access would be a full movement curb cut on South Houk Road adjacent to Rockmill Street with a second access point utilizing the northern most access point to Arthur Place which is a right-in/right-out only curb cut. Arthur Place (Ordinance 08-37) was approved and constructed in 2008 and the land was sold to the Buckeye Community Hope Foundation by the current applicant.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The Comprehensive Plan recommends a future land use of Moderate Density Multi-Family (8-10 du/ac) for this area. The proposed development land use and density of 6.32 units per acre would achieve compliance with the Comprehensive Plan.
- **ZONING:** As mentioned above, the subject property was originally rezoned in 1999 to R-6 PUD with subsequent rezoning revisions in 2007 and 2008. This subject area is identified as “Multi-Family Area 1” in the development text which permitted 186 dwelling units. Arthur Place which is also located in “Multi-Family Area 1” and constructed in 2008 contained 80 dwelling units of the allotted 186 dwelling units. Therefore, the proposed 96 attached dwelling units would be permitted per the approved R-6 PUD. From a procedural

perspective, Preliminary and Final Development Plans and Plats would need to be reviewed and approved by the Planning Commission and City Council for the proposed development.

- **DEVELOPMENT TEXT:** The aforementioned R-6 PUD (as amended) has specific development text for the entire development pertaining to permitted uses, density, lot size, minimum dwelling size, building setbacks, landscaping, lighting, architectural elevations, etc.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **UTILITIES:** The site would be serviced by City sanitary sewer and water that would have to be extended by the developer to this site. In addition, all retention ponds should be setback a minimum of 80 feet from the edge of pavement for roads per the City Engineer.
- **ROADS AND ACCESS:** The primary access to the site would be from a full movement curb cut on South Houk Road adjacent to Rockmill Street while a second curb cut would be from the right-in/right-out on the northern portion of the Arthur Place development. An access easement with Arthur Place was recorded in 2008 to allow access to the existing right-in/right-out curb cut (see attached). The internal access roadway network would be comprised of private 24 foot wide streets built to public street standards with no parking permitted on the streets. Also the names of the street shall be vetted with appropriate agencies to ensure compliance and non-duplication prior to Final Development Plan and Final Subdivision Plat submittal.
- **PEDESTRIAN CONNECTIVITY:** A sidewalk shall be extended along the South Houk Road frontage of the subject site. The applicant is proposing private internal sidewalks on the south sides of Racheal Lane, Amelia Lane, the southeastern portion of Blaise Lane and southeastern portion of Isaac Lane while staff would recommend a sidewalk on the north side of Mara Avenue (which would provide a sidewalk on each street) to enhance pedestrian safety throughout the development. Also, sidewalks should be along the entire frontage of the south side of Amelia Lane. Finally, sidewalks should be added on the east side Blaise Lane.
- **LOT LAYOUT & SIZE:** The site layout would entail a looped street configuration with a main access drive bisecting the development. An open space area would be located behind the lots on Mara Avenue and Amelia Lane and include a sidewalk which would connect to the development mail box on the southeastern portion of the site on Isaac Lane. A retention pond is located along South Houk Road in the southeastern portion of the site. Just east of the retention pond is the existing mound with landscaping that buffers South Houk Road and the subject development. Per the approved revised PUD development text, a proposed mound with landscaping would be located just north of the development to buffer the future commercial zoned property. Also, the applicant is proposing 15 common parking spaces within the development but the three spaces at the southern terminus of Blaise Lane would need to be removed because they will inhibit the movement of emergency and refuse vehicles. There would be six common spaces located in front of the mailbox area on Isaac Lane and six spaces on Blaise Lane on the northwestern portion of the site.

The revised PUD development text permits 106 multi-family units on the subject site which could be apartment and/or condominium units ranging in construction from a minimum single family attached unit to several unit configurations. The applicant is proposing single family ranch style attached units on fee simple single family lots with a condominium association which is about the least impactful of all the potential different construction alternatives. Consequently, the subject development would be subdivided into 96 single family lots (owner occupied) with a minimum lot size of 4,275 square feet (45-ft x 95-ft). The attached units would have a minimum front yard of 25 feet and a minimum rear yard setback of 18 feet while there would be a minimum 10 feet between units. Also, morning/sunroom(s) would be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet. In addition, each unit will be permitted a deck or patio that would need to be setback a minimum 10 feet from the rear property line. The minimum unit size is 1,350 square feet. Each unit would have a two car garage with a driveway which can accommodate parking for two vehicles. Furthermore, the subject condominium development would have a homeowners association that would have a common maintenance plan for lawn, landscaping and snow removal within the development. The final development plan and final subdivision plat would need to have lot sizes, widths, depths, etc., identified per the typical subdivision plan

and plat per Chapter 1129.05 (Final Development Plans) and Chapter 1111.04 (Final Subdivision Plats) of the codified ordinances.

- **BUILDING DESIGN:** The intent of the design requirements is to mimic the Arthur Place ranch style attached units with a stone wainscoting (see attached exhibits) and all the units would have an earth tone color to be harmonious and compatible with the adjacent neighborhoods while allowing a color pallet to provide unit diversification and visual integrity (this will be submitted with Final Development Plan). Additionally, there would be only a maximum of two attached units giving a more single family development appearance. All the roofs would have a minimum roof slope of 6:12 while secondary roofs may be a lesser slope with a minimum 5:12. Roofs would be finished in a standard 3-tab shingle with a 25 year warranty and black in color. Furthermore, minimum 8 inch overhangs, shutters, window trim, one garage light course, etc., would be minimum design standards for the buildings.
- **LANDSCAPING & SCREENING:** A comprehensive landscape plan would be required to be submitted, reviewed and approved by staff prior to submitting for any Final Development Plans and Plats. The landscaping plan would include street trees, individual building landscaping and perimeter buffering. Per the approved revised PUD development text, the northern boundary of the subject development is required to have an undulating earthen mound ranging from 8 to 12 feet in height to block views of the future commercial development to the north. A mix of deciduous, evergreen and ornamental tree plantings shall be provided on the top of the mound consistent with the existing South Houk Road landscape mound and have a minimum 60% opacity at the time of installation. The subject mound shall either be located on the subject property or within an easement with the property to the north and shall be constructed with the initial construction of the subject development. All landscape plans would require review and approval by the Shade Tree Commission.
- **OPEN SPACE/PARKLAND:** The subject development has two reserves areas that encompass approximately 1.95 acres (12.8%). The retention pond reserve encompasses approximately 1.31 acres and is located along South Houk Road in the southeastern portion of the site. The second reserve is a open space park area that encompass approximately 0.64 acres located behind the attached units between Maria Avenue and Amelia Lane. Staff recommends the open space to be programmed with amenities that target the users of the subject development (the developer indicated this would be primarily empty nester families). This could include benches, a pavilion, etc. The reserves and amenities would be owned and maintained by the Homeowners Association.
- **TREE PRESERVATION:** There do not appear to be trees on the subject site but if any trees are removed the development would have to achieve compliance with Chapter 1168 Tree Preservation Regulations.
- **LIGHTING PLAN:** A lighting plan for all streets and amenities would be required for Final Development Plan and Final Subdivision Plat approval and would have to achieve compliance with the zoning code and approved by the Chief Building Official.
- **SIGNAGE:** All signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways and Corridor Study, as well being consistent with the stone monument signs signage in the PUD.
- **FIRE DEPARTMENT:** The fire department requires two full access points to the subject development. In addition because of the width of the private street, no parking would be permitted on either side of the street. Also, the fire hydrant location and fire flow requirements would need to be addressed prior to Final Development Plan approval.

STAFF RECOMMENDATION – (2016-3396 PRELIMINARY DEVELOPMENT PLAN)

Staff recommends approval of a request by T&R Properties for a Preliminary Development Plan for Willowbrook West consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District) located on the west side of North Houk Road just north of Arthur Place, 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. Two curb cuts would be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development could be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
 3. The internal access roadway network would be comprised of 24 foot wide private streets built to public street standards with no parking permitted on the streets.
 4. The street names shall be vetted and approved by the appropriate agencies to ensure compliance and non-duplication prior to Final Subdivision Plat submission.
 5. The three parking spaces located at the southern terminus of Blaise Lane shall be removed because they will inhibit the movement of emergency and refuse vehicles.
 6. Internal sidewalks shall be located on one side of each private street.
 7. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
 8. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
 9. The single family attached units shall comply with the minimum architectural standards approved in the development text and include minimum 8 inch overhang, shutters, window trim, one garage light course, etc.
 10. The minimum attached unit house size shall be 1,350 square feet.
 11. A morning/sunroom shall be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet.
 12. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
 13. The mounding and landscaping along South Houk Road shall be maintained as constructed and the maintenance of the mound and associated landscaping shall be the responsibility of the Homeowner's Association.
 14. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height to block views of the future commercial development to the north. A mix of deciduous, evergreen and ornamental tree plantings shall be provided on the top of the mound consistent with the existing South Houk Road landscape mound and have a minimum 60% opacity at the time of installation. The subject mound shall either be located on the subject property or within an easement with the property to the north and shall be constructed with the initial construction of the subject development.
 15. All landscaping plans shall be submitted, reviewed and approved by the Shade Tree Commission.
 16. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and shall be required prior to final plat approvals for each section.
 17. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval.
 18. The open space between Maria Avenue and Amelia Lane shall be programmed with amenities and submitted concurrent with Final Development Plan and Plat approval.
 19. A comprehensive landscape plan that includes street trees, individual building landscaping and perimeter buffering shall be required to be submitted, reviewed and approved by the City prior to Final Development Plan and Plat.
 20. All signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways and Corridor Plan.
 21. The Final development Plan and Final Subdivision Plat shall comply with the submission requirements of Chapters 1129.05 (Final Development Plans) and Chapters 1111.04 (Final Subdivision Plats) respectively of the codified ordinances.

STAFF RECOMMENDATION – (2016- 3397 PRELIMINARY SUBDIVISION PLAT)

Staff recommends approval of a request by T&R Properties for a Preliminary Subdivision Plat for Willowbrook West consisting of 96 single family lots on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Development Overlay District) located on the west side of North Houk Road just north of Arthur Place, 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. Two curb cuts would be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development could be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network would be comprised of 24 foot wide private streets built to public street standards with no parking permitted on the streets.
4. The street names shall be vetted and approved by the appropriate agencies to ensure compliance and non-duplication prior to Final Subdivision Plat submission.
5. The three parking spaces located at the southern terminus of Blaise Lane shall be removed because they will inhibit the movement of emergency and refuse vehicles.
6. Internal sidewalks shall be located on one side of each private street.
7. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
8. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
9. The single family attached units shall comply with the minimum architectural standards approved in the development text and include minimum 8 inch overhang, shutters, window trim, one garage light course, etc.
10. The minimum attached unit house size shall be 1,350 square feet.
11. A morning/sunroom shall be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet.
12. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
13. The mounding and landscaping along South Houk Road shall be maintained as constructed and the maintenance of the mound and associated landscaping shall be the responsibility of the Homeowner's Association.
14. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height to block views of the future commercial development to the north. A mix of deciduous, evergreen and ornamental tree plantings shall be provided on the top of the mound consistent with the existing South Houk Road landscape mound and have a minimum 60% opacity at the time of installation. The subject mound shall either be located on the subject property or within an easement with the property to the north and shall be constructed with the initial construction of the subject development.
15. All landscaping plans shall be submitted, reviewed and approved by the Shade Tree Commission.
16. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and shall be required prior to final plat approvals for each section.
17. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval.
18. The open space between Maria Avenue and Amelia Lane shall be programmed with amenities and submitted concurrent with Final Development Plan and Plat approval.
19. A comprehensive landscape plan that includes street trees, individual building landscaping and perimeter buffering shall be required to be submitted, reviewed and approved by the City prior to Final Development Plan and Plat.

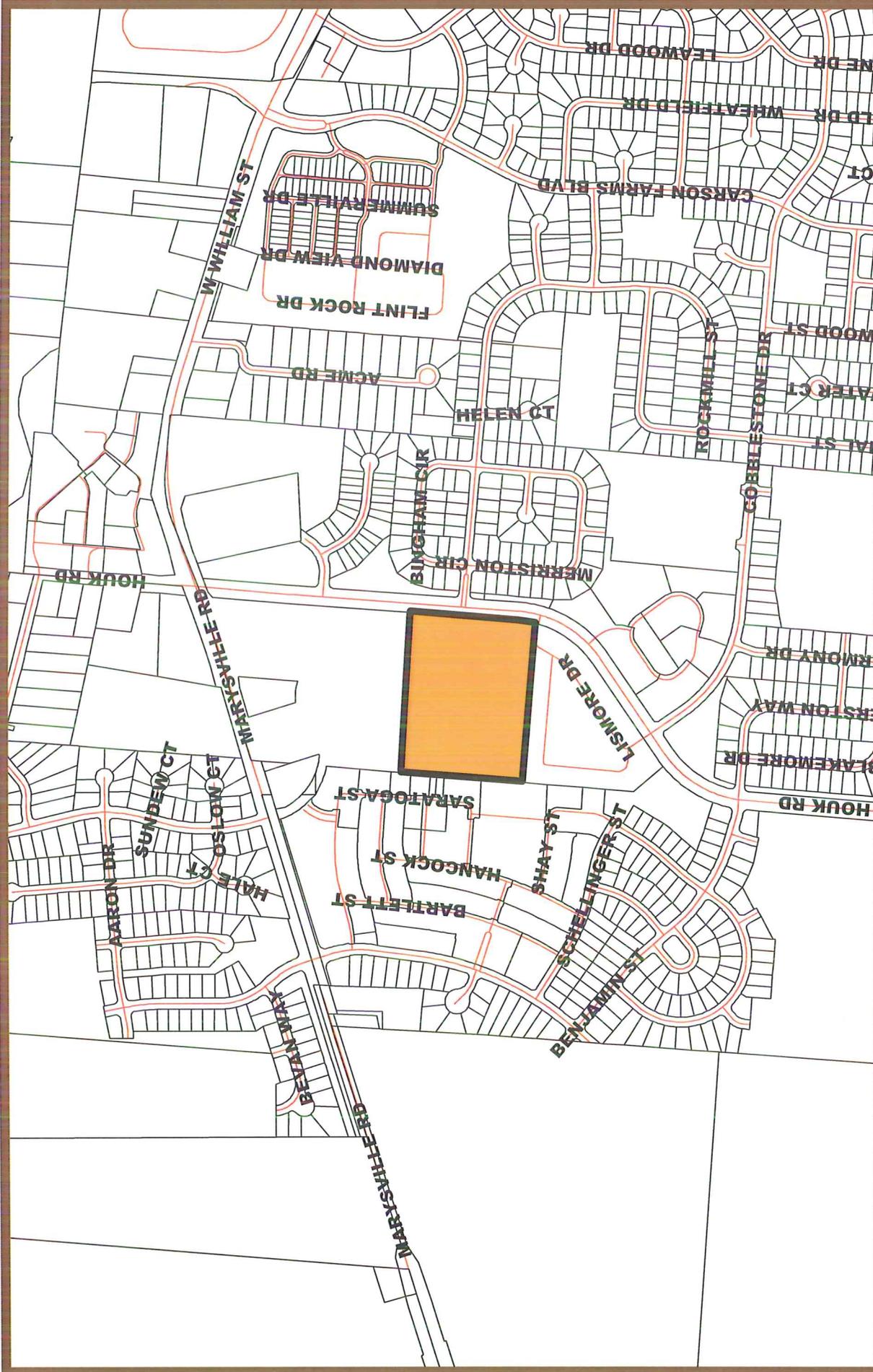
- 20. All signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways and Corridor Plan.
- 21. The Final development Plan and Final Subdivision Plat shall comply with the submission requirements of Chapters 1129.05 (Final Development Plans) and Chapters 1111.04 (Final Subdivision Plats) respectively of the codified ordinances.

COMMISSION NOTES:

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

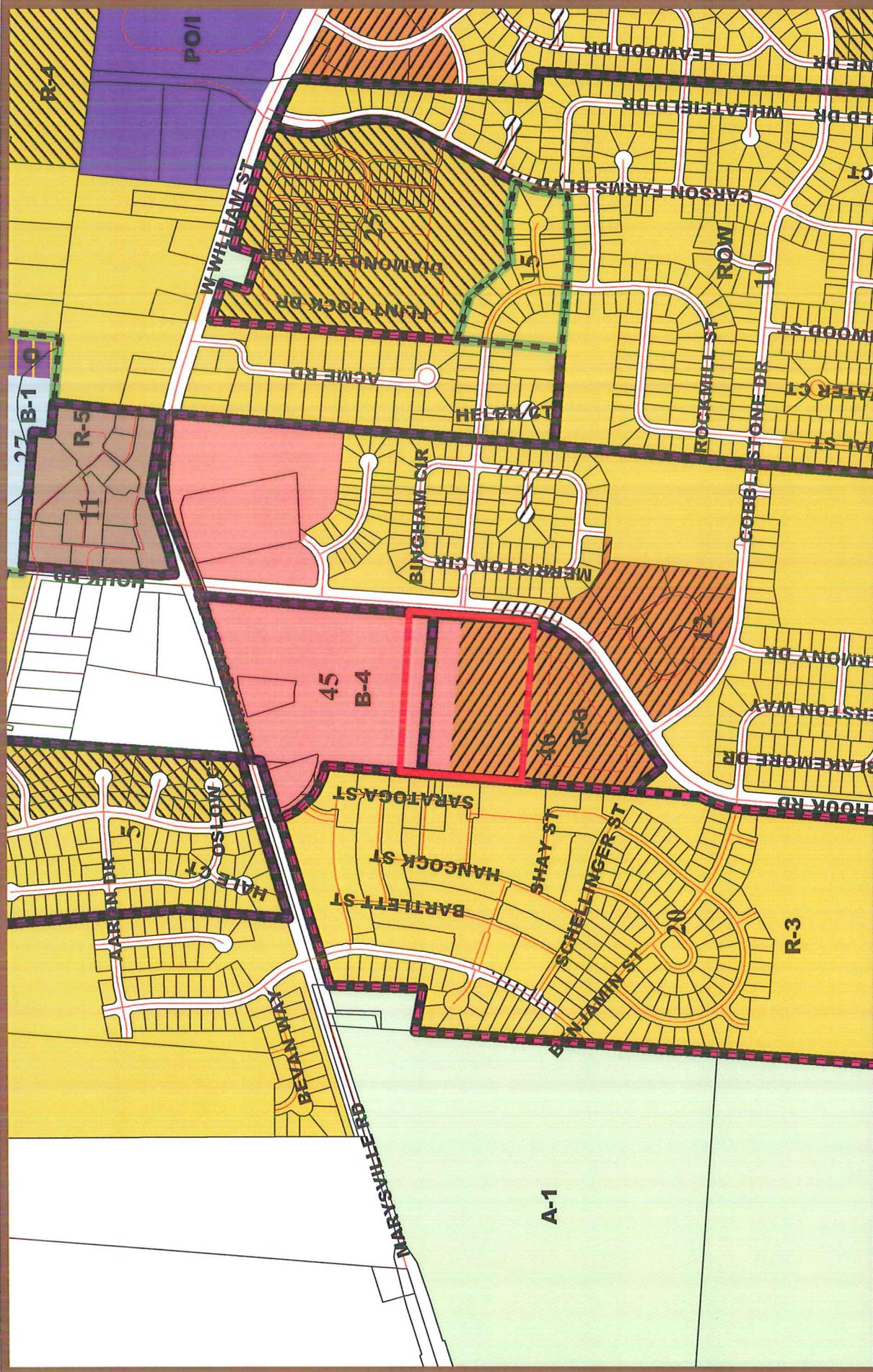
CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: 11/30/16
REVISED:



2016-3396 & 3397
 Preliminary Development Plan & Preliminary Subdivision Plat
 Willowbrook West
 Location Map





2016-3396 & 3397
 Preliminary Development Plan & Preliminary Subdivision Plat
 Willowbrook West
 Zoning Map

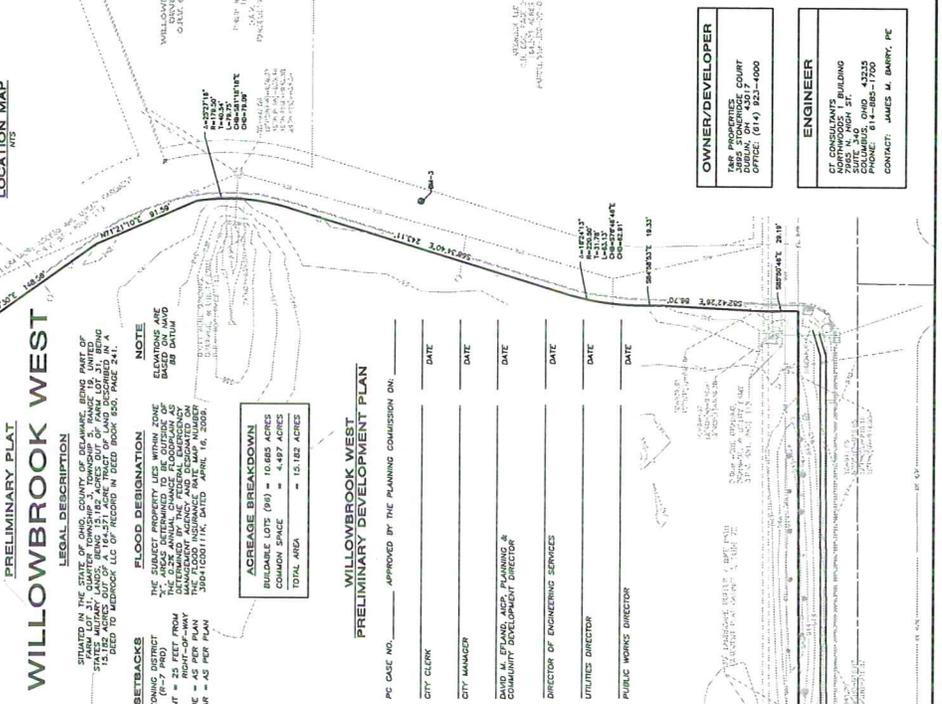




2016-3396 & 3397
Preliminary Development Plan & Preliminary Subdivision Plat
Willowbrook West
Aerial (2016)



NO.	REVISION	DATE
1	DATE	
2	DATE	
3	DATE	
4	DATE	
5	DATE	
6	DATE	
7	DATE	
8	DATE	
9	DATE	
10	DATE	



WILLOWBROOK WEST
PRELIMINARY PLAN

LEGAL DESCRIPTION
 SHARPS IN THE S.W. QUARTER TOWNSHIP 15, RANGE 15, MERIDIAN 15, PART OF MARA LOT 31, QUARTER TOWNSHIP 15, RANGE 15, MERIDIAN 15, BEING 15.12 ACRES, MORE OR LESS, TRACT OF LAND RECORDED IN DEED BOOK 650, PAGE 241, DEED TO WILLOWBROOK LLC OF RECORD IN DEED BOOK 650, PAGE 241.

FLOOD DESIGNATION
 THE SUBJECT PROPERTY LIES WITHIN ZONE (R-7) (R-7) DISTRICT. THE AREA DETERMINED TO BE OUTSIDE OF THE FLOODPLAIN IS SHOWN ON THE ATTACHED FLOOD INSURANCE RATE MAP NUMBER 150500101N, DATED APRIL 14, 2009.

SETBACKS
 FRONT - 25' PER PLAN
 SIDE - 45' PER PLAN
 REAR - 45' PER PLAN

AGREEMENT BREAKDOWN
 RELEASED LOTS (R-7) = 10.665 ACRES
 COMMON SPACE = 4.497 ACRES
 TOTAL AREA = 15.162 ACRES

WILLOWBROOK WEST
PRELIMINARY DEVELOPMENT PLAN

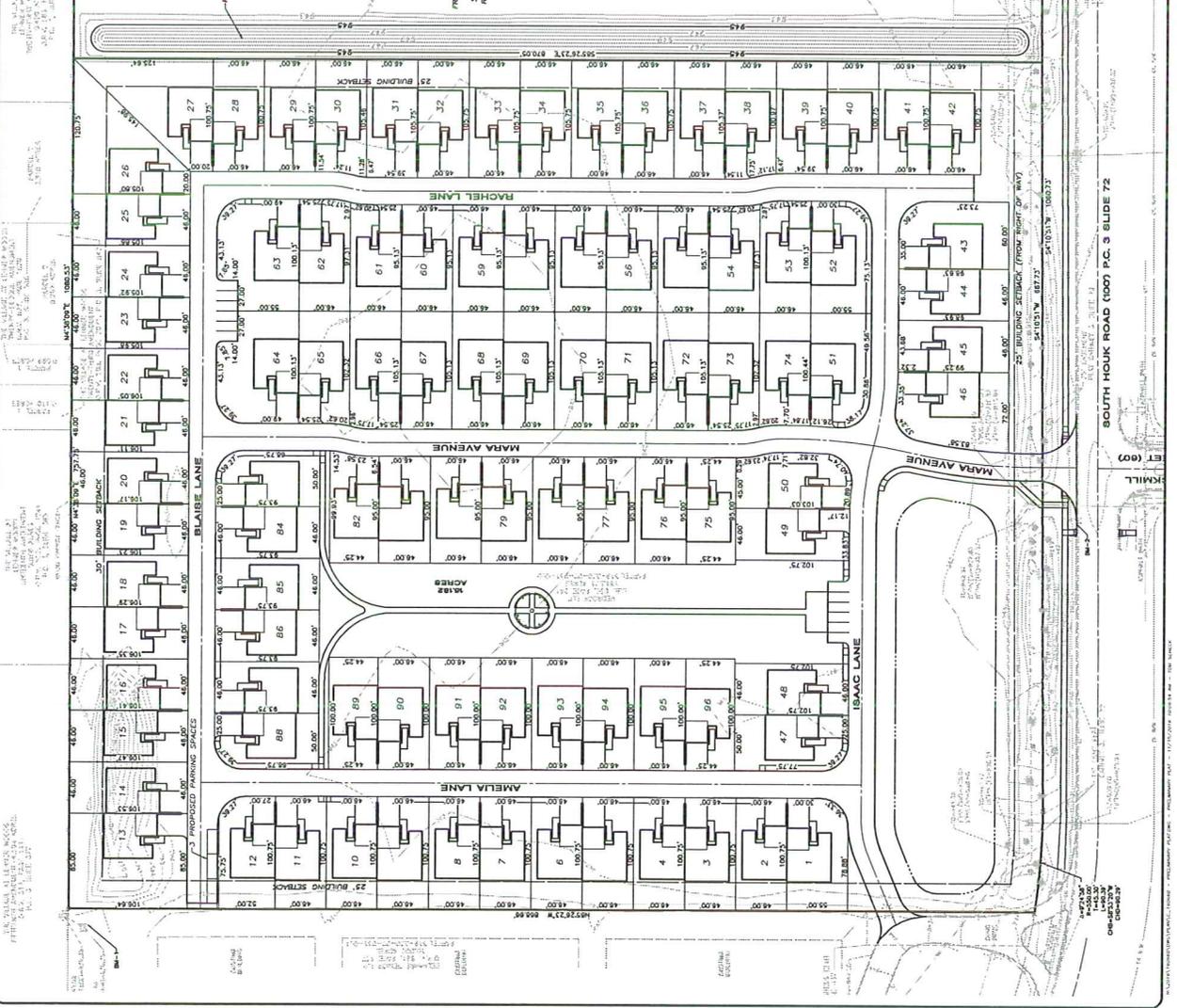
PC CASE NO. APPROVED BY THE PLANNING COMMISSION ON:

DATE	CITY CLERK
DATE	CITY MANAGER
DATE	DIRECTOR OF ENGINEERING SERVICES
DATE	UTILITIES DIRECTOR
DATE	PUBLIC WORKS DIRECTOR

DAVID M. EPLAND, AICP, PLANNING & COMMUNITY DEVELOPMENT DIRECTOR
 DIRECTOR OF ENGINEERING SERVICES
 UTILITIES DIRECTOR
 PUBLIC WORKS DIRECTOR

OWNER/DEVELOPER
 T&R PROPERTIES
 3898 STONINGBROOK COURT
 COLUMBUS, OHIO 43235
 OFFICE: (614) 921-4000

ENGINEER
 C.E. CONSULTANTS BUILDING
 2098 N. HIGH ST.
 COLUMBUS, OHIO 43235
 CONTACT: JAMES M. BARRY, PE



Development Text

See Building Elevation of the typical homes – Attachment is a representation of what each home will look like. Architectural review and approval for the final elevations will be required by the developer.

The exterior finishes and materials of the proposed homes will be harmonious and compatible with adjacent neighborhoods.

Front facades shall consist of a minimum of 15% natural materials. Natural materials shall be defined as brick or manufactured stone. Only earth tone colors will be permitted on the exterior of homes.

All main roofs will have a minimum pitch of 6:12. Secondary roofs may be a lesser slope with a minimum of 5:12. Roofs will be finished in a standard 3-tab shingle with a 25 year warranty. Dimensional shingles may also be used. Roof colors will be consistent from building to building and will be black in color.

Morning Room/Sunroom extensions shall be permitted on all interior lots as well as lots abutting South Houk Road. Morning Rooms/Sunrooms shall have a minimum setback of 10' from the rear property line.

Decks or Patios shall be permitted on all homesites.

All homes shall have 1 coach light near front entry leadwalk.

Homes will be fee simple/attached on private streets.

Side yard separation shall be a minimum of 10' between structures.

Mounding and landscaping shall be installed on the North Property Line.



200800026243
Filed for Record in
DELAWARE COUNTY, OHIO
ANDREW D BRENNER
09-10-2008 At 11:59 am.
EASEMENT 84.00
OR Book 864 Page 2271 - 2279

DEED OF EASEMENT FOR ACCESS

August 20, 2008
200800026243
JAMES A SAAD L L C
229 HUBER VILLAGE BLVD
WESTERVILLE OH 43081

This Deed of Easement for Access is made as of the date set forth above by **Delaware Senior L.P.**, an Ohio limited partnership, its successors and assigns, with an address at 3021 E. Dublin Granville Rd., Suite 200, Columbus, Ohio 43231 (hereinafter called "Delaware Senior") and **Medrock LLC**, an Ohio limited liability company, its successors and assigns, with an address at

3895 Stoneridge Ln, Dublin, OH 43017
(hereinafter called "Medrock").

Background

- A. Delaware Senior is the owner of a certain 10.000 acres parcel of real property located in Delaware, Ohio, (the "Delaware Senior Property") and Medrock is the owner of a certain 164.571 acres parcel of real property located in Delaware, Ohio (the "Medrock Property").
- B. The Delaware Senior Property and the Medrock Property are contiguous.
- C. Delaware Senior has agreed to grant a nonexclusive easement for ingress and egress to Medrock over a certain 0.164 acre strip of land (the "Access Easement Area") specifically described in Exhibit A attached hereto. A survey drawing is attached as Attachment A. Medrock has agreed to release and extinguish an existing nonexclusive easement for ingress and egress that it has over a portion of the Delaware Senior Property.
- D. Delaware Senior and Medrock hereby agree to the following described rights and responsibilities regarding the creation and the use of the access easement.

Agreement

- 1. Delaware Senior hereby creates the following perpetual, non-exclusive easement and rights of use of the Access Easement Area for pedestrian and vehicular ingress and egress over and upon the Access Easement Area.
- 2. This non-exclusive access easement and the right of use created herein shall be appurtenant, shall run with the land, and shall inure to the benefit of the successors and assigns of the Medrock Property subject to the responsibilities described herein.
- 3. It is anticipated that Delaware Senior will construct a driveway in the Access Easement Area at the sole cost of Delaware Senior. When the driveway is completed, Delaware Senior will give Medrock notice that it is ready for Medrock's use. Medrock may inspect the driveway within 30 days of receipt of such notice. If

The Grantor Has Complied With
Section 319.202 Of The R.C.
DATE 9/10/08 Transfer Tax Paid _____
TRANSFERRED OR TRANSFER NOT NECESSARY
Delaware County Auditor By S. Hines

James A. Saad LLC
Star Title Agency LLC
229 Huber Village Blvd. #130
Westerville, OH 43081
PLEASE RETURN TO:

requested by Medrock, Delaware Senior will have its architect or engineer certify to Medrock that the driveway has been constructed in a workmanlike manner. Once Medrock's first building is occupied on the Medrock Property, then the maintenance, repair and replacement costs of any of the driveway improvements or facilities located in the Access Easement Area shall be allocated 50% to the Medrock Property and 50% to the Delaware Senior Property. The driveway in the Access Easement Area shall not be used by construction-related traffic related to development of the Medrock Property. The Medrock Property shall carry liability insurance with regard to the use of the Access Easement Area. Delaware Senior, its successors and assigns, of the Delaware Senior Property shall be responsible for maintaining, repairing and replacing the improvements described above in the Access Easement Area, which will benefit Medrock, its successors and assigns, of the Medrock Property as well as the Delaware Senior Property. The owner of the Delaware Senior Property shall be the decision maker for all the maintenance, repair and replacement of the improvements described above of the Access Easement Area. However, the cost of the maintenance, repair and replacement work shall be the responsibility of and paid for by both the Medrock Property owner and the Delaware Senior Property owner in the above described 50 - 50 percentages of share of cost. Neither the Medrock Property owner nor the Delaware Senior Property owner shall obstruct, impede or interfere with or permit any obstruction, impediment or interference with the use of the improvements described above of the Access Easement Area. Decisions for the repair, maintenance or replacement of the improvements described above of the Access Easement Area shall be made by the Delaware Senior Property owner, its successors and assigns. In the event that the Delaware Senior Property owner, its successors and assigns, determines that repair, maintenance or replacement work needs to be done on the improvements described above of the Access Easement Area, then in such event, the Delaware Senior Property owner, its successors and assigns, shall notify the Medrock Property owner, its successors and assigns, of such determination by Certified U.S. Mail, to the last known address of the Medrock Property owner, its successors and assigns. This Notice shall contain a statement of services, materials and labor that are required and the approximate cost of the same. The Medrock Property owner, its successors and assigns, shall have twenty (20) days from receipt of said notice to notify the Delaware Senior Property owner, its successors and assigns, in writing, of any complaint or disagreement with the notice provided by the Delaware Senior Property owner. If the Delaware Senior Property owner receives no written response to its Notice within twenty (20) days of receipt by the Medrock Property owner, then the Delaware Senior Property owner may proceed toward completion of the necessary work, as if the Medrock Property owner has expressly approved the repairs, maintenance or replacement. In the event the Medrock Property owner does not agree with the terms of the notice provided by the Delaware Senior Property owner, and responds in writing received by the Delaware Senior Property owner within the twenty (20) day period noted above, then in such event, the Delaware Senior Property owner is authorized by the Medrock Property owner to obtain the services of an independent engineer, who shall determine the necessity of the services, materials and labor proposed by the Delaware Senior Property owner for the maintenance, repair and replacement of the improvements described above of the Access Easement Area. The decision of the Engineer shall be final, and the

Delaware Senior Property owner, the Medrock Property owner, their respective successors and assigns, shall be bound by the determination of the independent engineer. The cost of the services of the independent Engineer shall be shared in the same percentage as noted above for repairs, and so forth, by the Delaware Senior Property owner and the Medrock Property owner, their respective successors and assigns. In all events, Delaware Senior Property owner, its successors and assigns, shall oversee the completion of any services, labor or materials needed for the repair, maintenance and replacement of the improvements described above of the Access Easement Area. Notwithstanding anything stated herein to the contrary, in the case of a safety emergency or in the case of a governmental order, Delaware Senior may proceed to make the repair or maintenance required without prior notice to Medrock, and Medrock agrees to share such expense equally with Delaware Senior, so long as the time has commenced for Medrock to share such expenses.

4. Since Medrock, its successors and assigns, will benefit from the use of the Access Easement Area for ingress and egress as described in this easement instrument, Medrock, its successor and assigns, agrees to indemnify, hold harmless and defend Delaware Senior, its successors and assigns, for any claim, loss, expense or damages of Delaware Senior, its successors and assigns, caused by Medrock, its successors and assigns, which may arise out of Medrock's, its successors and assigns, and its tenants, invitees or guests use of the Access Easement Area under this easement instrument. In return, Delaware Senior, its successor and assigns, agrees to indemnify, hold harmless and defend Medrock, its successors and assigns, for any claim, loss, expense or damages of Medrock, its successors and assigns, caused by Delaware Senior, its successors and assigns, which may arise out of Delaware Senior's, its successors and assigns, and its tenants, invitees or guests use of the Access Easement Area under this easement instrument.
5. Medrock, its successors and assigns, hereby releases and extinguishes forever that certain non-exclusive easement over the north 30 feet of the Delaware Senior Property as ingress and egress to the Medrock Property which easement was reserved by Medrock in its deed of conveyance to Delaware Senior as recorded in Official Record Volume 0821, Page 0437, Delaware County records.

Prior Instrument Reference of **Medrock LLC**: **Deed Record Volume 650 Page 240, Delaware County, Ohio, Deed Records.**

Prior Instrument Reference of **Delaware Senior L.P.**: **Official Record Volume 821 Page 437, Delaware County, Ohio, Deed Records.**

EXECUTED BY Delaware Senior L.P., by its duly authorized representative, the 20th day of August, 2008.

DELAWARE SENIOR L.P.
By: Delaware Senior Housing Partners, Inc.,
General Partner

By: [Signature]
Steven J. Boone, President

EXECUTED BY Medrock LLC, by its duly authorized representative, the 20th day of August, 2008.

MEDROCK LLC
By: [Signature]
P. Ronald Sabatino, Managing Member

STATE OF Ohio,
COUNTY OF Franklin, SS.

Before me, a Notary Public in and for said County and State, personally appeared **Steven J. Boone**, the duly authorized President of **Delaware Senior Housing Partners, Inc.**, an Ohio corporation, the duly authorized general partner of **Delaware Senior L.P.**, who acknowledged that he executed the foregoing instrument as his and its free act and deed.

IN TESTIMONY WHEREOF, I have herewith subscribed my name and affixed my official seal at Columbus, Ohio, this 20th day of August, 2008.



ROY LOWENSTEIN, ATTORNEY AT LAW
10000 WOODBURN AVENUE, SUITE 100
COLUMBUS, OHIO 43240
(614) 291-1111

[Signature]
NOTARY PUBLIC
Commission expires: no expiration

STATE OF Ohio,
COUNTY OF Madison, SS.

Before me, a Notary Public in and for said County and State, personally appeared **P. Ronald Sabatino**, the duly authorized MANAGING MEMBER of **Medrock LLC**, an **Ohio limited liability company**, who acknowledged that he executed the foregoing instrument as his and its free act and deed.

IN TESTIMONY WHEREOF, I have herewith subscribed my name and affixed my official seal at Columbus, OH, this 20th day of August, 2008.



MARILYN A LAMB
Notary Public
In and for the State of Ohio
My Commission Expires
April 30, 2012

Marilyn A Lamb
NOTARY PUBLIC
Commission expires: 4/30/12

This Instrument prepared by James A. Saad, Esq., James A. Saad LLC.

EXHIBIT A (Access Easement Area)



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240
Phone 614.540.6633 • Fax 614.540.6638
CHICAGO, IL. • CINCINNATI, OH • EXPORT, PA. • INDIANAPOLIS IN.
NASHVILLE, TN. • PITTSBURGH, PA. • ST. LOUIS, MO.

**DESCRIPTION OF A
0.164 ACRE ACCESS EASEMENT
SOUTH OF U.S. ROUTE 36,
WEST OF HOUK ROAD,
CITY OF DELAWARE,
COUNTY OF DELAWARE, OHIO**

EXHIBIT A

Situated in the State of Ohio, County of Delaware, City of Delaware, and being in Farm Lot 31, Quarter Township 3, Township 5, Range 19, United States Military District, and being 0.164 acres of a 10.000 acre tract conveyed to Delaware Senior L.P., by deed of record in Official Record 821, Page 437, all records herein are from the Recorder's Office, Delaware County, Ohio, said 0.164 acre tract being more particularly described as follows:

BEGINNING at the northeast corner of said 10.000 acre tract, and being a point on the westerly right-of-way of Houk Road (100' R/W), as shown and delineated in Plat Cabinet 3, Slide 72-72B;

Thence along a curve to the right, having a radius of 550.00 feet, an arc length of 51.08 feet, a delta angle of 05°19'16", a chord bearing of South 16°19'59" West, and a chord length of 51.06 feet, along the westerly right-of-way of said Houk Road and an easterly line of said 10.000 acre tract, to a point;

Thence the following two (2) courses and distances over and across said 10.000 acre tract:

1. North 85°21'51" West, a distance of 137.23 feet, to a point;
2. North 04°38'09" East, a distance of 50.00 feet, to a point on the northerly line of said 10.000 acre tract;

Thence South 85°21'51" East, a distance of 147.58 feet, along the northerly line of said 10.000 acre tract, to the **POINT OF BEGINNING**, containing 0.164 acres, more or less.

This description was based on record information obtained from the Delaware County Recorder's Office.

The bearings are based between Delaware County Monuments Known as "Delpport" and "Delpport AZ", Ohio north zone, having an angle which bears South 80°54'30" East.

Civil & Environmental Consultants, Inc.



JLB 6-7-08
Jennifer L. Blue Date
Registered Surveyor No. S-8382

ATTACHMENT A (Survey Drawing)



Civil & Environmental Consultants, Inc.
 8740 Orion Place, Suite 100 Columbus, Oh. 43240
 (614) 540-6633 (888)598-6808 FAX(614)540-6638
 CHICAGO, IL. CINCINNATI, OH. CLEVELAND, OH. EXPORT, PA. INDIANAPOLIS, IN.
 NASHVILLE, TN. PITTSBURGH, PA. ST. LOUIS, MO. DETROIT, MI.

0.164 Acre Access Easement



MEDROCK LLC
 ORIGINAL 164.571 ACRES
 D.B. 650, PG. 240

DELAWARE SENIOR L.P.
 10.000 ACRES
 O.R. 821, PG. 437



ATTACHMENT A



BASIS OF BEARING
 BASIS OF BEARING FOR THE PURPOSE OF THIS DESCRIPTION A BEARING OF SOUTH 80°34'30\"/>

SITUATE
 SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE, AND BEING IN FARM LOT 31, QUARTER 1, TOWNSHIP 3, RANGE 19, UNITED STATES MILITARY DISTRICT, AND BEING 0.164 ACRES OF A 10.000 ACRE TRACT CONVEYED TO DELAWARE SENIOR L.P., BY DEED OF RECORD IN OFFICIAL RECORD 821, PAGE 437, RECORDER'S OFFICE, DELAWARE COUNTY, OHIO.

SURVEYOR'S CERTIFICATE
 THIS EXHIBIT WAS BASED ON RECORD INFORMATION OBTAINED FROM THE DELAWARE COUNTY RECORDER'S OFFICE.



JL Blue 6-19-08
 Jennifer L. Blue Date
 Registered Surveyor S-8382

REVISION RECORD		DRAWN BY: JMH	JOB NUMBER 071-905
DATE	DESCRIPTION	FIELD WORK BY: N/A	
		DATE: 6-19-08	
		SCALE: 1" = 80'	

S:\PROJ\2007\071905 SURVEY\DWG\ESUMEN\071905-ACCESS_ESUM.DWG (AMHAMMOVD) - JUN 19, 2008 - 9:55:39



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



Project # _____

Case # 2016 - 3396 - PDP
2016 - 3397 - PSP

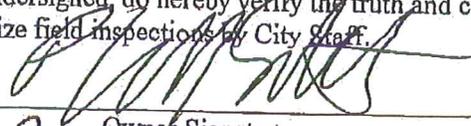
Planning Commission

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

Subdivision/Project Name Willowbrook West Address Houk Rd., Delaware, OH
 Acreage 15.182 Square Footage 661,337.88 Number of Lots 96 Number of Units 96
 Zoning District/Land Use _____ Proposed Zoning/Land Use PRD Parcel # 519-330-02-031-000

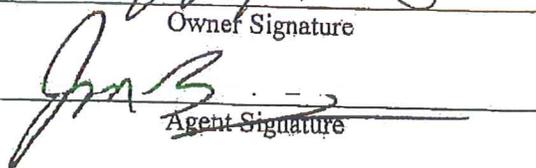
Applicant Name T & R Properties Contact Person Ron Sabatino
 Applicant Address 3895 Stoneridge Court, Dublin, OH 43017
 Phone (614) 923-4000 Fax _____ E-mail rsabatino@trprop.com
 Owner Name Medrock LLC Contact Person Ron Sabatino
 Owner Address Same as applicant
 Phone Same as applicant Fax Same as applicant E-mail Same as applicant
 Engineer/Architect/Attorney CT Consultants Contact Person James Barry
 Address 7905 North High Street, Columbus, OH 43235
 Phone (614) 885-1700 Fax (614) 885-1701 E-mail jbarry@ctconsultants.com

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



 Owner Signature

 Owner Printed Name



 Agent Signature

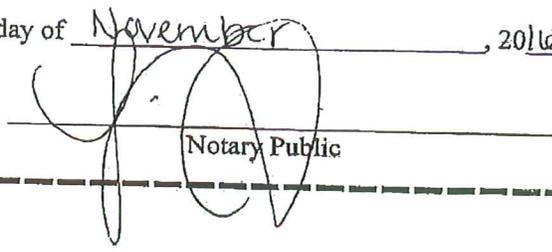
James M. Barry

 Agent Printed Name

Sworn to before me and subscribed in my presence this 2nd day of November, 2016.



Notary LINDSAY M HARRIS
 NOTARY PUBLIC - OHIO
 MY COMMISSION EXPIRES 04-02-20



 Notary Public



FACT SHEET

AGENDA ITEM NO: 21

DATE: 12/12/16

ORDINANCE NO: 16-113

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 PRELIMINARY SUBDIVISION PLAT FOR T&R PROPERTIES FOR WILLOWBROOK WEST CONSISTING OF 96 SINGLE FAMILY ATTACHED UNITS ON APPROXIMATELY 15.18 ACRES ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

BACKGROUND:

In 1999 (Ordinance 99-76), Medrock LLC., received approval of a Planned Mixed Use Development (PUD) that encompassed approximately 282 acres essentially south of US 36, north of the railroad tracks, west of Acme Road and along and east of the Houk Road. The permitted land uses include single family, two family attached, multi-family, commercial and industrial uses. A large portion of this area has been built out which includes the following developments: Adalee Park, Millbrook, Braddington Commons, Arthur Place, Village at Willowbrook Farms, Willowbrook East. In 2007, this portion of the Willowbrook PUD was subject to a rezoning which was coordinated with the initial submission for what became Arthur Place. In 2008, Arthur Place “flipped” sites and became located at its current site. This left the multi-family area in question in this case as the land remaining between the proposed retail and existing senior housing sites (Arthur Place). Also in 2008, the retail site underwent a rezoning which included some revised development text as well as the required mounding and landscaping along the south boundary of the retail

site. All of the previous plans and changes have been reviewed with this case to ensure consistency and adherence to prior actions.

Now the developer is proposing to develop 96 single family attached units on 96 lots on approximately 15.18 acres for a density of 6.32 units per acre. The main access would be a full movement curb cut on South Houk Road adjacent to Rockmill Street with a second access point utilizing the northern most access point to Arthur Place which is a right-in/right-out only curb cut. The site layout would entail a looped street configuration with a main access drive bisecting the development. An open space area would be located behind the lots on Mara Avenue and Amelia Lane and include a sidewalk which would connect to the development mail box on the southeastern portion of the site on Isaac Lane. A retention pond is located along South Houk Road in the southeastern portion of the site. Just east of the retention pond is the existing mound with landscaping that buffers South Houk Road and the subject development. Per the approved revised PUD development text, a proposed 8 to 10 foot high mound with landscaping would be located just north of the development to buffer the future commercial zoned property. There would be six common spaces located in front of the mailbox area on Isaac Lane and six spaces on Blaise Lane on the northwestern portion of the site. The subject 96 single family lots (owner occupied) would have a minimum lot size of 4,275 square feet (45-ft x 95-ft). The attached units would have a minimum front yard of 25 feet and a minimum rear yard setback of 18 feet while there would be a minimum 10 feet between units. Also, morning/sunroom(s) would be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet. In addition, each unit will be permitted a deck or patio that would need to be setback a minimum 10 feet from the rear property line. The minimum unit size is 1,350 square feet. Each unit would have a two car garage with a driveway which can accommodate parking for two vehicles. Furthermore, the subject condominium development would have a homeowners association that would have a common maintenance plan for lawn, landscaping and snow removal within the development. The intent of the design requirements is to mimic the Arthur Place ranch style attached units with a stone wainscoting (see attached exhibits) and all the units would have an earth tone color to be harmonious and compatible with the adjacent neighborhoods while allowing a color pallet to provide unit diversification and visual integrity (this will be submitted with Final Development Plan). Additionally, there would be only a maximum of two attached units giving a more single family development appearance. A comprehensive landscape plan would be required to be submitted, reviewed and approved by staff prior to submitting for any Final Development Plans and Plats. The landscaping plan would include street trees, individual building landscaping and perimeter buffering which would have to be approved by the Shade Tree Commission. Also, the lighting plans would need to achieve compliance with the zoning code and be approved by the Chief Building Official

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.03 approval of Preliminary Subdivision Plat requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 4-0 on December 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)

N/A

ORDINANCE NO. 16-113

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT FOR T&R PROPERTIES FOR WILLOWBROOK WEST CONSISTING OF 96 SINGLE FAMILY ATTACHED UNITS ON APPROXIMATELY 15.18 ACRES ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

WHEREAS, the Planning Commission at its meeting of December 7, 2016 recommended approval of a Preliminary Subdivision Plat for T&R Properties for Willowbrook West consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Overlay District) located on the west side of South Houk Road just north of Arthur Place (PC 2016-3396), and

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

SECTION 1. That the Preliminary Subdivision Plat for T&R Properties for Willowbrook West consisting of 96 single family attached units on approximately 15.18 acres zoned R-6 PUD (Multi-Family Residential District with a Planned Unit Overlay District) located on the west side of South Houk Road just north of Arthur Place, 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. Two curb cuts would be required for the subject development. The existing, right-in/right-out curb cut on the northern portion of the Arthur Place development could be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network would be comprised of 24 foot wide private streets built to public street standards with no parking permitted on the streets.
4. The street names shall be vetted and approved by the appropriate agencies to ensure compliance and non-duplication prior to Final Subdivision Plat submission.

5. The three parking spaces located at the southern terminus of Blaise Lane shall be removed because they will inhibit the movement of emergency and refuse vehicles.
6. Internal sidewalks shall be located on one side of each private street.
7. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
8. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
9. The single family attached units shall comply with the minimum architectural standards approved in the development text and include minimum 8 inch overhang, shutters, window trim, one garage light course, etc.
10. The minimum attached unit house size shall be 1,350 square feet.
11. A morning/sunroom shall be permitted on all interior lots as well as lots abutting South Houk Road. The morning/sunroom(s) shall have a minimum rear yard setback of 10 feet.
12. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
13. The mounding and landscaping along South Houk Road shall be maintained as constructed and the maintenance of the mound and associated landscaping shall be the responsibility of the Homeowner's Association.
14. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height to block views of the future commercial development to the north. A mix of deciduous, evergreen and ornamental tree plantings shall be provided on the top of the mound consistent with the existing South Houk Road landscape mound and have a minimum 60% opacity at the time of installation. The subject mound shall either be located on the subject property or within an easement with the property to the north and shall be constructed with the initial construction of the subject development.
15. All landscaping plans shall be submitted, reviewed and approved by the Shade Tree Commission.
16. Any tree removal and/or replacement requirements shall achieve compliance with Chapter 1168 Tree Preservation Regulations and shall be required prior to final plat approvals for each section.
17. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval.
18. The open space between Maria Avenue and Amelia Lane shall be programmed with amenities and submitted concurrent with Final Development Plan and Plat approval.

19. A comprehensive landscape plan that includes street trees, individual building landscaping and perimeter buffering shall be required to be submitted, reviewed and approved by the City prior to Final Development Plan and Plat.
20. All signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways and Corridor Plan.
21. The Final development Plan and Final Subdivision Plat shall comply with the submission requirements of Chapters 1129.05 (Final Development Plans) and Chapters 1111.04 (Final Subdivision Plats) respectively of the codified ordinances.

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

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: December 6, 2016

1. **Calendar**

See Attached

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

See Attached

3. **Bi-Weekly Meetings**

November 10

- * MORPC Policy Commission meeting
- * Sawmill Parkway Opening

November 14

- * Rotary
- * Council

November 15

- * Strand Board meeting

November 17

- * Chamber Luncheon

November 18

- * City's Thanksgiving Lunch

November 21

- * Rotary

November 28

- * Rotary
- * Council

December 2

- * ED 411

December 3

- * Council Budget Work Session

December 6

- * 911 Board meeting

December 7

- * MORPC Annual Member Visit

December 8

- * MORPC Policy Commission meeting

4. **Required Reading**
 - A. Fire Department October Monthly Report

December

2016

Sun Mon Tue Wed Thu Fri Sat

Council Work
Session 9-4

4 5 6 7 8 9 10

Planning 7

11 12 13 14 15 16 17

Council –
Continuation of
Budget Work
Session 6-7
Council Regular
Meeting 7

HVGC 7 at
Hidden Valley
Golf Course

18 19 20 21 22 23 24

Council Year-end
7 City Offices close
at Noon

25 26 27 28 29 30 31

City Offices
Closed

CONTRACT APPROVAL - DECEMBER 12, 2016

VENDOR	EXPLANATION OF AGREEMENT	2016 AMOUNT	DEPARTMENT
Recruiting.com	Online Recruiting Enhancements	\$24,760	DAS
American Structurepoint	Glenn Rd. Extension	\$244,750	Engineering
Oakland Nurseries	MOU Downtown Landscape Planters	\$0	Parks
Steel In The Air	Assessment for Cell Tower at HVGC	\$3,000	Park
Roland Augspurger	Land Lease	\$11,132	CMO
Village of Ostrander	Prosecutor Services	\$205	Legal
City of Dublin	Prosecutor Services	\$205	Legal
MedPro	Ambulance Patient Transport Equipment	\$3,835	Fire
Affidavit Make Software	Software	\$1,787	Police



Delaware Fire Department

October 2016 Monthly Report



PERFORMANCE REVIEW	2013	2014	2015	2016	October	Year-to-Date	% Year to Date	% of Budget	(+/-)
	Actual	Actual	Actual	Budget	Actual	Actual	Budget	Completed	Projected for Year
Total number of incidents	4,831	5,173	5,380	5,402	460	4,820	89.23%	83.30%	5.93%
Fire	104	101	126	130	14	85	65.38%	83.30%	-17.92%
Rupture/Explosion	3	3	1	3	2	4	133.33%	83.30%	50.03%
EMS	3,883	4,047	4,254	4,256	353	3,837	90.16%	83.30%	6.86%
Hazardous Conditions	131	124	135	133	13	123	92.48%	83.30%	9.18%
Service Calls	94	141	155	154	12	106	68.83%	83.30%	-14.47%
Good Intent	165	162	155	166	13	153	92.17%	83.30%	8.87%
False Calls	440	589	541	547	53	504	92.14%	83.30%	8.84%
Severe Weather	3	0	1	1	0	3	300.00%	83.30%	216.70%
Other	8	6	12	12	0	5	41.67%	83.30%	-41.63%
Number of medical transports	2,576	2,586	4,024	3,968	347	3,764	94.86%	83.30%	11.56%
Percent of priority calls w/ response within 6 min	56%	68%	74%	70%	71%	70%	100.00%	83.30%	-30.00%
Percent residential structure fires ERF of 15 FF within 12 minutes	70%	78%	85%	70%	100%	100%	100.00%	83.30%	70.00%
# Structure Fires		9	13	10	5	15	150.00%	83.30%	66.70%
# Structure with personnel and Times		7	11	7	5	15	214.29%	83.30%	130.99%
Number of commercial inspections conducted	1,222	1,473	1,365	1,250	144	1,146	91.68%	83.30%	8.38%
Number of plans reviewed within five days	86%	100%	100%	90%	100%	100%	100.00%	83.30%	100.00%
Number of fires greater than \$10,000	13	8	12	8	1	8	100.00%	83.30%	16.70%
Number of fires of suspicious nature	5	5	6	3	0	2	66.67%	83.30%	-16.63%
Hours of Training	8,831	13,335	10,977	10,000	1,012	11,132	111.32%	83.30%	28.02%

Major Incidents

- October 6, Sheldon, Major Trauma
- October 7, Bendelow, Structure Fire
- October 13, Winter Pine, Structure Fire
- October 13, McKinley, Structure Fire
- October 14, Clinton Rally
- October 20, Trump Rally
- October 27, Warrensburg Rd, MVA w/ Entrapment

Other Activities

- Station Tours
- SWCI – Community Unity Meeting
- 1st Friday-Fire Prevention Week
- OWU Hayes Hall Dinner
- Touch A Truck – Delaware Christian
- Dempsey Middle School-School Project Review
- Red Cross Smoke Detector Give-away
- FF Caulkins and Seiffert Paramedic Graduation
- Halloween in Delaware

2010 Fire Levy Status

- Equipment - Continuing
 - Committee has finalized the specifications of the new Quint Fire Truck. Truck was ordered in September and delivery is expected in October 2017.



Delaware Fire Department

October 2016 Monthly Report



-
- 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.
 - The new ladder truck was delivered and was placed in-service in April 2012.
 - Personnel - Continuing
 - 40 potential new hire candidate names were pulled on October 31, to advance to the application and agility process
 - Additional Agility Testing took place in August 2016.
 - Testing and an Agility test were completed for Full and Part-time Firefighters. 4-Part-time FFs started their training on August 13.
 - 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 28. Some of these positions have filled open positions.
 - New Fire Station 304 - Continuing
 - October 24, took action to annex the St 304 property
 - Lot surveying took place for St 304.
 - 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

October 2016 Monthly Report



Council for Older Adults – Monthly Report on the Firehouse Coordinator

FIRST in Response to Seniors

September 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
16	429	2	15	153	1615	47	68.22	18	388

Referrals

Direct Referral		Delaware City FD		Genoa Township FD		SP Staff		Orange Township FD	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
7	327	2	40	0	0	3	36	0	0
Liberty Township FD		Delaware Co. EMS		client self ref.		Other			
Month	YTD	Month	YTD	Month	YTD	Month	YTD		
2	21	1	1	1	2	1	2		

City of residence for those served:

Delaware		Galena		Lewis Center		Marysville		Westerville	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
27	329	1	3	2	3	0	0	3	8
Powell		Sunbury		Ashley		Other		Total	
Month	YTD	Month	YTD	Month	YTD	Month	YTD	Month	YTD
11	35	1	3	1	2	1	5	47	388

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
7	38	1	7	0	1	1	13	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
3	20	0	0	3	4	1	6	1	6

*Other

No Community Events reported for the month of September



Delaware Fire Department

October 2016 Monthly Report



2016 Incidents

