

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

**AGENDA**

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

REGULAR MEETING

March 13, 2017

1. ROLL CALL
2. INVOCATION – Pastor Jason Allison, Terra Nova Church
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held February 27, 2017, as recorded and transcribed.
5. CONSENT AGENDA
  - A. Acceptance of the Motion Summary for the Recreation Levy Sub-Committee Meeting held on June 22, 2015.
  - B. Acceptance of the Motion Summary of the Historic Preservation Commission Meeting held on November 30, 2016.
  - C. Acceptance of the Motion Summary for the Shade Tree Commission Meeting held on January 24, 2017.
  - D. Acceptance of the Motion Summary for the Planning Commission Meeting held on February 1, 2017.
  - E. Resolution No. 17-16, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
  - F. Resolution No. 17-17, a resolution accepting the recommendations of the Delaware City Tax Incentive Review Council (TIRC) on the status of the 2016 Community Reinvestment Area (CRA), Enterprise Zone (EZ) and Tax Increment Financing Programs (TIF).
  - G. Resolution No 17-18, a resolution supporting the submittal of a grant application to the Local Government Innovation Fund in order

to fund a feasibility study to examine cost saving opportunities from fleet vehicle alternative fuel use.

- H. Establish April 10, 2017 at 7:15 p.m. as a date and time for public comment and third reading of Resolution No. 17-20, a resolution adopting the City of Delaware Bike Plan 2025.
- I. Establish March 27, 2017 at 7:15 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-16, an ordinance approving an amendment to Chapter 1168.07 replacement of removed trees of Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. PRESENTATIONS

- A. Proclamation presentation to Delaware Hayes' Girls Swimming Conference Champions and State Swimming Meet Qualifiers.

9. 7:15 P.M. PUBLIC COMMENT AND SECOND READING of Resolution No. 17-14, a resolution authorizing the installation of certain traffic control signage to establish a No Parking Anytime Zone on the south side of Lexington Boulevard and Buehler Drive from 105 feet west of Thistle Drive to 95 feet southeast of the Lexington Boulevard and Buehler Drive intersection and the extension of the No Parking Here to Corner Zone on the north side of Lexington Boulevard and Buehler Drive to 40 feet west of Thistle Drive and 25 feet southeast of the Lexington Boulevard and Buehler Drive intersection.

10. SECOND READING of Resolution No. 17-15, a resolution adopting the proposed changes to the user fees for Hidden Valley Golf Course.

11. SECOND READING of Ordinance No. 17-10, an ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$11,015,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure improvements, together with all related appurtenances thereto, and declaring an emergency.

12. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-11, an ordinance amending sections 913.03(a) and 913.14 of Chapter 913 of the Codified Ordinances of the City of Delaware, Ohio establishing Tap Fees and Water Rates and Repealing existing Sections 913(a) and 913.14.

13. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-12, an ordinance amending the Refuse Collection and Utility Services portions of the Schedule of Fees and Services Charges.
14. CONSIDERATION of Resolution No. 17-19, a resolution in support of a sister city visit to Sakata, Japan.
15. CONSIDERATION of Resolution No. 17-20, a resolution accepting the City of Delaware's Bike Master Plan 2025.
16. CONSIDERATION of Ordinance No. 17-13, an ordinance naming Acting City Clerks for the City of Delaware, and declaring an emergency.
17. CONSIDERATION of Ordinance No. 17-14, an ordinance permitting the sale and consumption of alcohol by the Greenswell Foundation c/o New Moon Half & Quarter Marathon Event to be held May 27, 2017, course map attached hereto, in the City of Delaware.
18. CONSIDERATION of Ordinance No. 17-15, an ordinance declaring structures located at 821 Cheshire Road as not needed for municipal purposes, authorizing the sale of the structures at auction, and declaring an emergency.
19. CONSIDERATION of Ordinance No. 17-16, an ordinance approving an amendment to Chapter 1168.07 replacement of removed trees of Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code.
20. CONSIDERATION of Ordinance No. 17-17, an ordinance supplementing the 2017 Appropriations Ordinance to provide funding for issuance of refunds received for a fire loss that occurred at 48 High Street, and declaring an emergency.
21. CONSIDERATION of Ordinance No. 17-18, an ordinance accepting the annexation of 2.856 acres of land, more or less, description and map are attached hereto as exhibits "A" and "B" for the annexation known as Fire Station #304 Annexation by David Moser, Agent for the Petitioners, the City of Delaware.
22. CONSIDERATION of Ordinance No. 17-19, an ordinance for T&R Properties approving a Final Development Plan for the Enclave at Adalee 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.

23. CONSIDERATION of Ordinance No. 17-20, an ordinance for T&R Properties approving a Final Subdivision Plat Plan for the Enclave at Adalee 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.
24. CITY MANAGER'S REPORT
25. COUNCIL COMMENTS
26. ADJOURNMENT

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 27

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The regular meeting of Council held February 27, 2017 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Third Ward Joe DiGenova. The invocation was given by Pastor Michael Curtis, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Lance Schultz, Zoning Administrator, Brad Stanton, Director of Public Utilities, Bruce Pijanowski, Police Chief, Bill Ferrigno, Public Works Director/City Engineer, and Tom Homan, City Manager

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

#### **ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the Council Work Session held February 6, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary of the regular meeting of Council held February 13, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary of the joint meeting between City Council and the Delaware City School Board held February 13, 2017, as recorded and transcribed.

**Motion:** Mr. Jones moved to approve the Motion Summary of the Council Work Session held February 6, 2017, as recorded and transcribed, the Motion Summary of the regular meeting of Council held February 13, 2017, as recorded and transcribed, and the Motion Summary of the joint meeting between City Council and the Delaware City School Board held February 13, 2017, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

#### **ITEM 5: CONSENT AGENDA**

- A. Acceptance of the motion summaries for the Finance Committee meetings held on August 29, 2016 and September 19, 2016.
- B. Acceptance of the Motion Summary of the Airport Commission Meeting held on August 25, 2016.
- C. Acceptance of the Motion Summary for the Parking and Safety Meeting held on November 21, 2016.
- D. Acceptance of the Parks and Recreation Advisory Board Meeting held on January 17, 2017.
- E. Resolution No. 17-07, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
- F. Resolution No. 17-08, a resolution appointing a member to the Main Street Delaware Board, and specifying the term of the appointment.
- G. Resolution No. 17-09, a resolution amending Resolution No. 15-57, appointing Council Members to various Committees, Commissions, and/or Boards.
- H. Resolution No. 17-10, a resolution determining the video service provider fee to be paid by a video service provider offering video service in the City pursuant to a state authorization, and giving notice to the provider (Frontier Communications) of the provider fee.
- I. Resolution No. 17-11, a resolution authorizing the City Manager to sign an agreement regarding the Police Department to use County

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- vehicles for purposes of conducting drug investigations.
- J. Resolution No. 17-12, a resolution authorizing the City Manager to sign an agreement regarding transfer of ownership of early warning system controller, base radio, and radio frequency.
  - K. Resolution No. 17-13, a resolution repealing Resolution No. 12-42 authorizing the establishment of a handicapped parking space located in front of 216 North Union Street.
  - L. Establish March 13, 2017 at 7:15 p.m. as a date and time for public comment and second reading of Resolution No. 17-14, a resolution authorizing the installation of certain traffic control signage to establish a No Parking Anytime Zone on the south side of Lexington Boulevard and Buehler Drive from 105 feet west of Thistle Drive to 95 feet southeast of the Lexington Boulevard and Buehler Drive intersection and the extension of the No Parking Here to Corner Zone on the north side of Lexington Boulevard and Buehler Drive to 40 feet west of Thistle Drive and 25 feet southeast of the Lexington Boulevard and Buehler Drive intersection.
  - M. Establish March 13, 2017 at 7:30 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-11, an ordinance amending sections 913.03(a) and 913.14 of Chapter 913 of the Codified Ordinances of the City of Delaware, Ohio establishing Tap Fees and Water Rates and Repealing existing Sections 913(a) and 913.14 and Ordinance No. 17-12, an ordinance amending the Refuse Collection and Utility Services portions of the Schedule of Fees and Services Charges.

**Motion:** Vice-Mayor Shafer moved to approve the Consent Agenda, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

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

Mark Butler  
407 Western Dreamer Drive  
Delaware, Ohio 43015

Mr. Butler discussed concerns regarding racial profiling and training needs for the police department.

Michael Curtis  
55 Ross Street  
Delaware, Ohio 43015

Mr. Curtis discussed the efforts of his church and other churches in the community to work with the police department and city staff to create the Delaware Community Coalition and build better relationships between the community and police department.

Tim Harrison  
240 Teakwood Lane  
Dayton, Ohio

Mr. Harrison discussed efforts by the City of Dayton, Ohio to have police ride along for individuals who felt they were profiled as an educational tool.

## **ITEM 7: COMMITTEE REPORTS**

Mr. Shafer provided information on the Parking and Safety Meeting.

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## **ITEM 8: CONSIDERATION OF NEW LIQUOR PERMITS**

- A. ISSA Full Up LLC, DBA Clark Station, 612 Sandusky Street, Delaware, OH 43015. Permit Class: C1 and C2

Chief Pijanowski discussed recommendations to request a hearing due to past violations at the locations and to have the hearing in Delaware County.

**Motion:** Vice-Mayor Shafer moved to request a hearing for the liquor permit request by ISSA Full up LLC, DBA Clark Station, and for the hearing to be requested in Delaware County, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

## **ITEM 9: PRESENTATIONS**

- A. Proclamation presentation to The Conference Champion Dempsey Middle School Girls Basketball Team  
B. 2017 Solid Waste Management Program Update – Bill Ferrigno, Public Works Director/City Engineer

### PUBLIC COMMENT:

Lincoln Schneider  
Hayes Colony Representative  
5023 Red Bank Road  
Galena, Ohio 43021

Mr. Schneider requested the privatization of commercial refuse and the cost of commercial refuse in the City of Delaware compared to properties in Gahanna.

Doug Price  
Olentangy View Condominiums Representative  
68 North Sandusky Street  
Delaware, Ohio 43015

Mr. Price requested rate decrease to be more competitive with private commercial refuse companies.

## **ITEM 10: ORDINANCE NO. 16-110** [Fifth Reading]

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

The Clerk read the ordinance for the fifth time.

**Motion:** Vice-Mayor Shafer moved to adopt Ordinance No. 16-110, seconded by Mr. Hellinger. Motion approved by a 5-0-1 (Riggle) vote.

## **ITEM 11: ORDINANCE NO. 17-02** [Public Hearing and Third Reading]

AN ORDINANCE AMENDING SECTION 505.23 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO WILD AND EXOTIC ANIMALS.

The Clerk read the ordinance for the third time.

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There was no public comment.

A discussion was held regarding the language to the exceptions under 505.23 to include the word race horses.

**Motion:** Mrs. Keller moved to amend Ordinance No. 17-02 to include the additional wording of farm animals such as horses (including race horses), seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer moved to adopt Ordinance No. 17-02 as amended, seconded by Mr. Hellinger. Motion approved by a 5-0-1 (Riggle) vote.

**ITEM 12: ORDINANCE NO. 17-04** [Third Reading]  
AN ORDINANCE APPROVING THE NAMING OF THE ACCESS ROAD EXTENDING FROM CRYSTAL PETAL DRIVE TO CHESHIRE ROAD AND ALIGNED PARALLEL TO COLUMBUS PIKE TO KINGMAN HILL DRIVE.

The Clerk read the ordinance for the third time.

**Motion:** Mr. Jones moved to adopt Ordinance No. 17-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 13: RESOLUTION NO. 17-06** [Public Comment and Second Reading]  
A RESOLUTION ACCEPTING THE DOWNTOWN PARKING STUDY, DATED FEBRUARY 6, 2017, SUBMITTED BY MKSK CONSULTANTS.

The Clerk read the resolution for the second time.

PUBLIC COMMENT:  
Jane Moore  
284 Kensington Drive  
Delaware, Ohio 43015

Ms. Moore voiced concern over her experiences with kiosks in Morgantown West Virginia.

Patrick Bailey  
11 W. Winter Street  
Delaware, Ohio 43015

Mr. Bailey voiced his support for the parking study and discussed the need to educate business owners.

A discussion was held with Council regarding electric car charging stations and motorcycle parking.

**Motion:** Vice-Mayor Shafer moved to adopt Resolution No. 17-06, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**ITEM 14: ORDINANCE NO. 17-05** [Second Reading]  
AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR AN HONORS HOUSE ON APPROXIMATELY 0.78 ACRES LOCATED AT 81 OAK HILL AVENUE ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL

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DISTRICT) AND R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT).

The Clerk read the ordinance for the second time.

APPLICANT:

Randy Reger
1020 Goodale Blvd.
Columbus, Ohio 43212

Peter Schantz
61 S. Sandusky St.
Delaware, Ohio 43015

Mr. Schantz provided information regarding the parking study that was completed by Ohio Wesleyan University which determined that there was more parking spaces available then applications for parking permits.

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-05, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-05, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 15: ORDINANCE NO. 17-06 [Second Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR A PHASE 3 SMALL LIVING UNIT (SLU) ON APPROXIMATELY 1.373 ACRES LOCATED ON THE NORTH SIDE OF ROWLAND AVENUE BETWEEN SOUTH WASHINGTON STREET AND SOUTH LIBERTY STREET ON PROPERTY ZONED PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

APPLICANT:

Randy Reger
1020 Goodale Blvd.
Columbus, Ohio 43212

Peter Schantz
61 S. Sandusky St.
Delaware, Ohio 43015

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-06, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-06, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 16: ORDINANCE NO. 17-07 [Second Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR HOMEROCK, LLC FOR BRAUMILLER WOODS SECTION 3 CONSISTING OF 38 SINGLE FAMILY LOTS ON APPROXIMATELY 13.408 ACRES ZONED R-2 (ONE FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON COLONY RIDGE DRIVE AND BUENA PARK DRIVE.

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The Clerk read the ordinance for the second time.

Mrs. Keller informed Council of a concern voiced at the Planning Commission meeting regarding the retention pond location.

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-07, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer moved to adopt Ordinance No. 17-07, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 17: RESOLUTION NO. 17-14** [First Reading]

A RESOLUTION AUTHORIZING THE INSTALLATION OF CERTAIN TRAFFIC CONTROL SIGNAGE TO ESTABLISH A NO PARKING ANYTIME ZONE ON THE SOUTH SIDE OF LEXINGTON BOULEVARD AND BUEHLER DRIVE FROM 105 FEET WEST OF THISTLE DRIVE TO 95 FEET SOUTHEAST OF THE LEXINGTON BOULEVARD AND BUEHLER DRIVE INTERSECTION AND THE EXTENSION OF THE NO PARKING HERE TO CORNER ZONE ON THE NORTH SIDE OF LEXINGTON BOULEVARD AND BUEHLER DRIVE TO 40 FEET WEST OF THISTLE DRIVE AND 25 FEET SOUTHEAST OF THE LEXINGTON BOULEVARD AND BUEHLER DRIVE INTERSECTION.

The Clerk read the resolution for the first time.

A time for public comment has been scheduled for March 13, 2017 at 7:15 p.m.

**ITEM 18: RESOLUTION NO. 17-15** [First Reading]

A RESOLUTION ADOPTING THE PROPOSED CHANGES TO THE USER FEES FOR HIDDEN VALLEY GOLF COURSE.

The Clerk read the resolution for the first time.

**ITEM 19: ORDINANCE NO. 17-08** [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 20.445 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 (COUGHLIN'S CROSSING) ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time.

**APPLICANT:**

Michael R. Shade  
P.O. Box 438  
Delaware, Ohio 43015

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-08, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer moved to adopt Ordinance No. 17-08, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**ITEM 20: ORDINANCE NO. 17-09** [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.7023 ACRES OF

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LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE DELAWARE DEVELOPMENT PLAN (COUGHLIN'S CROSSING RIGHT-OF-WAY) ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time.

APPLICANT:

Michael R. Shade
P.O. Box 438
Delaware, Ohio 43015

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-09, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-09, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 21: ORDINANCE NO. 17-10 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,015,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 22: ORDINANCE NO. 17-11 [First Reading]

AN ORDINANCE AMENDING SECTIONS 913.03(A) AND 913.14 OF CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING TAP FEES AND WATER RATES AND REPEALING EXISTING SECTIONS 913(A) AND 913.14.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for March 13, 2017 at 7:30 p.m.

ITEM 23: ORDINANCE NO. 17-12 [First Reading]

AN ORDINANCE AMENDING THE REFUSE COLLECTION AND UTILITY SERVICES PORTIONS OF THE SCHEDULE OF FEES AND SERVICES CHARGES.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for March 13, 2017 at 7:30 p.m.

ITEM 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.

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Vice-Mayor Shafer moved to enter into Executive Session at 9:16 p.m. 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, seconded by Mr. Rohrer. This motion was approved by a 6-0 vote. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Following the discussion at 9:36 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Jones and approved by a 6-0 vote.

**ITEM 25: CITY MANAGER'S REPORT**

Mr. Homan provided information regarding the upcoming meeting with Heritage Ohio.

**ITEM 26: COUNCIL COMMENTS**

Mrs. Keller discussed the concerns by Olivina regarding graffiti and trash being left in alcove of business. Mrs. Keller discussed the need to work with business owners to help solve the problem.

Mr. Rohrer discussed the efforts by Olivina to increase security at the location and alternative suggestions made at the Historic Preservation Commission meeting.

Mayor Riggle requested information regarding the new bike signage on Sandusky Street.

**ITEM 27: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 9:37 p.m.

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

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

**RECREATION LEVY SUB-COMMITTEE**  
**June 22, 2015**  
**MOTION SUMMARY**

ITEM 1. ROLL CALL

Members Present: Allyson Lash, Councilmember Joe DiGenova, Councilmember Chris Jones, Councilmember Lisa Keller, Chairman Andrew Brush.

Ex-Officio Members Present: R. Thomas Homan, City Manager, Vice-Mayor George Hellinger , and Mayor Carolyn Riggle (arrived at 6:11 p.m.).

City Staff Present: Jackie Walker, Assistant City Manager, Stacy Davenport, Parks Superintendent, and Dan Whited, Public Service Director.

Meeting called to order at 6:00 p.m. by Chairman Andrew Brush.

ITEM 2. APPROVAL of the Motion Summary for June 10, 2014 meeting as recorded and transcribed.

**Motion:** Mrs. Keller motioned to approve the Motion Summary for June 10, 2014 meeting as recorded and transcribed, seconded by Mr. Jones. Motion approved by a 3-2 (Lash, DiGenova)-0 vote.

ITEM 3. Public Comments

ITEM 4. Rec Levy "2<sup>nd</sup> Draw" projects update

Mr. Whited provided information on Park Levy Draw 2 projects budget (excluding Veteran's Park). Mr. Whited provided the status of the project and the budget. Mr. Davenport provided updates on the progression and completion of projects. Mr. Whited informed the Sub-Committee that there was \$17,500 allocated towards the Blue Limestone Community Gardens. Mr. Davenport informed the Sub-Committee that only six of the eight plots have been rented.

**Motion:** Mrs. Keller moved to reallocate \$17,500 funds of the Community Gardens of Blue Limestone Park to the contingency fund, seconded by Mr. Jones. Motion approved by a 5-0 vote.

ITEM 5. Veteran's Park Splash Play project update

Mrs. Walker provided a presentation on the park site plan, splash pad layout, and diagrams of the all-inclusive play toy. Mrs. Walker informed the Sub-Committee that the Fossil Mound will be constructed with artificial turf and will be all inclusive. Mrs. Walker discussed the efforts to reduce cost and the value engineering process. Mrs. Walker discussed the removed components of the

park, including the fossil dig and the park entry sign. Mrs. Walker discussed the project funding total of \$2,220,000.00 and the current funding of \$1,870,000.00 with a difference of \$350,000.00.

Mrs. Keller discussed the need for materials, such as, metal seam roofing, to reduce future maintenance cost that would be construed from the use of asphalt shingles. Mrs. Keller also discussed the importance of providing the first all inclusive play toy in the City of Delaware.

Mr. DiGenova requested if staff had researched any federal grants to assist in the construction of the all inclusive play toy. Mrs. Walker informed the Sub-Committee that she has been researching grants and awards that the all inclusive play toy may be eligible to receive.

Mrs. Walker discussed the role that the YMCA will provide on monitoring the splash pad for concerns and current working conditions. Mrs. Walker explained that the YMCA will have the ability to shut down the splash pad if necessary due to a maintenance concern.

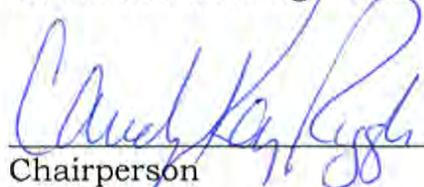
Chairman Brush requested if the additional funding is allocated to the Veterans Park Splash and Play will staff be comfortable with the remaining contingency fund balance. Mr. Whited plans to prioritize the remaining list of uncompleted projects. Mrs. Keller also informed the Sub-Committee that the park has a contingency fund specifically towards the park.

Chairman Brush recommended that the list of priorities be presented to the Parks and Recreation Advisory Board.

**Motion:** Mrs. Keller moved to recommend to Council and increase budget for the Veterans's Park Splash and Play by \$350,000 utilizing the contingency funds, seconded by Mr. Jones. Motion approved by a 5-0 vote.

ITEM 6. Adjournment

**Motion:** Mr. Jones made a motion to adjourn the Recreation Levy Sub-Committee Meeting. Meeting adjourned at 6:42 p.m.

  
Chairperson

  
Elaine McCloskey, Clerk

**HISTORIC PRESERVATION COMMISSION  
MOTION SUMMARY  
November 30, 2016**

ITEM 1. Roll Call

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

Members Present: Joe Coleman, Erinn Nicley, Sherry Riviera, Councilman Kyle Rohrer, Vice-Chairman Mark Hatten, and Chairman Roger Koch

Members Absent: James Kehoe

**Motion to Excuse:** Vice-Chairman Hatten moved to excuse Mr. Kehoe, seconded by Councilman Rohrer. Motion approved by a 6-0 vote.

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

ITEM 2. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on October 26, 2016, as recorded and transcribed.

**Motion:** Mr. Nicley moved to approve the Motion Summary of the Historic Preservation Commission meeting held on October 26, 2016, as recorded and transcribed, seconded by Councilman Rohrer. Motion approved a by 4-0-2 (Coleman, Riviera) 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 (Tabled 10/26/16)

This item remains tabled at this time.

B. 2016-2532: A request by 12 West LLC for a Certificate of Appropriateness for a new building located at 14 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

Ms. Guenther provided information on the new building concept plan by the property owner, which slightly differed from that presented by the Applicant at the August 24, 2016 Informal Hearing. Ms. Guenther discussed the shortened 17 foot setback from the sidewalk and the extension of the patio. Ms. Guenther

discussed the plans for the patio fencing and fence columns. Ms. Guenther discussed staff recommendation to change the fence column material to brickface or stone.

Ms. Guenther circulated samples of the proposed graphite-colored splitface textured block and the paint color palette provided by the Applicant. Ms. Guenther discussed staff recommendation for a 3-1/2" or 4" exposure for the proposed textured woodgrain cement board siding.

APPLICANT:

Ron Criswell  
40 West William Street  
Delaware, Ohio 43015

Jim Clarke  
Clarke Architect Inc.  
2443 Shillingham Court  
Powell, Ohio 43065

A discussion was held regarding the entry door needing to comply with Architectural Standards. The Applicant voiced no concerns on complying with the Standards regarding the fence column materials, entry door, or the exposure of the siding.

The Commission members made the following recommendations and clarifications for approval:

- a. The roll up door shall have aluminum grids similar to and shall be the same color as the front entry door and shall have a non-milled finish.
- b. The transom window shall comply with the same minimum 50 to maximum 75% glass specification (as described in the Architectural Standards) as the entry door for conformity.
- c. The patio fence column materials shall be amended to brick or stone.
- d. Patio flooring material will be all concrete
- e. The front patio gate is to remain open unless there is a building code or Liquor Control Agency violation or concern.
- f. The graphite-colored splitface textured block materials proposed for the rear and side elevations are approved as presented.
- g. The textured woodgrain cement board siding materials proposed for the front elevation shall have a 3-1/2" or 4" exposure.

**Motion:** Vice-Chairman Hatten moved to approve 2016-2532 along with all staff conditions and recommendations with the provisions and edits as noted verbally by City Staff and the Commission, seconded by Councilman Rohrer. Motion approved by a 6-0 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)

APPLICANT:

Bill Michailidis  
16 North Sandusky Street  
Delaware, Ohio 43015

Steve Boyd  
16 North Sandusky Street  
Delaware, Ohio 43015

Mr. Koch voiced his concern to Mr. Michailidis regarding the compliance of The Hamburger Inn Diner patio and the hanging flower baskets. Mr. Michailidis stated that the baskets will be removed.

Mr. Michailidis and Mr. Boyd presented their proposal to install a transparent wind screen to be used in conjunction with the existing awning during inclement weather

Mr. Coleman voiced his concern regarding the interruption of the streetscape flow, elimination of the open air concept, and the creation of an extension of the restaurant with the potential use of the described wind screen.

Mr. Michailidis voiced his interest in the possibility of having a temporary entrance vestibule during the winter months. Vice-Chairman Hatten discussed the pilot program for the vestibule at the 12 West Cafe.

Mr. Michailidis requested that the informal discussion be continued at the January 2017 meeting.

Mr. Koch requested that staff review the Standards for patios and the permit request for this business.

Mr. Nicley stated that he believed his tenure as a commission member was up in December. Mr. Nicley expressed an interest in continuing to serve on the Commission. Mr. Schultz indicated he would verify term expiration dates and forward information regarding term renewal.

A discussion was held with Staff on their continued efforts to enforce proper signage in the downtown area.

A discussion was held on LED signage and the process to update the Standards to reflect the use of LED lighting.

Mr. Nicley stated that he will be unable to attend the meeting in December.

ITEM 5. NEXT REGULAR MEETING: December 28, 2016

ITEM 6. ADJOURNMENT

**Motion:** Mr. Coleman moved to adjourn the meeting, seconded by Ms. Riviera. The Historic Preservation Commission meeting adjourned at 8:14 p.m.



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Roger Koch, Chairman



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Elaine McCloskey, Clerk

**SHADE TREE COMMISSION**  
**January 24, 2017**  
**MOTION SUMMARY**

ITEM 1. Roll Call

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

Members Present: Shannon Brewster, Jim Buck, Dave Carey, Tom Glissman, Marisa Sulek (arrived 7:02 p.m.), Tom Wolber, Becki Wood-Meek, Councilmember George Hellinger, Vice-Chairwoman Susan Wright, and Chairman Paul Olen

Staff Present: Ted Miller (Parks and Natural Resource Director), Doug Richmond (City Arborist), Linda Mathews (Customer Service Liaison)

ITEM 2. ELECTION of Chair and Vice-Chair

**Motion:** Vice-Chairwoman Wright moved to nominate Mr. Olen as Chairperson, seconded by Mr. Carey. There were no other nominations. Motion approved by a 10-0 vote.

**Motion:** Chairman Olen moved to nominate Ms. Wright as Vice-Chairwoman, seconded by Mr. Wolber. There were no other nominations. Motion approved by a 10-0 vote.

Mr. Wolber volunteered to assume the responsibility of writing the Annual Report.

ITEM 3. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of October 25, 2016 as recorded and transcribed.

**Motion:** Vice-Chairwoman Wright moved to approve the Motion Summary for the October 25, 2016 meeting, seconded by Councilman Hellinger. Motion approved with a 10-0 vote.

ITEM 4. PUBLIC COMMENTS

ITEM 5. RECOMMENDATION of the Tree Bank Fund

Mr. Miller reviewed the revised language to designate Tree Bank Funds for street tree replacement. Mr. Miller explained that funds can carry over from year to year. Discussion was held to keep a reserve balance in the fund. The Commission recommended that language be added to designate that 25% of the years beginning balance remain as a reserve balance at the end of the year.

Discussion was held on the use of the fund for site prep. The Commission recommended that twice a year they are updated on the status of the Tree Bank Fund.

Mr. Wolber discussed the use of the fund to also be used for educational and professional purchases. Mr. Wolber requested that the fund not be used for hanging baskets and holiday trees.

Mr. Wolber voiced questions regarding the 2017 Tree Fund Budget. Mr. Miller reviewed the budget and addressed the allocation of funds.

Mr. Miller to incorporate recommendations by the Commission into the language and bring forth at the next meeting for review.

#### ITEM 6. ARBORIST REPORT

Mr. Richmond reviewed with the Commission the Arborist Report. Discussion was held regarding the street pruning. Mr. Richmond estimated that 75% of the pruning was completed by city staff.

#### ITEM 7. STAFF COMMENTS

#### ITEM 8. MEMBER COMMENTS

Mr. Wolber voiced a concern regarding plans approved by Council in the past without the approval by the Shade Tree Commission. Mr. Richmond informed them that all plans that have been submitted to him have been presented to the Commission. Discussion was held on the timing of review of landscape plans throughout the development process.

Discussion was held regarding the date of June 10, 2017 for the upcoming NOW Festival and educational table by the Shade Tree Commission.

Mr. Olen discussed upcoming community outreach and educational opportunities that will be upcoming, including Arbor Day and the NOW Festival. The Commission requested that Mr. Carey inquire about tree saplings to distribute for Arbor Day.

Vice-Chairwoman Wright requested that discussion on upcoming agendas include Arbor Day, Watershed Festival, First Friday events, and the Annual Report to City Council.

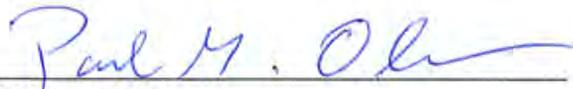
Mr. Carey discussed the documentary, Trees in Trouble, and discussed possible venue locations to watch the film.

#### ITEM 8. PLAN REVIEWS

- a. Midway Structural – Approved as submitted
- b. Ohio Wesleyan Honor Housing – 81 Oak Hill Avenue – Approved as submitted
- c. Braumiller Woods Section 3 – Approved with changes to tree species as recommended by City Arborist

ITEM 9. ADJOURNMENT

**Motion:** Mr. Carey moved to adjourn the meeting, seconded by Chairman Olen. The Shade Tree Commission meeting adjourned at 8:08 p.m.

  
\_\_\_\_\_  
Chairman Olen

  
\_\_\_\_\_  
Clerk

**PLANNING COMMISSION**  
**February 1, 2017**  
**MOTION SUMMARY**

ITEM 1. Roll Call

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

Members Present: Robert Badger, Jim Halter, George Mantzoros, Dean Prall, Andy Volenik, Vice-Chairman Stacy Simpson, and Chairwoman Lisa Keller.

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

**Motion:** Mr. Prall moved to amend the agenda with the addition of election of Chairperson and Vice-Chairperson, and Item 4. E, 2016-2859, seconded by Mr. Badger. Motion approved by a 7-0 vote.

**Motion:** Mr. Badger moved to nominate Mr. Simpson as Chairperson, seconded by Mr. Prall. There were no other nominations. Motion approved by a 7-0 vote.

**Motion:** Mr. Prall moved to nominate Mr. Mantzoros as Vice-Chairperson, seconded by Mr. Badger. There were no other nominations. Motion approved by a 7-0 vote.

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

**Motion:** Mr. Prall moved to approve the Motion Summary for the November 2, 2016 meeting, seconded by Councilwoman Keller. Motion approved 7-0 vote.

ITEM 3. Approval of the Motion Summary of the Planning Commission meeting held on January 18, 2017, as recorded and transcribed.

**Motion:** Mr. Prall moved to approve the Motion Summary for the January 18, 2017 meeting, seconded by Councilwoman Keller. Motion approved 7-0 vote.

ITEM 4. REGULAR BUSINESS

A. 2017-0016: A request by Ohio Wesleyan University for approval of a Combined Preliminary and Final Development Plan for an Honors House on approximately 0.78 acres located at 81 Oak Hill Avenue zoned PO/I (Planned Office/Institutional District) and R-6 (Multi-Family Residential District).

**Anticipated Process**

a. Staff Presentation

Mr. Schultz provided information on the site plan and building elevations. A discussion was held regarding parking.

b. Applicant Presentation

APPLICANT:

Randy Reger  
1020 Goodale Blvd.  
Columbus, Ohio 43212

Peter Schantz  
61 S. Sandusky St.  
Delaware, Ohio 43015

c. Public comment (not a public hearing)

d. Commission Action

**Motion:** Mr. Badger moved to approve 2017-0016, along with all staff recommendations and conditions, seconded by Vice-Chairman Mantzoros. Motion approved by a 7-0 vote.

B. 2017-0088: A request by Ohio Wesleyan University for approval of a Final Development Plan for a Phase 3 Small Living Unit (SLU) on approximately 1.373 acres located on the north side of Rowland Avenue between South Washington Street and South Liberty Street on property zoned to PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District)

**Anticipated Process**

a. Staff Presentation

Mr. Schultz reviewed the approved site plan and the revised site plan. Mr. Schultz discussed the building elevations and the tree replacement plan.

b. Applicant Presentation

APPLICANT:

Randy Reger  
1020 Goodale Blvd.  
Columbus, Ohio 43212

Peter Schantz  
61 S. Sandusky St.  
Delaware, Ohio 43015

- c. Public comment (not a public hearing)

There was no public comment

- d. Commission Action

**Motion:** Mr. Prall moved to approve 2017-0088, along with all staff recommendations, seconded by Vice-Chairman Mantzoros. Motion approved by a 7-0 vote.

- C. 2017-0017: A request by Homerock LLC for approval of Final Subdivision Plat for Braumiller Woods Section 3 consisting of 38 single family lots on approximately 13.408 acres zoned R-2 (Single Family Residential District) and located on Colony Ridge Drive and Buena Park Drive.

**Anticipated Process**

- a. Staff Presentation

Mr. Schultz discussed the 2004 Approved Preliminary Plan and the 2006 Tree Replacement Plan. Mr. Schultz discussed the design criteria and open space plan. Mr. Schultz reviewed the Final Subdivision Plat.

- b. Applicant Presentation

**APPLICANT:**

Jim Lipinos  
2700 East Dublin-Granville Road  
Columbus, Ohio 43231

A discussion was held regarding mounding or fencing around the proposed detention basins. Mr. Prall voiced concerns regarding safety of younger children that will be residing in the area. Mr. Weber discussed the option for homeowners to install a fence on their properties and that homeowners will be aware of the detention basins.

- c. Public comment (not public hearing)

There was no public comment

- d. Commission Action

**Motion:** Vice-Chairman Mantzoros moved to approve 2017-0017, along with all staff recommendations, seconded by Mr. Badger. Motion approved by a 6-1 (Prall) vote.

- D. 2016-0014: A request by the City of Delaware for approval of an Amendment to Chapter 1168. Tree Preservation Regulations of the Planning and Zoning Code pertaining to replacement of trees.

**Anticipated Process**

- a. Staff Presentation

Mr. Efland informed them that the Shade Tree Commission will be reviewing the amendments for recommendations and then 2016-0014 will be presented to the Planning Commission.

- b. Applicant Presentation
- c. Public comment (public hearing)

There was no public comment

- d. Commission Action

**Motion:** Mr. Halter moved to table 2016-0014 until the March 1, 2017 Planning Commission meeting, seconded by Mr. Volenik. Motion approved by a 7-0 vote.

- E. 2016-2859: A request by Mr. & Mrs. Cory Hupp for approval of an Alley Vacation just east of Euclid Avenue between W. Fountain Avenue and West Lincoln Avenue adjacent to 8 parcels that encompass approximately 0.10 acres and tabled until February 1, 2017 (Tabled 1/18/17).

**Anticipated Process**

- a. Staff Presentation

Mr. Efland informed the Commission that there is not an agreement between surrounding neighbors and that the City Engineer is reviewing the property owners options.

- b. Applicant Presentation
- c. Public comment (public hearing)

There was no public comment

- d. Commission Action

**Motion:** Mr. Prall moved to table 2016-2859 indefinitely, seconded by Councilwoman Keller. Motion approved by a 7-0 vote.

ITEM 5. PLANNING DIRECTOR'S REPORT

Mr. Efland discussed plans for the Commission to review the proposed Bike Plan.  
Mr. Efland discussed staff plans to update the Impact Fees.

ITEM 6. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Prall requested an update on development at Pollock Road and Braumiller Road. A discussion was held regarding new ownership of the development and current progress of engineering drawings.

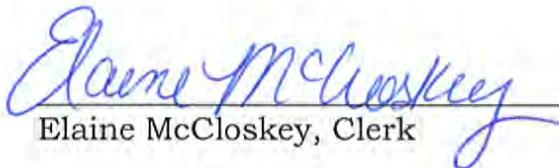
Mr. Volenik requested information of the history of the Bike Plan. Mr. Efland discussed the plans to update the 2010 Bike Plan.

ITEM 7. NEXT REGULAR MEETING: March 1, 2017

ITEM 8. ADJOURNMENT:

**Motion:** Chairman Simpson moved for the February 1, 2017 Planning Commission meeting to adjourn. The meeting adjourned at 8:01 p.m.

  
\_\_\_\_\_  
Stacy Simpson, Chairperson

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



**FACT SHEET**

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AGENDA ITEM NO: CONSENT ITEM E      DATE: 03/13/17  
ORDINANCE NO:                                      RESOLUTION NO: 17-16  
READING: FIRST                                      PUBLIC HEARING: NO

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TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    ---

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS/REAPPOINTMENTS.

**BACKGROUND:**

**REASON WHY LEGISLATION IS NEEDED:**

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

**PRESENTER(S):**

Carolyn Kay Riggle, Mayor

**RECOMMENDATION:**

**ATTACHMENT(S)**



TO : TED MILLER

Park's Rec

**RESUME FOR ROBERT RUH JR.**

126 Old Colony Drive, Delaware, OH 43015  
seranar2379dhuil@aol.com

(H) 740-990-1161  
(C) 614-753-1564

**SUMMARY OF QUALIFICATIONS / ACHIEVEMENTS**

B.S. in Biology from University of Kentucky, 5/76  
D.D.S. from Ohio State University, 6/79  
M.S. in Landscape Architecture from Ohio State University, 12/94  
Taught clinical dentistry at Marquette satellite clinic, 8/84 – 5/85, including patient home care  
Prepared landscape design semester course for Tolles Technical College, Plain City, OH  
Offered horticultural/design seminars for Westerville Tree Commission and private organizations  
Extensive knowledge of math, English, history, and science (certified long-term science subst.)  
Experience as editor, creative writer, and oral storyteller

**PROFESSIONAL EXPERIENCE**

- Johnstown-Monroe High School** 8/12 to 8/15  
Supervisor – Michael Heath, Principal  
Teachers' Aide, 9<sup>th</sup> – 12<sup>th</sup> grade: study halls, informal instruction; afternoon interest clubs
- Tutoring Club Gahanna** 1/09 to 3/12  
4357 Morse Road, Columbus, OH 43230  
Supervisor/Owner: Richard Stitt  
Part-time tutor, 3<sup>rd</sup> -12<sup>th</sup> grade students: math, English/writing, social studies, OGT/ACT
- Johnstown, Olentangy, Big Walnut, and Buckeye Valley school systems** 10/08 to 5/12  
Substitute teacher, 6<sup>th</sup> – 12<sup>th</sup> grade – science, math, English, social studies, and art
- City of Westerville Parks & Recreation** 3/08 to 10/08  
64 East Walnut Street, Westerville, OH 43081  
Supervisor: Matt Ulrey  
City street tree inventory specialist – Preparation of computerized city street tree inventory list, including species, caliper size, condition, and address / location of all right-of-way trees for which the City is responsible (currently estimated at 16,000)
- R.D. Zande & Associates (now Stantec Consulting Services)** 8/98 to 2/08  
1500 Lake Shore Drive, Suite 100, Columbus, OH 43204  
Supervisor: Tom Hughes  
CADD draftsman / designer / landscape planner – Prepared subdivision and utility layouts, engineering and detail drawings, land planning, landscape plans, and drafting.
- Greenscapes Landscape Architects and Contractors** 8/96 to 8/98  
4220 Winchester Pike, Columbus, OH 43232  
Supervisor/Owner: Bill Gerhardt  
Landscape designer/salesman – Designed and sold residential landscaping; supervised installation, coordinated construction, and performed field plant selection.
- Buck & Sons Landscaping Company** 2/96 to 8/96  
7147 Hayden Run Road, Amlin, OH 43002  
Landscape designer/salesman – Designed and sold residential landscaping and maintenance, supervised installation, coordinated construction, etc.

**Columbus Recreation & Parks**

6/92 to 2/96

200 West Greenlawn Avenue, Columbus, OH 43223

Supervisor: Mollie O'Donnell

Planning & Design / Construction Inspection (1/95 to 2/96); Student Intern, Planning & Design (6/92 to 1/95) - Prepared plans, specifications, and contract documents for park improvements with staff and community input; performed field supervision/inspection; liaison with Urban Forestry for street tree contracts; participated in planning workshops.

**Singer Gardens Nursery**

5/87 to 9/91

2316 Stamping Ground Road, Stamping Ground, KY 40379

Supervisor/Owner: Jeff Singer

Landscape designer/salesman - Designed/sold residential/commercial landscaping; supervised installation, coordinated construction, and performed field plant selection; performed annual inventory/field count for 200-acre nursery; attended landscape architecture classes at UK part-time, fall '90 and spring '91.

**University of Kentucky**

1/86 to 5/87

Lexington, KY 40506

Graduate Research Assistant, Forestry Department - Investigated the relationship between nutrition, herbivory, and defensive chemical production in selected tree species, using state-of-the-art laboratory facilities and techniques.

**Dental practice**

6/79 to 5/85

Performed general and specialty dentistry for U.S. Army at Fort Campbell, KY, and for a private group practice in Wauwatosa, WI; clinical instructor at Marquette University School of Dentistry satellite clinic in Milwaukee for one year; focus on periodontics.

**EDUCATION**

The Ohio State University, Department of Landscape Architecture  
Columbus, OH

Attended 9/91 to 12/94; received M.S.L.A. 12/94

University of Kentucky, Department of Landscape Architecture  
Lexington, KY

Part-time attendance, fall '90 and spring '91

University of Kentucky, Department of Forestry  
Lexington, KY

Master's program/plant physiology research, 1/86 to 5/87

The Ohio State University, College of Dentistry  
Columbus, OH

Attended 6/76 to 5/79; received D.D.S. 5/79

University of Kentucky, College of Arts and Sciences  
Lexington, KY

Attended 8/72 to 5/76; received B.S. in Biology 5/76

Eagle Scout 1/72; Phi Beta Kappa 12/75

Cub Scout Den Leader, 9 years

Boy Scout Assistant Scoutmaster/Merit Badge Counselor, 10 years

Westerville Tree Commission, 5 years; Chairman, 1 year

**REFERENCES FOR ROBERT RUH JR.**

Mr. Michael Heath  
3757 Chapman Road  
Delaware, OH 43015  
Principal, Johnstown High School  
(C) 740-815-6049

Mrs. Mindy Thomas  
6075 Clover Valley Road  
Johnstown, OH 43031  
Science Teacher, Johnstown High School  
(H) 740-966-5026

Mr. Jeff Singer  
Singer Gardens Nursery  
2316 Stamping Ground Road  
Stamping Ground, KY 40379  
Owner and Supervisor  
(C) 859-351-9324

Mr. Frank Michell  
970 Harbor View Drive  
Westerville, OH 43081  
(C) 614-309-9025

Dr. Lloyd Shaver  
111 Cottonwood Drive  
Franklin, TN 37064  
Colonel, U.S. Army (Ret.), Dentist, and Former Clinic Chief, Fort Campbell, KY  
(H) 615-790-0371

Stephanie J. Van Gundy  
Better Homes & Garden Real Estate  
79 N Washington Street  
Delaware, Ohio 43015  
February 22, 2017

Historical Preservation Commission  
Members  
1 S Sandusky Street  
Delaware, Ohio 43015

Dear Historical Preservation Commission:

My name is Stephanie Van Gundy and I am interested in applying for the real estate representative for the Historical Preservation Commission. I'm a Realtor with Better Homes & Garden Real Estate and have been a licensed agent since 2011. I am very active on the Delaware County Board of Realtors and have chaired the Public Relations committee and served as a director. Since third grade, I have resided in Delaware. As a child I attended Delaware City Schools and have participated on many projects and committees as an adult that better our community (ie: Family Promise, FreeStore, Iron Man, First Fridays, Source Point and more). I currently reside in the Northwest Neighborhood, along with my husband (Joshua Van Gundy) and 3 daughters (Abigail, Addison, and Joslyn). It was important to my husband and I that when we planted our roots, that it would be in the Historical area of Delaware. We love the feeling of community and the history that surrounds us. I would like to be considered as a member on the Historical Preservation commission both as a Northwest neighbor, but as a Local Realtor. My real passion for my career is preserving the history and value in my community, so that not only will it be a beautiful area for my children to grow, but for their children as well.

Stephanie J. Van Gundy  
Realtor

**Julie C. Means**  
**2185 Farmland Drive**  
**Delaware, Ohio 43015**  
**614-570-5790**

**Work Experience:**

**St. Mary School/ Delaware City Schools**

Delaware, Ohio

September 2015-present

Substitute Teacher

**Ohio Insurance Institute**

Columbus, Ohio

September 2014 to September 2015

Consultant

- Coordinate Legislative Lobby events
- Developed and processed invoices for Industry events
- Tracked Legislation for the Government affairs office

**Delaware County District Library**

Delaware, Ohio

January 2005 to June 2014

Circulation Associate/ Reference

- Establish and maintain effective working relationships with superiors, associates and the general public.
- Circulates books, magazines and other library holdings in and out at the circulation desk and collects fines using an automated circulation system.
- Discharges incoming library materials using an automated circulation system and inspects them for damages.
- Performs routine library computer functions.
- Operates a variety of standard office and library machines.
- Performs routine book maintenance and processing including pasting date due stickers, typing spine labels and covering books.

**Dayton Convention and Visitors Bureau**

Dayton, Ohio

February 2001-June 2002

Sales Manager

- Promoted and sold the city of Dayton as an Association meeting and convention destination.
- Achieved specific lead and room night goals as assigned.
- Liaison between the Dayton/ Montgomery County Convention and Visitors Bureau and city government officials, CVB members and community decision makers.
- Implemented the Dayton/ Montgomery County CVB Destination Marketing Plan initiatives.
- Represented Dayton/Montgomery County CVB at trade shows, meetings and functions.
- Focused sales effort on high yield target markets utilizing the Dayton Convention Center that requires multiple hotel guest lodging capacity.
- Solicited and coordinated hotel and convention center cost projections, and organizes facilities packages for meeting planners' consideration.

**The Ohio State University**

Columbus, Ohio

September 1999-February 2001

Registration Counselor

- Review applications for in-state residency for students at The Ohio State University
- Approved or denied students request for In-state residency
- Organized monthly appeals board made up of staff and educators
- Coordinated the CSCC program. Registering students to complete classes via Columbus State Community College,
- Conducted MARX (system wide) computer training monthly for groups of 3-4 people from various colleges on Campus
- Member of the Ohio Association of Collegiate registrars.
- Attended monthly Ohio Association of Collegian Registrar's luncheons and regional convention.

**The Ohio House of Representatives**

Columbus, Ohio

March 1999-September 1999

Administrative Aide

- Assist the Legislative Aid in managing daily operation of Columbus office.
- Managed the Representative's daily schedule constituents, lobbyist and other Legislators.
- Managed constituent inquiries and casework
- Facilitate and coordinate communication between the Representative, legislators, state officials, staff, agency personnel, stakeholders and constituents.
- Track advancement of bills through the legislative process.
- Created and organized constituent database to track all inquiries.
- Welcomed all constituents for tours, commendation presentations and meetings with Representative.

**Education:**

Bachelor of Arts, Ohio State University

Columbus, Ohio

Major: English    Minor: Communications

**Skills:**

Proficient in Microsoft office, Act Sales software, Marx System Software (The Ohio State University), Sierra Software (Library software), Substitute Teacher, Licensed by the State of Ohio, Notary Public of Ohio and Girl Scout Leader. Traveled internationally to Franc, Spain, Germany, Italy, Canada, and Jamaica.

## References

Mrs. Jennifer Shuey  
Director of Education  
County Engineers Association of Ohio  
614-221-0707  
jshuey@ceao.org

Mrs. Pam Taylor  
Circulation Supervisor  
Delaware County District Library  
740-362-3861  
ptaylor@delawarelibrary.org

Mrs. Gina Stull  
Principal  
St. Mary School  
740-362-8961  
gstull@cdeducation.org

I am very excited to apply for a position on the board of the Sister City program in Delaware, Ohio. I believe that this is a wonderful program for many reasons. I am passionate about participating on the board because I believe, as President Eisenhower did, that creating a network through small communities could foster peace.

This program is important because it forms relationships with international cities foster learning and understanding of other cultures. It's important for our citizens to be exposed to different ways of learning, working and living. This board represents our exciting and growing city to people all over the world.

I believe that I would be an asset to this board because of my life experiences, education and leadership strengths. I have worked for many years in the Hospitality Industry. This industry is so important because it accentuates service to people all over the world. I have worked with many companies, associations and organizations that were national and international. One of my first positions in the industry was working with Ameriflora '92. It was a wonderful international event held in Columbus. I have experience as a Sales Manager selling for the Dayton Convention and Visitors Bureau. We hosted several conventions that require detail planning, executing events and hosting important clients. Currently, I am a substitute teacher with the State of Ohio. I have had the privilege of working in the Delaware City Schools. I look forward to working with the Sister City Board so I have a chance to foster a relationship with students, faculty and staff at the Delaware City Schools. I am also on the School Advisory Board at St. Mary School in Delaware. I am also a Girl Scout leader.

These are just a few of the past careers and experiences that would make me an asset to the board. I have also worked for a State Representative and have experience in higher education. I look forward to being a part of the Sister City Board of Delaware, Ohio. I have been a resident in Delaware for 17 years. I have seen our city become more than I ever imagined. I want to be a part of these exciting times for our city. My passion for what you do and my eagerness to contribute to a high caliber board are the reason I have chosen to apply for this role.

emailed. 2/3/17

BZA -

**Michele Kohler**

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**From:** Robert Whitmore <rswhitmore38@gmail.com>  
**Sent:** Tuesday, January 03, 2017 4:18 PM  
**To:** Michele Kohler  
**Subject:** Interested Resident

1st Ward

I have retired and moved here from Union County, Millcreek Township where I have served over the past several years on the Board of Zoning, BZA, and planning committee. You can contact a trustee for Millcreek Keith Conroy for any additional information .

Robert S Whitmore  
433 Ablemarle Circle  
Delaware

614-582-3064



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM F      DATE: 03/13/17  
ORDINANCE NO:                                      RESOLUTION NO: 17-17  
READING: FIRST                                      PUBLIC HEARING: NO

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TO:                      Mayor and Members of City Council  
FROM:                  R. Thomas Homan, City Manager  
VIA:                      Sean Hughes, Economic Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ACCEPTING THE RECOMENDATIONS OF THE DELAWARE CITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE 2016 COMMUNITY REINVESTMENT AREA (CRA), ENTERPRISE ZONE (EZ) AND TAX INCREMENT FINANCING PROGRAMS (TIF).

**BACKGROUND:**

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

**REASON WHY LEGISLATION IS NEEDED:**

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

**COMMITTEE RECOMMENDATION:**

Tax Incentive Review Council, 2/21/17

VOTE: Approval

**FISCAL IMPACT(S):**

COST: N/A

FUND SOURCES: N/A

BUDGETED: NO

DEPARTMENTS IMPACTED: Economic Development

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Sean Hughes, Economic Development Director

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

2017 TIRC Sign-in Sheet

2017 TIRC Minutes

2017 CRA and EZ Abatements Status Report Summary Spreadsheet

2017 TIFs Status Report Summary Spreadsheet

2017 Residential CRA Abatements Status Report Summary Spreadsheet

RESOLUTION NO. 17-17

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE CITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE 2016 COMMUNITY REINVESTMENT AREA (CRA), ENTERPRISE ZONE (EZ), AND TAX INCREMENT FINANCING (TIF) PROGRAMS.

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

WHEREAS, the duly appointed Delaware City Tax Incentive Review Council (TIRC) met on February 21, 2017, and reviewed the status of each active agreement and made certain recommendations concerning action to either continue, modify, terminate or expire said agreements; and

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

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

SECTION 1: That the review and recommendations made by the TIRC in the Meeting Minutes on this Resolution's Fact Sheet and the Fact Sheet Attachments "2017 Tax Incentive Review Council Summary Tax Year 2016," "2017 Tax Incentive Review Council Tax Year 2016 City of Delaware TIF Zones" and the "2017 Residential CRA Status Report Tax Year 2016" be accepted and that these reports, and all other information required by the State of Ohio be accepted by the Council of the City of Delaware and be forwarded to the Director of the Ohio Development Services Agency, and all other appropriate entities, as noted in ORC Sections 3735.69 and 5709.68.

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



# 2017 Tax Incentive Review Council

## Tax Year 2016

DATE: February 21, 2017

CALL TO ORDER: \_\_\_\_\_

AUDJORN: \_\_\_\_\_

Name	Employer & Title
Tom Thomas	City of Delaware cm
Cordyn Kay Regge	City of Delaware Mayor
George Kates	County Auditor
Sean Hibel	City of Delaware ED Director
Emily Hatfield	Dorchester Local Schools
Melissa Lee	Delaware City Schools Treasurer/cto
Christopher Bell	Delaware Area Career Center
Dean Stelzer	C. of Delaware Finance Dir.



## CITY OF DELAWARE TAX INCENTIVE REVIEW COUNCIL (TIRC) MINUTES

Tuesday, February 21, 2017  
4:00 p.m.  
City Hall- CITY COUNCIL CHAMBERS

### 1. Call to Order

Honorable George Kaitsa called to order the 2016 TIRC at 4:03 PM.

### 2. Roll Call

Members Present: Honorable George Kaitsa, Mayor Carolyn Kay Riggle, Emily Hatfield, Dean Stelzer, Melissa Lee, Chris Bell, and Tom Homan

Members Absent (Excused): Tim Wells, Carl Johnson

Staff Present: Sean Hughes, Kelsey Scott

### 3. Consent Agenda: 2016 CRA/EZ Tax Abatement Reports

Mr. Hughes explained that 10 CRA/EZ (Toolmatics, Howald Industrial, Symmetry One, Sky Climber, AHP/Domtar, NABI, American Freight, Henkel, Optimum Plastics, Engineered Materials Systems) were in compliance with their total payroll goals and new and retained full time employee (FTE) goals. Mayor Riggle asked where Inno-pak is on the consent agenda. Mr. Hughes explained they are on the consideration agenda because their abatement expired. Mr. Homan asked how Domtar is doing. Discussion followed. Mr. Homan made a motion to recommend compliance and continuation on the consent agenda abatement agreements to the City Council, seconded by Mayor Riggle and approved by a 8-0 vote.

### 4. Consideration Agenda: CRA 06-001 Judd Scott/V&P Hydraulics

Mr. Hughes explained that V&P Hydraulics has fallen short of commitments with 54 new FTEs out of their 65 FTE agreement, but that they are still exceeding their payroll goal with \$2,932,107.99 of their \$2,300,000 goal. Mr. Judd Scott is hopeful the market will improve and they will meet their FTE

goal by the end of 2017. Mr. Hughes recommended finding V&P Hydraulics in non-compliance but continuing the abatement until the end of 2017 to allow them to meet their FTE goal by the end of the year. Mr. Homan made a motion to find V&P Hydraulics in non-compliance but continue the abatement for one year with the company reporting its FTE count to Mr. Hughes quarterly. The motion was seconded by Mayor Riggle and approved by a 8-0 vote.

**5. Consideration Agenda: EZ 05-02 Inno-pak, Inc.**

Mr. Hughes explained the EZ Agreement for Innopak, Inc. expired on December 31, 2015, therefore, the Council can expire their CRA agreement.

**6. Tax Increment Finance Districts (TIF)**

Mr. Hughes reported that 9 active TIF agreements are in compliance by having had their respective payments in lieu of taxes on real property paid, distributed to the City to be deposited in individual project accounts, and, then having funds from those account distributed as respective project related payments when applicable. Mr. Bell made a motion to recommend compliance and continuation, seconded by Mayor Riggle and approved by a 8-0 vote.

**7. Residential CRA Agreements**

Mr. Hughes reported that all 34 Residential CRA agreements are active and in compliance (residential improvements had been made and remaining non-abated taxes were up to date). Mayor Riggle asks why apartment complexes are under Residential CRAs and not Commercial CRAs. Mr. Hughes explained that although they are commercial, from a CRA perspective they are treated as residential. Mayor Riggle asked why the improvement cost is so large on the 2015-02 – 36 Griswold St. property. Discussion ensued. Ms. Lee made a motion to recommend compliance and continue all Residential CRA agreements to City Council, seconded by Mr. Bell and approved by a 8-0 vote.

**8. School Pilot Programs**

Mr. Hughes discussed that all current school pilot payments were up to date. He reminded the school

districts to invoice the City of Delaware for the Engineered Materials Systems pilot payment for 2017 (tax year 2016).

**Adjournment**

Meeting was adjourned at 4:34 PM.

2017 Tax Incentive Review Council Summary  
Tax Year 2016



2017 TIRC Summary				Job & Payroll Creation													Real & Personal Property Investment							
CRA	Company	Years/Abatement %	Year of Expiration	Total Payroll Goal	Retained Payroll Goal	New Payroll Goal	Current Total Payroll	Current Retained Payroll	Current New Payroll	% Achieved	FTE Goal	Retained FTE Goal	New FTE Goal	Current Total FTE	Current Retained FTE	Current New FTE	% Achieved	Parcel #	Taxes Paid in 2016	Total Taxes Paid thru Last Report	Total Taxes Paid Thru 12/31/2016	Taxes Forgone in 2016	Total Taxes Forgone Thru Last Report	Total Taxes Forgone Thru 12/31/2016
CRA 03-002	ToolMatics	15/100%	12/31/2018	\$375,000.00	\$250,000.00	\$375,000.00	\$670,280.82	\$250,000.00	\$420,280.82	179%	16	7	5.5	13	7	6	81%	41921001006002	\$1,820.78	\$17,989.56	\$19,810.34	\$11,666.00	\$127,842.17	\$139,508.17
CRA 04-002	Howald Industrial	10/100%	12/31/2016	\$100,000.00	\$0.00	\$100,000.00	\$1,061,188.98	\$0.00	\$1,061,188.98	1061%	6	0	6	30	0	30	500%	51934418007000	\$39,709.88	\$403,987.38	\$443,697.26	\$16,820.78	\$172,836.34	\$189,657.12
CRA 04-004	Symmetry One	15/100%	12/31/2019	\$450,000.00	\$0.00	\$450,000.00	\$2,309,720.00	\$0.00	\$2,309,720.00	426%	15	0	15	45	0	45	300%	Multiple	\$5,244.48	\$53,441.48	\$58,685.96	\$67,654.78	\$554,098.99	\$621,753.77
CRA 06-001	V&P Hydraulics	15/50%	12/31/2022	\$2,300,000.00	\$0.00	\$2,300,000.00	\$2,932,107.99	\$0.00	\$2,932,107.99	127%	65	0	65	54	0	54	83%	41922001006003	\$25,841.70	\$158,811.48	\$184,653.18	\$19,816.99	\$131,502.52	\$151,319.51
CRA 06-002	Sky Climber	15/50%	12/31/2022	\$2,000,000.00	\$0.00	\$2,000,000.00	\$3,731,264.00	\$0.00	\$3,731,264.00	187%	45	0	45	59	0	59	131%	41922001006002	\$25,581.00	\$214,022.00	\$239,603.00	\$8,291.00	\$172,047.18	\$180,338.18
CRA 06-003	Associated Hygienic Products	15/75%	12/31/2022	\$7,480,879.00	\$0.00	\$7,480,879.00	\$12,155,836.00	\$0.00	\$12,155,836.00	162%	201	0	201	252	0	252	125%	41922002001000	\$104,811.00	\$940,111.48	\$1,044,922.48	\$322,710.00	\$1,977,662.41	\$2,300,372.41
CRA 07-001	NABI Parts Division	15/50%	12/31/2023	\$2,000,000.00	\$0.00	\$2,000,000.00	\$4,583,293.00	\$0.00	\$4,538,293.00	227%	45	0	45	85	0	85	189%	41922002001001	\$105,763.80	\$538,898.70	\$644,662.50	\$170,865.00	\$501,793.11	\$672,658.11
CRA 10-001	American Freight	10/50%	12/31/2021	\$2,120,000.00	\$1,870,000.00	\$250,000.00	\$2,651,939.94	\$1,870,000.00	\$781,939.94	313%	35	30	5	68	30	38	194%	51944403010000	\$22,981.90	\$107,333.74	\$130,315.64	\$5,500.98	\$21,986.88	\$27,487.86
CRA 10-002	Henkel	10/40%	12/31/2021	\$2,503,061.00	\$2,400,000.00	\$103,061.00	\$2,882,210.00	\$2,400,000.00	\$482,210.00	115%	47	42	5	47	42	5	100%	41921105009000 41921105022000	\$71,362.80	\$274,219.64	\$345,582.44	\$22,368.96	\$90,959.76	\$113,328.72
CRA 11-001	Optimum Plastics	10/100%	12/31/2022	\$3,000,000.00	\$2,800,000.00	\$200,000.00	\$3,239,342.00	\$2,800,000.00	\$439,342.00	108.00%	63	55	8	72	55	17	114%	41922001017005	\$11,009.00	\$45,814.00	\$56,823.00	\$11,009.00	\$22,511.00	\$33,520.00
CRA _-_-	Engineered Material Systems (101 Innovation Court)	15/100%	12/31/2030	\$3,400,000.00	\$2,700,000.00	\$700,000.00	\$3,500,000.00	\$2,700,000.00	\$800,000.00	103%	47	39	8	48	39	9	102%	41922002003002	\$11,805.60	\$0.00	\$11,805.60	\$99,156.00	\$0.00	\$99,156.00
EZ 05-02	Innopak, Inc.	10/100% on personal property	12/31/2015	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	0	0	0	0	0	0	0%	41922001006001	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total:</b>				\$25,728,940.00	\$10,020,000.00	\$15,958,940.00	\$39,717,182.73	\$10,020,000.00	\$29,652,182.73		585	173	408.5	773	173	600			\$425,931.94	\$2,754,629.46	\$3,180,561.40	\$755,859.49	\$3,773,240.36	\$4,529,099.85

2017 Tax Incentive Review Council  
Tax Year 2016



**City of Delaware tif zones**

Area	Total Amount Disbursed	Amount to City	Expires	Notes
Airport #527- Jet Stream, Airspace	\$25,146.83	\$25,146.83	2027	Improvement of intersection, utilities, ramps near airport
#565- Braumiller Subdivision	\$156,243.44	\$156,243.44	2036	Glenn Parkway addition
#562- Cheshire North	\$204,825.97	\$204,825.97	2036	Glenn Parkway addition
#563- Cheshire South	\$18,530.46	\$18,530.46	2036	Glenn Parkway addition
#564- Cheshire West	\$99,973.32	\$99,973.32	2036	Glenn Parkway addition
#566- Evans Residential	\$0.00	\$0.00	2036	Glenn Parkway addition
#776- Southeast Commercial	\$0.00	\$0.00	2037	For road improvements surrounding Ohio Health Blvd.
#945- Skyclimber & V&P Hydraulics	\$30,931.87	\$0.00	2037	Payment of costs for acquiring V&P and Skyclimber parcels
#1088- Zarembo- Mill Run	\$121,320.95	\$0.00	2039	Paid to developer for Glenn Parkway
<b>Total</b>	<b>\$656,972.84</b>	<b>\$504,720.02</b>		

2017 Residential CRA Status Report  
Tax Year 2016



Name/Property Identification	Date Project Certified	Percent of Exemption	Term of Exemption	Total Project Investment	Total Real Property Investment Subject to Exemption	Date of Most Recent Council Review	Current Status	
<b>2014-06</b> Dennis Ensign 5 Stilson Street 41912202005000 1 family new construction	8/28/2014	100%	7 yrs	\$87,036.54	\$87,036.54	2/23/2016	Active/Paid	2,127.94
<b>2014-05</b> Christopher Shelly 56 Kurrley Street 51944307007000 1 family new construction	9/10/2014	100%	7 yrs	\$91,434.46	\$91,434.46	2/23/2016	Active/Paid	2235.46
<b>2014-04</b> David O Summers 126 Wilder Street 5194427005000 1 family new construction	5/9/2014	100%	7 yrs	137,000.00	137,000.00	2/23/2016	Active/Paid	3349.49
<b>2014-03</b> James P. Manos 9B N. Sandusky Street Remodel 2nd floor to residential	4/30/2014	100%	7 yrs	50,000.00	50,000.00	2/23/2016	Active/Paid	1222.44
<b>2014-01</b> Kathleen G. Crawford 47 High Street 51942823006000 1 family new construction	1/27/2014	100%	7 yrs	111,112.80	111,112.80	2/23/2016	Active/Paid	2716.58
<b>2013-01</b> Raul and Caolina Olvera 57 Stilson Street 41912202013000 1 family new construction	6/24/2013	100%	7 yrs	102,751.49	102,751.49	2/23/2016	Active/Paid	2512.15
<b>2013-02</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units A & B 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-03</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units C & D 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-04</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units E & F 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-05</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units G & H 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-06</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units I & J 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-07</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street Unit K & L 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-08</b> Delaware Place Senior Apartments, LLC 351 South Sandusky Street Unit M & N 41912102034000 1 family new construction	8/2/2013	100%	7 yrs	160,000 (80,000 per unit)	160,000	2/23/2016	Active/Paid	3911.81
<b>2013-09</b> Erica McCuen 85 Chamberlain Street 51944208010000 1 family new construction	11/7/2013	100%	7 yrs	113,580.12	113,580.12	2/23/2016	Active/Paid	2776.9
<b>2012-04</b> Steffan Gregory A & Karen M (formerly under KATHRYN C. RICHLEY) 81 Chamberlain Street 51944208009000 1 family new construction	12/4/2012	100%	7 yrs	99,596.63	\$99,596.63	2/23/2016	Active/Paid	2435.02
<b>2012-03</b> WALTER & TERRESA JONES, JR. 24 Eaton Street 51943311023000 1 family new construction	6/28/2012	100%	7 yrs	94,052.07	94,052.07	2/23/2016	Active/Paid	2299.46
<b>2012-02</b> FATMATA O'CONNOR 135 S Liberty Street 51943310011000 Residential new construction	5/14/2012	100%	7 yrs	\$97,729.26	\$97,729.26	2/23/2016	Active/Paid	2389.37
<b>2012-01</b> JEFFERY & TAMMY SCOTT 91 Wilder Street 51944204007000 Residential new construction	3/23/2012	100%	7 yrs	\$97,411	\$97,411	2/23/2016	Active/Paid	2381.58
<b>2011-01</b> LESLIE COX 292 Union St	5/23/2011	100%	7 yrs	\$31,000	\$31,000	2/23/2016	Active/Paid	757.91

51943103006000								
Residential remodel								
<b>2011-02</b>	9/19/2011	100%	7 yrs	\$87,198.88	\$87,198.88	2/23/2016	Active/Paid	
CINDY MARTIN								\$2,132
11 Stilson St								
41912202004000								
Residential new construction								
<b>2010-02</b>	7/27/2010	100%	7 yrs	\$200,000	\$200,000	2/23/2016	Active/Paid	
CROMDALE PARTNERS LLC								\$4,890
MANOS JAMES								
32 South Sandusky St.								
Commercial renovation								
5194330102900								
<b>2010-03</b>	9/3/2010	100%	7 yrs	\$96,823.54	\$96,823.54	2/23/2016	Active/Paid	\$2,367.22
Moore Franklin & Bernice								
125 S. Liberty St.								
Habitat residential new const.								
51943310010000								
<b>2010-04</b>	12/13/2010	100%	7 yrs	\$100,000	\$100,000	2/23/2016	Active/Paid	\$2,445
Miller Steven L & Pamela K								
290 N. Sandusky St.								
51943104008000 - 290 N Sandusky St.								
51943104009000 - Sandusky St.								
Residential renovation								
<b>2010-05</b>	12/13/2010	100%	7 yrs	\$108,000	\$108,000	2/23/2016	Active/Paid	\$2,640.47
Delaware County Habitat For Humanity								
305 Curtis St.								
51934418002000								
Habitat residential new const.								
<b>2009-01</b>		100%	7 yrs	\$75,360	\$75,360	2/23/2016	Active/Paid Expired	\$1,842
MURFIELD TROY M & BLYTHE STEFANIE								
R								
18 Neil Street								
41912202001000								
<b>2009-02</b>		100%	7 yrs	\$85,067	\$85,067	2/23/2016	Active/Paid	\$2,080
LESKOVEC JEANNE								
R								
74 W. Harrison								
4/20/2009								
51943315019000								
<b>2009-03</b>		100%	7 yrs	\$98,714	\$98,714	2/23/2016	Active/Paid	\$2,413
Pamela K. Co3/17/11								
60 High St.								
11/3/2009								
R								
51943321027000								
<b>2009-04</b>		100%	7 yrs	\$100,000	\$100,000	2/23/2016	Active/Paid	\$2,445
Manos Properties (James Manos)								
R								
34 S. Sandusky 2nd & 3rd flr.								
12/16/2009								
51943301028000								
<b>00-2</b>	5/16/2000	100%	15 yrs	\$60,000	\$60,000	2/23/2016	Active/Paid Expired	\$1,467
H. & V. Caldwell								
R								
69 Frank St.								
51943403019000								
<b>00-1</b>		100%	15 yrs new 7 yrs remodel	\$59,191	\$59,191	2/23/2016	Active/Paid expired	1447.15
PIERCE L & JEFFREY S								
R								
1/10/2000								
569 Bowtown Rd.								
51944210021001								
<b>2015-05</b>	12/21/2015	100%	7 yrs	\$107,161	\$107,161	2/23/2016	Active/Paid	2619.95
Jamison Bryant								
51 Toledo Street								
51934403002000								\$2,610
<b>2015-04</b>	9/30/2015	100%	7 yrs	\$106,762	\$106,762	2/23/2016	Active/Paid	
Kiana Jones								
167 Park Avenue								
51943311006000								
<b>2015-03</b>	6/18/2015	100%	7 yrs	\$110,441	\$110,441	2/23/2016	Active/Paid	\$2,700
Chris and Marcia Ball as applicants, owned by Habitat for Humanity								
93 W Harrison Street								
51943320015000								
<b>2015-02</b>	6/8/2015	100%	7 yrs	\$428,000	\$428,000	2/23/2016	Active/Paid	10,464.10
Griswold Homes								
36 Griswold Street								
51943210012001								
<b>2015-01</b>	1/13/2015	100%	7 yrs	\$110,000	\$110,000	2/23/2016	Active/Paid	2689.37
Brittany Murfield								
51 Stilson Street								
41912202012000								
<b>2016-01</b>	3/10/2016	100%	7 yrs	\$102,187	102,187			2498.35
Adam Kroninger and Jessica Bittinger								
55 David St.								
51943324008000								
New residential structure								
<b>2016-02</b>	11/14/2016	100%	7 yrs	\$93,429.57	\$93,429.57			2284.24
Rebecca Hughes								
181 S. Franklin St.								
51943316008000								
New residential structure								

106,622.28



## ORDINANCE FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM G      DATE: 03/13/2017  
ORDINANCE NO:                                      RESOLUTION NO: 17-18  
READING: FIRST                                      PUBLIC HEARING: NO

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TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    Jackie Walker, Assistant City Manager

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION SUPPORTING THE SUBMITTAL OF A GRANT APPLICATION TO THE LOCAL GOVERNMENT INNOVATION FUND IN ORDER TO FUND A FEASIBILITY STUDY TO EXAMINE COST SAVING OPPORTUNITIES FROM FLEET VEHICLE ALTERNATIVE FUEL USE.

**BACKGROUND:**

The City of Delaware along with various local partners recognize that fleet vehicle operations have significant financial and environmental costs, and that maximizing operational cost-effectiveness and environmental performance of fleet vehicles is in the interest of taxpayers and community health.

Through the Local Government Innovation Fund Program, by the State of Ohio, there are available funds to study fleet vehicle alternative fuel use. A partnership has been formed between The City of Delaware, Delaware County, Delaware City Schools, DATA and Delaware County Sheriff's Department in order to maximize application competitiveness, provide program efficiencies, and reduce overall costs.

**REASON WHY LEGISLATION IS NEEDED:**

As the lead entity, the City of Delaware City Council needs to pass legislation to support the submittal of a grant application to the Local Government Innovation Fund.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

If the partnership is successful, the indirect financial impact will be staff's time dedicated to the project.

**POLICY CHANGES:**

Not at this time

**PRESENTER(S):**

Jackie Walker, Assistant City Manager

**RECOMMENDATION:**

Staff recommends passage of this resolution

**ATTACHMENT(S)**

N/A

RESOLUTION NO. 17-18

A RESOLUTION SUPPORTING THE SUBMITTAL OF A GRANT APPLICATION TO THE LOCAL GOVERNMENT INNOVATION FUND IN ORDER TO FUND A FEASIBILITY STUDY TO EXAMINE COST SAVING OPPORTUNITIES FROM FLEET VEHICLE ALTERNATIVE FUEL USE.

WHEREAS, fleet vehicles perform important services for residents and the community, including emergency response, infrastructure maintenance, and administrative functions; and

WHEREAS, fleet vehicle operations have significant financial and environmental costs; and

WHEREAS, maximizing operational cost-effectiveness and environmental performance of fleet vehicles is the interest of taxpayers and community health; and

WHEREAS, it is recognized that this study will provide vital information on options for improving fleet cost-effectiveness, efficiency, and environmental performance; and

WHEREAS, a collaborative effort with Delaware County, Delaware City Schools, DATA and Delaware County Sheriff's Department will maximize application competitiveness, provide program efficiencies, and reduce overall costs.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Delaware Ohio supports the submittal of a grant application to the Local Government Innovation Fund for a feasibility study to examine cost saving opportunities from fleet vehicle use of alternative fuels and efficiency technologies.

SECTION 1. By passage of this Resolution, City Council authorizes the City Manager to execute and accept the grant, if awarded.

SECTION 2. This resolution shall be effective immediately upon its passage.

PASSED: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR



## FACT SHEET

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AGENDA ITEM NO: 9

DATE: 03/13/17

ORDINANCE NO:

RESOLUTION NO: 17-14

READING: SECOND

PUBLIC HEARING: NO  
**Public Comment to be held  
March 13, 2017 at 7:15 p.m.**

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION AUTHORIZING THE INSTALLATION OF CERTAIN TRAFFIC CONTROL SIGNAGE TO ESTABLISH A NO PARKING ANYTIME ZONE ON THE SOUTH SIDE OF LEXINGTON BOULEVARD AND BUEHLER DRIVE FROM 105 FEET WEST OF THISTLE DRIVE TO 95 FEET SOUTHEAST OF THE LEXINGTON BOULEVARD AND BUEHLER DRIVE INTERSECTION AND THE EXTENSION OF THE NO PARKING HERE TO CORNER ZONE ON THE NORTH SIDE OF LEXINGTON BOULEVARD AND BUEHLER DRIVE TO 40 FEET WEST OF THISTLE DRIVE AND 25 FEET SOUTHEAST OF THE LEXINGTON BOULEVARD AND BUEHLER DRIVE INTERSECTION.

**BACKGROUND:**

A resident requested the City to evaluate the curved roadway section of Lexington Boulevard and Buehler Drive from Thistle Drive to just south of the Lexington Boulevard and Buehler Drive intersection in regards to speeding and accident history. Staff reviewed the accident history and noted there have been five (5) accidents in the past five (5) years along this section of roadway. Staff also collected speed data at 684 Buehler Drive and 200 Lexington Boulevard and found the 85<sup>th</sup> percentile speed to be 32 mph and 31 mph respectively. Due to the accident history and high speeds along this section of Lexington Boulevard and Buehler Drive, staff recommended that traffic calming measures be implemented to improve the safety and reduce vehicular speeds along the curve.

The traffic calming measures recommended include the installation of a No Parking Anytime Zone on the south side of Lexington Boulevard and Buehler Drive from 105 feet west of Thistle Drive to 95 feet southeast of the Lexington Boulevard and Buehler Drive intersection and an extension of the No Parking Here to Corner Zone on the north side of Lexington Boulevard and Buehler Drive to 40 feet west of Thistle Drive and 25 feet southeast of the Lexington Boulevard and Buehler Drive intersection. Additional no parking here to corner signage will be installed per codified ordinance 351.03 on the north side of Lexington Boulevard and Buehler Drive at the two intersections along the curve. Pavement markings will also be installed to effectively narrow the travel lanes to encourage lower speeds.

**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 February 20, 2017 meeting.

**FISCAL IMPACT(S):**

The cost to install the signage and pavement markings is estimated at \$2,500.00 to come out of the Public Works Traffic Division annual operating and professional services budget.

**POLICY CHANGES:**

None

**PRESENTER(S):**

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

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Exhibit A



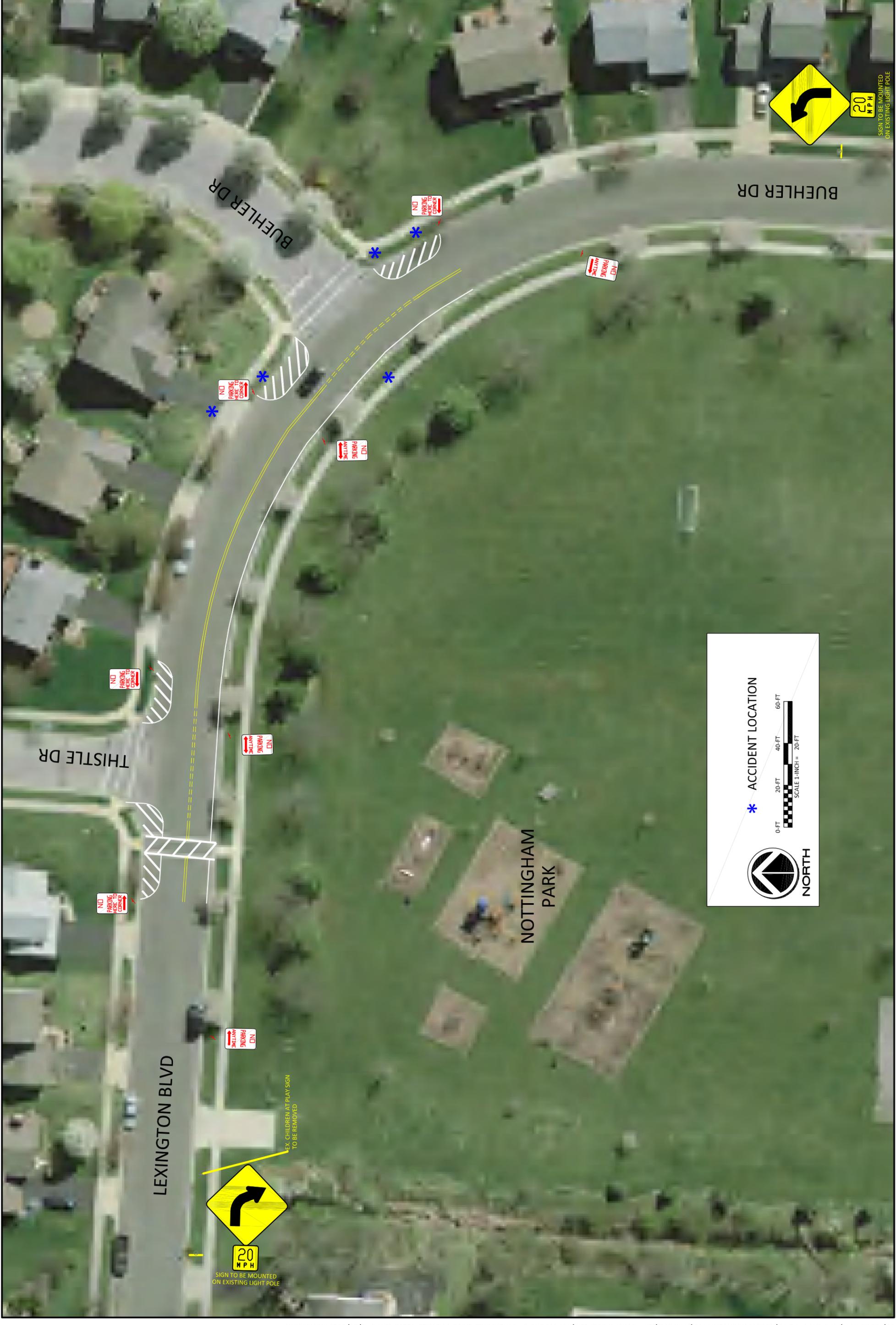
NO.	DATE	REVISIONS	APPROVED

LEXINGTON BOULEVARD  
& BUEHLER DRIVE  
EXHIBIT A

PROPOSED  
TRAFFIC CALMING  
MEASURES



DATE ISSUED: 02/23/2017  
Sheet 01/01



EX. CHILDREN AT PLAY SIGN TO BE REMOVED

**ACCIDENT LOCATION**

**NORTH**





## FACT SHEET

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AGENDA ITEM NO: 10

DATE: 03/13/2017

ORDINANCE NO:

RESOLUTION NO: 17-15

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Ted Miller, Parks and Natural Resources Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ADOPTING THE PROPOSED CHANGES TO THE USER FEES FOR HIDDEN VALLEY GOLF COURSE.

**BACKGROUND:**

Following discussion by City Council regarding revenue and expenditures at the Hidden Valley Golf Course during the 2017 budget process, the Hidden Valley Golf Course Working Group was formed to review the current fee structure. Over the course of three meetings, the Hidden Valley Golf Course Working Group met to discuss changes to the fees and other impacts, all included to make the course become more self-sustaining. The proposed changes were forwarded to the Parks and Recreation Advisory Board for their consideration. The Parks and Recreation Advisory Board endorsed the proposed changes for the 2017 season and requested City Council's adoption.

**REASON WHY LEGISLATION IS NEEDED:**

To increase revenues at Hidden Valley Golf Course and to align prices to be competitive with regional averages.

**COMMITTEE RECOMMENDATION:**

The Hidden Valley Working Group proposed the changes at their November 29, 2016, meeting and the Parks and Recreation Advisory Board endorsed the changes at their January 17, 2017, meeting.

**FISCAL IMPACT(S):**

The changes should increase the total revenue generated at the Hidden Valley Golf Course during the 2017 season and will result in the reduction of general fund transfers.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Ted Miller, Parks and Natural Resources Director

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Hidden Valley Working Group Notes of November 29, 2016  
Parks and Recreation Advisory Board Motion Summary of January 17, 2017  
2016 Regional Golf Course Rate Comparison

RESOLUTION NO. 17-15

A RESOLUTION ADOPTING THE PROPOSED CHANGES TO THE USER FEES FOR HIDDEN VALLEY GOLF COURSE.

WHEREAS, the Hidden Valley Working Group reviewed the current rate structure for user fees at Hidden Valley Golf Course; and

WHEREAS, recommended changes to the existing rate structure for the 2017 season to the Parks and Recreation Advisory Board; and

WHEREAS, the Parks and Recreation Advisory Board endorses the recommend rate structure changes for the 2017 season as outlined in the attached exhibit; and

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

SECTION 1. Adopt the proposed rate structure changes for the 2017 season at Hidden Valley Golf Course as outlined in the attached exhibit.

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

PASSED: \_\_\_\_\_, 2017 YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

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

2017  
HIDDEN VALLEY GOLF COURSE  
PRICING PROPOSAL

- Memberships and Punch Card Rates will remain the same for 2017
- Riding Carts will be \$6.00/9 holes and \$9.00 for 18 holes
- Single and Senior rates will be increased by \$0.50 for the first 9 holes for all time periods with the second 9 holes being an extra \$4.50
- A new “Junior Student” category will be created; this will be for up to 12 years old and rates for 9 holes will be \$5.00 M-F and \$6.00 Sat, Sun & Holidays
- The “Student” category will be for ages 13-22 years old and the rates will be \$7.00 M-F and \$8.00 Sat, Sun & Holidays

Comparison of current and proposed fees:

CURRENT

Classification	9 Holes M-F	18 Holes M-F	9 Holes Sat/Sun/Hol	18 Holes Sat/Sun/Hol
Single	\$8.50	\$13.00	\$9.50	\$13.50
Senior/Veteran	\$8.00	\$12.50	\$9.00	\$13.00
Student	\$8.00	\$12.50	\$9.00	\$13.00

PROPOSED

Classification	9 Holes M-F	18 Holes M-F	9 Holes Sat/Sun/Hol	18 Holes Sat/Sun/Hol
Single	\$9.00	\$13.50	\$10.00	\$14.00
Senior/Veteran	\$8.50	\$13.00	\$9.50	\$13.50
Junior Student	\$5.00	\$9.50	\$6.00	\$10.50
Student	\$7.00	\$11.50	\$8.00	\$12.50

Hidden Valley Working Group

MEETING DATE 11/29/16

NAME	PRESENT	ABSENT
Josh Bricker	X	
Brain Canavan	X	
Scott Fanok		X
Khris Kohler	X	
Linda Mathews	X	
Ted Miller	X	
Lucas Ratliff	X	
Ed Schlote	X	
Cindy Sheets	X	
Jeff Taylor		X
Scott Zagorski	X	

Also in attendance were:

Brandon Klein from The Delaware Gazette  
Tom Wolber

Meeting held at Hidden Valley Golf Course Clubhouse  
Meeting began at 7:06 p.m.

DISCUSSION:

Members were introduced.

Ted Miller provided an overview of the responsibilities for group, with the focus of tonight's meeting being items #1 (Hours of Operation) and # 2 (Pricing) from the Discussion Topics listing. He noted that the list of Discussion Topics contained those the City identified, but that there may be more that the group identifies. He also reviewed the budget information contained in the packet of information distributed to members prior to the meeting.

Hours of Operation

Discussed historical data on when the course has been open previously.

Method of notifying the public when the course is open/closed; use of voicemail for calling inquiries and social media (Twitter, Facebook, etc.). Possible establishment of Parks Twitter account for this method and also links with City's Facebook account.

Daily hours of operation suggested to be 7 am during peak season, 9-10 am when frost on course/colder temperatures. Last tee time for day has typically been 1 hr before sunset and 1.5 hr before sunset for driving range. This may be adjusted if a cover is acquired so range balls can be collected when range is being utilized. City will look at the cost of fabricating protective cover.

Memberships will be listed as being active for the time period April 1-October 31, and if weather allows for course to be open at times in excess of these dates, that is a "bonus" for the members and the memberships will be honored for the extra time.

Marketing options were also discussed and will be looked at in more depth at future meetings.

Pricing for individual rounds, memberships, punch cards, and other amenities were discussed. The proposal that will be forwarded to the Parks and Recreation Board for review and then council approval included:

- Memberships and Punch Card Rates will remain the same for 2017
- Riding Carts will be \$6.00/9 holes and \$9.00 for 18 holes
- Single and Senior rates will be elevated by \$0.50 for the first 9 holes for all time periods with the second 9 holes being an extra \$4.50
- A new "Junior Student" category will be created; this will be for up to 12 years old and rates for 9 holes will be \$5.00 M-F and \$6.00 Sat, Sun & Holidays
- The "Student" category will be for ages 13-22 years old and the rates will be \$7.00 M-F and \$8.00 Sat, Sun & Holidays

Comparison of current and proposed fees:

**CURRENT**

Classification	9 Holes M-F	18 Holes M-F	9 Holes Sat/Sun/Hol	18 Holes Sat/Sun/Hol
Single	\$8.50	\$13.00	\$9.50	\$13.50
Senior/Veteran	\$8.00	\$12.50	\$9.00	\$13.00
Student	\$8.00	\$12.50	\$9.00	\$13.00

**PROPOSED**

Classification	9 Holes M-F	18 Holes M-F	9 Holes Sat/Sun/Hol	18 Holes Sat/Sun/Hol
Single	\$9.00	\$13.50	\$10.00	\$14.00
Senior/Veteran	\$8.50	\$13.00	\$9.50	\$13.50
Junior Student	\$5.00	\$9.50	\$6.00	\$10.50
Student	\$7.00	\$11.50	\$8.00	\$12.50

Question raised as to whether there are any liability issues from the city's perspective if fees are required for play on the course during off season/winter time periods or should they be considered "donations".

The next meeting will be held at Hidden Valley Clubhouse on Wednesday, December 14<sup>th</sup> at 7:00 pm.

Discussion was held on the change of venue to Ohio Wesleyan University for the Daddy Daughter Dance. Mr. Byers informed the Board that there were over 400 participants for the event.

Mr. Byers requested volunteers for the upcoming Mother Son Superhero Party.

ITEM 7. RECOMMENDATION of Bike Plan

Mr. Miller provided a background history on the development of the Bike Plan. Mr. Miller informed the Board that the Planning Commission will also be reviewing the plan for additional recommendations.

The Board requested an updated list of priority projects for the proposed Bike Plan. The Board discussed the focus to be on connectivity and maintenance.

ITEM 8. RECOMMENDATION Rate Changes and Hours of Operation for Hidden Valley Golf Course

Mr. Miller discussed the recommendations and proposed changes recommended by the Hidden Valley Golf Course Working Group. Mr. Miller discussed proposed rate changes and set a season for membership cards. Mr. Miller informed the Board of the current progress of a Management Plan.

**Motion:** Mr. Bricker moved to accept the proposed changes, seconded by Mr. Dalton. Motion approved by a 6-0 vote.

ITEM 9. UPDATE of Parks Activities

Mr. Miller provided the Board with a working draft for the Park Index 2016. Mr. Miller requested that the members review the draft and provided recommendations and opinions.

Mr. Miller provided an update on the non-motorized boat ramps.

ITEM 10. STAFF COMMENTS

Ms. Mathews provided an update on the Cricket Club and their request for field usage with a permanent pitch.

ITEM 11. MEMBERS COMMENTS

ITEM 12. ADJOURNMENT

**Motion:** Vice-Chairwoman Hibinger moved to adjourn the Parks and Recreation meeting. The meeting adjourned at 7:40 p.m.

## CENTRAL OHIO GOLF COURSE RATE COMPARISON

Course	Hidden Valley Golf Course (HV/GC)	Broadview Golf Course Pataskala	Big Walnut Sunbury	The Golf Depot at Central Park Gahanna	Indian Hills Granville	Forest Hills Springfield	Pleasant Valley Lancaster*	Little Bear Lewis Center	Greenacres Marion	Gahanna Municipal Golf Course	Blacklick Woods *	Average (not including HVGC)		Local Comparison			
												Public	Private	Oakhaven	Glenross	Millcreek	
Type	9 hole course- par 27	9 hole course- par 35	9 hole course- par 32	9 hole course- par 27	9 hole course- par 36	9 hole course- par 27	9 hole course- par 27	10 hole course- par 30	18 hole course- par 60	9 hole course- par 36	9 hole course- par 27	9 hole course- par 27	18 hole	18 hole	18 hole	Private	Private
Owned	Public	Private	Private	Private	Private	Private	Private	Private	Private	Public	Public	Public	Private	Private	Private	Private	Private
<b>RATES</b>																	
<b>Monday - Friday</b>																	
Single - 9 Holes	\$8.50	\$11.00	\$10.00	\$15.00	\$10.00	\$6.00	\$7.00	\$12.00	\$8.00	\$11.00	\$7.00	\$9.70	\$16.00	\$28.00	\$14.00	\$13.00	\$13.00
Senior - 9 Holes	\$8.00	\$11.00	\$9.00	\$12.00	\$9.00	\$6.00	\$7.00	\$12.00	\$8.00	\$9.00	\$7.00	\$9.00	\$13.00	\$25.00	\$13.00	\$13.00	\$13.00
Student - 9 Holes	\$8.00	\$11.00	\$5.00	\$12.00	\$10.00	\$6.00	\$7.00	\$12.00	\$8.00	\$9.00	\$6.00	\$8.60	\$16.00	\$28.00	\$16.00	\$16.00	\$13.00
Additional 9 Holes	\$4.50	\$3.50	\$5.00	\$15.00	\$4.00	\$6.00	\$7.00	\$12.00	\$6.00	\$4.00	\$7.00	\$6.95					
<b>Weekends &amp; Holidays</b>																	
Single - 9 Holes	\$9.50	\$12.00	\$10.00	\$15.00	\$11.00	\$9.00	\$7.00	\$14.00	\$8.00	\$11.00	\$8.00	\$10.50	\$25.00	N/A	N/A	\$20.00	\$20.00
Senior - 9 Holes	\$9.00	\$12.00	\$9.00	\$12.00	\$11.00	\$9.00	\$7.00	\$12.00	\$8.00	\$11.00	\$8.00	\$9.90	\$25.00	N/A	N/A	\$20.00	\$20.00
Student - 9 Holes	\$9.00	\$12.00	\$5.00	\$12.00	\$11.00	\$9.00	\$7.00	\$12.00	\$8.00	\$11.00	\$8.00	\$9.50	\$25.00	N/A	N/A	\$20.00	\$20.00
Additional 9 Holes	\$4.50	\$3.50	\$5.00	\$15.00	\$4.00	\$9.00	\$7.00	\$14.00	\$7.00	\$4.00	\$8.00	\$7.65					
<b>Driving Range</b>																	
Small Bucket	\$3.00	N/A	\$3.00	\$5.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$8.00	\$6.00	N/A	N/A	N/A	N/A
Medium Bucket	\$4.00	\$4.00	\$4.00	\$8.00								\$12.00	N/A	N/A	N/A	N/A	N/A
Large Bucket	\$6.00	\$6.00	\$6.00	\$10.00								\$8.00	\$10.00	N/A	N/A	N/A	N/A
Jumbo Bucket	\$10.00			\$15.00									\$17.00	N/A	N/A	N/A	N/A
<b>Carts / Clubs</b>																	
Pull Cart - 9 Holes	\$2.00	N/A	N/A	\$2.50	N/A	N/A	N/A	\$3.00	N/A	\$2.00	\$3.00	\$2.63	N/A	N/A	N/A	N/A	N/A
Pull Cart - 18 Holes	\$3.00			\$5.00				\$6.00		\$4.00	\$6.00	\$5.25	N/A	N/A	N/A	N/A	N/A
Riding Cart - 9 Holes	\$6.00	\$5.50	\$2.50	PP	\$6.00	N/A	N/A	\$12.00	\$2.00	\$6.00	\$6.00	\$5.44	\$6.00	N/A	N/A	\$7.00	\$7.00
Riding Cart - 18 Holes	\$7.50	\$8.50	\$2.50	PP	\$6.00	\$5.00		\$12.00	\$5.00	\$10.00	\$11.00	\$7.19	\$5.00	N/A	N/A	\$5.00	\$5.00
Rental Clubs - 9 Holes	\$2.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$5.00	\$5.00	\$5.00	N/A	N/A	N/A	N/A	N/A
Rental Clubs - 18 Holes	\$4.00									\$10.00	\$10.00	\$10.00	N/A	N/A	N/A	N/A	N/A

\* - course has an 18 hole course, prices reflect 9 hole course only  
 #- course has a resident and non-resident fee which adds \$2.00 to the greens fees only  
 PP - Per Person



## FACT SHEET

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AGENDA ITEM NO: 11

DATE: 03/13/2017

ORDINANCE NO: 17-10

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dean Stelzer, Finance Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,015,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

This ordinance authorizes the re-issuance of one-year bond anticipation notes related to the Glenn Road New Community Authority (NCA) financing (\$10,565,000) and the City's sidewalk maintenance program (\$450,000). The Glenn Road notes have been re-issued each year since the original borrowing in 2005. The 2017 amount represents a reduction in the outstanding principal of \$650,000. The sidewalk notes are being re-issued to facilitate spreading the city cost of the sidewalk improvement program over several years. When the project is complete this year it is estimated that we will continue to allocate \$125,000 per year through 2021 in our CIP to pay off the outstanding notes.

**REASON WHY LEGISLATION IS NEEDED:**

The current outstanding bond anticipation notes issued last year mature on April 13, 2017. This legislation is needed to generate the funds to pay off the maturing principal amount of \$11,665,000. The City's financing strategy relative

to the Glenn Road NCA debt is to continue the practice of issuing one year notes with gradual pay down of principal.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

Included in 2017 Budget.

**POLICY CHANGES:**

None

**PRESENTER(S):**

Dean Stelzer

**RECOMMENDATION:**

Go to second reading

**ATTACHMENT(S)**

Memo from Finance Director  
Fiscal Officer's Certificate

ORDINANCE NO. 17-10

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,015,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 16-13 passed March 14, 2016, notes in anticipation of bonds in the aggregate amount of \$11,665,000, dated April 14, 2016 (the "*Outstanding Notes*"), were issued for the component purposes stated in Section 1, to mature on April 13, 2017; and

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

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each component of the Improvement described in Section 1 is at least five years, and (i) the estimated maximum maturity of the \$2,135,000 portion of the Bonds described in clause (a) of Section 1 is thirteen (13) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is July 28, 2025, (ii) the estimated maximum maturity of the \$4,250,000 portion of the Bonds described in clause (a) of Section 1 is fourteen (14) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is May 11, 2026, (iii) the estimated maximum maturity of the \$4,180,000 portion of the Bonds described in clause (b) of Section 1 is seventeen (17) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is December 22, 2029 and (iv) the estimated maximum maturity of the \$450,000 portion of the Bonds described in clause (c) of Section 1 is twenty (20) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is April 22, 2034;

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

Section 1. It is necessary to issue bonds of this City in the maximum aggregate principal amount of \$11,015,000 (the "*Bonds*") for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by

constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) improving the intersection of U.S. Route 23 and Peachblow Road by constructing, excavating, grading and paving, installing drainage, street lighting, conduit, signalization, curbs and gutters, signage, traffic pavement markings, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (c) the construction, renovation and improvement of pedestrian sidewalks throughout the City, together with all necessary appurtenances thereto (collectively, the “*Improvement*”).

Section 2. The Bonds shall be dated approximately April 1, 2018, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in (i) thirteen (13) annual principal installments with respect to the \$2,135,000 portion of the Bonds allocated to the component purpose described in clause (a) of Section 1, (ii) fourteen (14) annual principal installments with respect to the \$4,250,000 portion of the Bonds allocated to the component purpose described in clause (a) of Section 1, (iii) seventeen (17) annual principal installments with respect to the \$4,180,000 portion of the Bonds allocated to the component purpose described in clause (b) of Section 1 and (iv) twenty (20) annual principal installments with respect to the \$450,000 portion of the Bonds allocated to the component purpose described in clause (c) of Section 1, and in each case on December 1 of each year. The portion of the Bonds issued for the component purposes described in clauses (a) and (b) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The portion of the Bonds issued for the component purpose described in clause (c) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2018.

Section 3. It is necessary to issue and this Council determines that notes in the maximum aggregate principal amount of \$11,015,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The aggregate principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “*Certificate of Award*”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance

and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*"). The Director of Finance is authorized, to the extent necessary or appropriate, to enter into an agreement with the Paying Agent in connection with the services to be provided by the Paying Agent after determining that the signing thereof will not endanger the funds or securities of the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or

required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 15. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 16. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and

thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

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

EMERGENCY CLAUSE:

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

PASSED: \_\_\_\_\_, 2017

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

ATTEST:

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

\_\_\_\_\_  
MAYOR



## MEMORANDUM

**TO:** City Council  
**FROM:** Dean Stelzer, Finance Director   
**DATE:** February 23, 2017  
**RE:** Bond Anticipation Note Legislation

The February 27<sup>th</sup> Council Agenda includes an ordinance authorizing the issuance of \$11,015,000 of short term (1 year) bond anticipation notes. The new borrowing will be a re-issuance of the maturing notes issued last year. The following is a summary of the outstanding amounts:

<u>Purpose</u>	<u>2016 Issue Amount</u>	<u>2017 Pay Down</u>	<u>2017 Issue Amount</u>
Glenn Rd. South – Phase 1	\$ 2,335,000	\$ 200,000	\$ 2,135,000
Glenn Rd. South – Phase 2	4,500,000	250,000	4,250,000
Glenn Rd. South – 23 Intersection	4,380,000	200,000	4,180,000
Sidewalk Repairs	<u>450,000</u>	<u>0</u>	<u>450,000</u>
	\$11,665,000	\$ 650,000	\$11,015,000

The Glenn Rd. South debt was originally issued in 2005 to pay for constructing the new southern portion of Glenn Road. The City undertook, and paid for, construction of the road on behalf of the Delaware South New Community Authority (NCA). The NCA is reimbursing the City for the road construction cost and any carrying costs such as bond/note interest as NCA charge receipts are received. Our strategy has been to continue issuing one year notes as opposed to issuing long term bonds to finance this improvement. This strategy has enabled interest expense on the outstanding debt to the NCA to be much lower than what it would have been had bonds been issued. The strategy has also enabled the City to avoid having to cover fixed debt service payments not reimbursed by NCA receipts. Since 2010 note interest and issuance costs have totaled \$605,188. The average short term interest rate has been 0.46%. Had we issued long term bonds in 2010 interest costs would have been approximately \$3,160,000 over the same period at an average rate of 4.37%. As a result of the recent increase in new home construction in the NCA district we are getting closer to a point where the annual NCA revenue will be sufficient to cover future debt payments. We will continue to monitor our “rolling” notes strategy vs. issuing and locking in a long term rate.

The \$450,000 portion attributable to the sidewalk project continues our approach of spreading the City's sidewalk costs over several years as included in our Capital Improvement Plan. Per the Plan we will continue to allocate \$125,000 per year for sidewalks through 2021 to pay off the notes and final sidewalk costs from this year.

**SUPPLEMENTAL  
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Delaware, Ohio, and supplementing the certificates of June 13, 2005, March 27, 2006, October 26, 2009 and February 10, 2014, I certify in connection with your proposed issuance of notes in the maximum aggregate principal amount of \$11,015,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) improving the intersection of U.S. Route 23 and Peachblow Road by constructing, excavating, grading and paving, installing drainage, street lighting, conduit, signalization, curbs and gutters, signage, traffic pavement markings, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (c) the construction, renovation and improvement of pedestrian sidewalks throughout the City, together with all necessary appurtenances thereto (collectively, the "Improvement").

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

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

- The maximum maturity of the \$2,135,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2010, that period beyond December 31, 2010 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$2,135,000 of the Bonds to be issued for the component purpose described in clause (a) is thirteen (13) years.
- The maximum maturity of the \$4,250,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2011, that period beyond December 31, 2011 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$4,250,000 of the Bonds to be issued for the component purpose described in clause (a) is fourteen (14) years.
- The maximum maturity of the \$4,180,000 portion of the Bonds to be used for the component purpose described in clause (b) above is twenty (20)

years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2014, that period beyond December 31, 2014 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$4,180,000 of the Bonds to be issued for the component purpose described in clause (b) is seventeen (17) years.

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

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

3. The maximum maturity of the Notes to be issued for the component purposes described above in (i) clause (a) is July 28, 2025 for the \$2,135,000 portion of the Notes and May 11, 2026 for the \$4,250,000 portion of the Notes, (ii) clause (b) is December 22, 2029 for the \$4,180,000 portion of the Notes and (iii) clause (c) is April 22, 2034 for the \$450,000 portion of the Notes.

Dated: February 28, 2017

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



## FACT SHEET

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AGENDA ITEM NO: 12

DATE: 03/13/17

ORDINANCE NO: 17-11

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES  
March 13, 2017 at 7:30 p.m.

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dean Stelzer

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING SECTIONS 913.03(a) AND 913.14 OF CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING TAP FEES AND WATER RATES AND REPEALING EXISTING SECTIONS 913.03(a) AND 913.14.

**BACKGROUND:**

This ordinance increases the City's water utility rates. Water rates were last increased in 2012. Operating costs have seen typical inflationary increases with the exception of electric costs at the water plant. As the new membrane filtration system came online in 2015, electric costs at the plant have more than doubled adding an additional \$200,000 to annual operating costs. The ordinance also increases tap fees for installation of water meters on new construction.

**REASON WHY LEGISLATION IS NEEDED:**

To adjust water rates to the current level of expenditures.

**COMMITTEE RECOMMENDATION:**

Finance Committee – Recommended bringing rate change ordinance to City Council.

**FISCAL IMPACT(S):**

2017 Budget included a small water rate increase.

**POLICY CHANGES:**

None

**PRESENTER(S):**

Dean Stelzer  
Brad Stanton

**RECOMMENDATION:**

Go to second reading

**ATTACHMENT(S)**

Memo from Finance Director  
Historical Utility Rate summary  
Utility Funds financial reports



## MEMORANDUM

**TO:** City Council  
**FROM:** Dean Stelzer, Finance Director  
**DATE:** February 22, 2017  
**RE:** **Utility Rate Changes**

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City staff is recommending adoption of legislation increasing the City's water and refuse rates effective May 1, 2017. The City reviews utility rates on an annual basis and amends the rates up or down based on the cost to operate the utilities. It is anticipated that we will have three readings of the rate change ordinances on February 27<sup>th</sup>, March 13<sup>th</sup>, and a third reading with adoption on March 27<sup>th</sup>. The rate changes would be effective 30 days later and be included with the May 1, 2017 monthly billing.

The proposed water and refuse rate changes increase an average resident's monthly utility bill by \$2.96 or 2.86% higher than current rates. This is consistent with information presented to City Council in the past and is also in line with the adopted 2017 Budget. Attached is listing of historical utility rates and associated increases since 2003. Also included are copies of the Water, Sewer, Storm Sewer, and Refuse five year financial results from my 2016 Finance Director's Report.

The rate changes were discussed with the Finance Committee on February 16<sup>th</sup>. The Committee recommended sending the rate increases to city council. There was additional discussion about refuse dumpster service policies which were also referred to city council for further discussion. The refuse rate change is included in a separate ordinance amending the City's Fee Schedule.

City of Delaware  
 Utility Rate History  
 February 10, 2017

Year	Water	% Increase	Sewer	% Increase	Refuse	% Increase	Storm	% Increase	Total	% Increase
2003	\$ 20.22		\$ 25.85		\$ 14.00		\$ 2.50		\$ 62.57	
2004	\$ 20.83	3.02%	\$ 26.63	3.02%	\$ 14.50	3.57%	\$ 2.50	0.00%	\$ 64.46	3.02%
2005	\$ 21.49	3.17%	\$ 27.56	3.49%	\$ 15.00	3.45%	\$ 2.50	0.00%	\$ 66.55	3.24%
2006	\$ 22.01	2.42%	\$ 28.24	2.47%	\$ 15.35	2.33%	\$ 2.50	0.00%	\$ 68.10	2.33%
2007	\$ 22.45	2.00%	\$ 33.04	17.00%	\$ 15.66	2.02%	\$ 2.50	0.00%	\$ 73.65	8.15%
2008	\$ 22.87	1.87%	\$ 38.48	16.46%	\$ 16.91	7.98%	\$ 2.50	0.00%	\$ 80.76	9.65%
2009	\$ 23.31	1.92%	\$ 43.83	13.90%	\$ 18.60	9.99%	\$ 2.50	0.00%	\$ 88.24	9.26%
2010	\$ 26.81	15.02%	\$ 45.22	3.17%	\$ 19.16	3.01%	\$ 2.50	0.00%	\$ 93.69	6.18%
2011	\$ 30.82	14.96%	\$ 46.56	2.96%	\$ 19.73	2.97%	\$ 2.50	0.00%	\$ 99.61	6.32%
2012	\$ 34.84	13.04%	\$ 46.56	0.00%	\$ 19.73	0.00%	\$ 2.50	0.00%	\$ 103.63	4.04%
2013	\$ 34.84	0.00%	\$ 46.56	0.00%	\$ 19.73	0.00%	\$ 2.50	0.00%	\$ 103.63	0.00%
2014	\$ 34.84	0.00%	\$ 46.56	0.00%	\$ 19.73	0.00%	\$ 2.50	0.00%	\$ 103.63	0.00%
2015	\$ 34.84	0.00%	\$ 46.56	0.00%	\$ 19.73	0.00%	\$ 2.50	0.00%	\$ 103.63	0.00%
2016	\$ 34.84	0.00%	\$ 46.56	0.00%	\$ 19.73	0.00%	\$ 2.50	0.00%	\$ 103.63	0.00%
<b>Proposed</b>										
2017	\$ 36.93	6.00%	\$ 46.56	0.00%	\$ 20.60	4.41%	\$ 2.50	0.00%	\$ 106.59	2.86%
<b>Projected</b>										
2018	\$ 38.04	3.00%	\$ 46.56	0.00%	\$ 20.60	0.00%	\$ 2.50	0.00%	\$ 107.70	1.04%
2019	\$ 39.18	3.00%	\$ 46.56	0.00%	\$ 21.22	3.01%	\$ 2.50	0.00%	\$ 109.46	1.64%
2020	\$ 40.36	3.00%	\$ 46.56	0.00%	\$ 21.22	0.00%	\$ 2.50	0.00%	\$ 110.64	1.07%
2021	\$ 41.57	3.01%	\$ 46.56	0.00%	\$ 21.85	2.97%	\$ 2.50	0.00%	\$ 112.48	1.67%

FINANCE DIRECTOR'S REPORT  
Year-end Report 2016  
**Water Fund Operations**



OPERATIONS	2012	2013	2014	2015	2016
<b>Revenues</b>					
Meter Charges	4,940,991	4,989,295	5,054,526	5,108,989	5,314,306
Investment Income	3,988	4,632	8,885	15,880	46,397
Surcharges/Other Misc.	108,656	527,054	192,750	211,566	212,368
<b>Total Revenue</b>	<b>\$ 5,053,635</b>	<b>\$ 5,520,981</b>	<b>\$ 5,256,161</b>	<b>\$ 5,336,435</b>	<b>\$ 5,573,071</b>
<b>Operating Expenses</b>					
Treatment	1,255,685	1,366,848	1,382,315	1,770,657	1,780,002
Distribution	802,133	728,014	795,073	789,461	829,353
Administration	956,545	994,973	1,019,663	1,104,456	1,179,416
<b>Total Operation</b>	<b>\$ 3,014,363</b>	<b>\$ 3,089,835</b>	<b>\$ 3,197,051</b>	<b>\$ 3,664,574</b>	<b>\$ 3,788,771</b>
<b>Revenues less Expenses</b>	<b>\$ 2,039,272</b>	<b>\$ 2,431,146</b>	<b>\$ 2,059,110</b>	<b>\$ 1,671,861</b>	<b>\$ 1,784,300</b>
<b>Debt Service - Maintenance</b>	-	41,023	94,065	1,320,281	1,320,281
<b>Capacity Debt Service Allocation</b>	-	-	-	-	-
<b>Available for Maintenance</b>	<b>\$ 2,039,272</b>	<b>\$ 2,390,123</b>	<b>\$ 1,965,045</b>	<b>\$ 351,580</b>	<b>\$ 464,019</b>
<b>Capital Improvements</b>					
<b>Repairs and Replacement</b>					
Meters/Vaults	3,786	40,106	40,829	2,688	-
Existing Line Repairs	202,527	234,548	1,106,726	566,322	327,341
Equipment/Prof Services	-	-	32,617	10,690	974,725
Plant Repairs	285,768	-	87,846	157,451	90,858
Sludge Lagoon Cleaning	-	-	-	59,083	289,428
<b>Total Repair</b>	<b>492,081</b>	<b>274,654</b>	<b>1,268,018</b>	<b>796,234</b>	<b>1,682,352</b>
<b>Cash Flow Operations</b>	<b>\$ 1,547,191</b>	<b>\$ 2,115,469</b>	<b>\$ 697,027</b>	<b>\$ (444,654)</b>	<b>\$ (1,218,333)</b>
<b>Water Rates</b>					
0 to 3,000 cu. ft.	\$ 4.08	\$ 4.08	\$ 4.08	\$ 4.08	\$ 4.08
3,001 to 47,000 cu. ft.	\$ 2.86	\$ 2.86	\$ 2.86	\$ 2.86	\$ 2.86
Over 47,000 cu. ft.	\$ 1.98	\$ 1.98	\$ 1.98	\$ 1.98	\$ 1.98
Minimum Charge (Residential)	\$ 10.36	\$ 10.36	\$ 10.36	\$ 10.36	\$ 10.36
<b>Avg. Charge (800 cu. ft.)</b>	<b>\$ 34.84</b>	<b>\$ 34.84</b>	<b>\$ 34.84</b>	<b>\$ 34.84</b>	<b>\$ 34.84</b>
<b>% Increase</b>	<b>13.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>13.0%</b>	<b>0.0%</b>
<b>All Water Fund Balances</b>					
Water Fund Operation Reserve	1,661,517	2,051,241	2,035,191	1,784,670	1,421,338
Water Maintenance CIP Reserve	2,066,794	3,331,420	3,156,187	3,163,217	1,904,487
Water Capacity Fee Fund Reserve	2,571,370	3,683,712	4,827,274	4,933,458	5,790,941
Water Utility Reserve Fund	1,870,439	1,870,439	1,870,439	1,870,439	2,000,000
<b>Total Water Fund Reserves</b>	<b>\$ 8,170,120</b>	<b>\$ 10,936,812</b>	<b>\$ 11,889,091</b>	<b>\$ 11,751,784</b>	<b>\$ 11,116,766</b>
Outstanding Encumbrances					\$ 452,149
<b>Net Water Fund Reserves 12/31/16</b>					<b>\$ 10,664,617</b>
<b>Total Outstanding Debt 12/31/16</b>					<b>\$ 34,938,902</b>

**FINANCE DIRECTOR'S REPORT**  
**Year-end Report 2016**  
***Sewer Fund Operations***



<b>OPERATIONS</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Revenues</b>					
Meter Charges	6,319,698	6,150,647	6,180,020	6,254,470	6,567,638
Investment Income	3,862	3,978	5,947	11,971	38,721
Septic Receiving Fees	142,769	126,526	152,850	148,234	158,962
Surcharges	239,075	130,772	247,372	165,534	121,438
Misc./Other	51,568	51,556	122,903	12,968	11,799
<b>Total Revenue</b>	<b>\$ 6,756,972</b>	<b>\$ 6,463,479</b>	<b>\$ 6,709,092</b>	<b>\$ 6,593,177</b>	<b>\$ 6,898,558</b>
<b>Operating Expenses</b>					
Treatment	1,718,332	1,762,814	1,727,853	1,669,450	1,738,990
Collection	517,220	511,562	541,875	566,204	544,014
Administration/Transfers	964,375	1,035,726	1,063,427	1,135,519	1,151,364
<b>Total Operation</b>	<b>\$ 3,199,927</b>	<b>\$ 3,310,102</b>	<b>\$ 3,333,155</b>	<b>\$ 3,371,173</b>	<b>\$ 3,434,368</b>
<b>Revenues less Expenses</b>	<b>\$ 3,557,045</b>	<b>\$ 3,153,377</b>	<b>\$ 3,375,937</b>	<b>\$ 3,222,004</b>	<b>\$ 3,464,190</b>
<b>Debt Service - Maintenance</b>	<b>517,793</b>	<b>158,992</b>	<b>158,992</b>	<b>158,993</b>	<b>150,687</b>
<b>Capacity Debt Service Allocation</b>	<b>\$ 1,795,585</b>	<b>\$ 1,698,985</b>	<b>\$ 1,433,999</b>	<b>1,799,350</b>	<b>1,100,650</b>
<b>Available for Maintenance</b>	<b>\$ 1,243,667</b>	<b>\$ 1,295,400</b>	<b>\$ 1,782,946</b>	<b>\$ 1,263,661</b>	<b>\$ 2,212,853</b>
<b>Capital Improvements</b>					
<b>Repairs and Replacement</b>					
Inflow/Infiltration	117,094	142,194	125,905	56,781	-
Meters/Manholes/Laterals	4,479	26,105	26,000	-	-
Existing Line Repairs	-	-	-	-	-
Equipment/Prof Services	1,867	349,311	32,617	-	640,223
Plant Repairs	211,868	163,870	175,455	176,044	768,930
<b>Total Repair</b>	<b>335,308</b>	<b>681,480</b>	<b>359,977</b>	<b>232,825</b>	<b>1,409,153</b>
<b>Cash Flow Operations</b>	<b>\$ 908,359</b>	<b>\$ 613,920</b>	<b>\$ 1,422,969</b>	<b>\$ 1,030,836</b>	<b>\$ 803,700</b>
<b>Sewer Rates</b>					
1st 200 cu. ft.	\$ 6.72	\$ 6.72	\$ 6.72	\$ 6.72	\$ 6.72
Over 200 cu. ft.	\$ 5.52	\$ 5.52	\$ 5.52	\$ 5.52	\$ 5.52
Minimum Charge	\$ 13.44	\$ 13.44	\$ 13.44	\$ 13.44	\$ 13.44
<b>Avg. Monthly Charge (800 cu. ft.)</b>	<b>\$ 46.56</b>				
<b>% Increase</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>All Sewer Fund Balances</b>					
Sewer Fund Operation Reserve	2,701,726	2,604,051	2,651,185	2,561,917	2,661,859
Sewer Maintenance CIP Reserve	2,031,198	2,113,806	2,759,772	3,679,226	3,483,634
Sewer Capacity Fee Fund Reserve	1,380,895	1,782,704	2,641,456	2,518,370	1,755,328
Sewer Utility Reserve Fund	181,130	181,130	181,130	181,130	1,500,000
SE Highland Sewer Fund	148,397	243,226	178,594	27,976	96,980
<b>Total Sewer Fund Reserves</b>	<b>\$ 6,443,346</b>	<b>\$ 6,924,917</b>	<b>\$ 8,412,137</b>	<b>\$ 8,968,619</b>	<b>\$ 9,497,801</b>
Outstanding Encumbrances					\$ 1,229,277
<b>Net Sewer Fund Reserves 12/31/16</b>					<b>\$ 8,268,524</b>
<b>Total Outstanding Debt 12/31/16</b>					<b>\$ 31,192,358</b>

# FINANCE DIRECTOR'S REPORT

## Year-end Report 2016

### *Refuse Fund*

	2012	2013	2014	2015	2016
<b>Revenues</b>					
Collection Charges	3,159,334	3,221,719	3,309,877	3,372,646	3,430,310
Grant Income	-	-	-	18,000	22,000
Bag Tags/Cleanup Income	19,990	6,993	5,327	5,194	5,929
Toter Fees	8,507	11,670	10,257	11,065	13,588
Investment Income	553	943	1,301	2,901	9,283
Other Income	7,272	7,049	104,834	5,606	2,058
<b>TOTAL REVENUE</b>	<b>\$ 3,195,656</b>	<b>\$ 3,248,374</b>	<b>\$ 3,431,596</b>	<b>\$ 3,415,412</b>	<b>\$ 3,483,168</b>
<b>Operating Expenses</b>					
Refuse Collection	833,726	830,494	840,612	803,259	833,835
Tipping Fees	750,634	804,079	853,679	836,398	883,645
Recycling Collection	450,377	454,771	493,050	532,619	536,999
Vehicle Purchase/Lease	-	60,989	292,395	82,367	392,651
Tip-Cart/Dumpster Purchases	19,515	29,276	77,967	82,221	77,214
Closed Landfill Costs	69,248	221,226	141,007	456,951	245,108
Debt Service	60,838	58,838	56,775	59,675	57,338
Building Improvements	-	-	-	7,029	7,250
Other Indirect Costs	307,042	317,266	323,757	327,391	332,758
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,491,380</b>	<b>\$ 2,776,939</b>	<b>\$ 3,079,242</b>	<b>\$ 3,187,910</b>	<b>\$ 3,366,798</b>
<b>Cash Flow Operations</b>	<b>\$ 704,276</b>	<b>\$ 471,435</b>	<b>\$ 352,354</b>	<b>\$ 227,502</b>	<b>\$ 116,370</b>
<b>Cash Reserve</b>	<b>\$ 1,018,059</b>	<b>\$ 1,489,494</b>	<b>\$ 1,841,848</b>	<b>\$ 2,069,350</b>	<b>\$ 2,185,720</b>
Outstanding Encumbrances					\$ 140,671
<b>Net Reserve December 31, 2016</b>					<b>\$ 2,045,049</b>
<b>Refuse Rates</b>					
Residential	\$ 19.73	\$ 19.73	\$ 19.73	\$ 19.73	\$ 19.73
Discounted Residential	\$ 9.87	\$ 9.87	\$ 9.87	\$ 9.87	\$ 9.87
Commercial 2 cu. yds.	\$ 100.27	\$ 100.27	\$ 100.27	\$ 100.27	\$ 100.27
Commercial 4 cu. yds.	\$ 123.35	\$ 123.35	\$ 123.35	\$ 123.35	\$ 123.35
Commercial 6 cu. yds.	\$ 143.98	\$ 143.98	\$ 143.98	\$ 143.98	\$ 143.98
<b>% Increase</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>



**FINANCE DIRECTOR'S REPORT**  
**Year-end Report 2016**  
***Storm Sewer Fund***



	2012	2013	2014	2015	2016
<i>Revenues</i>					
Storm Sewer Fees	789,536	802,764	804,371	821,561	834,161
Grant Revenue	313,577	-	-	98,876	-
Miscellaneous	-	2,286	13,397	2,123	916
<b>Total Revenue</b>	<b>\$ 1,103,113</b>	<b>\$ 805,050</b>	<b>\$ 817,768</b>	<b>\$ 922,560</b>	<b>\$ 835,077</b>
<i>Operating Expenses</i>					
Wages and Benefits	142,007	162,204	201,922	215,272	226,360
Professional Services	83,669	100,752	145,998	101,222	92,958
Materials and Supplies	29,871	44,415	57,718	41,261	61,734
Capital Outlay	6,904	3,710	7,323	4,109	16,230
<b>Total Operation</b>	<b>\$ 262,451</b>	<b>\$ 311,081</b>	<b>\$ 412,961</b>	<b>\$ 361,864</b>	<b>\$ 397,282</b>
<b>Revenues less Expenses</b>	<b>\$ 840,662</b>	<b>\$ 493,969</b>	<b>\$ 404,807</b>	<b>\$ 560,696</b>	<b>\$ 437,795</b>
<b>Debt Service</b>	<b>\$ -</b>				
<i>Available for Maintenance</i>					
Capital Improvements	\$ 840,662	\$ 493,969	\$ 404,807	\$ 560,696	\$ 437,795
<i>Repairs and Replacement</i>					
Inflow/Infiltration	-	-	56,770	27,230	-
Catch Basins/Manholes/Laterals	-	351	-	-	59,545
Existing Line Repairs	160,608	176,656	770,186	478,947	621,055
Equipment/Prof Services	51,066	82	32,617	-	64,799
<b>Total Repair</b>	<b>211,674</b>	<b>177,089</b>	<b>859,573</b>	<b>506,177</b>	<b>745,399</b>
<b>Cash Flow Operations</b>	<b>\$ 628,988</b>	<b>\$ 316,880</b>	<b>\$ (454,766)</b>	<b>\$ 54,519</b>	<b>\$ (307,604)</b>
<b>Cash Reserve</b>	<b>\$ 2,312,668</b>	<b>\$ 2,629,548</b>	<b>\$ 2,174,782</b>	<b>\$ 2,229,301</b>	<b>\$ 1,921,697</b>
Outstanding Encumbrances					170,127
<b>Net Reserve December 31, 2016</b>					<b>\$ 1,751,570</b>
<b>Storm Sewer Rates</b>					
Residential per month	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50
Non-Residential per ERU	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50

ORDINANCE NO. 17-11

AN ORDINANCE AMENDING SECTIONS 913.03(a) AND 913.14 OF CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING TAP FEES AND WATER RATES AND REPEALING EXISTING SECTIONS 913.03(a) AND 913.14.

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

SECTION 1. That Section 913.03(a) of Chapter 913 of the Codified Ordinances of the City of Delaware is hereby amended and replaced in its entirety by the following new section:

913.03. – Furnishing service where facilities do not exist.

(a) At the time of application for new service, the applicant shall pay a tap fee as follows:

Size of Tap (inches)	City Makes Tap	Owner/Contractor Makes Tap
3/4 or 5/8	<del>\$350</del> \$700 + meter cost	Meter + inspection fee
1	<del>\$400</del> \$800 + meter cost	Meter + inspection fee
Over 1	Total Cost	Meter + inspection fee

On all services larger than one inch installed by the City, the applicant shall pay ~~the tap fee as follows:~~ two hundred dollars (\$200) at the time of application **of the tap** and the balance **of the tap fee** within thirty days of billing.

SECTION 2. That Section 913.14 of Chapter 913 of the Codified Ordinances of the City of Delaware is hereby amended and replaced in its entirety by the following new section:

913.14 – Rates for water service inside City.

The following rates shall be charged for water furnished by the City to users inside the corporate limits of the City. The minimum charge for the first 200 cubic feet per month shall be:

Meter Size (inches)	As of May 1, 2010	As of May 1, 2011	As of May 1, 2012	As of May 1, 2017
5/8	\$7.97	\$9.16	\$10.36	\$10.98
3/4	\$11.97	\$13.77	\$15.56	\$16.49
1	\$17.71	\$20.37	\$23.01	\$24.39





## FACT SHEET

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AGENDA ITEM NO: 13

DATE: 03/13/2017

ORDINANCE NO: 17-12

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES  
March 13, 2017 at 7:30 p.m.

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dean Stelzer

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING THE REFUSE COLLECTION AND UTILITY SERVICES PORTIONS OF THE SCHEDULE OF FEES AND SERVICE CHARGES.

**BACKGROUND:**

Annually the City reviews various fees and service charges to determine whether the amounts charged are appropriate. For 2017 staff is recommending changes to refuse rates, as outlined in the 2017 Solid Waste Management Program Update.

**REASON WHY LEGISLATION IS NEEDED:**

To update service fees.

**COMMITTEE RECOMMENDATION:**

Finance Committee – Recommended bringing the refuse rate change ordinance to City Council.

**FISCAL IMPACT(S):**

Proposed increase in residential refuse rates and reductions in the dumpster rates. The rate changes will somewhat offset each other although a slight increase in total revenue is projected.

**POLICY CHANGES:**

Potential policy changes in the City's refuse service will be discussed.

**PRESENTER(S):**

Bill Ferrigno  
Dean Stelzer  
Brad Stanton

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

ORDINANCE NO. 17-12

AN ORDINANCE AMENDING THE REFUSE COLLECTION AND UTILITY SERVICES PORTIONS OF THE SCHEDULE OF FEES AND SERVICE CHARGES.

WHEREAS, as part of the yearly review of the fees established in Delaware Codified Ordinance Section 197.01 it has been determined that the refuse collection rates should be amended; and

NOW THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio:

SECTION 1. The Refuse Collection and Utility Services portions of 197.02 are amended as follows:

**197.02 FEE SCHEDULE**

<b>REFUSE COLLECTION</b>		
<b>SOURCE OF FEE</b>	<b>FEE TITLE</b>	<b>AMOUNT</b>
929.08	Domestic Refuse Collection	<del>\$19.73</del> <b>\$20.60</b> per month  Senior citizen discount rate: <del>\$9.87</del> <b>\$10.30</b> per month
929.08	Commercial Refuse Collection	<del>\$19.73</del> <b>\$20.60</b> per month for basic service consisting of two 32 gallon or one 96 gallon tipcart -or- 10 bag tags
929.08	Additional 96 Gallon Tipcarts	2 total tipcarts <del>\$39.47</del> <b>41.20</b> 3 total tipcarts <del>\$59.20</del> <b>61.80</b> 4 total tipcarts <del>\$78.94</del> <b>82.40</b> 5 total tipcarts <del>\$98.67</del> <b>103.00</b>
929.08	Commercial Refuse – Containerized Collection – Once Per Week	2 cu. Yds <del>\$100.27</del> <b>85.37</b> 3 cu. Yds <del>\$106.65</del> <b>94.48</b> 4 cu. Yds <del>\$123.35</del> <b>103.58</b> 6 cu. Yds <del>\$143.98</del> <b>121.80</b> 8 cu. Yds <del>\$182.74</del> <b>140.02</b>
929.08	Commercial Refuse – Containerized Collection – Twice Per Week	2 cu. Yds <del>\$200.44</del> <b>170.74</b> 3 cu. Yds <del>\$213.28</del> <b>188.95</b> 4 cu. Yds <del>\$239.00</del> <b>207.17</b> 6 cu. Yds <del>\$277.72</del> <b>243.60</b> 8 cu. Yds <del>\$343.06</del> <b>280.04</b>

929.08	Commercial Refuse – Containerized Collection – Three Per Week	2 cu. Yds <del>\$298.06</del> <b>256.10</b> 3 cu. Yds <del>\$319.89</del> <b>283.43</b> 4 cu. Yds <del>\$354.66</del> <b>310.75</b> 6 cu. Yds <del>\$411.43</del> <b>365.41</b> 8 cu. Yds <del>\$507.55</del> <b>420.06</b>
929.08	Commercial Refuse – Containerized Collection – Four Per Week	2 cu. Yds <del>\$395.63</del> <b>341.47</b> 3 cu. Yds <del>\$426.51</del> <b>377.91</b> 4 cu. Yds <del>\$470.31</del> <b>414.34</b> 6 cu. Yds <del>\$545.14</del> <b>487.21</b> 8 cu. Yds <del>\$672.04</del> <b>560.08</b>
929.08	Commercial Refuse – Containerized Collection – Five Per Week	2 cu. Yds <del>\$493.26</del> <b>426.84</b> 3 cu. Yds <del>\$533.15</del> <b>472.38</b> 4 cu. Yds <del>\$585.97</del> <b>517.92</b> 6 cu. Yds <del>\$678.84</del> <b>609.01</b> 8 cu. Yds <del>\$836.54</del> <b>700.09</b>
929.08	Additional pickup – Commercial Refuse Customers	2 cu. yds: <del>\$23.13</del> <b>85.37</b> 3 cu. Yds <del>\$24.62</del> <b>94.48</b> 4 cu. Yds <del>\$28.46</del> <b>103.58</b> 6 cu. Yds <del>\$33.23</del> <b>121.80</b> 8 cu. Yds <del>\$42.17</del> <b>140.02</b>
929.08	Bag tags (used for trash in excess of tipcart)	1.50 per tag
929.08	Discontinuation/reactiva tion/change in service level of refuse services	\$12.50

<b>UTILITY SERVICES</b>		
<b>SOURCE OF FEE</b>	<b>FEE TITLE</b>	<b>AMOUNT</b>
911.01	Utility Turn On Charge	\$12.50
911.04	Penalty for Nonpayment	5% of bill + \$15.00 + [\$25.00 for returned checks]
911.05	Delinquent water reconnection fee	\$25.00
913.04	Temporary Water Service	\$75.00 for outlet one-inch or less \$150.00 for outlet greater than one inch
913.05	Temporary water turn off/on	\$25.00
913.03	Tap Fees	See Section 913.03

913.13	Meter Rules and Regulations	Certain water meters shall be provided by the Utility Department, Water Division at the cost of the meter to the City. This is currently <del>\$90.00</del> <b>\$160</b> for a 5/8 — 3/4 meter.
913.14	Rates for water service inside city	See Section 913.14
913.15	Rates for water service outside city	50% surcharge to schedule of fees for water rates.
913.25	Sale of water for resale	\$2.73 per 100 cubic foot
913.23	Sewer auxiliary meter	\$25.00 inspection plus \$8.35 monthly service fee
917.21	Sewer Capacity Fee	See Section 917.21
917.14	Sewer Service Charges	See Section 917.14

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: \_\_\_\_\_, 2017 YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_\_

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

## 2017 Solid Waste Management Program Update

February 9, 2017



# Executive Summary

The City of Delaware has provided its residents with a publically managed solid waste collection service since first being introduced in 1951. During the 65 years of operations, many aspects of solid waste management have changed including the closure of two locally owned landfills, modernization of equipment to semi-automated tip cart collection, and expansion of refuse operations to include both curbside yard waste and recycling collection. State and federal regulations now mandate strict and costly requirements in the management of solid waste disposal, as well as the perpetual monitoring of closed landfills for water quality degradation and explosive gas migration. Though landfills are no longer operated within the city, the nearby availability of the county owned waste transfer facility allows for the continued provision of economical collection services.

Today, the city continues to provide high quality and efficient solid waste collection with a fleet of eleven collection vehicles and fourteen staff members. Curbside residential refuse, yard waste and recycling collection are provided on weekdays to nearly 39,000 residents at a monthly rate that has not been adjusted since 2011. While many area communities subscribe to private refuse collection services at rates varying from \$12 to \$26 per month, the city is able to provide the community with high quality services for a proposed monthly rate of \$20.60, a cost just slightly above the average for the region. Additionally, there are many ancillary benefits to maintaining the local refuse collection operation that also deserve consideration, most importantly public access to and interaction with city officials to voice questions and concerns, with the expectation of receiving favorable and timely response. Other significant benefits include the availability of trained drivers to assist the Street Division with winter snow and ice operations; the ability to service the seventeen city parks and facilities; and the provision of refuse collection service for the many local events, street fairs and public gatherings held throughout the year. With public approval overwhelmingly in support of the current refuse operation, it is recommended that the city continue to provide residential curbside collection to its existing and future residents.

Commercial collection operations serve a very small percentage of the communities over 2,500 businesses, with the current 134 customers made up of 37 businesses, 80 multi-family developments and 17 city parks and facilities. Recently, representatives from several multifamily developments have questioned why they are not allowed to seek lower cost refuse service alternatives as is permitted for other commercial business customers. Even when considering a proposed decrease in the city's commercial collection rates, the savings may not be sufficient to satisfy the representatives citing significant savings if they are permitted to entertain private collection services. Though a reasonable position to adopt may be to allow all customers subscribing to city dumpster collection service to consider private collection, it is generally anticipated that the loss of a significant portion of the multi-family customers would leave a customer base too small to justify the continuation of any public commercial refuse collection operations. Suspending commercial operations would result in an estimated \$1.33 per month increase in residential rates to cover certain legacy costs associated with landfill management and general refuse overhead.

As Delaware continues to grow and change, solid waste management policy and regulations requires periodic review and adjustment to remain both competitive, and to provide an appropriate level of service to the community. Items such as bulk item and winter yard waste collections, downtown residential collection, publically accessible dumpsters, and the proposed expansion of refuse and recycling facilities are all additional areas currently under consideration and discussed in more detail within this report.

# City of Delaware 2017 Solid Waste Management Program Update

Revised February 7, 2017

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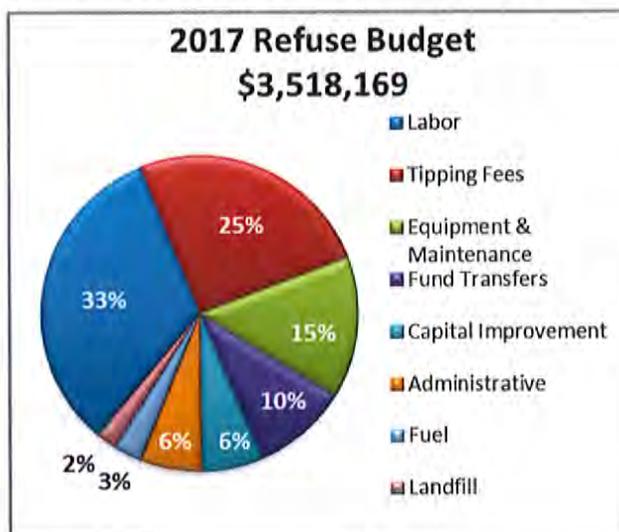
## Background & History

The City of Delaware formally established a Division of Sanitation within the Public Service Department by council ordinance No. 2199 approved on February 5<sup>th</sup>, 1951. The ordinance established the rules, means, methods and costs associated with the collection and disposal of garbage from all properties within the city. The action was performed “in the interest of the public health and general welfare of the City of Delaware to provide a uniform system for the collection and disposal of garbage and trash, and that said garbage systems to be operated exclusively by the City of Delaware.” The operation formerly began on July 1<sup>st</sup>, 1951 serving Delaware’s 12,000 residents with four rear load refuse collection vehicles and a crew of twelve men.



Refuse was initially collected and taken to the Cherry Street landfill for disposal up until 1973 when that landfill was closed due to lack of space for continued operation and expansion. In advance of the closure, the City purchased property to open and operate the Curve Road landfill east of the Norfolk Southern Rail Line and north of Curve Road. After seventeen years of operation, the city closed the Curve Road landfill in 1990 opting instead to utilize the County’s refuse transfer station on US 42 north of the city. The transfer station remains in use today and is managed by a private contractor for daily solid waste disposal operations. All city residential and commercial waste is taken to the county transfer station. The current cost of disposal for refuse at the transfer station is \$56.56 per ton. This rate is subject to periodic adjustment based on operating expenses and is referred to locally as the “tipping fee”. Tipping fees in the city account for an estimated \$900,000 in annual refuse operation costs, making up just over 25% of the total cost of providing refuse service within the city.

The City of Delaware is included in the Delaware, Know, Marion and Morrow Joint Solid Waste District (DKMM), the governing body established by State regulation in 1989 to develop and oversee the district’s Solid Waste Management Plan. Among other things, the District places emphasis on reducing solid waste through the implementation and support of recycling operations, and makes funding available through grants to assist in supporting recycling opportunities. The district receives financial support via fees originally established in 1994. The current fee charged by DKMM is \$6.00 per ton and is collected as part of the tipping fees charged at the transfer station.



### Residential & Commercial Operations

Both residential and commercial refuse collection is currently provided through weekly service. Residential service includes waste, recycling and yard waste collection, while commercial is primarily dumpster collection, though a few businesses are serviced via tip carts. The combined residential and commercial refuse collection operation accounts for

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66% of the cost of refuse collection or \$2,306,000 annually. City residents are required to subscribe to city refuse service while commercial service is optional to businesses. The city currently has over 12,000 customers serviced using the tip-cart system. Tip carts were introduced in 2001 as a means to be able to continue to provide cost effective service at competitive rates for all customers. The tip-cart system requires specialized semi-automated side load vehicles that can be operated by a single man. The tip cart collection system allows for expanding collection coverage as the city grows, with considerably less staff than the three man crew per vehicle required of rear load service operations. The city is able to provide efficient service to its just under 38,000 residents today with only 14 employees, in contrast to the twelve initially required to serve the city in 1951. Many communities across the country have switched to semi or fully-automated tip cart collection as a means to control costs and provide improved, more efficient collection service. A 96 gallon tip cart, provided by the city, is the primary refuse container utilized for service, though 32 gallon containers are available for residents not requiring the larger unit. Residential service is provided by a fleet of four, semi-automated side load tip cart collection vehicles, each with a single operator capable of servicing 600 to 700 stops per day.

The city serves just 37 of the over 2,500 businesses with commercial dumpster collection, representing less than 2% of the total business customers within the city. Also served are 17 city parks and public facilities through its commercial collection operation. By far the largest demand for dumpster service is from the 80 multi-family stops. Though technically classified as residential customers, multi-family locations served by dumpsters make up 74 percent of the dumpster operation and as such, a majority of the estimated \$630,000 annual cost associated with providing commercial dumpster collection. In the past year, several owners of local multi-family properties have requested permission to utilize private collection citing significant cost savings over city service costs. Additional discussion regarding the viability of continuing commercial collection is held below. Commercial customers are serviced by a single rear load packer throughout the week, and with an additional truck assigned on Mondays and Fridays.

### Recycling Operations

In 1992, the city began a curbside recycling collections program that currently produces an average of 1,400 tons annually of combined fiber and mixed plastic and metal materials. The program was initiated in part, to meet State mandated refuse reduction standards requiring a 25% diversion of solid waste away from landfills within the DKMM Solid Waste District. Approximately 43% of city residents participate in the curbside recycling program. The materials are collected by the city and transferred to containers for transport by the current recycling contractor, Sims Brothers Inc., to their Marion, Ohio facility. Following additional sorting, recyclables are sold to businesses that are able to



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process them into usable material for manufacture of new products. Fluctuations in the market demand for recycled materials remain volatile. The market demand is currently so low that the value to the recyclables collected locally is offset by the cost of shipping and processing them by the contractor. The estimated \$743,000 cost of managing the recycling program represents 21% of the total refuse operation in 2017. This cost is offset slightly by \$80,000 in annual tipping fees saved by diverting recyclables away from landfills. The recycling program is managed year round with the use of three, split body, side-load recycling vehicles, each manned by a single operator. Recycling collection containers are provided to residents at no cost.

The current recycling transfer building located at Cherry Street is no longer of adequate size for the daily operation, and is in need of significant and costly repair. As part of the ongoing consolidation of city services, the proposed construction of a new 27,000 SF refuse equipment storage and recycling transfer building remains a high priority. The new facility with an estimated construction cost of \$1.8 million would be located on the east side of the Public Works Facility at 440 E William Street. The original recycling building on Cherry Street would be demolished, making way for expanded open space and passive park development along the river.



### Yard Waste Operations

Yard waste collection remains an integral part of the overall refuse operation, and a widely used service by the majority of local residents. The estimated \$488,000 cost in 2017 represents 14% of the overall annual refuse operation cost. Though the yard waste program has been subject to several cost cutting measures over the last fifteen years including the elimination of the curbside leaf vacuum collection service and subsequent elimination of city leaf bag distribution, the program itself remains widely popular, generating over 1,800 tons of yard waste annually. Yard waste materials, which include leaves, cut and bundles branches, tree limbs and Christmas trees, are collected and delivered to one of two privately operated organics composting facilities in Delaware, Price Farms Organics and Ohio Mulch. Approximately 90% of yard waste collected is disposed of through Ohio Mulch at a rate of \$6.88 per ton, accounting for the estimated \$9,000 in tipping costs per year. The yard waste collected during fall leaf collection is accepted by both facilities at no cost. Yard waste service is managed through the use of two, rear load packer vehicles, each with a two or three-man crew operating from April through the beginning of December. Consideration to provide increased scheduled collection during winter months is being discussed.



### EPA Regulations

The Solid Waste Disposal Act of 1965 (SWDA) regulated the monitoring requirements at the Cherry Street landfill, closed in 1973. Since that time, additional regulation including the Resource Conservation and Recovery Act (RCRA) of 1976, and numerous other federal and state regulations have had far reaching impacts on many aspects of municipal solid waste management and operations. By the time the Curve Road landfill was closed in 1990, strict regulations had been established to control landfill operations and closures, in order to better protect both surface and ground water supplies. Regulations have impacted both of the city's closed landfills in different ways. At Cherry Street, the city is

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mandated to monitor for both the presence and migration of explosive gases, primarily methane, generated through the decomposition of landfilled materials. Due to the presence of several occupied structures within 1000 feet of the edge of the Cherry Street landfill, the city maintains 18 gas monitoring wells to monitor gas migration. Methane readings are collected monthly, recorded, and reported to the OEPA. Recent samples indicate an increased presence of gas along the west side of the landfill, and as such will potentially require the installation of three additional monitoring wells along the west side to monitor gas migration.

The Curve Road landfill, closed seventeen years after its initial opening, is subject to even more restrictive monitoring including both explosive gas and ground water contamination. There are currently 6 gas monitoring wells and 12 groundwater monitoring points at the Curve Road landfill. Following closure, a groundwater leachate collection system was required to be installed and operated, which was subsequently constructed in 2006 at a cost of \$600,000. The system collects an average of 2.6 million gallons per year that must be transported to the Waste Water Treatment facility for proper treatment before being released into the Olentangy River. Refuse staff has spent an average of 900 hours annually, for the pumping and transport of leachate from the Curve Road landfill to the Cherry Street Water Reclamation facility. In 2016, a leachate transfer line was completed from the landfill to the South-Central Sanitary sewer line just north of the landfill. The \$620,000 transfer line provides for the direct conveyance of leachate to the sanitary collection system, eliminating time consuming and costly pumping and trucking costs. The installation of 3 additional gas monitoring wells will be required along the west perimeter of the Curve Road landfill pending construction of a planned housing development just west of the landfill on the opposite side of the Norfolk Southern railway line. All present and future monitoring, maintenance and capital improvement costs associated with both landfills are, and will remain the responsibility of the city. The city spends on average, \$75,000 annually for environmental consulting services for assistance with groundwater sampling, lab analysis and mandated OEPA reporting. Landfill monitoring and capital improvements costs are funded by revenues generated through refuse rates.

### Proposed Refuse Program Improvements and Changes

Bulk item collection: Bulk item collection is provided by the majority of refuse service providers, both publically and privately operated. In the past the city has held annual or semi-annual spring/fall clean-up events where residents could bring large quantities of residential waste, including bulky items and materials for disposal. The events were



initially well attended though popularity declined in later years resulting in the cost of providing the service exceeding revenues being collected. Today, public requests for bulk item collection continue however for the more practical and customer friendly curbside collection service, similar to how other communities manage bulk item disposal. Curbside service is popular among many residents without the means to transport large items to a collection point or disposal facility. Bulk items can include appliances, furniture or other items too large to be disposed on in a tip cart. The city does offer a move-in/move-out collection service to residents, and will also take

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carpeting that has been appropriately cut, bundled and tagged. An outline of the proposed pilot bulk item collection program was prepared in early 2016 and is included at the back of this report. The policy would provide for pre-arranged collection of bulk items on a designated day, typical to how similar programs are managed in other communities.

Downtown Residential Collection: As residential occupancy of downtown buildings continues to increase, the need to make adjustments to current collection policy and practices in order to better regulate residential refuse collection should be considered. Though for the most part, the majority of residential waste collection occurs on the scheduled Monday collection day, there are incidents where trash bags are randomly deposited on the sidewalk at other times during the week. Trash has also appeared on weekends during the heaviest downtown patronage, leading to both customer and business owner complaints, and subsequent costly response by the city to remove the bags. Enforcing a uniform downtown residential collection policy could help curb the proliferation of residential waste in the downtown area. One proposal suggests limiting downtown residential collection to a single day in the middle of the week, and would mandate trash only be set at the curb between 8PM the previous night and 8AM on collection day. Additional regulations such as bag color and placement near street cans could help minimize visibility, identify violations, and serve to expedite collection operations. Finally, consideration should be given to requiring property owners with residential units to pay the city directly for refuse collection services, similar to how multi-family developments are managed. This would significantly reduce the difficulty in tracking the high turnover of individual residential accounts in the downtown district. All such policy should be discussed publically with property owners and tenants to determine overall viability.

Downtown Business Collection: Businesses located in the downtown district may subscribe to the city's commercial refuse collection service, or subscribe to private collection if preferred. The vast majority of downtown businesses utilize private collection service. There are however several properties with particular needs that continue to subscribe to city service as alternative options are limited. Because not all properties have available space at the rear of the building for the placement of refuse containers, they are forced to either place bagged trash or tip carts along the sidewalk for curbside collection, or to enter into a private agreement with another property owner for access to their dumpster. Most recently, the city began piloting an alternative approach whereby a property owner is paid an annual fee by the city for allowing placement of a publically accessible dumpster on their property for access by adjacent businesses or residential units. While these arrangements can work, changes in business occupancy and property ownership requires a substantial amount of staff time to address new concerns, and to make adjustments to agreements, rates, and collection schedules. As with residential collections, any policy changes to commercial operations should be discussed publically with property owners and tenants to determine overall viability.

Downtown Recycling Containers: In 2015 the City installed twenty recycling containers as a means to increase recycling opportunities for patrons of the downtown area. After two seasons, results regarding the utility of recycling containers remain below expectation. While some individuals take time to properly dispose of recyclable materials in the containers, others continue to utilize the containers for general waste disposal including non-marketable plastic, foam and paper food and beverage containers, food waste, and food soiled paper waste. Public understanding of accepted recyclable materials remains low, leading to improper use and contamination of the desired recyclable materials. Contaminated materials



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are not usable and end up in the main refuse stream to be disposed of in landfill operations. The contamination rate is as high as 50% of all material collected downtown. To underscore the issue, the total amount of usable recyclables collected from the downtown recycling containers over the two-day heavily patronized arts festival would fit within a single tip cart container. Though recycling cans are clearly marked as to what should be placed within them, they continue to be utilized for general waste disposal. Additional labeling may help improve the proper utility of the recycling containers.

**Big Belly Container:** The Big Belly solar powered refuse collection container was purchased and installed as a pilot project to determine both functionality and utility in the downtown municipal setting. Though the device operated as designed, there has been no notable savings to the community in reduced refuse collection operation cost in the downtown area, as normal collections had to continue to service the many street containers throughout the downtown area. The unit was subsequently relocated to Mingo Park to test its performance in a setting with concentrated crowds. Similar results were found that the unit was utilized, however did not reduce the need to provide routine service to the many other refuse receptacles available throughout the park. Improved utility may be achieved by eliminating all refuse collection containers within the park and replacing with just a few Big Belly units. However, at an estimated cost of \$4,000 per unit, and considering public demand for closely spaced refuse receptacles, the Big Belly unit is just not a good fit for the park or downtown settings, and the installation of additional units is not recommended.



**Food Waste Recycling:** The city was recently approached by a new food waste composting business, Innovative Organics, to gauge the city's interest in establishing a food product recycling service within the city. Plant based food products would be voluntarily placed in enclosed containers by residents participating in such a program, and collected on regularly scheduled refuse collection days. Both collection containers and service would be privately funded and operated. The food products would be transferred to a larger processing facility outside Delaware where they are used in an organic composting facility. Though the current proposal was not supportable, staff will continue to work with future entities to better understand how such proposals could benefit the community.

**Commercial Service:** As stated previously, the city provides commercial dumpster collection service to a limited number of properties in town. Included are 80 multi-family developments containing 225 commercial dumpsters to be services weekly. Though ordinance language designates these developments as residential, the type of service provided via large 2, 3, 4, 6 and 8 CY dumpster units is more commonly classified within the refuse industry as commercial collection. Over the past few years the city has received requests from several multi-family property owners, each requesting permission to be able to utilize private dumpster collection services, claiming substantial savings over the city's dumpster collection rates. Private commercial refuse haulers can generally provide similar service at reduced cost for several reasons including reduced labor rates, lower overhead, and more efficient front load collection equipment. It should be mentioned that at current rates, the average multi-family per unit cost for refuse collection service by the city is \$11.55 per month.



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Under consideration is a proposal that would allow for multi-family properties served via dumpster service, to be permitted to consider private collection service just as other local dumpster customers are able to. If such a proposal is implemented, then there is a strong possibility that a majority of the city's multi-family dumpster customers would eventually opt for the lower cost private contract refuse service. As a result, the commercial customer base would be limited and lead to subsequent increases in commercial collection rates for the remaining customers. Eventually, the customer base would be too small to justify maintaining commercial collection operations by the city, at which point remaining commercial collection operations should be suspended. Some operations costs currently included as part of commercial collections rates would then be shifted to the residential collection program costs. It is estimated that suspending commercial operations would lead to an increase in the residential collection rate of \$1.33 per month.

### Refuse Collection Rates

Refuse collection rates have been adjusted eleven times over the past twenty-five years leading to a calculated average annual rate increase of 3.89% for residential service in the City of Delaware. Required adjustments can be attributed to several factors including increases in labor, fuel and equipment costs, as well as mandated OEPA regulations expanding recycling operations and landfill management. A detailed review of the refuse rates based on current operation and associated costs has recently been completed. An increase in the residential collection rate is proposed. The increase, however, is below the historical calculated average annual increase for the time period since the last increase in 2011. As stated above, changes to commercial operations will impact the final residential collection rates as well.

Residential Collection Rates (Monthly)												
Year	1992	1994	2002	2004	2005	2006	2007	2008	2009	2010	2011	2017
Rate	\$10.00	\$12.00	\$14.00	\$14.50	\$15.00	\$15.35	\$15.66	\$16.91	\$18.60	\$19.16	\$19.73	TBD

#### Residential Rates:

The city's residential rates remain very competitive with the other public sector rates as well as private collection rates for similar collection operations. The local monthly residential rate is comprised of four separate costs; waste collection, recycling collection, yard waste collection, and tipping fees. Staff has reviewed the rates of over thirty local and regional jurisdictions providing residential collection service and found rates ranging from \$12 to \$26 per month for curbside service, with the average rate at \$18.93/month. It should be noted though that there is wide variability in factors impacting collection rates including range of services provided, frequency of collection, proximity to landfills, inclusion of legacy costs such as landfill management and operations, and solid waste district fees to name a few. It is very difficult to provide true apples to apples comparison with so many factors involved in determining monthly refuse rates. However, a summary has been provided at the back of this report listing the individual rates and services provided by each jurisdiction included. The information was collected through both work performed by the Delaware County Health Department for jurisdictions within Delaware County, and research by Public Works staff for other Ohio communities. Four of the communities, including Delaware, operate their own public municipal solid waste collection program. The majority of communities offer solid waste collection through publically contracted services that are bid out every few years. The table below shows proposed residential refuse collection rates. An alternative table is also included that indicates the residential collection rates that would be proposed assuming commercial collection operations are suspended.

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Proposed 2017 Monthly Residential Rate					
	Refuse	Recycling	Yard Waste	Tipping Fee	Total
32 Gallon w/ 50% Discount	\$3.80	\$2.63	\$1.70	\$2.17	\$10.30
96 Gallon	\$7.59	\$5.26	\$3.39	\$4.35	\$20.60

Proposed Monthly Residential Rate (Commercial Operations Suspended)					
	Refuse	Recycling	Yard Waste	Tipping Fee	Total
32 Gallon w/ 50% Discount	\$4.13	\$2.82	\$1.84	\$2.17	\$10.97
96 Gallon	\$8.27	\$5.64	\$3.68	\$4.34	\$21.93

### Commercial Rates:

Commercial or "Dumpster" rates are comprised of two component factors: the cost to service an individual dumpster unit and the cost to dispose of the waste from each unit. The first remains equivalent for all dumpsters while the second varies depending on dumpster capacity. Because the city offers a wide variety of dumpster unit sizes and service schedules, the table provides the calculated monthly cost per individual dumpster unit as a function of size and service frequency. Shown below are current commercial rates followed by proposed rates. Based on the most recent analysis, the proposed commercial rates reflect a moderate decrease in monthly commercial rates as indicated. The difference in the newly calculated rates over current rates can be attributed to adjustments in the methodology assigning an equitable distribution and allocation of refuse service costs among the four principal components making up the refuse operation. The proposed reductions will result in savings to commercial customers of a few hundred dollars per year, up to a few thousand dollars per year for the larger multifamily complexes.

Existing Monthly Dumpster Collections Fees					
Dumpster	1 Dump/week	2 Dump/week	3 Dump/week	4 Dump/week	5 Dump/week
2 CY Dumpster	\$100.27	\$200.44	\$298.06	\$395.63	\$493.26
3 CY Dumpster	\$106.97	\$213.28	\$319.89	\$426.51	\$533.15
4 CY Dumpster	\$123.35	\$239.00	\$354.66	\$470.31	\$585.97
6 CY Dumpster	\$143.98	\$277.72	\$411.43	\$545.14	\$678.84
8 CY Dumpster	\$182.74	\$343.06	\$507.55	\$672.04	\$836.54

Proposed Monthly Dumpster Collection Fees					
Dumpster Size CY	Weekly Service Frequency (Dumps per week)				
	1	2	3	4	5
2	\$85.37	\$170.74	\$256.10	\$341.47	\$426.84
3	\$94.48	\$188.95	\$283.43	\$377.91	\$472.38
4	\$103.58	\$207.17	\$310.75	\$414.34	\$517.92
6	\$121.80	\$243.60	\$365.41	\$487.21	\$609.01
8	\$140.02	\$280.04	\$420.06	\$560.08	\$700.09

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## Outlook for Maintaining the City Refuse Collection Program

In 1951, City Council recognized the value of establishing a well-organized and managed solid waste collection service for the city. Sixty-five years later, the same holds true with refuse collection remaining a critical service for public health, safety and well-being. Unlike the 1950's however, many additional regulations are now in place that have been established to protect the environment and public infrastructure, thus necessitating greater city involvement in all solid waste collection programs. Some communities have moved away from providing a municipally managed solid waste collection service, allowing for the privatization of solid waste collection without local regulation. This has contributed to under regulated and intrusive operations involving multiple contractors working on independent schedules and pricing structures. As a result, not all residents are treated equally and have little or no representation or say regarding their associated refuse collection service and costs. Recognizing this, many public agencies have since joined together to form large public consortiums able to receive publically bid refuse services resulting in price stabilization, controlled collection scheduling and improved access to public officials regarding service concerns. One such collective contract includes Orange, Genoa and Liberty Townships, and serves over 68,000 county residents. In this case, residents benefit from fixed costs, though individuals are still required to establish service directly with the private refuse hauler under the terms of the agreement. In other communities like Marysville, the city continues to provide refuse collection service, however with collection activity performed by a private contractor through a publically bid contract. The later example provides a higher level of service and advocacy on behalf of the residents by the city.

In Delaware, residents are serviced by a publically operated refuse collection program. Some would argue that the highest level of customer care and service is best provided through a well-managed and efficiently run publically operated division, as is the case in Delaware. Residents in the city enjoy the highest level of access to program administrators, and are able to contact the city directly with service questions, complaints and suggestions. Residents also have access to their local council representation to discuss policy and concerns. Others however, may submit that lowest cost should be the predominant consideration when evaluating whether or not a service should be publically or privately managed. To help in contrasting the differences between the current refuse services versus private service, a brief summary of the pros and cons of privatizing refuse collection in Delaware has been included. A similar summary regarding the privatization of commercial collection services in the city are included as well.

### Privatizing all Refuse Collection Service - Pros

- Reduced labor force and associated administrative and management operations
- Reduced injuries, workers comp claims, and insurance costs
- Reduced employee work force, absentee and disciplinary issues
- Reduced concern regarding the viability of the future of County Transfer station
- Reduced concern over viability of local private recycling and composting operations
- Eliminates issues having to work in inclement conditions or hazardous driving conditions
- Reduced winter maintenance costs of treating refuse routes in advance of collection service
- Eliminates concerns over equipment breakdowns
- Frees up fleet mechanic's time to work on other priority vehicle repairs
- Eliminates need for construction of new refuse facility
- Allows for competitively bid refuse collection rates and 3-year fixed contract costs.
- Opens building and storage space at Public Works for other activities and future projects

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## Privatizing all Refuse Collection Service - Cons

- Loss of direct public input into rates, collection schedules and level of service
- Loss in direct access to refuse operation administration
- Eliminates funding transfers to SMR and general funds
- Reduced CDL driver workforce to assist in winter snow and ice management and plowing
- Reduced response to assist in refuse collection for numerous special events, parades, first Fridays etc.
- Reduced response to assist in weather related cleanups from high winds, ice, flooding etc.
- Loss in immediate response for illegal dumping (downtown area)
- Loss in local assistance for problematic downtown collection needs
- Loss of assistance to local police and health department initiatives
- Decreases opportunities to promote recycling opportunities with the city
- Increased demand in understaffed Street Division to address potential refuse issues
- Loss in residence move-in and move-out service
- Loss in access to DKMM funding for recycling program improvements
- Potential for increased impact to local roadways by private refuse haulers
- Requires City to use private refuse hauler to service 17 city facilities and parks
- No control in residential call-back requests for missed collections
- Could increase number of unresolved complaints that will be redirected to private contractor
- Requires layoff of 14 existing city employees, with associated unemployment cost impacts
- Liquidation of significant equipment assets with an estimated \$3.5 million replacement value.

## Elimination of Commercial "Dumpster" Collection Service – Pros

- Allow customers to contract with less costly service options
- Reduces number of problematic downtown customer issues for city to manage
- Reduce equipment inventory and associated insurance, maintenance and replacement costs
- Reduced opportunity for staff injury and equipment failure during commercial operations
- Opens storage space at Public Works for other activities and future projects

## Elimination of Commercial "Dumpster" Collection Service – Cons

- Legacy costs in landfill management remain and must be covered via residential collection rates
- Residents in multifamily developments don't contribute to refuse operational costs
- Reduced availability of equipment for special events, weather emergencies and cleanups.
- May require city to contract for private service collection of 17 public facilities.
- Requires code change to address downtown residential collection
- Require code change to allow for placement of "publically accessible" dumpsters
- Could increase number of unresolved complaints that will be redirected to private contractor
- Will result in need for increased code enforcement regarding waste disposal in downtown business district

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The long term viability of maintaining a publically managed residential waste collection program deserves periodic examination. Research indicates that the city continues to be able to offer the community a full range of residential collection services at rates that are generally competitive with private sector operations. While several components contribute to the total cost of providing residential service, a significant factor in maintaining competitive rates is attributable to the proximity of the Delaware County Solid Waste Transfer Station. Without the transfer station, refuse disposal would have to be redirected to the next closest facility in Marion which would add an additional 47 mile round trip to each load being disposed of. Prior analysis indicates utilization of the Marion facility would add an estimated \$340,000 annually to the cost of providing residential refuse service based on increased labor, fuel and vehicle mileage. This would be reflected in an estimated \$2.50 increase in the monthly collection rates. Longer term changes would also be required including an increase in crew size to offset higher travel times, and the replacement of refuse service vehicles with equipment designed for increased highway travel. Both would add to further increases in the monthly residential service costs. Staff works closely with county officials to express the continued benefits to not only the city, but the region in maintaining the current solid waste transfer station.

Public sentiment would seemingly indicate a preference to maintain residential refuse operations as part of city services. According to the recent community attitudes survey, 96% of residents surveyed are “very satisfied” with the city’s refuse collection service. The current crew takes pride in their respective performance and continues to provide a high level of customer satisfaction as echoed in public comment from local residents. Nevertheless, government accountability remains an important issue in the fair evaluation of how public services are provided. For this reason, the city continues to evaluate many of its service operations including solid waste management, to be sure the needs of the community are being met, and associated costs remain acceptable.

*It is high time that we recognize the men who faithfully collect our trash, yard waste and recyclables every week in all sorts of weather. They are courteous, helpful, thorough and efficient. I am sure that I am not the only one who truly appreciates their dedicated service. - Robert Caulkins*

A second issue questions the future viability of maintaining commercial refuse collection service within the city. Amending city code to allow for any property utilizing dumpster collection service to seek more cost effective private service could essentially reduce the city’s commercial refuse collection operation to a point it may no longer be practical to continue. A resultant suspension in commercial collection would require an increase in the residential collection rate by an estimated \$1.33/month. If suspended, commercial operations could be phased out over a several month period allowing sufficient time for remaining customers to seek alternative service through private contract. If practical, the city could maintain its ability to continue refuse collection for special events, public parks and facilities, move-in/move-out service, bulk collection, and during weather related clean-ups as required. Policy discussion would have to be considered regarding the continuation of service to those businesses and multi-family developments able to be served by tip cart collections as a means to maintain these properties within the city system. Policy regarding the continued establishment of publically accessible dumpsters should also be addressed, specifically in regards to the downtown business district.

# 2017 Solid Waste Management Program Update

## Recommendations

1. **Residential Refuse Collection & Rates:** Maintain City residential collection service. The many ancillary benefits of maintaining a strong municipal refuse collection program, as outlined in the pros & cons discussion, also weigh strongly into the overall value of maintaining the service locally. As long as the community remains satisfied with the level of service and value being provided, and that collection rates remain within the range of rates offered through private sector, the city should continue to operate its residential refuse collection program including waste, curbside recycling and yard waste collection.

Based on recent detailed analysis, the new residential rates should be established as follows:

96 Gallon Tip Cart	\$20.60/month or \$21.93/month without commercial
32 Gallon Tip Cart (Senior Discount)	\$10.30/month or \$10.97/month without commercial

2. **Bulk Item Collection:** Recent survey work clearly identifies that bulk item collection is a part of the majority of residential collection programs across the state, and should be included as part of the city's operation. A draft pilot program was prepared in early 2016 outlining the terms of operating a bulk item collection program. This information has been included at the back of this document. It is proposed to pilot a bulk item collection program for several months to better understand both customer utility and program efficacy in addressing the need. Rates, frequency of service, as well as other regulations would be initially established in accordance with the program outline, and could be adjusted pending the results of the pilot period.
3. **Commercial "Dumpster" Collection:** Consideration should be given to provide all customers requiring dumpster service to do so under the same regulations and opportunities. This would include allowing larger multi-family developments utilizing dumpsters to have the option to contract with private refuse collection contractors. Understanding the potential loss of 74% of current commercial accounts, the city would have to consider moving toward suspending commercial collections all together. Public hearings and discussion should be held to gain additional insight as to the impacts of ending commercial collection by the city.

The proposed new collection rates assuming commercial collection operations are maintained are:

Proposed Monthly Dumpster Collection Fees					
Dumpster Size CY	Weekly Service Frequency (Dumps per week)				
	1	2	3	4	5
2	\$85.56	\$171.11	\$256.67	\$342.23	\$427.78
3	\$95.12	\$190.24	\$285.36	\$380.48	\$475.60
4	\$104.68	\$209.37	\$314.05	\$418.74	\$523.42
6	\$123.81	\$247.62	\$371.44	\$495.25	\$619.06
8	\$142.94	\$285.88	\$428.82	\$571.76	\$714.70

## 2017 Solid Waste Management Program Update

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4. Downtown Refuse Collection: Recommended adjustments to residential collection operations in the downtown business district should be publically reviewed and discussed, including;
  - a. Establishing a new residential collection day in the middle of the week
  - b. Considering specified trash bag drop off locations and bag colors
  - c. Establish permissible trash drop off hours
  - d. Requiring property owners of residential units to be the point of contact for refuse billings
  - e. Requiring property owners with rear access to maintain containers on their respective properties for collection of all of their respective business and residential tenants
  - f. Establish code and user rates for the placement of publically accessible dumpsters
  - g. Consider adjustments to penalties for violations to refuse regulations
5. Refuse Code Changes: As part of this update, several proposed adjustments have been discussed to accommodate changes in policy or program initiatives. Such changes should be considered through public discussion, finalized, and presented through subsequent council meetings as code adjustments.
6. Facility Improvements: Advance the design/build process of the proposed 27,000 SF refuse/recycling building, with a goal of being under construction by 3<sup>rd</sup> quarter of this year.

# 2017 Solid Waste Management Program Update

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## Bulk Item Collection Pilot Program

This program is intended to provide a convenient and affordable means for city residents to periodically dispose of large bulky items that do not fit within weekly collection tipcart containers, and who are unable to transport the items to the Delaware County Solid Waste Transfer Station. The program is not intended to be used for the removal of an entire household of furniture/appliances generated from i.e. property evictions and abandonments or otherwise generated from fire, flood or other event.

### Cost per resident

- \$25.00 for up to first three (3) bulk items per stop.
- Additional items are \$10.00 each. Maximum six (6) total items per stop.
- Exact change or check required. No credit card payments will be accepted.
- Fees must be pre-paid at 440 E. William St. weekdays between 8 a.m. and 4:00 p.m.

### Collection Date/Time:

- Collection of bulk items will be scheduled to occur on the second Tuesday of each month.
- Items must be placed at the end of driveway or within the adjacent tree lawn area by 7AM on the scheduled day of collection.

**Permitted items to include:** Items that will be collected through the Bulk item Collection Program include:

- Appliances (non-refrigerant) including water heaters, washer, dryers, stoves, dishwashers, microwave oven, and flat panel TV's.
- Appliances (containing refrigerant) including refrigerators, freezers, dehumidifiers, air conditioners. Note that collection of appliances containing refrigerant require completion by applicant of a "Verification of Refrigerant Disposal Form" at the time of application.
- Household furniture, including lawn and patio furniture sets
- Carpeting/padding (must be cut up and rolled into bundles not to exceed 4 feet in length and 16 inches in diameter. Bundles must be tied with rope or tape heavy enough to support the weight of the bundle.
- Mattresses/box springs (MUST be wrapped in heavy plastic & securely taped). Unwrapped mattresses/box springs will not be taken.
- Bathtubs/toilets/sinks/doors
- Exercise equipment (treadmills, exercise bikes, etc.)
- Glass must be removed from bulk items, placed in a box, taped shut and marked glass
- Basketball poles (remove backboard from pole). The pole should be cut into 4 foot sections and all weight removed from base.

**Excluded Items:** Items that will NOT be collected through the Bulk item Collection Program include:

- Construction materials, Concrete/Asphalt/Dirt/Stone of any type
- Auto parts; Tires of any type/Batteries
- Hazardous waste/Oil/Paint/Flammable or explosive materials
- Yard Waste/Brush/Rocks/Dirt/Railroad Ties/Logs
- Bagged Trash/Trash Cans/Cardboard
- Pianos, Spas, Hot Tubs, Pool Tables, etc.
- Computer monitors, Fluorescent Bulbs

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For additional information or questions please contact the Public Works Department at 740-203-1810

## 2017 Solid Waste Management Program Update

Residential Refuse Collection Survey '16/'17								
Jurisdiction	Population	Residential Collection Fee	Containers Fees	Total Monthly Fee	Senior Rate or Discount	Curbside Recycling	Yard Waste Collection	Bulk Item Collection
City of Delaware <sup>(1)</sup>	37,316	\$20.60	No	\$20.60	50%	Yes	Yes	Pending
City of Powell <sup>(5)</sup>	12,975	\$16.95	Not Provided	\$16.95	10%	Yes	Yes	Yes
Marysville <sup>(4)</sup>	22,817	\$21.00	No	\$21.00	30%	Yes	No	Yes
Springfield	59,680	\$18.79	No	\$18.79	10%	Yes	Yes	Yes
Lebanon	20,623	\$18.29	No	\$18.29	10%	Yes	Yes	Yes
Beaver Creek	46,277	\$19.98	No	\$19.98	10%	Yes	Yes	Yes
Grove City	39,388	\$15.00	\$1.00	\$16.00	10%	Yes	Yes	Yes
Hilliard	33,649	\$16.43	No	\$16.43	10%	Yes	Yes	Yes
Westerville	38,384	\$18.00	\$3.50	\$21.50	10%	Yes	Yes	Yes
Pickerington	19,745	\$9.52	\$3.50	\$17.02	10%	\$4.00	Yes	Yes
Marion <sup>(1)</sup>	36,363	\$22.00	Not Provided	\$22.00	50%	Yes	Yes	Yes
Genoa Township	25,272	\$12.95	\$3.00	\$15.95	10%	Yes	Yes	Yes
Orange Township	27,104	\$12.95	\$3.00	\$15.95	10%	Yes	Yes	Yes
Liberty Township	16,308	\$12.95	\$3.00	\$15.95	10%	Yes	Yes	Yes
Upper Sandusky <sup>(1)</sup>	6,527	\$12.00	Not Provided	\$12.00	No	Yes	No	Yes
Newark	47,986	\$18.79	\$3.50	\$22.29	10%	No	Yes	Yes
Lancaster <sup>(1)</sup>	39,766	\$13.50	Not Provided	\$13.50	33%	No	Yes	Yes
Xenia	25,498	\$21.99	No	\$25.49	10%	\$3.50	No	Yes
Mansfield	46,830	\$18.14	\$3.50	\$21.64	10%	No	Yes	No
Village of Prospect <sup>(1)</sup>	1,100	\$18.50	No	\$18.50	No	No	Once/Month	No
Village of Sunbury	5,057	\$11.25	\$2.50	\$16.70	10%	\$2.95	No	Yes
Village of Galena <sup>(2)</sup>	768	\$16.43	\$3.00	\$19.43	6%	Yes	No	No
Village of Ashley	1,347	\$14.75	Not Provided	\$14.75	No	Yes	No	No
Kingston Township	2,225	\$12.88	Not Provided	\$17.28	No	\$4.40	No	No
Concord Township	10,527	\$16.95	No	\$16.95	10%	Yes	No	Yes
Shawnee Hills	770	\$26.00	Not Provided	\$30.00	No	\$4.00	No	No
Porter Township	2,052	\$17.84	\$2.50	\$24.34	10%	\$4.00	No	No
Marlboro Township	293	\$16.33	Not Provided	\$16.33	No	No	No	No
Oxford Township <sup>(3)</sup>	1,008	\$15.06	Not Provided	\$15.06	No	No	No	No
Berlin Township	7,175	\$14.98	No	\$14.98	10%	Yes	No	Yes
Berkshire Township	2,853	\$14.98	No	\$14.98	10%	Yes	No	Yes
Delaware Township	2,064	\$14.98	No	\$14.98	10%	Yes	No	Yes

(1) Public operated refuse service

(2) Chipping Service provided by Township May-October

(3) 46% Paid by Township

(4) Yard Waste Collection is provided through the Sanitation Division

(5) Recycling Container provided by city

**Average Monthly Rate     \$18.93**

Rev. 2/7/17

# 2017 Solid Waste Management Program Update

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## Special Waste Handling Options

### **Gently used clothing, bedding, furniture, appliances and household items**

- People in Need, Inc. - 138 Johnson Drive, Delaware, OH 43015 Phone: 740.363.6284
- Good Will - 1135 B Columbus Pike (Rt.23) Delaware, Ohio 43015 Phone: (740) 362-5541
- Salvation Army - 8659 Columbus Pike Lewis Center, OH, 43035

### **Surplus & Used Building Materials**

- Habitat for Humanity ReStore 305 Curtis Street, Delaware, OH 43015 (740) 363-9950

**Cell Phones** -may be taken to the Delaware County Victims Services or Sheriff's Office, Columbus Zoo (also accepts cell phone peripherals), and Sims Recycling.

**Automobiles** - May be accepted by local charities, including the Kidney Foundation, Goodwill, Salvation Army, and Wheels for Wishes.

### **Bulk Waste Disposal**

- Delaware County Transfer Station, 888 US42 North (740-369-7700) (Fees)
- College Hunks Hauling Junk - 652 W Central Ave., Delaware Phone: (740) 362-4244

### **Bulk Residential Yard Waste**

- Price Barns Organics 4838 Warrensburg Rd. Delaware, OH 43015 (740-369-1000)  
Ohio Mulch 883 US Highway 42 N (740-363-8496)

**Tires** - Tires may be taken to the Delaware County Solid Waste Transfer Station (Fee) 740-369-7700. The DKMM Solid Waste District holds special Household Hazardous Waste (HHW) Days (<http://dkmm.org>). Tires are accepted for a fee of \$1 for passenger tires (17" or less), \$4 for truck tires and \$25 each for Semi/Farm/Tractor tires at the HHW Days only.

**Automobile Batteries** -Car or truck batteries can be dropped off at Monro Muffler (1105 Columbus Pike), Tractor Supply Company (2621 US23 N), or Sims Recycling Center (65 London Rd)

**Rechargeable Batteries**- Radio Shack North Point Plaza Lewis Center, 43035 740-657-1140; Home Depot 8704 Owenfield Dr., Lewis Center, 43035 740-548-9961; Batteries Plus 8593 Columbus Pike, 614-396-5490

**Appliances** - Appliances can be taken to Sims Recycling (fee for Freon and non Freon), the Delaware County Solid Waste Transfer Station will accept non Freon appliances at no charge. Freon must be removed by a certified technician.

**Electronics**- are accepted at Sims Recycling, Best Buy and Ohio Drop Off at Ohio Mulch ([www.ohiodropoff.com](http://www.ohiodropoff.com)). For television and computer monitors, Sims charges \$.40 a pound for televisions and \$.25 a pound for CRT style monitors. Sims does not accept any flat panel, rear projection screens or laptops. Best Buy accepts 32" or less screen size tube televisions and 60" or less flat-screen televisions free of charge. Ohio Drop Off at Ohio Mulch locations (NO CRT Monitors or Tube Televisions) only LCD tvs and LCD computer monitors.

**Household Hazardous Waste Drop Offs** - One drop off is held annually in each of the District's four counties. Two events are held each spring and two events are held each fall. Residents of Delaware County are welcome to attend events in Delaware Knox, Marion, or Morrow Counties (<http://dkmm.org>).

## 2017 Solid Waste Management Program Update

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**Light Bulbs** - CFLs and fluorescent tubes (small quantities) from residences can be taken to Lowes. Home Depot accepts CFL's (compact Fluorescent) only. Menard's will accept tubes only if replacement tubes are purchased from them. Fluorescent lamps can be brought to the DKMM Household Hazardous Waste Drop offs (<http://dkmm.org>)

**Motor Oil** - can be taken to TSC, Walmart in Lewis Center or Delaware, or Auto Zone stores, or check with a service center near you.

**Polystyrene (#6) plastic peanuts** - The UPS Store 175 S Sandusky St., Delaware, 43015 740-363-7653; Pak Mail 825 Houk Rd., Delaware 43015 740-363-5530; Pak Mail Centers of America 8595 Columbus Pike, Lewis Center, 43035 740-657-3600

**Vegetable Oils** - can be recycled. For more information, call MB Katter at 740-362-3000.

**Prescription Drug Drop Boxes –**

- Delaware County Jail - 844 US 42 N., Delaware
- Delaware City Police Dept. - 70 N. Union St., Delaware



## FACT SHEET

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AGENDA ITEM NO: 14

DATE: 03/13/2017

ORDINANCE NO:

RESOLUTION NO: 17-19

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION IN SUPPORT OF A SISTER CITY VISIT TO SAKATA, JAPAN.

**BACKGROUND:**

In 2012, City Council sent a delegation to sister city Baumholder Germany. In advance of that trip, legislation was introduced to declare the trip a public purpose and allow a portion of the trip to be paid for by the city. That resolution did not pass and members paid for the trip on their own. The City and Sakata have not established a formal sister city relationship yet, however that is planned to be established. Sakata sent a delegation to Delaware in 2015 with the expectation that the City would reciprocate. A visit is planned to Sakata in April 2017, which will include a delegation of five as follows:

Mayor Carolyn Kay Riggle  
R. Thomas Homan, City Manager  
Chuck Stinemetz, Provost OWU  
Jeffrey Sprague, NEX Transport, Inc. Representative  
Joanne Meyers, Delaware City Schools Representative

**REASON WHY LEGISLATION IS NEEDED:**

The attached resolution establishes the visit as a public purposes and authorizes the use of public funds to help pay for it.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

**PRESENTER(S):**

**RECOMMENDATION:**

**ATTACHMENT(S)**

RESOLUTION NO. 17-19

A RESOLUTION IN SUPPORT OF A SISTER CITY VISIT TO SAKATA, JAPAN.

WHEREAS, City Council believes strengthening and maintaining Sister City relationships and exploring new partnerships is valuable and necessary to the on-going economic and cultural growth of the City of Delaware; and

WHEREAS, the City of Delaware has established several Sister City relationships through the years; the first in 1963 with Goulborn, New South Wales, Australia, as a part of the "People-to-People Programs: established by President Dwight D. Eisenhower, and then with Omuntninsk, Russia, and Baumholder, Germany; and

WHEREAS, the City previously sent a delegation of City officials to sister city Baumholder, Germany; and

WHEREAS, the City hosted representatives from Sakata, Japan to establish a Sister City relationship in November of 2015; and

WHEREAS, the City of Sakata has extended a formal invitation to the City of Delaware to send a delegation to Sakata, Japan.

WHEREAS, the exchange of information and ideas between sister cities continues to benefit the City of Delaware.

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

SECTION 1. Sending representatives of the City of Delaware to Sakata, Japan as part of the delegation achieves a public purpose.

SECTION 2. Public funds, as budgeted in the City's 2017 travel/training line item, may be used to pay the costs of participating in the delegation.

SECTION 3. Any travel expenses must conform with the City's travel reimbursement policy.

PASSED: \_\_\_\_\_, 2017 YEAS\_\_\_ NAYS\_\_\_ ABSTAIN \_\_\_

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



## FACT SHEET

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AGENDA ITEM NO: 15

DATE: 03/13/17

ORDINANCE NO:

RESOLUTION NO: 17-20

READING: FIRST

PUBLIC HEARING: NO  
**April 10, 2017 at 7:15 p.m.**  
**Public Comment**

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Ted Miller, Parks and Natural Resource Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ACCEPTING THE CITY OF DELAWARE'S BIKE MASTER PLAN 2025.

**BACKGROUND:**

The City of Delaware entered into a contract in June of 2015 with Stantec Consulting Services to perform an update of the bike plan for the City. The plan and recommendations were presented to the Parks and Recreation Board on October 18, 2016.

**REASON WHY LEGISLATION IS NEEDED:**

The adoption of the Bike Plan 2025 outlines and ranks the proposed projects to be implemented

**COMMITTEE RECOMMENDATION:**

The action is being taken as a result of the Parks and Recreation Board recommendation at the February 21, 2017 meeting. The Planning Commission recommended approval at the March 01, 2017 meeting.

**FISCAL IMPACT(S):**

The fiscal impacts are on an annual basis and will be partially offset by impact fees and grants.

**POLICY CHANGES:**

Various

**PRESENTER(S):**

Ted Miller, Parks and Natural Resource Director

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Bike Plan 2025

Priority Trail Projects- east

Priority Trail Projects-west

Priority Trail Projects-south





## MEMORANDUM

TO: Planning Commission <sup>LAS</sup>  
FROM: Lance A. Schultz, Planning and Zoning Administrator  
DATE: February 23, 2017  
RE: Bike Plan 2025

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The Planning and Community Development Department requests the review of Bike Plan 2025 by the Planning Commission before it is forwarded to City Council for review. The Parks Commission approved the plan at its February 21, 2017 meeting. Ted Miller, Parks and Natural Resource Director, will be at the meeting to give a brief presentation and answer questions. Attached is the Executive Summary and exhibits of the Priority Trail Projects (south, east, and west) for your review. The entire Bike Plan 2025 was emailed to you in a dropbox for your review as it is too large to include in the packet (157 pages).



DRAFT



# BIKE PLAN 2025

September 2016



*Prepared for:*  
**City of Delaware, Ohio**  
1 S. Sandusky Street  
Delaware, Ohio 43015



*Authored by:*  
**Stantec Consulting Services**  
1500 Lake Shore Drive, Ste. 100  
Columbus, Ohio 43204

# 1. Executive Summary

This document, Delaware’s third bike network plan, has a 10 year planning horizon. The planning process included an assessment of existing conditions, a public engagement and visioning process, and recommendations to implement the vision.

This vision is that, by 2025, “Delaware [will be] a bike-friendly city, with a complete bike network which allows bicyclists of varying age, skill, and ability to safely travel across the city and beyond.”

## Existing Conditions

In communities across the country, bicycling for recreation, and increasingly for transportation, is desired. In Delaware, existing and prospective residents value the ability to bike across the city and to local destinations.

Most neighborhood streets in the City of Delaware are fairly bikeable for a range of users; however, many of these mostly residential areas are not connected to each other or area destinations. Barriers such as railroads, busy roadways, and disconnected and non-adjacent development impact connectivity.

The City and developers have made significant strides to construct multi-use paths to improve connectivity; however, the system is largely disconnected. More investment is needed to close gaps, improve crossing safety, and address some difficult and expensive corridors. At the same time, the City’s existing paths are aging, and the budget to maintain its 15 miles of city-maintained paths is insufficient.

Residents seem to value the path network, particularly for recreation; however, there are few if any events to encourage biking or a local bike culture sought by millennials and others.

## Public Engagement

Those who participated in this planning process said they want a safe network which allows trips across the city and to community amenities. While the existing network is mostly comprised of multi-use path, there is support for on-road bike facilities. Further, there is support for large, system expansion projects; however, most say the system has gaps and safety problems which also need to be addressed.

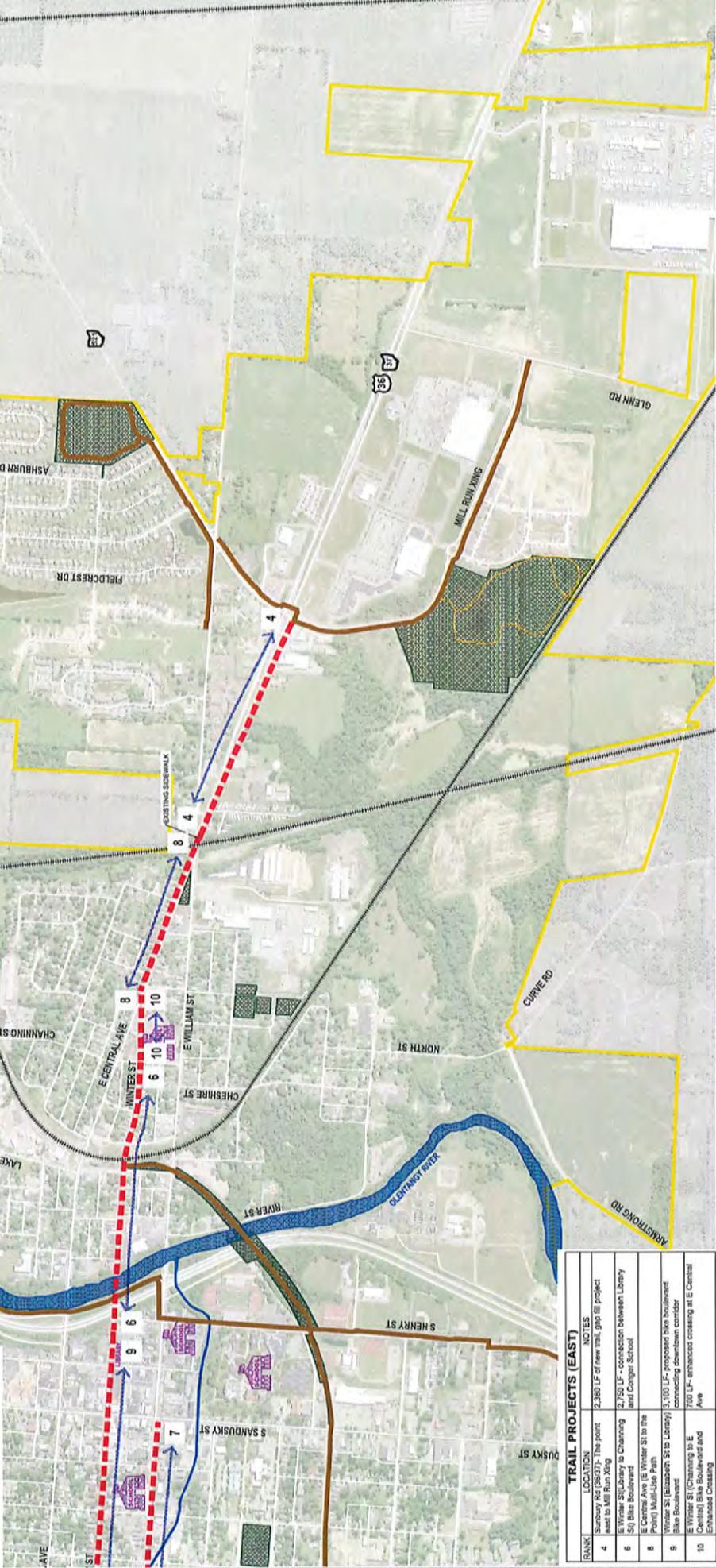
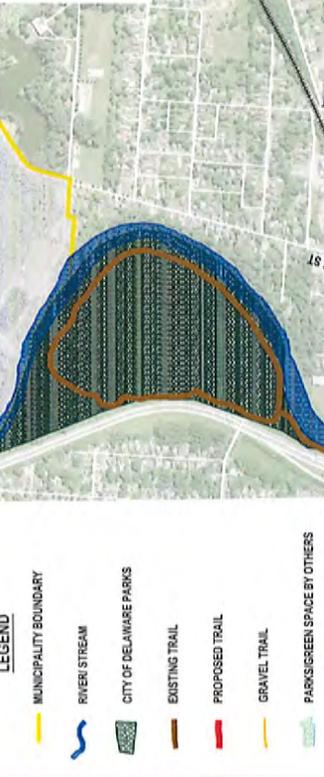
## Recommendations

This plan outlines over \$14 million in projects to be implemented over the next 10 years. Projects to be implemented in the short and medium term are generally safety and gap-closing projects, or about \$4 million. These also include miles of on-road facilities such as bike boulevards, defining neighborhood streets as bikeways, and also road diet projects where wide or under-utilized travel lanes may be repurposed as bike lanes, a center turn lane, and/or on-street parking.

The remaining projects focus on better connections across the City such as along Delaware Run, the Springfield Branch rail spur, and along US-23, to be implemented as grants and roadway improvements allow.

Beyond infrastructure, the plan outlines program and policy changes to improve biking in the City of Delaware.

**TRAIL PLAN 2016**  
**PRIORITY TRAIL PROJECTS-EAST**

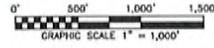


# TRAIL PLAN 2016

## PRIORITY TRAIL PROJECTS- SOUTH

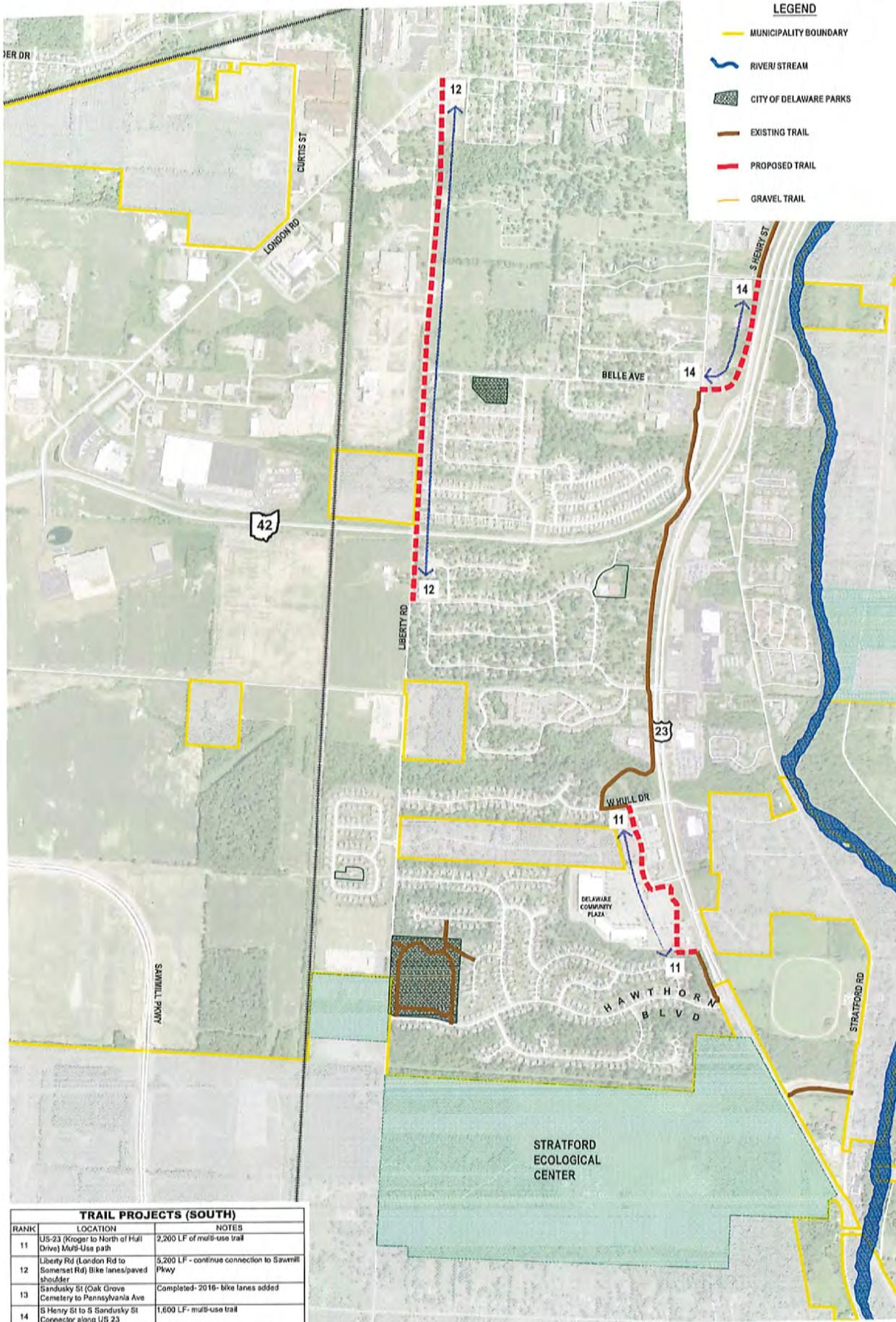


DATE: FEBRUARY 20, 2017  
SHEET SIZE: 11 x 17



### LEGEND

- MUNICIPALITY BOUNDARY
- RIVER/STREAM
- CITY OF DELAWARE PARKS
- EXISTING TRAIL
- PROPOSED TRAIL
- GRAVEL TRAIL



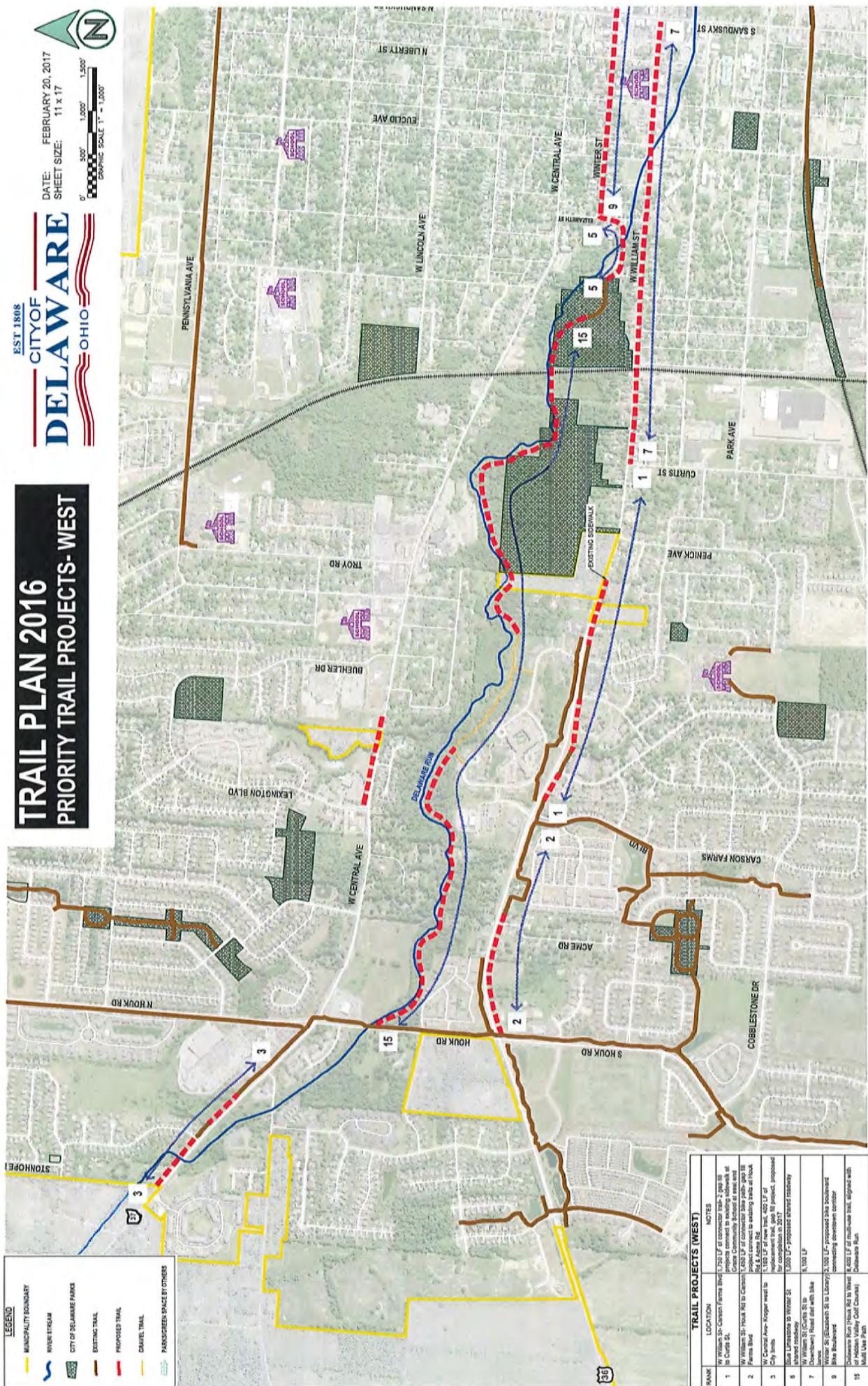
### TRAIL PROJECTS (SOUTH)

RANK	LOCATION	NOTES
11	US-23 (Kroger to North of Hull Drive) Multi-Use path	2,200 LF of multi-use trail
12	Liberty Rd (London Rd to Somerset Rd) Bike lanes/paved shoulder	5,200 LF - continue connection to Sawmill Pkwy
13	Sandusky St (Oak Grove Cemetery to Pennsylvania Ave)	Completed- 2016- bike lanes added
14	S Henry St to S Sandusky St Connector along US 23	1,600 LF- multi-use trail

# TRAIL PLAN 2016 PRIORITY TRAIL PROJECTS - WEST



DATE: FEBRUARY 20, 2017  
SHEET SIZE: 11 x 17  
GRAPHIC SCALE 1" = 1,000'



**LEGEND**

- MUNICIPALITY BOUNDARY
- WATER STREAM
- CITY OF DELAWARE PARKS
- EXISTING TRAIL
- PROPOSED TRAIL
- GRAVEL TRAIL
- PARK/GREEN SPACE BY OTHERS

**TRAIL PROJECTS (WEST)**

RANK	LOCATION	NOTES
1	W William St - Carson Farms Blvd to Central St	1,730' LP of connector trail - 200' off Carson Blvd
2	W William St - Hork Rd to Carson Farms Blvd	1,430' LP of connector trail path - 200' off Hork Rd & Carson Blvd
3	W Central Ave - Krieger west to City Park	1,100' LP of new trail - 400' LP of existing trail - 700' LP of proposed trail for completion in 2017
4	W Central Ave - Krieger west to City Park	1,000' LP - proposed shared roadway
5	W Central Ave - Krieger west to City Park	1,000' LP
6	W Central Ave - Krieger west to City Park	1,000' LP
7	W William St (Central St to W William St) - Road side with bike lane	1,000' LP of proposed bike boulevard connecting downtown center
8	W William St (Central St to W William St) - Road side with bike lane	1,000' LP of proposed bike boulevard connecting downtown center
9	Delaware Run (Hork Rd to W William St) - Multi-use trail, aligns with Multi Use Path	1,400' LP of multi-use trail, aligns with Delaware Run



## FACT SHEET

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AGENDA ITEM NO: 16

DATE: 03/13/2017

ORDINANCE NO: 17-13

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: R. Thomas Homan, City Manager

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE NAMING ACTING CITY CLERKS FOR THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The previous Acting City Clerk, Michele Kohler retired in January 2017. On March 13, 2017 Kim Gepper will assume the position as Executive Assistant to the City Manager. Therefore she will need to be named Acting City Clerk along with R. Thomas Homan, City Manager.

**REASON WHY LEGISLATION IS NEEDED:**

In the absence of the City Clerk, it will be necessary for the Acting City Clerks to accept petitions, annexations, other filings, as well as, certifying and signing various documents.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

**PRESENTER(S):**

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

ORDINANCE 17-13

AN ORDINANCE NAMING ACTING CITY CLERKS FOR THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to appoint Acting City Clerks to accept petitions, annexations, and other filings in the absence of the City Clerk;

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

SECTION 1. That R. Thomas Homan, City Manager and Kim Gepper, Executive Assistant, are hereby appointed Acting City Clerks for the City Delaware for the purpose of receiving service and other filings on behalf of the City Clerk.

SECTION 2. That all prior appointments of Acting City Clerk are hereby void.

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

SECTION 4. EMERGENCY CLAUSE: That in order to provide for the usual daily operation of the various departments of the municipal government and to provide for the public peace, safety, health and welfare this ordinance is hereby declared to be an emergency measure and shall take effect and be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

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

EMERGENCY CLAUSE:

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

PASSED: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR



## FACT SHEET

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AGENDA ITEM NO: 17

DATE: 03/13/2017

ORDINANCE NO: 17-14

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE PERMITTING THE SALE AND CONSUMPTION OF ALCOHOL BY THE GREENSWELL FOUNDATION C/O NEW MOON HALF & QUARTER MARATHON EVENT TO BE HELD ON MAY 27, 2017, COURSE MAP ATTACHED HERETO IN THE CITY OF DELAWARE.

**BACKGROUND:**

This is the third year for this event and it is to be held Saturday, May 27, 2017. Plans again this year are to have a beer garden located on Sandusky Street. Proceeds from the Celebration Area will support the Greenswell Foundation, as outlined in the Greenswell Foundation Submission Process. The event organizer has reviewed and agreed to comply with all of the proposed guidelines regarding serving alcohol on City property.

Note: Pursuant to ORC 4301.82, Effective 4/30/2017, the City is eligible to pursue an Outdoor Refreshment Area. If Council is interested in considering establishing an Outdoor Refreshment Area, there are both minimum requirements and procedural steps that must be met in order to create the area. This shall be discussed at a future council meeting.

**REASON WHY LEGISLATION IS NEEDED:**

This legislation is required in order to allow a beer garden on Sandusky Street, which can only be permitted by City Council.

**COMMITTEE RECOMMENDATION:**

Special Events Committee recommends approval

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Craig Thompson, Greenswell, Event Organizer

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

F Permit Application

Map

Greenswell Foundation Submission Process

ORDINANCE NO. 17-14

AN ORDINANCE PERMITTING THE SALE AND CONSUMPTION OF ALCOHOL BY THE GREENSWELL FOUNDATION C/O NEW MOON HALF & QUARTER MARATHON EVENT TO BE HELD ON MAY 27, 2017 COURSE MAP ATTACHED HERETO IN THE CITY OF DELAWARE.

WHEREAS, Greenswell Foundation c/o New Moon Half & Quarter Marathon has requested permission for the sale and consumption of alcohol for their event to be held Saturday, May 27, 2017; and

WHEREAS, the New Moon Half & Quarter Marathon raises monies for the Greenswell Foundation; and

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

WHEREAS, City Council desires to support the efforts of the Greenswell Foundation c/o New Moon Half & Quarter Marathon, and

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

SECTION 1. That the provisions of any ordinance or policy of the City of Delaware that would prohibit the sale and consumption of alcohol at the Greenswell Foundation c/o New Moon Half & Quarter Marathon event on Saturday, May 27, 2017 between the hours of 6 p.m. and 11:00 p.m. in the area set forth in attachment hereto, be waived as they may be applied to the New Moon Half & Quarter Marathon event.

SECTION 2. That Greenswell Foundation c/o New Moon Half & Quarter Marathon will secure all proper permits from the State of Ohio to allow it to serve alcohol during the event.

SECTION 3. That Greenswell Foundation c/o New Moon Half & Quarter Marathon will secure all proper permits and comply with all guidelines from the City of Delaware for the event and closure streets.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any 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: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR

## **Greenswell Foundation Submission Process**

**The Greenswell Foundation was established as a way for Greenswell to support health and wellness initiatives in Central Ohio and the surrounding communities. The vision of the Greenswell Foundation is to support a positive-lifestyle through philanthropy, volunteerism and grant making by supporting various athletic, community, education, health, human services and public benefit organizations in our event communities.**

### **Volunteerism**

The Greenswell Foundation Gives Back to Nonprofit Organizations with a Volunteerism Component. In an effort to enhance the well-being of those in the communities where Greenswell events are held, the Greenswell Foundation provides an opportunity for event athletes to showcase charitable support to a variety of local non-profit organizations that recognize citizens in need and provide support to the local community. This is by far the most common donation mechanism.

Within our Greenswell event communities, we offer a grant program to support organizations that have a volunteerism component.

To find out more about volunteer opportunities available at our races, and to learn more about the volunteer grant application process, please contact the volunteer director at [volunteer@greenswell.com](mailto:volunteer@greenswell.com).

### **Triathlon For Hope**

Since its inception in 2011, triathlon has been distinctive in its inclusion of female only competitors. In keeping with the unique spirit of our sport, the Triathlon For Hope goal is to increase female participation, create awareness about early detection of breast cancer, and to donate event proceeds to the Stefanie Spielman Fund For Breast Cancer Research at Ohio State University's James Comprehensive Cancer Center and Solove Research Institute. To date, the event has raised and donated greater than \$15,000 to help fund research.

### **Community**

Organizations located in our race communities are invited to submit an application for a Greenswell Foundation Community Grant. While the Foundation supports a broad range of organizations, our 2017 funding priority will give preference to those organizations and projects that will:

- Meet an identified need specific to that race community;
- Can report a measurable impact at the conclusion of the grant period;
- Leverage additional funds or secure match funding, therefore increasing the impact of the grant award.

To be considered for a community grant involves the following Steps:

- Step 1: Letter of Inquiry
- Step 2: Formal Proposal
- Step 3: Review Process

The Greenswell Foundation accepts grant inquiries throughout the year. Applicants should anticipate the application process to take approximately four to six months from the initial submission of the letter of inquiry to the receipt of funding. Grant awards will range between \$250 - \$5,000.

### **Step 1: Letter of Inquiry**

Before submitting a formal proposal to the Foundation, prospective applicants should write a one page letter of inquiry outlining the proposed project and send it to the attention of [craigthompson@greenswell.com](mailto:craigthompson@greenswell.com). The letter should describe the goals of the project, how it relates to the Foundation's interests, the target audience and beneficiaries, the estimated budget and duration, and plans for evaluation and dissemination of findings.

Letters of inquiry should be submitted at least six to eight weeks prior to the proposal deadline for a given grant cycle.

### **Step 2: Formal Proposal**

The proposal should include the following information:

- **Executive summary** or overview (1/2-1 page) that includes why this project is important, relevant, etc.;
- **Information on the project** for which funding is requested, including the issue to be addressed, how the proposed project would address it, and plans for implementation, evaluation, and dissemination of findings;
- **Description of the organization**, including its background, purpose, objectives, and experience in the area for which funds are sought;
- **Names and qualifications** of people involved in the project or project/team lead;
- **Internal Revenue Service Form 990 plus attachments** for the most recently completed fiscal year;
- **Internal Revenue Service verification** that the organization is a 501(c)(3) tax exempt organization and qualifies as a public charity as defined in IRS Code section 509 (a)(1), (2), or (3). A copy of the IRS tax-exempt determination letter must accompany the proposal.

### **Step 3: Review Process**

When applying for financial support, grant seekers can expect a four-step application process:

- **Letters of Inquiry:** The applicant submits a one page letter of inquiry allowing for six to eight weeks before the proposal deadline.
- **Initial Review:** If the project does fit within the guidelines, the applicant will be requested to submit a full proposal. The program officer reviews the letter of inquiry and determines whether or not the project fits within the Foundation's guidelines. If the project does not fit within the guidelines, the program officer sends the applicant a decline letter.
- **Review and Recommendation:** Once the full proposal is received, an internal review process begins.
  - If the proposal is not approved for funding, the applicant will receive a decline letter.
  - If the proposal is approved for funding, the applicant will be notified and receive a grant agreement.
  - Grant payments are normally made at within 14-21 days at which the funding decision was made and grant agreement received.



OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL  
 6606 TUSSING ROAD  
 REYNOLDSBURG, OHIO 43068-9005  
 Telephone No. (614) 387-7407  
 Fax No. (614) 644-6965  
<http://www.com.ohio.gov/liqr>

# F PERMIT APPLICATION FILING FEE \$40.00

Five-Day Privilege for Special Functions - Valid for the Sale of BEER ONLY, Until 1:00 a.m.

APPLICATION MUST BE FILED AT LEAST THIRTY (30) DAYS PRIOR TO THE DATE OF FUNCTION

§ 4303.20 F permit. Permit F may be issued to an association of ten or more persons, a labor union, or a charitable organization, or to an employer of ten or more persons sponsoring a function for the employer's employees, to purchase from the holders of A-1 and B-1 permits and to sell beer for a period lasting not to exceed five days. No more than two such permits may be issued to the same applicant in any thirty-day period. The special function for which the permit is issued shall include a social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purpose but shall not include any function the proceeds of which are for the profit or gain of any individual. The fee for this permit is forty dollars.

CAREFULLY READ THE GENERAL INSTRUCTIONS FOR FILING AN F APPLICATION - ON PAGE 5

TYPE OR PRINT PLAINLY		ALL QUESTIONS MUST BE ANSWERED		
Name of Non-Profit Organization (Exact Name must be uniform on all documents - please do not abbreviate)				
<b>Greenswell Foundation c/o New Moon Half &amp; Quarter Marathon</b>				
Street Address (Where Function Will Be Held - BE SPECIFIC & must be uniform on all documents - For Street Closures see Address Addendum -Page 1(A))				
North Sandusky St from William to Winter				
Township (Only if outside city or village limits)	City	State	Zip Code	County:
	Delaware	OHIO	43015	
Mail and/or Fax Permit and Correspondence To: Name: <b>Craig E Thompson</b>				
Street Address: <b>8917 S. Old State Rd #198</b>		City: <b>Lewis Center</b>	State: <b>OH</b>	Zip Code: <b>43035</b>
Phone #: <b>614-425-1156</b>		Fax #:		
Email Address: <b>craigthompson@greenswell.com</b> (Note: This is for notification purpose only - NOT for emailing correspondence)				
Individual responsible for the compliance with Ohio's liquor laws in conjunction with the sale and consumption of alcoholic beverages:		Name: <b>Craig E Thompson</b>	Title: <b>Event Organizer</b>	
		Phone #: <b>614-425-1156</b>		
Date and Time Function Will <b>Begin</b> :	Date Function <b>Begins</b> :	<u>05/27/2017</u>	Time Function <b>Begins</b> :	<u>6:00</u> <input type="checkbox"/> am <input checked="" type="checkbox"/> pm
		(Month/ Day/ Year)		
Date and Time Function Will <b>End</b> :	Date Function <b>Ends</b> :	<u>05/27/2017</u>	Time Function <b>Ends</b> :	<u>11:59</u> <input type="checkbox"/> am <input checked="" type="checkbox"/> pm
		(Month/ Day/ Year)		
Please check what type of organization:				
<input type="checkbox"/> Association of ten or more persons		<input type="checkbox"/> Employer of ten or more persons sponsoring a function for his employees, except for a manufacturer or wholesale distributor of alcoholic beverages (not open to the public)		<input type="checkbox"/> Labor Union
<input checked="" type="checkbox"/> Charitable Organization				
The Division of Liquor Control does not regulate or advise individuals regarding gambling in conjunction with the issuance of an F permit. Any question regarding gambling should be directed to the Ohio Attorney General's Office, Charitable Gaming Section, 150 East Gay Street, 23rd Floor, Columbus, OH 43215 at (614) 466-3181.				

**FOR OFFICE USE ONLY**

Taxing District	Remarks:	Reviewer Action:
Permit Number		
Receipt #		



1. What is the purpose of the event? Raise funds for community health & wellness programs

(NOTE: The proceeds of the function shall not be used for the profit or gain of any individuals).

2. Will 100% of the proceeds, less expenses, from the applicant's sale of alcoholic beverages either be retained by the applicant or distributed by the applicant for non-profit social, recreational, benevolent, charitable, fraternal, political, patriotic or or athletic purposes?  YES  NO

If "NO", please give detailed explanation: \_\_\_\_\_

3. Will any individual or for profit association, corporation, or other legal entity receive any percentage of the proceeds after expenses from the event for which you are requesting the F permit?  YES  NO

If "YES", please explain, identifying share of profit or gain each person/party will receive: \_\_\_\_\_

4. Will the members of the applicant organization coordinate and operate the event and conduct the sale of alcoholic beverages?  YES  NO

If "NO", please submit a detailed explanation of the non member involvement and their financial compensation.

5. Give the name and address of the brewer or distributor from whom beer will be purchased.

Columbus Distributing  
1000 Freeway Dr North; Columbus, OH 43229

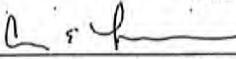
The Division of Liquor Control does not regulate or advise individuals regarding gambling in conjunction with the issuance of an F permit. Any question regarding gambling should be directed to the Ohio Attorney General's Office, Charitable Gaming Section, 150 East Gay Street, 23rd Floor, Columbus, OH 43215 at (614) 466-3181.

THE FOLLOWING MUST BE COMPLETED BY THE APPLICANT(S):

STATE OF OHIO, \_\_\_\_\_ COUNTY, ss

I/We \_\_\_\_\_ being first duly sworn, according to law, depose and say that the statements and answers made in the foregoing application are true, and say that I/We are at least twenty-one years of age and the statements and answers made in the foregoing application are true. I hereby acknowledge that I/We are required by law to be responsible for any conduct that violates laws pertaining to the sale of alcoholic beverages.

FALSIFICATION OF ANY OF THE INFORMATION ON THIS APPLICATION CAN RESULT IN THE DIVISION'S REFUSING TO ISSUE THIS PERMIT AND WILL BE PUNISHABLE TO THE FULLEST EXTENT OF THE LAW

	<u>Director</u>	<u>Craig E. Thompson</u>
(Signatures of Officer of Association, Lodge or Corporation)	(Title)	(Print Name)
<u>8917 S. Old State Rd #198</u>	<u>Lewis Center</u>	<u>OH 43035</u>
(Residence Address)	(City)	(State) (Zip Code)
		<u>614-425-1156</u>
		(Telephone Number)

(This portion to be completed by Notary Public)

Sworn to before me and subscribed in my presence this 26<sup>th</sup> day of January, 2017

Deborah Dailey  
(Notary Expiration)



DLC4115



OHIO DEPARTMENT OF COMMERCE  
DIVISION OF LIQUOR CONTROL  
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
**TENANCY & POLICE NOTIFICATION FORM FOR TEMPORARY PERMIT**

**Section A. (Completed by Applicant): TEMPORARY PERMIT FUNCTION INFORMATION**

The Greenswell Foundation c/o New Moon Half & Quarter Marathon

*(Full Name of Organization [this must be same as what is listed on Application])*

will be conducting an event at the location of N. Sandusky St from William to Winter

*(Location or Street address where function held [this must be same as what is listed on Application])*

and has applied for an "F" class temporary liquor permit to allow the sale of beer:

beginning 05/27/2017 at 6:00  am  pm  
*(Date Function Begins - Month/Day/Year) (Time Function Begins)*

and ending 05/27/2017 at 11:59  am  pm  
*(Date Function Ends - Month/Day/Year) (Time Function Ends)*

**Section B. (Completed by Property Owner): CONSENT OF REAL PROPERTY OWNER INFORMATION**

If applicant is owner of real property mark box,  and sign below.

I/We, being the owner of the realty located at the address mentioned in Section A. above, do hereby acknowledge notification that the Organization listed above will hold a special function on the dates specified by signing below.

X \_\_\_\_\_  
*(Signed - Real Property Owner) (Print Name of Real Property Owner) (Date)*

\_\_\_\_\_  
*(Street Address of Real Property Owner) (City, State, and Zip Code) (Telephone Number)*

**Section C. (Completed by Chief Peace Officer): NOTICE TO CHIEF PEACE OFFICER (City/Township Police, OR County Sheriff)**

This portion must be signed by the Chief Peace Officer in the municipality or the township where this function will be held indicating that he/she has been notified of the date, time, place and duration of the event. (If the township does not have a Chief Peace Officer, the County Sheriff's Office must be notified accordingly.)

I, being the Chief Peace Officer of the City, Township or County where the function listed above in Section A will be held, acknowledges that I have received notification that the Organization listed above will hold a special function on the dates specified, by signing below.

X \_\_\_\_\_  
*(Signed) (Title) (Check the box that applies) (Date)*

City Police   
Twp Police   
County Sheriff

*(Print Name)*

In signing this form, the Chief Peace Officer is merely acknowledging receipt of notification of the event and not giving their approval or consent of the event on behalf of the political subdivision.



OHIO DEPARTMENT OF COMMERCE  
DIVISION OF LIQUOR CONTROL  
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
**TENANCY & POLICE NOTIFICATION FORM FOR TEMPORARY PERMIT**

**Section A. (Completed by Applicant): TEMPORARY PERMIT FUNCTION INFORMATION**

The Greenswell Foundation c/o New Moon Half & Quarter Marathon  
*(Full Name of Organization [this must be same as what is listed on Application])*

will be conducting an event at the location of N. Sandusky St from William to Winter  
*(Location or Street address where function held [this must be same as what is listed on Application])*

and has applied for an "F" class temporary liquor permit to allow the sale of beer:

beginning 05/27/2017 at 6:00  am  pm  
*(Date Function Begins - Month/Day/Year) (Time Function Begins)*

and ending 05/27/2017 at 11:59  am  pm  
*(Date Function Ends - Month/Day/Year) (Time Function Ends)*

**Section B. (Completed by Property Owner): CONSENT OF REAL PROPERTY OWNER INFORMATION**

If applicant is owner of real property mark box,  and sign below.

I/We, being the owner of the realty located at the address mentioned in Section A. above, do hereby acknowledge notification that the Organization listed above will hold a special function on the dates specified by signing below.

X \_\_\_\_\_  
*(Signed - Real Property Owner) (Print Name of Real Property Owner) (Date)*

\_\_\_\_\_  
*(Street Address of Real Property Owner) (City, State, and Zip Code) (Telephone Number)*

**Section C. (Completed by Chief Peace Officer): NOTICE TO CHIEF PEACE OFFICER (City/Township Police, OR County Sheriff)**

This portion must be signed by the Chief Peace Officer in the municipality or the township where this function will be held indicating that he/she has been notified of the date, time, place and duration of the event. (If the township does not have a Chief Peace Officer, the County Sheriff's Office must be notified accordingly.)

I, being the Chief Peace Officer of the City, Township or County where the function listed above in Section A will be held, acknowledges that I have received notification that the Organization listed above will hold a special function on the dates specified, by signing below.

X Bruce Pisanowski chief City Police   
*(Signed) (Title) (Check the box that applies)*

Bruce PISANOWSKI \_\_\_\_\_ 11/27/17  
*(Print Name) (Date)*

In signing this form, the Chief Peace Officer is merely acknowledging receipt of notification of the event and not giving their approval or consent of the event on behalf of the political subdivision.



## DIAGRAM OF PERMIT PREMISES FOR TEMPORARY PERMIT

**THIS DOCUMENT MUST BE COMPLETED IN ORDER TO OBTAIN YOUR TEMPORARY PERMIT**

Section 4301.62 ("open container statute") prohibits anyone from possessing an open container of any alcoholic beverage outside of the area defined as permit premises. Whoever violates this statute is guilty of a MISDEMEANOR of the first degree. Any alcoholic beverage must be both sold and consumed within the defined permit premises.

It is required that every applicant for an F or F2 permit submit with the application a **diagram of the premises where alcoholic beverages will be sold and consumed. If the diagram is not included, the application will be returned to the applicant.** The diagram must be submitted in the space provided below or on a separate sheet, and must be signed by the person who prepared the diagram or the applicant.

**FOR EVENTS HELD INDOORS:** Diagram must identify the room(s) and/or building in which the alcoholic beverages will be sold and consumed.

**FOR EVENTS HELD ENTIRELY or PARTIALLY OUTDOORS:** Diagram must show shape and measured dimensions of the area to be used. Location of barriers must be shown, and an explanation of the type of barriers given (e.g. chain link fence, snow fence, brick wall, rope, etc.) which will separate permit premises from other areas which are not permit premises.

**DIAGRAM MUST APPEAR IN THE SPACE BELOW**

SEE ATTACHED

Signature of Person who prepared diagram or applicant

### GENERAL INSTRUCTIONS FOR FILING "F" APPLICATIONS

The "F" permit may be issued to any association of ten or more persons, labor union, charitable organization, or to an employer of ten or more persons sponsoring a function for his employees to sell beer only. An "F" permit is effective for not more than five (5) days for the sale of beer only until 1:00 a.m. No more than two (2) "F" permits may be issued to the same applicant in any thirty (30) day period.

The special function for which the permit is issued shall include a social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purpose but shall not include any function the proceeds of which are for the profit or gain of any individual.

### APPLICATION WILL NOT BE ACCEPTED WITHOUT THE FOLLOWING REQUIRED DOCUMENTS

1. Forty (\$40.00) dollar filing fee. Make check payable to the Division of Liquor Control. **Please do not mail cash.**
2. Letter of approval from Fair Board if function is to be held on county fairgrounds.
3. Division of Liquor Control Form 4221, Consent of Real Property Owner/Notification of Chief Peace Officer.
4. Copy of diagram of permit premises, (Form DLC 4221) denoting areas where beer will be consumed.
5. If the event is on the premises of a retail permit holder (liquor license holder) you must have the retail permit holder complete Page 6, a notarized affidavit, signed by an officer/owner of the retail permit, stating they will not utilize their permit privileges at the same time and place as the temporary event.
6. If there will be any type of street/alley, or public sidewalk closure, you must submit an acknowledgement from the legislative or local police authority in control authorizing such closure.

### WARNINGS

- Applicant must be at least twenty-one (21) years of age.
- Section 4301.24 of Ohio Revised Code prohibits any manufacturer or wholesale distributor from aiding or assisting any retail permit holder by gift or loan of any money or property of any description or other valuable thing; and it prohibits any retail permit holder from accepting same. **THIS MEANS A WHOLESALE DISTRIBUTOR MAY NOT AID THE PERMIT HOLDER IN ANY WAY, EITHER FINANCIALLY OR BY ADVERTISING THE FUNCTION COVERED BY THIS APPLICATION; AND THE PERMIT HOLDER MAY NOT ACCEPT SUCH ASSISTANCE FROM THE WHOLESALE DISTRIBUTOR.**
- An "F" permit holder must purchase all alcoholic beverages from a wholesale distributor or brewer.
- It is illegal to allow a patron to remove any alcoholic beverage from or to consume it off the premises designated on your permit.
- It is illegal for any person under the age of twenty-one (21) to purchase or consume alcoholic beverages. It is the permit holder's responsibility to obtain proper identification.



Ohio Department of Commerce  
 Division of Liquor Control  
 6606 Tussing Road, Reynoldsburg, Ohio 43068-9005

**AFFIDAVIT AND MEMORANDUM OF AGREEMENT  
 BETWEEN TEMPORARY PERMIT HOLDER & RETAIL PERMIT HOLDER**

(To be completed by Retail Permit Holder)

The State of Ohio, \_\_\_\_\_ County, ss.

I/We \_\_\_\_\_  
*(Name [not DBA Name] Listed on Issued Retail Permit)*

issued retail permit holder # \_\_\_\_\_ being first duly sworn,  
*(Issued Liquor Permit #)*

according to law, depose and say that I/We agree to not utilize our permit privileges at the same time and place where the temporary permit organization function listed on page 1 of this application will be held,

From: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ To: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
*MONTH DAY YEAR MONTH DAY YEAR*

\_\_\_\_\_  
*(Signature of Officer, Shareholder or LLC Member of Issued Permit on Record with the Division of Liquor Control)* *(Title)*

\_\_\_\_\_  
*(Print Name of Officer, Shareholder of LLC Member of Issued Permit)* *(Day Time Telephone Number)*

\_\_\_\_\_  
*(Residence Address)* *(City)* *(State)* *(Zip Code)*

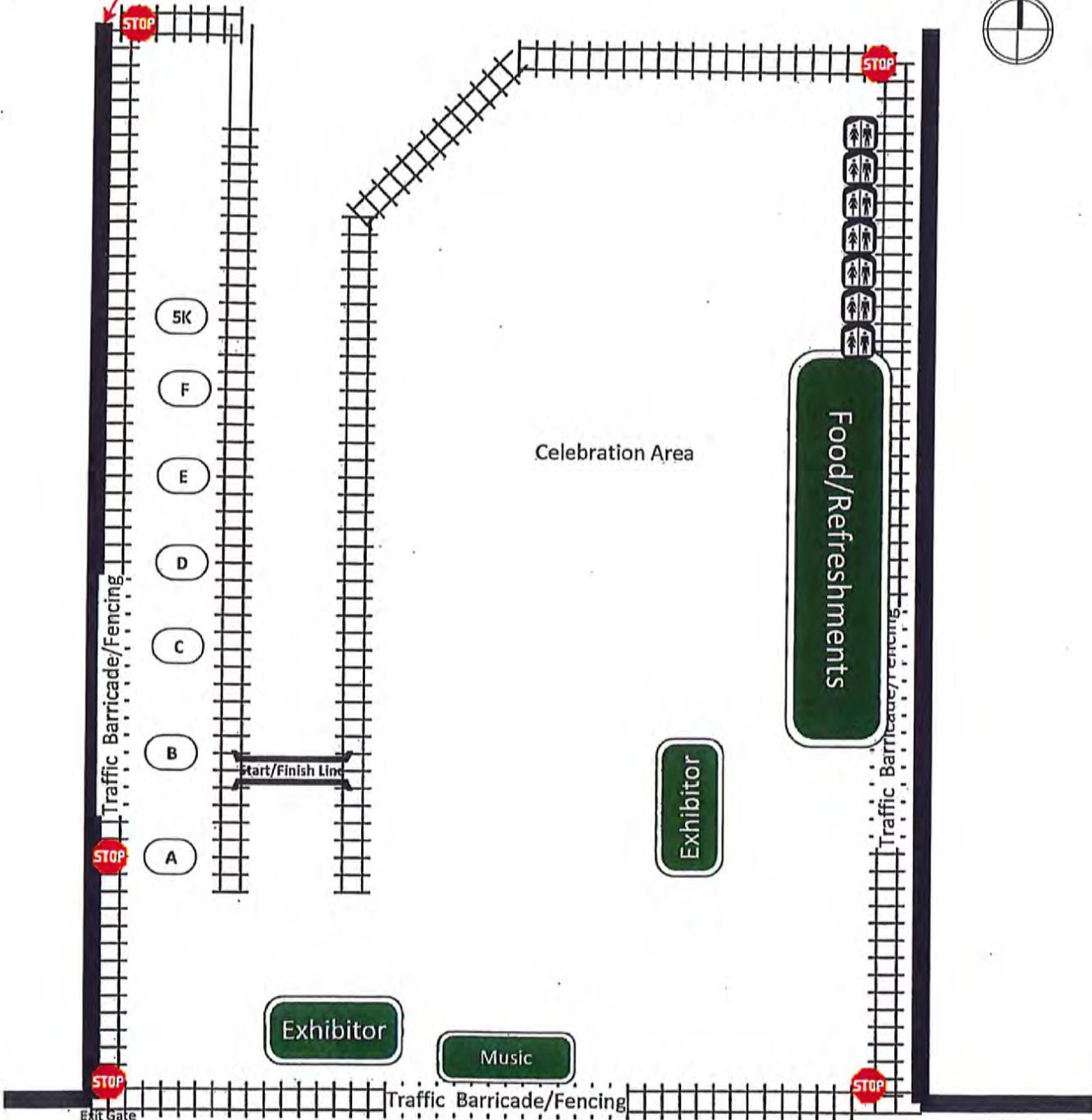
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
*(Notary Public Signature)* *(Notary Expiration Date)*

\_\_\_\_\_  
*(Notary - Please Print Name or Affix Seal/Stamp)*

Sidewalk is free – no set-up on sidewalk

Winter Street



STOP

STOP

STOP

STOP

Exit Gate

5K

F

E

D

C

B

A

Start/Finish Line

Celebration Area

Food/Refreshments

Exhibitor

Exhibitor

Music

Traffic Barricade/Fencing

William Street



## ORDINANCE FACT SHEET

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AGENDA ITEM NO: 18

DATE: 03/13/2017

ORDINANCE NO: 17-15

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jackie Walker, Assistant City Manager

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE DECLARING STRUCTURES LOCATED AT 821 CHESHIRE ROAD AS NOT NEEDED FOR MUNICIPAL PURPOSES, AUTHORIZING THE SALE OF THE STRUCTURES AT AUCTION, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The City of Delaware owns the structures at 821 Cheshire Road, Delaware, Ohio which its estimated value exceeds \$5,000. It has been determined that the structures are not needed for municipal purposes and will be replaced by Fire Station 304, as specified in the Capital Improvement Budget. There is no historical value to either structure.

**REASON WHY LEGISLATION IS NEEDED:**

The City has received some inquiries regarding individuals interested in removing/ moving the structures located at 821 Cheshire Road, Delaware, Ohio. Since the structures have no historical value nor are they of any municipal use the City would like to sell the structures for removal pursuant to Delaware City Code Section 108.02 under the procedures established therein.

The Emergency Clause is needed so that the bidding process can move forward as soon as possible to allow time for construction of Station 304.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

Selling the structures and not having to pay for their removal will save designated capital funds.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Jackie Walker, Assistant City Manager

**RECOMMENDATION:**

Staff recommends approval with an emergency clause.

**ATTACHMENT(S)**

N/A

ORDINANCE NO. 17-15

AN ORDINANCE DECLARING STRUCTURES LOCATED AT 821 CHESHIRE ROAD AS NOT NEEDED FOR MUNICIPAL PURPOSES, AUTHORIZING THE SALE OF THE STRUCTURES AT AUCTION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware is the owner of the structures at 821 Cheshire Road, Delaware, Ohio which its estimated value exceeds \$5,000; and

WHEREAS, the City Manager has determined that the structures are not needed for municipal purposes and will be replaced by Fire Station 304, as specified in the Capital Improvement Budget; and

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

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

SECTION 1. The structures located at 821 Cheshire Road, Delaware, Ohio is sold pursuant to Delaware City Code Section 108.02 under the procedures established therein.

SECTION 2. The Assistant City Manager established a minimum bid of \$5,001.00 for the structures and they shall not be sold for less than the minimum. The structures will be advertised for sale on www.bidexpress.com. Bids shall be submitted via Bid Express by a date and time to be established and sold to the highest bidder.

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City and for the further reason to move forward with the construction of Fire Station 304, and as such will be in full force and effect immediately upon its passage.

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

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

PASSED:\_\_\_\_\_, 2017 YEAS\_\_\_\_\_ NAYS\_\_\_\_\_ ABSTAIN\_\_\_\_\_

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

\_\_\_\_\_ MAYOR





## FACT SHEET

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AGENDA ITEM NO: 19

DATE: 03/13/2017

ORDINANCE NO: 17-16

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES  
**March 27, 2017 at 7:15 p.m.**

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 1168.07 REPLACEMENT OF REMOVED TREES OF CHAPTER 1168 TREE PRESERVATION REGULATIONS OF THE PLANNING AND ZONING CODE.

**BACKGROUND:**

The purpose of the amendments to Chapter 1168 is to clearly identify the tree banking options for replacement trees and how any funds acquired via the payment in lieu of planting regulations can be spent. The updated code clarifies for applicants (developers), staff and the public the processes outlined in current code as well as the current and past administrative practice of the City in this regard. The intent of replacement and removed trees overall is to maintain an equivalent tree canopy Citywide before and after removal and/or construction. Overall then, the new code sections simply codify the current and past practices of the city while making this section much clearer.

**REASON WHY LEGISLATION IS NEEDED:**

Per Chapter 1130.04 Amendments initiated by Planning Commission or City Council

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 7-0 on March 1, 2017.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval

**ATTACHMENT(S)**

See attached

ORDINANCE NO. 17-16

AN ORDINANCE APPROVING AN AMENDMENT TO  
CHAPTER 1168.07 REPLACEMENT OF REMOVED  
TREES OF CHAPTER 1168 TREE PRESERVATION  
REGULATIONS OF THE PLANNING AND ZONING CODE.

WHEREAS, the Planning Commission at its meeting of March 1, 2017, recommended approval of an amendment to Chapter 1168.07 Replacement of Removed Trees of Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code (PC 2017-0014).

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

SECTION 1. That the amendment to Chapter 1168.07 Replacement of Removed Trees of Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code is hereby confirmed, approved, and accepted.

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

VOTE ON RULE SUSPENSION:

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

PASSED: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR



## PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2017-0014

REQUEST: Zoning Code Amendment

PROJECT: Replacement of Trees

MEETING DATES: February 28, 2017 – Shade Tree Commission  
March 1, 2017 – Planning Commission

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### APPLICANT/OWNER

City of Delaware  
1 South Sandusky Street  
Delaware, Ohio 43015

### REQUEST

2016-0014: A request by the City of Delaware for approval of an Amendment to Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code pertaining to replacement of trees.

### PROPERTY LOCATION & DESCRIPTION

These amendments to the Planning & Zoning Code more specifically document the tree placement options in Chapter 1168 of the Tree Preservation Regulations in the City of Delaware.

### BACKGROUND

The purpose of the amendments to Chapter 1168 is to clearly identify the tree banking options for replacement trees and how any funds acquired via the payment in lieu of planting regulations can be spent. The updated code clarifies for applicants (developers), staff and the public the processes outlined in current code as well as the current and past administrative practice of the city in this regard. The intent of replacement and removed trees overall is to maintain an equivalent tree canopy Citywide before and after removal and/or construction. Overall then, the new code sections simply codify the current and past practices of the city while making this section much clearer.

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### STAFF ANALYSIS

- Section 1168.07 Replacement of Removed Trees
  - Inserted and documented more specific tree replacement options including tree bank site options and tree bank fund options.
    - *The proposed revisions clarify the applicants (developers) options and documents past practices pertaining to tree replacement options.*

Staff believes the above revisions to the Tree Preservation Regulations are clearer and more user friendly while documenting and reinforcing past practices pertaining to tree replacement options.

### UPDATE:

Shade Tree Commission discussed the draft code at its meeting on January 24, 2017. There were several comments regarding general administration items, financial items, as well as the proposed draft code itself. As a reminder of the general development process, developments of various kinds generally start at the Staff or Planning Commission level. These move through the required regulatory process many of which end with a City Council action(s). Often, but not always, proposals are reviewed by Shade Tree Commission as a part of the overall process. This is not a step by step (or linear) process necessarily. This facilitates applications and decision making but accounts for required steps prior to final approval of a built project. Therefore, Shade Tree Commission may see cases proceed to either Planning Commission or City Council prior to being set before the Shade Tree Commission. Occasionally, Shade Tree may even review a proposal prior to the review of Planning Commission or City Council. The regulatory scope of review for Shade Tree Commission, also discussed in past years, is to review and approve street tree plantings. Additionally, Shade Tree Commission is asked to provide review and informal comment upon private landscaping. Often these comments, though informal, result in substantive changes from applicants and they are much appreciated by Staff and applicants alike.

A comment was made indicating that no more than 75% of the Tree Bank fund should be used in any year and that this should be codified within the Zoning Code. While a valid point to discuss, this comment should be reviewed in the context of the annual budget process and is ultimately a decision to be made by City Council. As a result, this is not an item that can be captured within the Zoning Code provision being reviewed at this time.

Staff would recommend that the Commission make an informal request of Staff to communicate this item to City Council for consideration or the Commission can take a formal motion forward. Staff would recommend the informal approach first and that this is included within the annual budget process for consideration.

A comment was made regarding providing updates (up to twice per year) on the tree bank fund, its levels, and expenditures. Again, while a valid request, this is not an item that can be captured within the Zoning Code provision being reviewed at this time. This item could be addressed by Parks and Natural Resources Staff administratively and there may be times when the Commission desires more or less frequent updates.

A comment was made regarding utilizing the Tree Bank Fund for promotional or educational purposes. While promotional and educational activities are certainly excellent opportunities to inform the public regarding street trees, the Tree Bank Fund, as given in this section of the Zoning Code, is specifically related to the replanting of trees that were removed from a site (in caliper inches). As such, there has to be a reasonable connection between the regulation and the use of the funds. In this case, that is specifically utilizing the funds to replant trees. Promotional and educational items do not replant trees, obviously, and therefore this is not an item that can be captured within the Zoning Code provision being reviewed at this time. Staff would suggest that the Commission communicate its desire for these types of materials to be developed, budgeted for, and distributed to the community to City Council. This could be simply directing Staff to make such a request or taking a formal motion forward on the matter. Staff would recommend the informal approach first and again consideration within the annual budget process.

Staff continues to recommend the proposed changes to the Zoning Code as submitted.

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**STAFF RECOMMENDATION**

Staff recommends approval of amendment to Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code pertaining to replacement of trees.

**COMMISSION NOTES:**

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MOTION: \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> approved denied tabled \_\_\_\_\_

**CONDITIONS/MISCELLANEOUS:**

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FILE:  
ORIGINAL:  
REVISED: 1/10/2016

Chapter 1168  
Tree Preservation Regulations

1168.01	Purpose.	1168.07	Replacement of removed trees.
1168.02	Applicability.	1168.08	Exemptions.
1168.03	Definitions. ]	1168.09	Planting and maintenance requirements.
1168.04	Required preservation of major trees and woodlands.	1168.10	Coordination with required landscaping.
1168.05	Tree preservation plan.	1168.11	Flexibility.
1168.06	Removal of major trees and woodlands.		

**SECTION 1168.01 PURPOSE.**

These regulations are established in order to recognize the vital importance of tree growth in the ecological system, while allowing for reasonable development of lands in the City of Delaware and achieve, among others, the following purposes:

- (a) To ensure the preservation of existing trees and natural wooded areas and encourage replacement of damaged or removed trees so that City residents may benefit from a healthy urban forest. The benefits derived from tree preservation and replacement include:
- (1) Energy conservation;
  - (2) Improved air quality;
  - (3) Reduced noise pollution and light glare;
  - (4) Enhanced habitat for birds and other desirable wildlife;
  - (5) Improved control of soil erosion and moderation of water runoff;
  - (6) Enhanced visual and aesthetic qualities; and
  - (7) Increased property value.
- (b) To promote the preservation and replacement of existing trees and wooded areas in such a manner that the benefits listed in (a) above are realized.
- (c) To promote the preservation, replacement and/or augmentation of trees that might otherwise be damaged or removed in the course of land development and building construction.

**SECTION 1168.02 APPLICABILITY.**

- (a) This chapter shall apply to trees that have a minimum six (6)-inch diameter at breast height (DBH), also known as major trees, on all public and private properties, in all zoning districts, unless exempted below.
- (1) This chapter shall not apply to single-family residential lots of less than two (2) acres that existed prior to the date this provision takes effect.
- (b) No trees shall be removed from any parcel of land until a tree clearance permit has been issued by the Director of Planning and Community Development or designee, unless specifically exempted by the provisions of this Chapter. (ORD 02-55 Passed May 13, 2002)
- (1) Clearing of Land. No trees shall be removed from any parcel of land until a tree clearance permit has been issued signifying compliance with the regulations of this Chapter.
  - (2) Clearing of Land Prior to Annexation. Trees removed from any parcel of land within one year prior to its annexation to the City of Delaware shall be subject to a tree replacement plan as if the parcel had been a part of the city when the tree removal occurred. (ORD 02-55 Passed May 13, 2002)
  - (3) New Development or Construction. No building permit or certificate of zoning compliance shall be issued for any development or the construction of any building, structure or vehicular use without it first being determined through the development

plan review process that the proposed development is in conformance with the provisions of this chapter.

- (4) Substantial Alteration or Expansion of Existing Development. No building, structure or vehicular use area shall be substantially altered or expanded without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.
- (c) The fee for a tree clearance permit shall be \$150. Collected fees shall be placed in the Tree Bank Fund. The Director of Planning and Community Development may waive the fee requirement for permits involving 10 trees or less. (ORD 02-104 Passed August 12, 2002)

**SECTION 1168.03 DEFINITIONS. [TRANSFERRED TO CHAPTER 1121 DEFINITIONS.]**  
(ORD 04-92 Passed 6-14-04)

**SECTION 1168.04 REQUIRED PRESERVATION AND REPLACEMENT OF MAJOR TREES.** (ORD 02-55 Passed May 13, 2002)

In all zoning districts, all major trees shall be preserved and/or replaced in compliance with the provisions of this chapter, unless exempted herein.

- (a) Each major tree removed during the course of the development of a lot shall be replaced by the owner of the lot with trees that have a total caliper equal to, or greater than, the total caliper of the removed major tree. In no case shall any replacement tree have a Diameter at Breast Height that is less than 1.75 inches. (ORD 04-92 Passed 6-14-04)
- (b) The Director of Grounds and Facilities (or designee) shall approve the caliper, species, and health of all proposed replacement trees.
- (c) Failure to replace a major tree within two (2) years of the approval of the application referred to in subsection (a) shall be a misdemeanor for each separate failure to replace a tree.

**SECTION 1168.05 TREE REPLACEMENT PLAN.**

A tree replacement plan prepared in consultation with the Director of Grounds and Facilities shall be required as part of the applications for a tree removal permit and a certificate of zoning compliance. (ORD 02-55 Passed May 13, 2002)

- (a) The tree preservation plan shall be drawn to an appropriate scale and include, at a minimum, the following information:
- (1) The location, common name, and size (DBH) of all existing major trees. The City may, at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three (3) acres. In considering estimates, the City may allow the use of techniques such as site photographs, aerial photographs, site visits, etc.
  - (2) Identification of the tree preservation area(s), including all existing major trees that will be preserved and remain on site after construction and development.
  - (3) Identification of all major trees that will be removed from the site as permitted by Section 1168.06.
  - (4) The location, common name, and size of all replacement trees to be planted on the site as required by Section 1168.07.
- (b) If all required replacement trees cannot be accommodated on site, the plan shall indicate where and how the applicant will replace the balance of the required trees as required by Section 1168.07.

**SECTION 1168.06 REMOVAL OF MAJOR TREES.**

- (a) The Director of Planning and Community Development (or designee) may approve the cutting down, removal, or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of application for approval of a zoning certificate, development plan, variance or conditional use permit; such application is approved; and one of the following applies: (ORD 02-55 Passed May 13, 2002)
- (1) The tree is located within a proposed public right-of way.

- (2) The proposed structure cannot be located in a manner to avoid removal of the tree and, at the same time, permit the desirable and logical development of the lot.
- (3) The tree is located within the area of a proposed driveway that will service a single-family or two-family home or is within the area of a proposed access drive that will service dwellings in a planned residential development, multi-family development, or planned multi-family development.
- (4) The tree is damaged or diseased.
- (5) The tree is an undesirable species in its present location.

Approval to remove a major tree does not remove the property owner's responsibility to replace the removed major tree. (ORD 04-92 Passed 6-14-04)

(b) Removal. A tree shall be deemed removed if one or more of the following occurs:

- (1) Damage is inflicted to the root system by machinery, storage of materials and/or soil compaction.
- (2) The natural grade is changed above or below the root system or around the trunk.
- (3) Damage is inflicted on the tree that would permit fungus or pest infection.
- (4) The tree is excessively pruned or thinned.
- (5) Areas are paved with concrete, asphalt or other impervious material within such proximity to the tree as to be harmful to the tree.

#### **1168.07. - Replacement of removed trees.**

A developer or property owner shall replace all trees removed pursuant to [Chapter 1168](#) as follows, with the most desirable replacement option being listed first. A combination of replacement options (a)(1) through (3) below is acceptable if all replacement trees cannot be accommodated on site **as determined by the City. The intent of replacement of removed trees overall is to maintain an equivalent tree canopy citywide before and after removal/construction.** (Ord. 02-55. Passed May 13, 2002)

#### **(a) Replacement options.**

- (1) On-Site Replacement. A minimum of fifty percent (50%) of the required replacement trees shall be replanted in another location on the site from which the original trees were removed to maintain the remaining natural distribution of tree cover in the City.
- (2) Tree Bank Site Option. Although 100% on-site tree replacement is desired, if this is determined to be impossible or impractical, the remaining balance of required replacement trees shall be planted on a designated Tree Bank site **provided that the City, in its sole discretion, determines there is an acceptable site to accommodate this option. The Tree Bank site refers to areas (typically public land, parks, etc.) that are receiver sites for tree plantings. A publicly held site is preferred, but the City may designate a private Tree Bank site where the tree replanting area will be permanently preserved via covenant or easement. Planting shall be carried out directly by the developer/landowner with direction and inspection of the City Arborist.**
- (3) Tree Bank Fund Option. If **neither On-Site Replacement, (a)(1) above, or a Tree Bank site, (a)(2) above, options cannot accommodate the required replacement trees, a payment in lieu of replanting may be utilized. At no time shall the fee be less than \$100 per caliper inch of**

**required replacement.** The replacement fee for each tree shall be allocated to the Tree Bank Fund according to the schedule of fees established by Council. **Tree Bank Funds shall be used only for the planting and installation of trees on public property at any location within the City, including in the right of way as determined by the City in its sole discretion. Planting and installation may include purchase, transportation, mulching, watering, and labor associated with the replacement tree(s) for up to one year from the date of planting. An Applicant who chooses this Replacement Option shall have no right of decision in the location, type, or method of installation or maintenance of trees, as the payment is a voluntary payment in lieu of planting the required caliper inches of trees on or off site as given in replacement Options (a)(1) and (a)(2) above.**

- (4) Size of Replacement Trees.** Each replacement tree shall have a minimum caliper of 1.75 inches and a clear trunk height of at least six (6) feet.

(Ord. 04-92. Passed 6-14-04)

#### **SECTION 1168.08 EXEMPTIONS FROM REPLACEMENT.**

The Director of Planning and Community Development may approve the removal of a major tree if one of the following applies. Trees removed under the following conditions are exempt from the replacement requirements of Section 1168.07.

- (a) The tree is dead, damaged, or diseased.
- (b) The tree is an undesirable species in its present location, as determined by the Director of Grounds and Facilities (or designee). (ORD 02-55 Passed May 13, 2002)
- (c) The tree poses potential danger to life or property.

#### **SECTION 1168.09 PLANTING AND MAINTENANCE REQUIREMENTS.**

- (a) All trees to be used as replacement trees shall be of a variety determined to be acceptable by the Director of Grounds and Facilities (or designee). (ORD 02-55 Passed May 13, 2002)
- (b) Replacement trees that may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line.
- (c) Trees shall be planted an adequate distance from access drives and intersections so that, at full maturity, such planting shall comply with Section 1149.06 to ensure the unobstructed visibility of motorists and pedestrians.
- (d) The developer shall be required to maintain all replacement trees for two (2) years after the trees are planted and to replace any tree that dies within such two-year guarantee period, according to the following:
  - (1) Upon completion of the tree planting, the landscape contractor shall contact the Director of Grounds and Facilities to initiate the guarantee period. (ORD 02-55 Passed May 13, 2002)
  - (2) The guarantee period shall begin after the approval of the Director of Grounds and Facilities (or designee). (ORD 02-55 Passed May 13, 2002)
  - (3) A final inspection shall be made at the end of the two-year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.

- A. The developer shall notify the Department of Grounds and Facilities within five (5) business days of the end of the guarantee period to schedule the final inspection.
  - B. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.
  - C. If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The two-year guarantee period shall begin anew for each replacement tree.
- (e) Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to Section 1168.06 or exempted pursuant to Section 1168.08 and the regulations of this Chapter.
  - (f) Where applicable, the City may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to Section 1168.06 or exempted pursuant to Section 1168.08 and the regulations of this Chapter.
  - (g) Failure to replace major trees as required by this Section within one (1) year of the approval of the application referred to in Section 1168.02 shall be a misdemeanor for each separate failure to replace a tree.

#### **SECTION 1168.10 COORDINATION WITH REQUIRED LANDSCAPING.**

- (a) The tree preservation requirements of this Chapter shall be in addition to the landscaping and screening requirements of Chapter 1166. (ORD 02-55 Passed May 13, 2002)
- (b) The required tree preservation plan shall be coordinated with all landscaping required by Chapter 1166 to achieve a cohesive landscape treatment for the entire site. (ORD 02-55 Passed May 13, 2002)

#### **SECTION 1168.11 FLEXIBILITY.**

The standards and criteria in this Chapter establish the City's objectives and the level of tree preservation expected. However, in applying these standards, the Planning Commission, Shade Tree Commission, and City Council may: (ORD 02-55 Passed May 13, 2002)

- (a) Exercise discretion and flexibility with respect to the placement and arrangement of required elements to assure that the objectives of this chapter and the proposed development are best satisfied.



## FACT SHEET

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AGENDA ITEM NO: 20

DATE: 03/13/2017

ORDINANCE NO: 17-17

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR ISSUANCE OF REFUNDS RECEIVED FOR A FIRE LOSS THAT OCCURRED AT 48 HIGH STREET, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

In September 2016, the two-story rental home at 48 High Street was destroyed by fire, resulting in the tragic death of a 17-year-old Rutherford B. Hayes High School student. As per the Ohio Revised Code and the City's Codified Ordinances, the sum of \$9,333.33 was forwarded to the City of Delaware from the fire insurance proceeds to be held in escrow until such time the fire-damaged property is repaired, demolished, or sold. The property owner (the insured party) notified the City Chief Building Official of intent to sell the property. As evidenced by a recorded deed, the property was conveyed to the Habitat for Humanity of Delaware & Union Counties in February 2017. The property site is located within the Habitat for Humanity 'focus neighborhood' for redevelopment efforts. This fire-damaged property will be demolished by the Habitat Chapter and a new home for a Partner Family constructed in its place. The insured party, therefore, is requesting reimbursement of the fire insurance proceeds held by the City of Delaware since the claim can now be considered closed.

**REASON WHY LEGISLATION IS NEEDED:**

This supplemental appropriation is needed to transfer the monies into the appropriate account to enable the reimbursement. The Emergency Clause is included to expedite closure of the outstanding claim.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

None as equal funds were previously deposited with the City and will be reimbursed to the Property Owner.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval as submitted with enactment of the Emergency Clause.

**ATTACHMENT(S)**

- 1) Claim Documentation
- 2) Recorded Deed to Habitat for Humanity
- 3) Photograph

ORDINANCE NO. 17-17

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR ISSUANCE OF REFUNDS RECEIVED FOR A FIRE LOSS THAT OCCURRED AT 48 HIGH STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware's Codified Ordinance, Section 1321 requires application for demolition, alteration, moving, and construction of structures within the City; and

WHEREAS, the City of Delaware's Codified Ordinance, Section 1507.20 authorizes the City to follow the requirements and procedures contained within Ohio Revised Code Section 3929.86 Fire Loss Claims; and

WHEREAS, the City of Delaware was provided funds through the insurance proceeds required by Section 3929.86 for the fire loss that occurred at 48 High Street; and

WHEREAS, Foremost Insurance Group provided a check to the City in the amount of \$9,333.33 for a fire loss at 48 High Street; and

WHEREAS, the Owner and Insured Party of said Property has sold the Property located at 48 High Street to Habitat for Humanity of Delaware & Union Counties which has agreed to raze the structure; and

WHEREAS, the City has not incurred any cost attributable to the repair or demolition of the structure pursuant to the requirements of ORC 3929.86; and

WHEREAS, the Insured Party would like and requested reimbursement of those funds pursuant to ORC 3929.86; and

WHEREAS, a supplemental appropriation will be necessary to authorize funding for issuance of the refund.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the General Fund the amount of \$9,333.33 thereby increasing the following account:

Planning and Community Development		
Refunds	(101-0061-5601)	\$9,333.33

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

SECTION 3. EMERGENCY CLAUSE: That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City and for the further reason to allow for the expeditious demolition of a fire-damaged structure, and as such will be in full force and effect immediately upon its passage.

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

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

PASSED: \_\_\_\_\_, 2017 YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

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



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Oklahoma City, OK 73126-8994  
Fax: (877) 217-1389

October 14, 2016

ATTN FINANCE OFFICE  
WILLIAMS, MATTHEW  
1 S. SANDUSKY STREET  
DELAWARE OH 43015

RE:	Insured:	Williams,matthew
	Claim Unit Number:	3007114018-1-1
	Policy Number:	0021236406
	Loss Date:	09/17/2016
	Location of Loss:	48 High Street, Delaware, OH
	Subject:	Important Claim Information

Dear FIRE ESCROW ACCOUNT MANAGER:

Enclosed please find a check in the amount of \$9,333.33 payable to City of Delaware, for the Fire Escrow Ordinance in effect. We have received a claim from our customer Matthew Williams, for damages to his property located at 48 High St.

The total amount of covered dwelling damages is \$70,000. The Fire Escrow Ordinance requires insurers to withhold \$2,000.00 for every \$15,000.00 of a loss to the dwelling. Therefore, following your Fire Escrow Ordinance calculation, we are providing this payment of \$9,333.33 to be held by your office in escrow from Matthew William's insurance claim.

If you have any questions, please contact me at (614) 537-2021.

Thank you.  
Foremost Insurance Company Grand Rapids, Michigan

James Paul  
General Adjuster  
james.paul@farmersinsurance.com  
(614) 537-2021

Check(s): 1614835725

POCATELLO SERVICE CENTER

Check Number: 1614835725  
Date: 10/14/2016

PAY NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE  
NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE \$9,333.33\*\*\*\*

To City of Delaware  
the order of 1 SOUTH SANDUSKY ST.  
of DELAWARE, OH 43015

Claimant/Patient: Business Williams,matthew  
Insured: Business Williams,matthew  
Date of Loss: 09/17/2016  
Claim Unit Number: 3007114018-1-1  
Check Number: 1614835725  
Payment Under Insured's: Building  
Correspondence Reference: 3H201RXX  
Reference Number: undefined  
Print Date: 10/14/2016 08:26 AM  
Requested By: James H Paul

FIRE DEMO ESCROW PAYMENT FOR 48 HIGH ST.

PLEASE FOLD AND DETACH CHECK ON RED LINE BELOW

THIS DOCUMENT CONTAINS VOID TEXT THAT WILL APPEAR WHEN PHOTOCOPIED.



62-20311

FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN Claim Unit # 3007114018-1-1 check No. 1614835725  
POCATELLO SERVICE CENTER NATIONAL DOCUMENT CENTER PO. BOX 268994 Date: 10/14/2016  
OKLAHOMA CITY, OK 73126

PAY Nine Thousand Three Hundred Thirty Three Dollars And thirty Three Cents \$9,333.33\*\*\*\*

NOT GOOD AFTER SIX MONTHS

To City of Delaware  
the order of 1 SOUTH SANDUSKY ST.  
of DELAWARE, OH 43015

FARMERS  
INSURANCE

Citibank N.A. - One Penns Way - New Castle, DE 19720

THE ORIGINAL DOCUMENT HAS REFLECTIVE WATERMARK ON THE BACK. SHOULD AN INKRE TO VIEW WHEN CHECKS THE ENDORSEMENT.

1614835725 031100209 38800636

01 01 00145634201RFR21 OS1014P2 CO 11006882

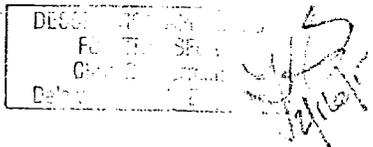


Doc ID: 011396960001 Type: OFF  
 Kind: DEED  
 Recorded: 02/16/2017 at 01:54:35 P  
 Fee Amt: \$28.00 Page 1 of 1  
 Workflow# 0000137030-0001  
 Delaware County, OH  
 Melissa Jordan County Recorder  
 File# 2017-00004891

Delaware County  
 The Grantor Has Complied With  
 Section 319.202 Of The R.C.  
 DATE 2/16/2017 Transfer Tax Paid \$49.20  
~~TRANSFERRED OR TRANSFER NOT NECESSARY~~  
 Delaware County Auditor By TZIT

BK **1486** PG **1428**

VALLEY TITLE & ESCROW (DUB & DEL BOX)  
 5775 PERIMETER DR. STE 180  
 DUBLIN, OH 43017



**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS, THAT MATTHEW T. WILLIAMS, AKA MATT WILLIAMS and SARAH A. WILLIAMS, AKA SALLY WILLIAMS, who are married to each other, of Delaware County, Ohio, for valuable consideration paid, grant with general warranty covenants, to HABITAT FOR HUMANITY OF DELAWARE & UNION COUNTIES, an Ohio Non-Profit corporation, the following REAL PROPERTY:

Situated in the County of Delaware, in the State of Ohio and in the City of Delaware and bounded and described as follows:

Known as Inlot Number Nine Hundred Fifty-Six (956) in ANDREWS AND RICHARDSON'S ADDITION to the Town, now City of Delaware, and being the same premises deeded to Benjamin F. James by Leroy Dobas in the year 1907, and recorded in Plat Book 2, Page 67, Delaware County Recorder's Office.

Property Address: 48 High Street, Delaware, Ohio 43015

PIN 519-433-21-029-000

This deed is executed and delivered by Grantors and accepted by Grantee subject to all legal highways, and subject to and with all restrictions, easements, conditions, limitations, agreements, and reservations of record, and subject to zoning restrictions which have been imposed thereon. Also excepting all taxes and assessments, if any, pro-rated to the date hereof and after which Grantees assume and agree to pay.

Prior Instrument Reference: Volume 49, Page 1552 of Official Records of Delaware County, Ohio.

Grantors release all rights of dower therein.

Executed on this 15<sup>th</sup> day of February, 2017.

Matthew T. Williams AKA Matt Williams  
 MATTHEW T. WILLIAMS, AKA MATT WILLIAMS

Sarah Williams AKA Sally Williams  
 SARAH A. WILLIAMS, AKA SALLY WILLIAMS

STATE OF OHIO  
 COUNTY OF DELAWARE:

BE IT REMEMBERED, that on this 15<sup>th</sup> day of February, 2017, before me, the subscriber, a notary public in and for said county and state, personally came MATTHEW T. WILLIAMS, AKA MATT WILLIAMS and SARAH A. WILLIAMS, AKA SALLY WILLIAMS the Grantors in the foregoing Deed, and acknowledged the signing thereof to be their voluntary acts and deeds.

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



Carolyn Kay Riggle  
 Carolyn Kay Riggle  
 Notary Public, State of Ohio  
 My Commission Expires 06/16/2018

THIS INSTRUMENT PREPARED BY: THADDEUS RIEGER, ATTORNEY AT LAW, OHIO

LAWYERS TITLE AGENCY  
 OF DELAWARE  
 1/5/17



48 High Street



## FACT SHEET

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AGENDA ITEM NO: 21

DATE: 03/13/2017

ORDINANCE NO: 17-18

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE ACCEPTING THE ANNEXATION OF 2.856 ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS FIRE STATION #304 ANNEXATION BY DAVID MOSER, AGENT FOR THE PETITIONERS, THE CITY OF DELAWARE.

**BACKGROUND:**

**REASON WHY LEGISLATION IS NEEDED:**

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

**PRESENTER(S):**

Darren Shulman, City Attorney  
David Moser, Assistant City Attorney

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

County Resolution 16-1287

Petition

Map

City Ordinance No. 16-95

ORDINANCE NO. 17-18

AN ORDINANCE ACCEPTING THE ANNEXATION OF 2.856 ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS FIRE STATION #304 ANNEXATION BY DAVID MOSER, AGENT FOR THE PETITIONERS, THE CITY OF DELAWARE.

WHEREAS, the proposed annexation applied for in the petition to the Delaware County Commissioners has been approved, by them for annexation to the City of Delaware on December 19, 2016 (See attached) The territory to be annexed is described in the attached Exhibits "A" and "B"; and

WHEREAS, the certified transcript of the proceedings for annexation, with an accurate map of the territory, together with the petition of annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk of Council, and have been for more than sixty days.

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

SECTION 1. That Council hereby accepts the annexation of 2.856 acres of land, description and plat of which are hereby attached as Exhibits "A" and "B" on the annexation known as the Fire Station #304 Annexation David Moser, agent for the petitioners.

SECTION 2. That the Clerk of Council is directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the Secretary of State, and shall file notice of annexation with the Board of Elections, the County Auditor, the County Recorder, and the County Engineer within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

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.

VOTE ON RULES SUSPENSION:

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

PASSED: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR



# Delaware County Commissioners

Jeff Benton  
Barb Lewis  
Gary Merrell

County Administrator  
Ferzan M. Ahmed

Clerk to the Commissioners  
Jennifer Walraven

## RESOLUTION NO. 16-1287

### IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 2.856 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Benton, seconded by Mr. Merrell to address the following:

WHEREAS, on December 2, 2016, the Clerk to the Delaware County Board of Commissioners (the "Board") received an annexation petition filed by David Moser, Delaware City Attorney and agent for the petitioners, of 2.856 acres, more or less, in Liberty Township to the City of Delaware; and

WHEREAS, pursuant to section 709.16(B) of the Revised Code, if the only territory to be annexed is contiguous territory owned by a municipal corporation, the board of county commissioners, by resolution, shall grant the annexation; and

WHEREAS, the only territory to be annexed is contiguous territory owned by the City of Delaware; and

WHEREAS, pursuant to section 709.16(E) of the Revised Code, the board of county commissioners shall act upon a petition for annexation filed under this section within thirty days after receipt of the petition;

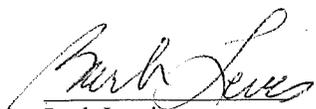
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

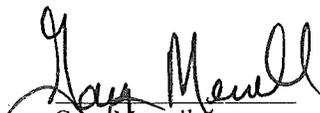
Section 1. The Board hereby grants the annexation of 2.856 acres, more or less, in Liberty Township to the City of Delaware, as petitioned by the City of Delaware.

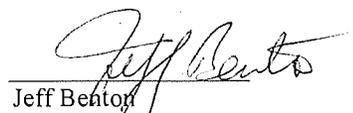
Section 2. The Board hereby directs the Clerk of the Board to cause delivery of a certified copy of this Resolution upon the Delaware City Attorney.

BE IT FURTHER RESOLVED that the Delaware County Board of Commissioners hereby directs the Clerk of the Board to deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the auditor or clerk of the City of Powell.

Vote on Motion      Mr. Merrell      Aye      Mr. Benton      Aye      Mrs. Lewis      Aye

  
Barb Lewis  
County Commissioner

  
Gary Merrell  
County Commissioner

  
Jeff Benton  
County Commissioner

ORDINANCE NO. 16-95

AN ORDINANCE AUTHORIZING THE ANNEXATION OF 2.856± ACRES OF LAND, MORE OR LESS, AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY, FOR THE FUTURE SITE OF FIRE STATION #304, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware purchased 2.856± acres of land, more or less, at the northwest corner of Cheshire Road and Glenn Parkway; and,

WHEREAS, the City of Delaware seeks to use the territory proposed for annexation as the future site of Fire Station #304; and,

WHEREAS, the subject property is contiguous territory, owned only by the City of Delaware, and is fully described in an accurate legal description and plat attached hereto as Exhibits "A" and "B", respectively.

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

SECTION 1. The annexation of the property described in Exhibits A and Exhibit B attached is hereby authorized.

SECTION 2. The City Attorney or his designee is hereby authorized to prosecute all proceedings necessary to effect such annexation pursuant to Sections 709.15 and 709.16 and related sections of the Ohio Revised Code.

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

SECTION 4. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure, necessary to provide for the public peace, property, health, safety, welfare, or to provide for the usual daily operation of a department or an office of the City and further to facilitate the annexation prior to commencement of major construction of Firehouse #304, and as such, will be in full force immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS 0 NAYS 4  
ABSTAIN 0

EMERGENCY CLAUSE:

YEAS 0 NAYS 1

PASSED: October 24, 2016  
YEAS 7 NAYS 0  
ABSTAIN 0

ATTEST: Elaine McCleskey  
CITY CLERK

ABSTAIN 0  
Paul Kelly  
MAYOR

**PETITION FOR ANNEXATION**  
**UPON APPLICATION OF MUNICIPAL CORPORATION**  
**PURSUANT TO OHIO REVISED CODE §§ 709.15 AND 709.16**

~~December~~  
October 2, 2016

To the Board of County Commissioners of Delaware County, State of Ohio:

The City of Delaware, Ohio, being the owner of real estate in the territory hereinafter described, hereby petitions for the annexation of the following described territory to the City of Delaware, Delaware County, Ohio, in the manner provided for by Sections 709.15 and 709.16 of the Ohio Revised Code.

The City of Delaware respectfully represents that, under an ordinance of the Delaware City Council duly passed by not less than a majority of its elected members on October 24, 2016, the territory hereinafter described was authorized to be annexed to the City of Delaware.

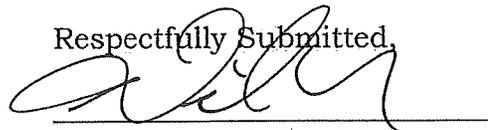
Petitioner has attached hereto and made a part of this petition an accurate legal description of the perimeter of the territory sought to be annexed, titled "Description of 2.856 Acre Tract for Annexation Purposes (Expedited II)", attached hereto as Exhibit "A".

Petitioner has attached hereto and made a part of this petition an accurate map or plat of the territory sought to be annexed, attached hereto as Exhibit "B".

The described territory proposed to be annexed is contiguous territory owned only by the City of Delaware.

The City of Delaware therefore respectfully petitions that the territory may be annexed to the City of Delaware.

Respectfully Submitted,



David Moser 0090834  
Assistant Delaware City Attorney and  
Agent for the Petitioner,  
City of Delaware, Ohio  
One South Sandusky Street  
Delaware, Ohio 43015  
Phone: 740-203-1187  
Email: [dmoser@delawareohio.net](mailto:dmoser@delawareohio.net)



**Description of 2.856 Acre Tract  
For Annexation Purposes (Expedited II)**

Situated in the State of Ohio, County of Delaware, Township of Liberty, being part of Farm Lots 7 and 20, Quarter Township 4, Township 4, Range 19, United States Military Lands, being 2.626 acres out of Farm Lot 7, being 0.230 acres out of Farm Lot 20, being 1.014 acres out of Lot 241 of Tippecanoe Subdivision of record in Plat Book 6, Page 85 known as Tract 1 described in a deed to the City of Delaware, Ohio of record in Official Record Volume 1059, Page 2118, being a 0.46 acre tract of land (0.461 acres calculated) known as Tract 2 described in a deed to the City of Delaware, Ohio of record in Official Record Volume 1059, Page 2118, being a 1.013 acre tract of land known as Tract 3 described in a deed to the City of Delaware, Ohio of record in Official Record Volume 1059, Page 2118, being 0.138 acres out of the north right-of-way of Cheshire Road (County Road 72), being 0.230 acres out of a 13.240 acre tract of land described in a deed to The Board of Commissioners of Delaware County, Ohio of record in Official Record Volume 655, Page 983, and being more particularly described as follows:

**BEGINNING** at the southeast corner of said Lot 241, being on the west line of a 2.00 acre tract of land known as Tract 2 described in a deed to the City of Delaware, Ohio of record in Official Record Volume 622, Page 1941, being on the north right-of-way line of said Cheshire Road, and being on the west line of the existing City of Delaware Corporation Line, Ordinance Number 10-17, of record in Official Record Volume 956, Page 1803;

Thence South 03°38'19" West, a distance of 80.00 feet with the west line of said 2.00 acre tract, crossing said Cheshire Road right-of-way, crossing said 13.240 acre tract, and with the west line of the existing City of Delaware Corporation Line, to the north line of the existing City of Delaware Corporation Line, Ordinance Number 06-99, of record in Official Record Volume 755, Page 1610;

Thence North 86°18'41" West, a distance of 200.70 feet crossing said 13.240 acre tract and with the north line of the existing City of Delaware Corporation Line, to a point;

Thence North 03°38'19" East, a distance of 619.80 feet crossing said 13.240 acre tract, crossing said Cheshire Road right-of-way, with the west line of said Lot 241, with the west line of said 0.46 acre tract, with the west line of said 1.013 acre tract, with the east line of Lot 240 of said Tippecanoe Subdivision, and with the east line of a 1.464 acre tract of land known as Tract 1 described in a deed to John M. Sabo and Tracy L. Sabo of record in Deed Book 655, Page 711, to the northwest corner of said 1.013 acre tract, being at the northeast corner of said 1.464 acre tract, being on the south line of an original 49.677 acre tract of land described in a deed to Homerock, LLC of record in Official Record Volume 341, Pages 894 and 898, and being on the south line of the existing City of Delaware Corporation Line, Ordinance Number 02-124, of record in Plat Cabinet 3, Slide 23;

Thence South 86°18'41" East, a distance of 200.70 feet with the north line of said 1.013 acre tract, with the south line of said original 49.677 acre tract, and with the south line of the existing City of Delaware Corporation Line, to the northeast corner of said 1.013 acre tract, being at the northwest corner of said 2.00 acre tract, and being on the west line of the existing City of Delaware Corporation Line;

Thence South 03°38'19" West, a distance of 539.80 feet with the east line of said 1.013 acre tract, with the east line of said 0.46 acre tract, with the east line of said Lot 241, with the west line of said 2.00 acre tract, and with the west line of the existing City of Delaware Corporation Line, to the TRUE POINT OF BEGINNING containing 2.856 acres of land, more or less.

**Summary of Annexation Territory:**

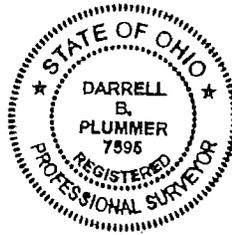
Total Length of Contiguity = 1021.20 Feet  
Total Perimeter = 1641.00 Feet  
Total Contiguity Percentage = 62%  
Continuous Contiguity Percentage (Min) = 6%  
Length of Public RW (Cheshire Road) = 200.70 Linear Feet

No island of unincorporated area is being created with this Annexation.

**Basis of Bearings:** Bearings are based on data acquired by GPS observations as per NAD 83 (1986) - Ohio State Plane Coordinate System - North Zone from the Delaware County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit titled "Map of Territory to be Annexed to The City of Delaware (Expedited II Annexation)" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

*Darrell B. Plummer 10/6/2016*  
\_\_\_\_\_  
Darrell B. Plummer, Professional Surveyor No. 7595      Date



County Engineer  
Delaware County, Ohio

I hereby certify the within to be a true copy of  
the document that is on file in the Map Department.

CHRIS E. BAUSERMAN, P.E., P.S.  
County Engineer

By *[Signature]*, Date *10-7-16*





## FACT SHEET

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AGENDA ITEM NO: 22

DATE: 03/13/2017

ORDINANCE NO: 17-19

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE FOR T&R PROPERTIES APPROVING A FINAL DEVELOPMENT PLAN FOR THE ENCLAVE AT ADALEE 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 with benches 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 12 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 eight 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 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. Additionally, there would be only a maximum of two attached units giving a more single family development appearance. The applicant submitted a comprehensive landscape plan that includes street trees, open space landscaping and perimeter buffering along the northern property line. Individual building landscaping would be required per Chapter 1171. The Shade Tree Commission approved the landscape plan on February 28, 2017 with conditions. Also, the existing mounding along South Houk Road shall remain as constructed and planted. 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 1129.05 Final Development Plan requirements of the zoning code.

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 7-0 on March 1, 2017.

**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)**

See attached

ORDINANCE NO. 17-19

AN ORDINANCE FOR T&R PROPERTIES APPROVING A FINAL DEVELOPMENT PLAN FOR THE ENCLAVE AT ADALEE 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 March 1, 2017 recommended approval of a Final Development Plan for The Enclave at Adalee 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 2017-0197).

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

SECTION 1. That the Final Development Plan for T&R Properties for The Enclave at Adalee 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 shall be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development shall be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network shall 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 recording the Final Plat.
5. Internal sidewalks shall be located on one side of each private street.

6. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
7. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
8. 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.
9. The minimum attached unit house size shall be 1,350 square feet.
10. 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.
11. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
12. 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.
13. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height shall be installed 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 shall 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.
14. Individual building landscaping shall be required per Chapter 1171 Design Criteria and Performance Standards of the zoning code.
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 open space between Maria Avenue and Amelia Lane shall be programmed with amenities as submitted.
18. The lighting plan shall achieve compliance with the zoning code and shall be approved by the Chief Building Official.
19. A sign permit application that includes more specific sign size, construction material, etc., shall be reviewed and approved by staff.

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: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR



## PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2017-0197 & 0198

REQUEST: Multiple Requests

PROJECT: The Enclave at Adalee

MEETING DATE: March 1, 2017

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### APPLICANT/OWNER

T&R Properties  
3895 Stonebridge Court  
Dublin, Ohio 43016

### REQUEST

2017-0197: A request by T&R Properties for approval of a Final Development Plan for The Enclaves at Adalee 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 South Houk Road just north of Arthur Place.

2017-0198: A request by T&R Properties for approval of a Final Subdivision Plat for The Enclaves at Adalee 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 South Houk Road just north of Arthur Place.

### PROPERTY LOCATION & DESCRIPTION

The subject property is located on the west side of South 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.

In December 2016, the Planning Commission and City Council approved a Preliminary Development Plan and Preliminary Subdivision Plat for 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. An access easement with Arthur Place was recorded in 2008 to allow access to the existing right-in/right-out curb cut. Now the applicant is proposing the Final Development Plan and Final Subdivision Plat for Planning Commission and City Council approval.

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### 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, a Final Development Plan and Final Subdivision Plat 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 of 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.
- **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 one side of each street which would be on the west side of Isaac Lane, on the east side of Blaise Lane, on the south side of Rachel Lane, on the north side of Mara Avenue and the south side of Amelia Lane to enhance pedestrian safety throughout the development.
- **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 14 common parking spaces within the development. There would be six common spaces located in front of the mailbox area on Isaac Lane and eight 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 setback of 25 feet and a minimum rear yard setback of 25 feet along the perimeter of the of the site and 18 feet within the internal portion of the site 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, etc., within the development.

- **BUILDING DESIGN:** The intent of the design requirements is to mimic the Arthur Place ranch style attached units with all the units having 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. Additionally, there would be only a maximum of two attached units giving a more single family development appearance than Arthur Place. The builder is proposing two options pertaining to natural materials on the front elevation. Option one would have the wall surrounding the inset door be comprised of stone while option two would have the wall around the window comprised of stone. Both options would have a stone wainscoting on the front elevation of the building. Vinyl siding with either accent shake siding or accent board and batten would comprise the remainder of the front elevation while the rear and side elevations would be all vinyl siding. 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 would be black in color. Furthermore, minimum 8 inch overhangs, shutters, window trim, one garage light course, etc., would be minimum design standards for the attached buildings.
- **LANDSCAPING & SCREENING:** The applicant submitted a comprehensive landscape plan that includes street trees, open space landscaping and perimeter buffering along the northern property line. Individual building landscaping would be required per Chapter 1171. Also, the existing mounding along South Houk Road shall not remain as constructed and planted. 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. Per the submitted plans, the mound is only 8 feet tall and the northern buffer has only 51% opacity. 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 reserve 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 an open space park area that encompasses approximately 0.64 acres located behind the attached units between Maria Avenue and Amelia Lane. The open space is programmed with four benches in the radial gathering space and a bio swale located just east of the aforementioned gathering space. 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:** The lighting plan for all streets and amenities was approved on February 6, 2017 by the Chief Building Official.
- **SIGNAGE:** The proposed ground sign located just north of the main entrance on South Houk Road with limestone columns appears to achieve compliance with the adopted Gateways and Corridor Plan and with the other stone monument signs in the area. A sign permit application that includes more specific sign size, construction material, etc., would need to be reviewed and approved by staff.
- **FIRE DEPARTMENT:** Because of the width of the private street, the Fire Department requires that there be no parking on either side of the street. Also, the fire hydrant location and fire flow requirements would need to be addressed prior to engineering drawing approval.

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**STAFF RECOMMENDATION – (2017-0197 FINAL DEVELOPMENT PLAN)**

Staff recommends approval of a request by T&R Properties for a Final Development Plan for The Enclaves at Adelee 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 South 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 shall be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development shall be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network shall 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 recording the Final Plat.
5. Internal sidewalks shall be located on one side of each private street.
6. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
7. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
8. 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.
9. The minimum attached unit house size shall be 1,350 square feet.
10. 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.
11. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
12. 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.
13. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height shall be installed 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 shall 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. Per the submitted plans, the mound is only 8 feet high with 51% opacity which does not achieve compliance with the above requirements.
14. Individual building landscaping shall be required per Chapter 1171 Design Criteria and Performance Standards of the zoning code.
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 open space between Maria Avenue and Amelia Lane shall be programmed with amenities as submitted.
18. The lighting plan shall be installed as approved by the Chief Building Official on February 6, 2017.
19. A sign permit application that includes more specific sign size, construction material, etc., shall be reviewed and approved by staff.

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**STAFF RECOMMENDATION – (2017- 0198 FINAL SUBDIVISION PLAT)**

Staff recommends approval of a request by T&R Properties for a Final Subdivision Plat for The Enclaves at Adalee 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 South 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 shall be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development shall be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network shall 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 recording the Final Plat.
5. Internal sidewalks shall be located on one side of each private street.
6. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
7. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
8. 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.
9. The minimum attached unit house size shall be 1,350 square feet.
10. 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.
11. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
12. 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.
13. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height shall be installed 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 shall 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. Per the submitted plans, the mound is only 8 feet high with 51% opacity which does not achieve compliance with the above requirements.
14. Individual building landscaping shall be required per Chapter 1171 Design Criteria and Performance Standards of the zoning code.
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 open space between Maria Avenue and Amelia Lane shall be programmed with amenities as submitted.
18. The lighting plan shall be installed as approved by the Chief Building Official on February 6, 2017.

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19. A sign permit application that includes more specific sign size, construction material, etc., shall be reviewed and approved by staff.

**COMMISSION NOTES:**

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*MOTION:*     \_\_\_\_\_ *1<sup>st</sup>*     \_\_\_\_\_ *2<sup>nd</sup>*     *approved*     *denied*     *tabled* \_\_\_\_\_

*CONDITIONS/MISCELLANEOUS:*

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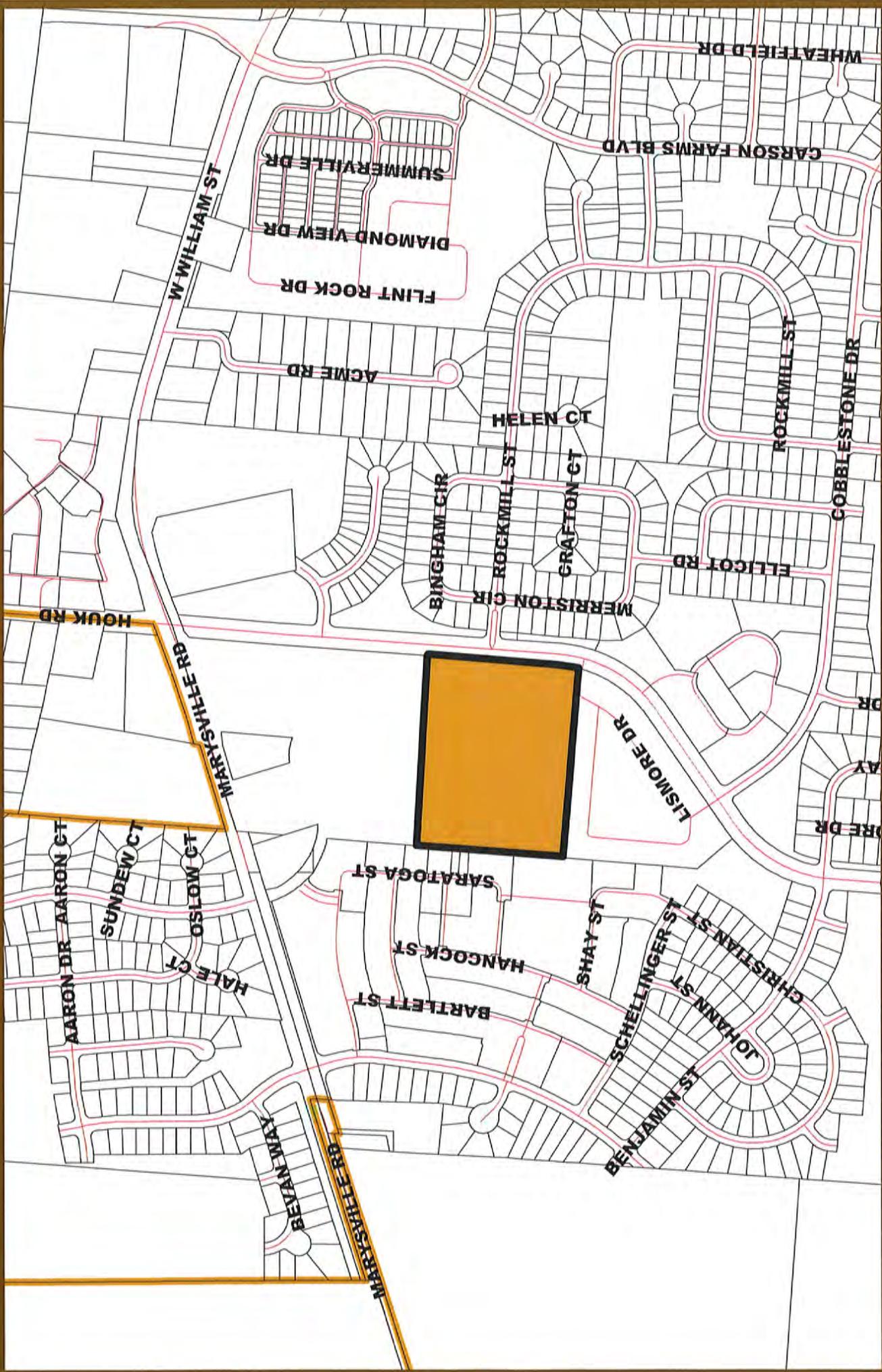
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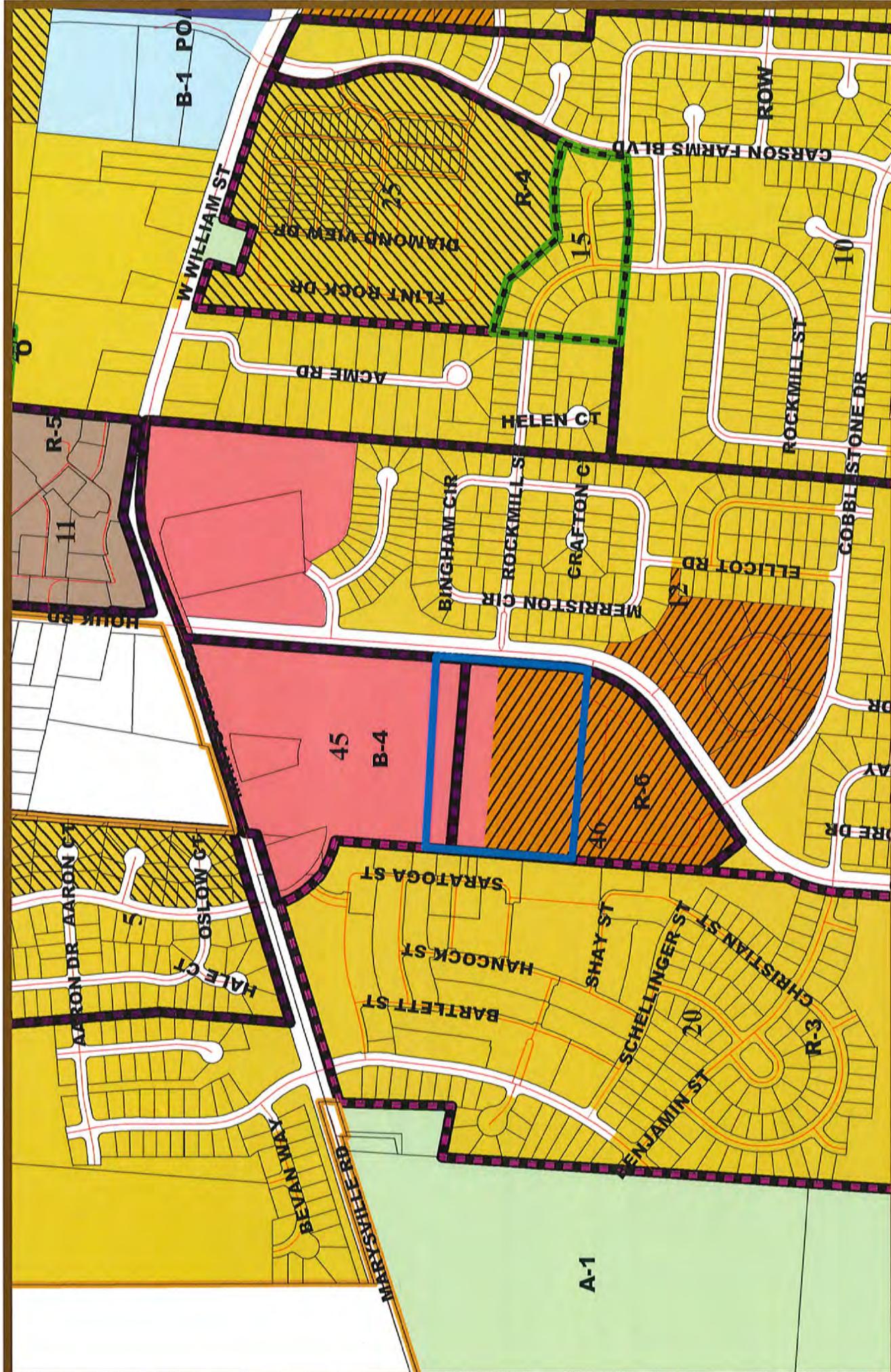
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**ORIGINAL:**     2/22/17  
**REVISED:**

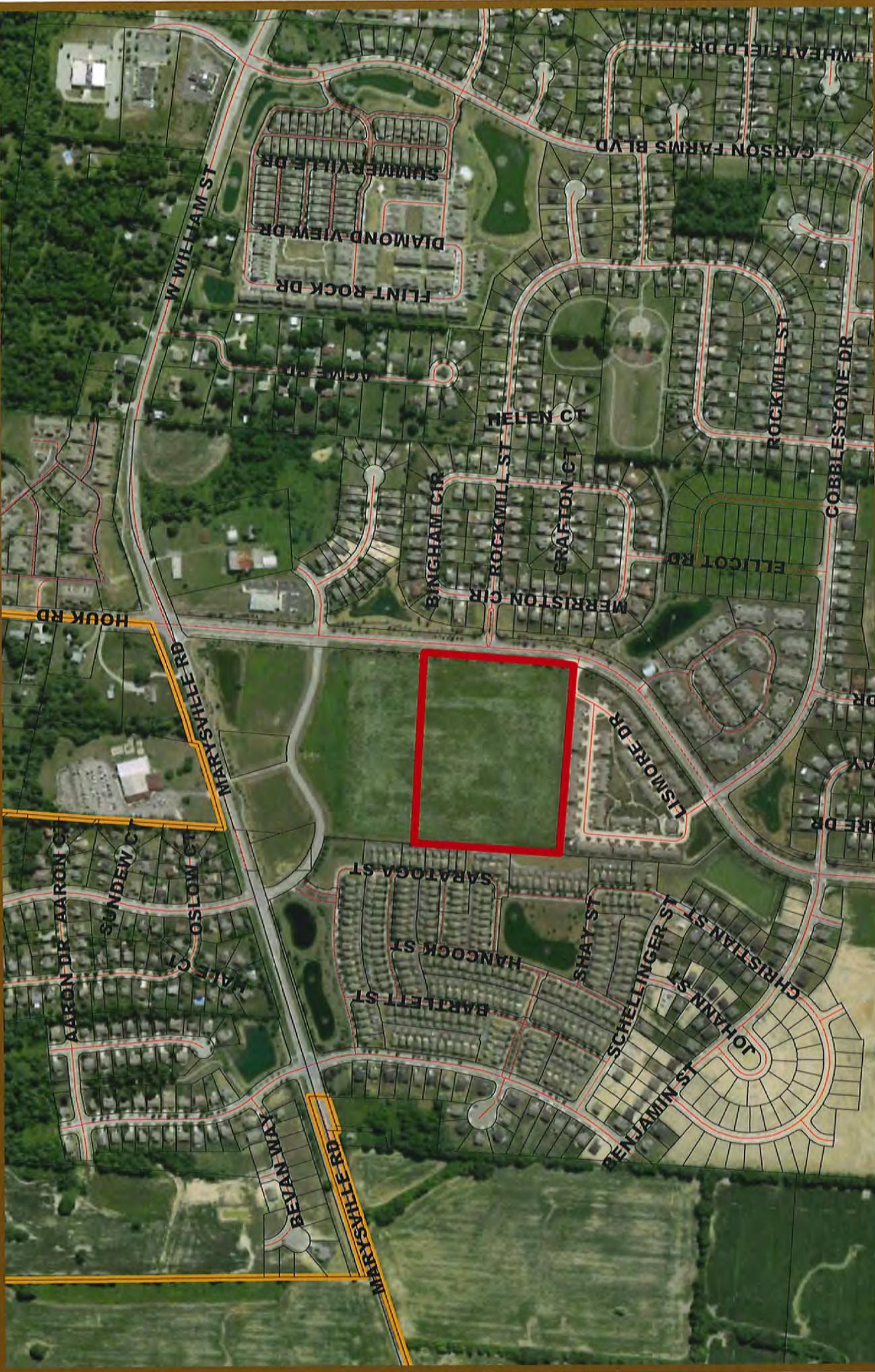


2017- 0197 & 0198  
Final Development Plan & Final Subdivision Plat  
The Enclave at Adalee  
Location Map





2017-0197 & 0198  
 Final Development Plan & Final Subdivision Plat  
 The Enclave at Adalee  
 Zoning Map



2017-0197 & 0198  
Final Development Plan & Final Subdivision Plat  
The Enclave at Adalee  
Aerial (2016)





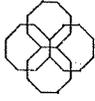










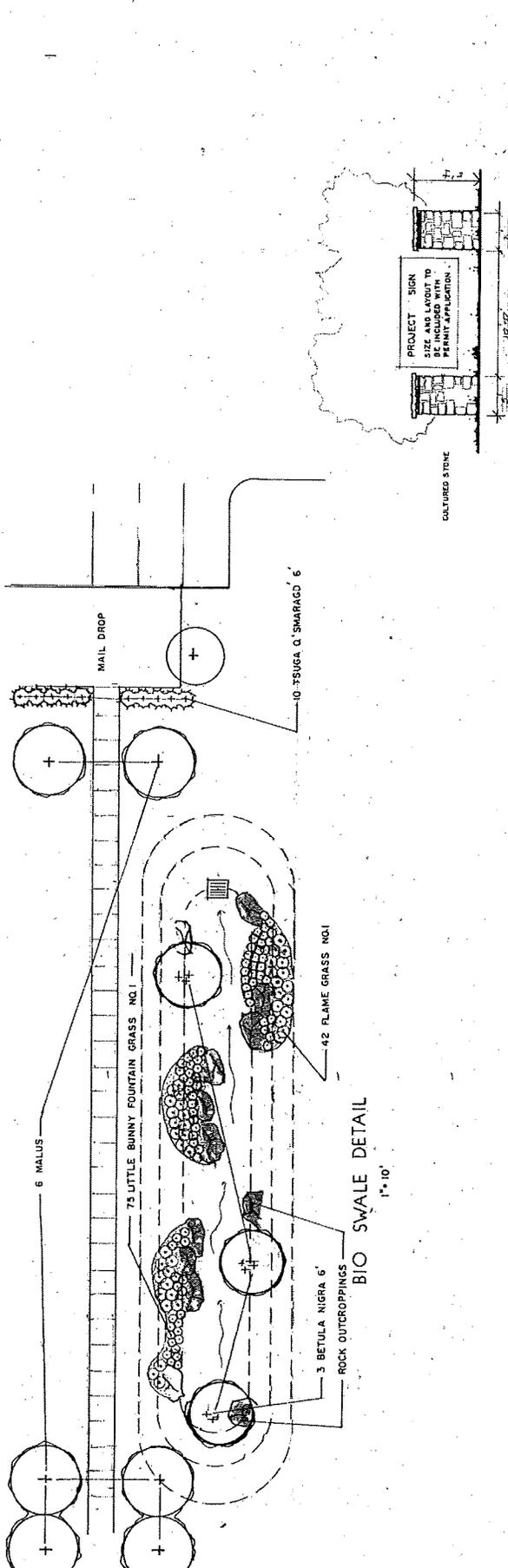


**BOZZACCO CO. INC.**  
 LANDSCAPE DESIGN  
 & ARCHITECTURE  
 SITE CONTRACTING  
 505 LONDON RD.  
 DELAWARE, OHIO  
 PH: 740.388.2147

THE ENCLAVE AT ADALEE • LANDSCAPE PLAN

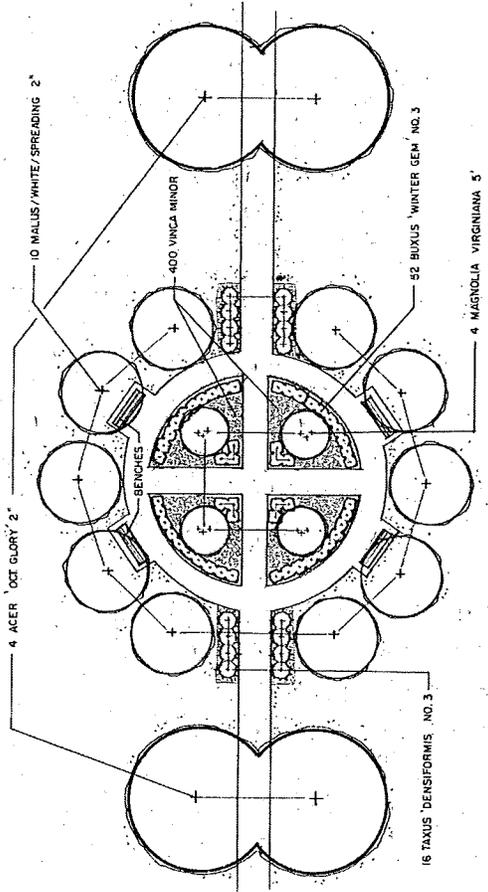
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 REVISIONS:

L2

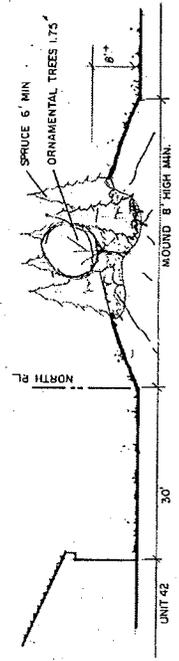


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 1"=10'

SIGN CONCEPT  
 1/4"=1'-0"



SITTING AREA DETAIL  
 1"=10'



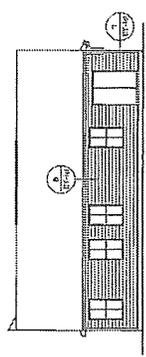
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 1"=10'



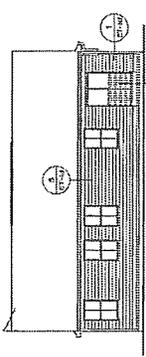




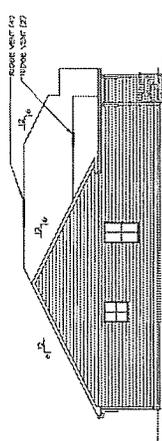
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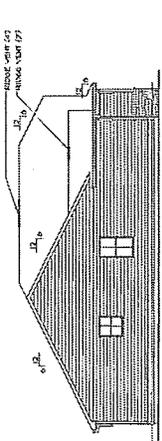
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SUBMITTER: TRM



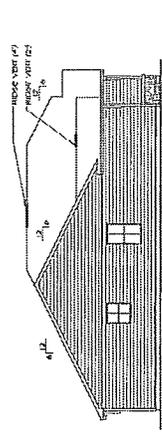
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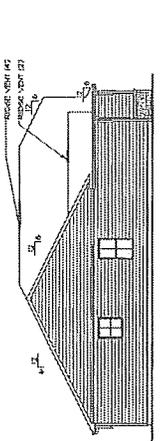
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SCALE: 1/8" = 1'-0"  
SUBMITTER: TRM



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SCALE: 1/8" = 1'-0"  
SUBMITTER: TRM



5 SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
SUBMITTER: TRM



6 SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
SUBMITTER: TRM





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

Delaware County  
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 Stines

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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> day of August, 2008.



NOTARY PUBLIC, ATTORNEY AT LAW  
WANDA L. BROWN, Notary Public  
15000 W. 10th St., Suite 100  
Overland Park, KS 66204

[Signature]  
NOTARY PUBLIC  
Commission expires: no expiration

STATE OF Ohio  
COUNTY OF Franklin, 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 20<sup>th</sup> 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*  
Jennifer L. Blue Date 6-19-08  
Registered Surveyor No. S-8382

**ATTACHMENT A (Survey Drawing)**



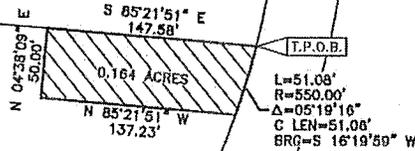
**Civil & Environmental Consultants, Inc.**  
 8740 Orion Place, Suite 100 Columbus, Oh. 43240  
 (614) 540-6633 (888)598-6808 FAX(614)540-6638  
 CHICAGO, IL. CINCINNATI, OH. CLEVELAND, OH. EXPORT, PA. INDIANAPOLIS, IN.  
 NASHVILLE, TN. PITTSBURGH, PA. ST. LOUIS, MO. DETROIT, MI.

**0.164 Acre Access Easement**



NORTH

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



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

MOJOK ROAD (100' R/W)  
 P.C. 3, SUBJ 72-728

ATTACHMENT A



BASIS OF BEARING

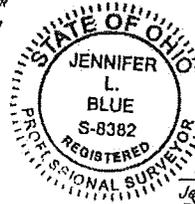
BASE OF BEARING FOR THE PURPOSE OF THIS INSTRUMENT A BEARING OF SOUTH 80°54'00\"/>

SITUATE

SITUATE IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE AND BEING IN PART LOT 31, QUARTER 1, TOWNSHIP 3, TOWNSHIP S, 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 BY 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

S:\PROJ\2007\0719051 SURVEY\DWG\0719051-ACCESS-ESUMT.DWG (JH/AL/CHD) - JUN 19, 2008 - 05:58:59

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



## FACT SHEET

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AGENDA ITEM NO: 23

DATE: 03/13/2017

ORDINANCE NO: 17-20

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE FOR T&R PROPERTIES APPROVING A FINAL SUBDIVISION PLAT PLAN FOR THE ENCLAVE AT ADALEE 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 with benches 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 12 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 eight 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 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. Additionally, there would be only a maximum of two attached units giving a more single family development appearance. The applicant submitted a comprehensive landscape plan that includes street trees, open space landscaping and perimeter buffering along the northern property line. Individual building landscaping would be required per Chapter 1171. The Shade Tree Commission approved the landscape plan on February 28, 2017 with conditions. Also, the existing mounding along South Houk Road shall remain as constructed and planted. 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 1111.04 Final Plat requirements of the zoning code.

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 7-0 on March 1, 2017.

**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)**

See attached

ORDINANCE NO. 17-20

AN ORDINANCE FOR T&R PROPERTIES APPROVING A FINAL SUBDIVISION PLAT PLAN FOR THE ENCLAVE AT ADALEE 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 March 1, 2017 recommended approval of a Final Subdivision Plat for The Enclave at Adalee 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 2017-0198).

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

SECTION 1. That the Final Subdivision Plat for T&R Properties for The Enclave at Adalee 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 shall be required for the subject development. The existing right-in/right-out curb cut on the northern portion of the Arthur Place development shall be utilized as the second curb cut per the recorded access easement with Arthur Place in 2008.
3. The internal access roadway network shall 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 recording the Final Plat.
5. Internal sidewalks shall be located on one side of each private street.

6. All retention ponds shall be setback a minimum of 80 feet from the edge of pavement per the City Engineer.
7. The lots and houses shall comply with the minimum bulk and setback requirements as shown on this plan.
8. 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.
9. The minimum attached unit house size shall be 1,350 square feet.
10. 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.
11. Each unit shall be permitted a deck or patio that shall be setback a minimum 10 feet from the rear property line
12. 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.
13. Along the northern boundary of the subject development, an undulating earthen mound ranging from 8 to 12 feet in height shall be installed 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 shall 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.
14. Individual building landscaping shall be required per Chapter 1171 Design Criteria and Performance Standards of the zoning code.
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 open space between Maria Avenue and Amelia Lane shall be programmed with amenities as submitted.
18. The lighting plan shall achieve compliance with the zoning code and shall be approved by the Chief Building Official.
19. A sign permit application that includes more specific sign size, construction material, etc., shall be reviewed and approved by staff.

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: \_\_\_\_\_, 2017

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

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

\_\_\_\_\_  
MAYOR

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: March 13, 2017

---

1. **Calendar**

See Attached

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

See Attached

3. **Bi-Weekly Meetings**

February 22

\* OCMA Conference

February 23

\* OCMA Conference

February 24

\* OCMA Conference

February 27

\* Rotary Meeting

\* Recreation Levy Sub-Committee

\* City Council

February 28

\* SourcePoint Donor Appreciation Dinner

March 2

\* MORPC

March 7

\* Sakata Delegation Meeting

March 8

\* 2017 Economic Forum

March 9

\* MORPC Commission and Transportation Policy Committee

**CONTRACT APPROVAL – March 13, 2017**

<b>VENDOR</b>	<b>EXPLANATION OF AGREEMENT</b>	<b>2017 AMOUNT</b>	<b>DEPARTMENT</b>
SourcePoint	Services Coordination to Older Adults	\$0.00	Police

# March

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
			1	2	3	4
			Civil Service – cancelled Planning 7pm			
5	6	7	8	9	10	11
			BZA 7pm			
12	13	14	15	16	17	18
	Council 7pm					
19	20	21	22	23	24	25
		Finance 4:30 pm Parks & Rec 7 pm		HPC 7pm		
26	27	28	29	30	31	
	Council 7pm		Shade Tree 7pm			

2017