

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

AGENDA

REGULAR MEETING

April 24, 2017

1. ROLL CALL
2. INVOCATION – Pastor David Soliday, Delaware Unitarian Universalist Fellowship
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on April 10, 2017, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summary for the Finance Committee Meeting held on February 16, 2017.
 - B. Acceptance of the Motion Summary for the Sister City Advisory Board Meeting held on October 11, 2016.
 - C. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board Meeting held March 21, 2017.
 - D. Establish May 8, 2017 at 7:15 p.m. as a date and time for a public hearing and second reading for Ordinance No. 17-29, an ordinance repealing and replacing Section 929 of the City of Delaware Streets, Utilities, and Public Services Code establishing general rules and regulations for the collection of refuse.
 - E. Establish May 8, 2017 at 7:20 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-30, an ordinance amending Section 521.08 of Chapter 521 of the Codified Ordinance of the City of Delaware, Ohio establishing authority to remove litter, and the right to appeal of a notice of violation.
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS

8. PRESENTATIONS
 - A. Proclamation presentation to Delaware Hayes' Girls State Bowling Championship Participants.
 - B. Arbor Day Proclamation presentation
 - C. Shade Tree Commission 2016 Annual Report
9. FOURTH READING of Resolution No. 17-20, a resolution accepting the City of Delaware's Bike Master Plan 2025.
10. FOURTH 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.
11. SECOND READING of Resolution No. 17-27, a resolution adopting a code of conduct for appointed officials.
12. 7:15 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-22, an ordinance for Redhawk Property Investments Inc. for approval of a Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zoned B-3 (Community Business District).
13. 7:20 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-23, an ordinance for Shorty's Casual Cuisine for approval of a Conditional Use Permit to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District).
14. 7:25 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-24, an ordinance for Tim Colatruglio for approval of a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.
15. 7:25 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-25, an ordinance for Tim Colatruglio for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.
16. SECOND READING of Ordinance No. 17-26, an ordinance for Tim Colatruglio for approval of a Preliminary Development Plan for River

Street Business Park on thirteen properties encompassing 2.594 acres located at 45 River Street.

17. CONSIDERATION of Resolution No. 17-28, a resolution authorizing the City Manager to enter into an agreement with The Ohio Department of Transportation to participate in the cooperative purchase of road salt through the ODOT Winter Salt Purchase Contract (018-18).
18. CONSIDERATION of Resolution No. 17-29, a resolution accepting the Park and Facilities Naming and Dedication Policy.
19. CONSIDERATION of Ordinance No. 17-28, an ordinance to authorize and direct the City Manager to execute and sign a petition on behalf of the City of Delaware, Ohio, as a “Proximate City” within the meaning of section 349.01(M) of The Ohio Revised Code, to create a New Community Authority and New Community District under Chapter 349 of The Ohio Revised Code, for Evans Farm NCA, and declaring an emergency.
20. CONSIDERATION of Ordinance No. 17-29, an ordinance repealing and replacing Section 929 of the City of Delaware Streets, Utilities, and Public Services Code establishing general rules and regulations for the collection of refuse.
21. CONSIDERATION of Ordinance No. 17-30, an ordinance amending Section 521.08 of Chapter 521 of the Codified Ordinance of the City of Delaware, Ohio establishing authority to remove litter, and the right to appeal of a notice of violation.
22. FINANCE DIRECTOR’S REPORT
23. CITY MANAGER’S REPORT
24. COUNCIL COMMENTS
25. ADJOURNMENT

6:30 EXECUTIVE SESSION: Mrs. Keller motioned to enter into executive session at 6:31 p.m. This motion was seconded by Mr. Jones and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: 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 6:56 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Hellinger and approved by a 6-0 vote.

The regular meeting of Council held April 10, 2017 was called to order at 7:05 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. The invocation was given by Fr. Michael Watson, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Brad Stanton, Director of Public Utilities, Bruce Pijanowski, Police Chief, Bill Ferrigno, Public Works Director/City Engineer, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held March 27, 2017, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held March 27, 2017, as recorded and transcribed, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission Meeting held on February 28, 2017.
- B. Acceptance of the Motion Summary for the Public Works/Public Utilities Meeting held on October 4, 2016.
- C. Acceptance of the Motion Summary for the Planning Commission Meeting held March 1, 2017.
- D. Resolution No. 17-24, a resolution amending Resolution No. 13-19 establishing the City of Delaware Sister City Advisory Board.
- E. Resolution No. 17-25, a resolution appointing members to various boards, commissions, and/or committees, and specifying the terms of the appointment.
- F. Establish April 24, 2017 at 7:15 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-22, an ordinance for Redhawk Property Investments Inc. for approval of a Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zones B-3 (Community Business District).
- G. Establish April 24, 2017 at 7:20 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-23, an ordinance

for Shorty's Casual Cuisine for approval of a Conditional Use Permit to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District).

- H. Establish April 24, 2017 at 7:25 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-24, an ordinance for Tim Colatruglio for approval of a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street and Ordinance No. 17-25, an ordinance for Tim Colatruglio for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

Mr. Jones informed Council that the Finance Committee meeting will be held Tuesday, April 11, 2017.

Mr. Hellinger provided an update on the Shade Tree Commission meeting held in March.

Vice-Mayor Shafer provided an update on the recommendations at the Public Works/Public Utility Committee for bulk pick up.

Mayor Riggle informed Council that the Sister City Advisory Board meeting will be held Tuesday, April 11, 2017.

ITEM 8: PRESENTATIONS

- A. Proclamation presentation to MADD on Recognition of PowerTalk21 Day.

ITEM 9: CONSIDERATION OF NEW LIQUOR PERMITS

- A. ALDI Inc. Ohio, DBA ALDI, 973 Sunbury Road, Delaware, OH 43015. Permit Classes: C1 and C2.

Motion: Vice-Mayor Shafer moved to not request a hearing for consideration of new liquor permit, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 10: RESOLUTION NO. 17-20 [Public Comment and Third Reading]

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

The Clerk read the resolution for the third time.

PRESENTOR:
Eric Lowry

Transportation Planner, Stantec
1500 Lake Shore Drive, Suite 100
Columbus, Ohio 43204

PUBLIC COMMENT:

Larry Harris
C.E.O. for Willowbrook Christian
100 Delaware Crossing West
Delaware, Ohio 43015

Mr. Harris voiced his opposition to the path at the Delaware Run and discussed safety and environmental concerns.

Marian Jacques
10 Birch Row Drive
Delaware, Ohio 43015

Ms. Jacques voiced her opposition to the path at the Delaware Run and discussed concerns related to the thorns on the Thorny Black Locust Tree.

Linda Schrock
143 Delaware Crossing W.
Delaware, Ohio 43015

Ms. Schrock voiced her opposition to the path at the Delaware Run and presented to Council a petition with signatures requesting to permanently remove the path from the plan.

Emma Mirles-Jones
175 S. Sandusky Street
Delaware, Ohio 43015

Ms. Mirles-Jones voiced her support to the bike plan and recommended a committee be created for the maintenance of the paths.

Joe Coleman
67 West Lincoln Avenue
Delaware, Ohio 43015

Mr. Coleman voiced his support for the bike plan, including the path at Delaware Run. Mr. Coleman discussed the need to connect different areas of the city and provide a safe option to ride bikes.

Donna Taylor
117 Aspen Court
Delaware, Ohio 43015

Ms. Taylor voiced his opposition to the path at the Delaware Run.

Tom Louden
1520 West William Street
Delaware, Ohio 43015

Mr. Louden voiced his opposition to the path at the Delaware Run.

Patti Belch

Delaware City Council

April 10

17

45 Hillside Drive
Delaware, Ohio 43015

Ms. Belch provided additional names to the petition requesting the removal of the Delaware Run path from the plan.

Anna Willow
56 Lobdell Drive
Delaware, Ohio 43015

Ms. Willow voiced her opposition to the path at the Delaware Run and voiced environmental and safety concerns.

Frank Seebode
233 Lake Street
Delaware, Ohio 43015

Mr. Seebode voiced his support for the bike plan including the Delaware Run path.

Ed Schlote
378 Cool Spring Lane
Delaware, Ohio 43015

Traci Cromwell
71 Griswold Street
Delaware, Ohio 43015

Ms. Cromwell voiced her support for the bike plan and discussed the need to have access to the downtown area. Ms. Cromwell discussed the implementation of a Bluebird Trail throughout the path at the Delaware Run.

Dan Nagley
170 Saratogo Street
Delaware, Ohio 43015

Mr. Nagley voiced his support for the bike plan and discussed the need for continued conversation.

Jeremy Schrader
261 Rockcreek Drive
Delaware, Ohio 43015

Mr. Schrader voiced environmental concerns relating to the bike path.

Adam Stiffler
260 North Franklin Street
Delaware, Ohio 43015

Mr. Stiffler discussed research that he completed in regards to crime statistics on multi-use trails and studies completed by MORPC.

Beverly Hall
1706 West William Street
Delaware, Ohio 43015

Ms. Hall voiced concern regarding the Delaware Run bike path and that it is placed in her back yard.

Kathleen Watzek
343 West William Street
Delaware, Ohio 43015

Ms. Watzek voiced support of the bike path and discussed the need for connectivity. Ms. Watzek voiced safety concerns on having a bike path along William Street.

Aaron Straw
70 Hillside Drive
Delaware, Ohio 43015

Mr. Straw voiced his opposition to the path at the Delaware Run.

Council voiced their agreement to have further discussion relating to the Bike Plan 2025.

Mayor Riggle requested a break at 8:38 p.m. Mayor Riggle reconvened the meeting at 8:50 p.m.

ITEM 11: ORDINANCE NO. 17-16 [Third Reading]
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.

The Clerk read the ordinance for the third time.

PUBLIC COMMENT:
Jim Hill
495 Executive Campus Drive
Westerville, Ohio 43015

Mr. Hill requested clarification of the variance process.

Vice-Mayor Shafer requested that staff research how other cities define their variance process.

PUBLIC COMMENT:
Paul Olen
219 North Sandusky Street, #5
Delaware, Ohio 43015

Mr. Olen discussed the environmental services provided to the city by large trees.

Mrs. Keller requested that a representative from the Shade Tree Commission be invited to future meetings with city staff and the B.I.A.

ITEM 12: RESOLUTION NO. 17-26 [First Reading]
A RESOLUTION ESTABLISHING A SOLID WASTE BULK ITEM
COLLECTION PILOT PROGRAM

The Clerk read the resolution for the first time.

Motion: Mr. Jones moved to adopt Resolution No. 17-26, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 13: RESOLUTION NO. 17-27 [First Reading]
A RESOLUTION ADOPTING A CODE OF CONDUCT FOR APPOINTED OFFICIALS.

The Clerk read the resolution for the first time.

A discussion was held in regards to the language presented in the Code of Conduct with Council recommending the removal of item seven in the General Conduct Guidelines. Mrs. Keller recommended language be included that there is a suspension from the board while awaiting a decision by the Member Conduct Committee and Council. Vice-Mayor Shafer recommended that the Code of Conduct be provided to all Chairpersons for their input.

ITEM 14: ORDINANCE NO. 17-22 [First Reading]
AN ORDINANCE FOR REDHAWK PROPERTY INVESTMENTS INC. FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN OUTDOOR SEATING AREA FOR YUMII KETTLE CORN AT 339 SOUTH SANDUSKY STREET ON 0.52 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for April 24, 2017 at 7:15 p.m.

ITEM 15: ORDINANCE NO. 17-23 [First Reading]
AN ORDINANCE FOR SHORTY'S CASUAL CUISINE FOR APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A PERMANENT OUTDOOR PATIO AT 554 WEST CENTRAL AVENUE ON APPROXIMATELY 1.1 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for April 24, 2017 at 7:20 p.m.

ITEM 16: ORDINANCE NO. 17-24 [First Reading]
AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) AND R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-3 AND R-4 PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for April 24, 2017 at 7:25 p.m.

ITEM 17: ORDINANCE NO. 17-25 [First Reading]
AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR RIVER STREET

BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for April 24, 2017 at 7:25 p.m.

ITEM 18: ORDINANCE NO. 17-26 [First Reading]

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING 2.594 ACRES LOCATED AT 45 RIVER STREET.

The Clerk read the ordinance for the first time.

ITEM 19: ORDINANCE NO. 17-27 [First Reading]

AN ORDINANCE FOR MARONDA HOMES APPROVING A FINAL SUBDIVISION PLAT FOR CURTIS FARMS, PHASE 4 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 7.411 ACRES ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED ON DELAWARE DRIVE.

The Clerk read the ordinance for the first time.

APPLICANT:

Chad Buckley
250 Old Wilson Bridge Road, suite 250
Worthington, Ohio

Motion: Mrs. Keller moved to suspend the rules for Ordinance No. 17-27, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mrs. Keller moved to adopt Ordinance No. 17-27, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 20: CITY MANAGER'S REPORT

Mr. Homan provided information on his upcoming trip to Sakata, Japan.

Mr. Homan provided an update on the recent presentation to Moody.

ITEM 21: COUNCIL COMMENTS

Mrs. Keller informed Council that she will not be present at the April 24, 2017 City Council meeting due to a work conflict.

Mayor Riggle informed Council that Mr. Homan and herself recently attended the 20th anniversary celebration for JASCO.

ITEM 22: ADJOURNMENT

Motion: Vice-Mayor Shafer moved to adjourn the meeting. The meeting adjourned at 9:31 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**FINANCE COMMITTEE
MOTION SUMMARY
February 16, 2017**

ITEM 1. Roll Call

Vice-Chairman Jones called the Finance Committee meeting to order at 4:32 p.m.

Members Present: Vice-Chairman Chris Jones, Vice-Mayor Shafer, Councilmember Lisa Keller

Staff Present: Bill Ferrigno, Public Works Director/City Engineer, Dean Stelzer, Finance Director, and Tom Homan, City Manager

Motion to Excuse: Vice-Chairman Jones motioned to excuse Chairman DiGenova, seconded by Mrs. Keller. Motion approved by a 3-0 vote.

Vice-Chairman Jones discussed that Mrs. Keller would be an interim Finance Committee Member for Chairman DiGenova due to illness.

ITEM 2. Approval of the Motion Summary for the meeting held August 8, 2016 as recorded and transcribed.
Approval of the Motion Summary for the Work Session meeting held September 19, 2016, as recorded and transcribed.

Motion: Vice-Mayor Shafer moved to approve the August 8, 2016 Motion Summary and the September 19, 2016 Work Session Motion Summary, seconded by Mrs. Keller. Motion approved by a 3-0 vote.

ITEM 3. Election of Chairman and Vice-Chairman

Vice-Chairman Jones requested that the election occur at the next Finance Committee Meeting.

ITEM 4. Utility Rate Review

Mr. Stelzer reviewed previous recommendation of rate changes and provided information on past utility rates.

Mr. Stelzer reviewed the Water Fund Operations and discussed monthly fees and operating expenses. Mr. Stelzer discussed factors in increased operating costs and recommendation for increase in water rates.

Mr. Stelzer reviewed the Sewer Fund Operations and reserves. A discussion was held on staff efforts to anticipate sewer line extensions. Information was provided on sewer capacity fees.

Vice-Mayor Shafer discussed the inclusion of storm sewer rates. Mr. Homan discussed the budget recommendation for the utility rate increase to be effective May 1, 2017 and that the storm sewer recommendation would occur in 2018. Mr. Stelzer discussed introducing legislature for refuse and water changes separately from sewer.

Motion: Vice-Mayor Shafer motioned to recommend to City Council the increases that were designated by staff at the Finance Committee meeting to move forward immediately, and revisit storm sewer rate after receiving additional information, seconded by Mrs. Keller. Motion approved by a 3-0 vote.

Mr. Homan discussed the inclusion of the report from Mr. Ferrigno regarding the request to opt out of multi-family dwelling units from city refuse. The Finance Committee in agreement to have the report presented before City Council.

ITEM 5. Delaware/Berkshire JEDD Update/Discussion

A discussion was held on the possible reconsideration of different allocations if the JEDD was expanded. Mr. Stelzer provided the Berkshire Township Joint Economic Development District No. 1 Financial Report, and discussed total withholding income tax collections. Mr. Stelzer discussed efforts to work with the manager of the outlet mall in tracking down corporate ownership.

Mrs. Keller recommended that Berkshire Township provide a proposal on their plans for allocation of income tax collection.

ITEM 6. CIP Update/Discussion

Mr. Homan discussed the plans to increase downtown parking and additional road maintenance. Mr. Homan discussed his recommendation on to remove the previous Engineering Building due to increased maintenance needs and high cost to repair. Mr. Homan discussed future recommendation to create a surface parking lot, which would provide an estimated 30 parking spots.

Mr. Homan discussed the need to update the Comprehensive Plan.

Vice-Chairman Jones voiced a concern regarding the inconsistency of lighting in city parking lots.

Mr. Stelzer discussed Financial Management Plan policies.

ITEM 7. Request Regarding New Community Authority for Evans Farm

Mr. Homan discussed requirements under The Ohio Revised Code as the proximate city for the request for a New Community Authority. Mr. Homan discussed the need to determine the impact of the New Community Authority and what the impact fees would be. Mr. Homan recommended allowing Berlin Township to take action first and then separately present a resolution.

PUBLIC COMMENT:

Emmett Kelly
Frost, Brown, Todd Law Firm, Representative
100 S. 3rd St. Columbus, Ohio 43215

Dan Griffith
1550 Lewis Center Road
Lewis Center, Ohio 43035

Mr. Griffith discussed plans for potential development in the area, including both residential and commercial.

ITEM 8. Auditor of State Financial Indicators Report

Mr. Stelzer reviewed the new report provided by State Auditor Dave Yost to determine financial distress indicators for cities.

ITEM 9. Member Comments

ITEM 10. Next Meeting Date

The next meeting date to be determined.

ITEM 11. **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.

Executive Session was deemed not necessary.

ITEM 12. Adjournment

Motion: Vice-Mayor Shafer moved to adjourn the Finance Committee meeting, seconded by Mrs. Keller. The Finance Committee meeting adjourned at 6:03 p.m.


Chairperson


Elaine McCloskey, Clerk

**SISTER CITY ADVISORY BOARD
MOTION SUMMARY
October 11, 2016**

ITEM 1. Roll Call

Chairman Guebert called the Sister City Advisory Board meeting to begin at 6:01 p.m.

Members Present: Alejandra Miller, Rita Selle-Grider, Erin Teets, Dan Bartha and Chairman Rand Guebert

Members Absent: Councilmember Jones, Mayor Carolyn Riggle, Vice-Chairman Will Kopp

Staff Present: Tom Homan, City Manager

Motion to Excuse: Mr. Bartha moved to excuse Mayor Riggle, Vice-Chairman Kopp, and Councilman Jones, seconded by Ms. Selle-Grider. Motion approved by a 5-0 vote.

ITEM 2. APPROVAL of the Motion Summary of the Sister City Advisory Board meetings held on July 12, 2016, as recorded and transcribed.

Motion: Ms. Selle-Grider moved to approve the Motion Summary of the Sister City Advisory Board meetings held on July 12, 2016, as recorded and transcribed, seconded by Mr. Bartha. Motion approved by a 5-0 vote.

ITEM 3. Update on Global Scholars Diploma Program at Hayes

PRESENTOR:

Kimberly Young
Delaware City Schools
289 Euclid Avenue
Delaware, Ohio 43015

Ms. Young provided information on the Global Scholars Diploma Program and efforts to build awareness and membership. Ms. Young indicated that there was a parent meeting held for students that expressed interest and that there was a good turnout. Ms. Young discussed efforts to work with Hayes High School and Ohio Wesleyan University on different resources to enrich the student's experiences.

ITEM 4. Sakata Update

a. Visit of students in late October

Mr. Bartha provided an update on the upcoming visit for 20 students to arrive at the end of October. Mr. Bartha informed the Advisory Board that this year will be the 19 year of students visiting from Sakata. Mr. Bartha discussed planned activities for the visiting students. Mr. Homan expressed the interest to have Mayor Riggle be part of greeting the delegation.

b. Visit of City Delegation April 13-22, 2017 – R. Thomas Homan, City Manager

Mr. Homan reviewed the planned dates for travel and discussed the potential delegation to represent the City of Delaware. A discussion held on if there were members of the Advisory Board that would be able to be part of the delegation. Mr. Homan recommended a representative from Delaware City Schools attend the visit also.

ITEM 5. Baumholder Update

A discussion was held on the opening of the 1st Armored Division Museum in Baumholder. Chairman Guebert discussed his visit with the Rotary Club and the new high school principal. A discussion about having a summer Rotary Club exchange program in 2017.

ITEM 6. Omutninsk Update

Chairman Guebert stated that there have been no new developments or communication. Chairman Guebert discussed the need to visit to start a relationship.

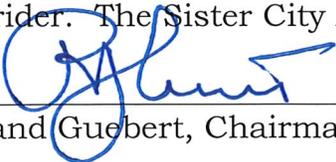
ITEM 7. Other Items

Ms. Selle-Grider recommended the use of social media to get awareness out to the community on Sister City events and activities. Mr. Homan discussed the potential use of the City of Delaware's Facebook page for future notifications.

ITEM 8. Date of next meeting: January 10, 2017

ITEM 9. Adjournment

Motion: Ms. Miller moved to adjourn the meeting, seconded by Ms. Selle-Grider. The Sister City Advisory Board Meeting adjourned at 6:48 p.m.



Rand Guebert, Chairman



Elaine McCloskey, Clerk

**PARKS AND RECREATION ADVISORY BOARD
MOTION SUMMARY
March 21, 2017**

ITEM 1. Roll Call

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

Members Present: Wayne Brookover, Cassie Cunningham, Angela MacWhinney, Robert Ruh, Councilmember Kyle Rohrer, Vice-Chairwoman Dianna Hibinger, and Chairwoman Allyson Lash

Members Absent: Joshua Bricker and Bob Dalton

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

YMCA Staff Present: Jeremy Byers, Associate Executive Director

Motion to Excuse: Councilmember Rohrer moved to excuse Mr. Bricker and Mr. Dalton, seconded by Mr. Ruh. Motion approved by a 7-0 vote.

ITEM 2. INTRODUCTION of New Parks and Recreation Advisory Board Member

ITEM 3. APPROVAL of the Motion Summary for the meeting held February 21, 2017 as recorded and transcribed.

Motion: Councilmember Rohrer moved to approve the Motion Summary for the meeting held February 21, 2017 as recorded and transcribed, seconded by Vice-Chairwoman Hibinger. Motion approved by a 7-0 vote.

ITEM 4. PUBLIC COMMENTS

ITEM 5. PRESENTATION of Partnership with United Way for "Born Learning Trail"

PRESENTOR:

Kelsey Fox
Collective Impact Specialist
United Way of Delaware County
8999 Gemini Parkway, Ste. 100
Columbus, Ohio 43240

Ms. Fox discussed the pilot program for the "Born Learning Trail" and the United Way's role in the installation and maintenance. A discussion was held of the

potential location for the trails at Blue Limestone Park and Veterans Spray and Play. Chairwoman Lash voiced a concern over potential increasing of congestion at the Spray and Play location and requested information on where specifically the layout of the signage for the trails will be. Mr. Miller informed the Board that he will provide at the next meeting a potential layout of the trails. The Board voiced their support for the project.

ITEM 6. UPDATE of YMCA Recreation Services, Programs and Events

Mr. Byers provided an update on the baseball and softball registration.

Chairwoman Lash requested volunteers to assist at the Healthy Kids Day event on April 29, 2017.

ITEM 7. UPDATE of YMCA – Spray and Play Shelter Use

Mr. Miller informed the Board that there are no plans to have the YMCA use the shelter for the upcoming season, but will determine the success of their summer program and determine other options that may be available for future camps.

ITEM 8. UPDATE of Riverview Park

Mr. Miller discussed plans to use the park for school field trips that visit the Water Plant and the new exhibit hall. Mr. Miller discussed current plans for use of the park area to be a greenspace. A discussion was held on the need for a gate at the entrance of the park.

ITEM 9. UPDATE of Parks Activities

Mr. Miller provided an update on the maintenance of the planters throughout the downtown area.

Mr. Miller informed staff that the Bike Plan 2025 will be presented at City Council for public comment at the April 10, 2017 meeting.

ITEM 10. STAFF COMMENTS

Mr. Miller provided an update on the request for the basketball courts by the Delaware Community Coalition.

ITEM 11. MEMBERS COMMENTS

Councilman Rohrer discussed the recent meeting that he had with members of the Northwest Neighborhood Association in regards to Boardman Park. Mr. Brookover informed the Board of his observation of boy's lacrosse practicing at the park.

ITEM 12. ADJOURNMENT

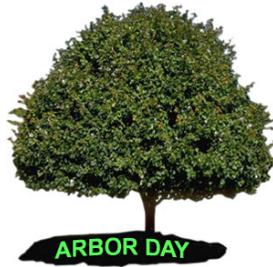
Motion: Mr. Brookover moved to adjourn the Parks and Recreation meeting, seconded by Vice-Chairwoman Hibinger. The meeting adjourned at 7:35 p.m.



Allyson Lash, Chairwoman



Elaine McCloskey, Clerk



City of Delaware, Ohio Shade Tree Commission 2016 Annual Report

Duties

The Shade Tree Commission (STC) of the City of Delaware was established in 1977 as an advisory board to City Council. Ordinance 77-2 regulates “the planting, transplanting, maintenance, and protection of trees and shrubs on city owned or controlled property.” The STC, composed of 9 members from the public, is tasked “to study, investigate, plan, advise, report, and recommend to City Council any action, program, plan, or legislation which the commission shall find or determine to be necessary or advisable for the care, preservation, trimming, planting, removal, or disposition of trees and shrubs in public ways, streets, and alleys.” Another duty of the STC is to assist City Council and Delaware residents “in the dissemination of news and information regarding the selection, planting, and maintenance of trees,” whether they are on public or private property, and to make recommendations.

Tree City USA

Delaware is one of more than 3,400 communities that are part of the national Tree City USA program, which is run by the Arbor Day Foundation (www.arborday.org). About 143 million people live in a Tree City USA, according to the foundation. The four core standards to qualify are: a local city ordinance, the establishment of a tree board or commission, an annual budget of no less than \$2 per resident, and an annual Arbor Day proclamation and celebration. As of 2017, Delaware has been a proud Tree City USA member for 36 years in a row. It has an urban forest of about 17,000 trees, valued at more than \$15 million. (Each tree, depending on its maturity, has an estimated value between \$65 and \$150.)

Tree Benefits

Trees provide numerous benefits to residents and enhance a community's quality of life. The aesthetic beauty of the tree canopy increases curb appeal and thus property values. Their shading and wind-breaking effect helps with heating and cooling bills. Delaware's trees save the community \$193,000 annually in electricity and gas bills, according to researchers at The Ohio State University (OSU). Trees also absorb carbon dioxide (CO₂) and produce oxygen, improving air quality. Nearly 16 million pounds, or 8,000 tons, of carbon have been stored by Delaware's street trees over time and would represent carbon credits worth \$24,000 per year if a carbon-trading system were in place. Another noteworthy aspect is their ability to retain considerable amounts of rainwater, which helps reduce storm-water runoff and flooding. Delaware's public trees intercept more than 6 million gallons of storm water annually. Each tree, depending on its size, health, and the climate it grows in, provides an annual benefit of no less than \$50. Linda Unterhill (in *Way of the Woods*, 2009) even claims that patients with a view of trees outside their windows heal faster and have fewer post-operative complications. Public-housing projects lacking trees and green spaces report nearly twice the crime rates as those that are landscaped

attractively. Similar claims are made by Jill Jonnes in her 2016 study, *Urban Forests: A Natural History of Trees and People in the American Cityscape*. The STC believes that Delaware's urban forest is a worthwhile investment, as the benefits, both material and immaterial, are substantial. The same OSU researchers have calculated the value of Delaware's urban forest to be more than \$700,000 in total annual benefits to residents through ecosystem services such as storm-water remediation and decreased cooling and heating costs. Last, but not least, trees provide habitat and a food source for countless pollinators, birds, and other urban wildlife such as squirrels.

2016 Figures

The following are highlights of the 2016 activities of Delaware's Shade Tree Commission. The numbers were provided by the City Arborist, Doug Richmond. In addition to nearly 800 new right-of-way (ROW) street trees in new development areas, which will be the City's responsibility to maintain, 229 replacement trees were planted in 2016 by City crews and contractors. This still leaves a backlog of 62 trees from previous years. However, by the end of 2017 the City should be caught up replacing trees lost due to the devastating emerald ash borer in previous years. Twenty-seven different species or varieties (cultivars) were planted from the commission's recommend tree list, continuing the STC's desire and practice to see the urban forest diversified. These recommendations call for clusters of about six to eight trees (three or four on each side of the street) of one species, followed by a similar cluster of a different species, while maintaining the desired visual continuity. Pruning normally occurs every five years, barring unforeseen circumstances. A total of 2,863 trees were pruned to clear streets, sidewalks, and signage. A total of 52 dead and/or hazardous trees were removed. The STC also reviewed and approved 22 development and building landscape planting plans. In several cases, the City Arborist and the STC recommended replacement of listed species with more resilient and less problematic tree species or cultivars.

Budget

The Urban Forestry Division is primarily supported through the Parks and Natural Resources budget. The Urban Forestry budget is supplemented by the Tree Bank Fund, which is built from developer's fees for removal of trees. The Fund directs money "to maintain an equivalent tree canopy citywide before and after removal / construction" (Codified Ordinances, Section 1168..07). At times, significant amounts accumulate that are then used to purchase, transport, plant, mulch, and water new trees. The STC recently provided City Council feedback when that body discussed Ordinance 1128, which relates to tree replacement and the tree bank. The commission is also in full agreement that it makes sense to set aside a rainy-day fund for those lean years when new tree-bank revenue is low or non-existent.

Public Outreach

The Commission continued public-outreach efforts in 2016 by participating in the "Healthy Kids Day" event at the YMCA in April and the annual Northern Olentangy Watershed (NOW) Festival at Mingo Park in June. At "Healthy Kids Day," members of the STC gave away about 300 white pine seedlings that were provided by the Delaware Soil and Water Conservation District (SWCD). The practice has been going on for many years, and there are now white pines on private property all around Delaware and beyond. At both events, members of the STC fielded questions about tree species and tree health and handed out an attractive new informational flyer that was produced with the help of Lee Yoakum, Community Affairs Coordinator of the City of Delaware. In addition, several STC documents are available for public inspection on the website of the City of Delaware (www.delawareohio.net) under Parks & Recreation: tree-care instructions, lists of permitted and restricted trees, and information about the cost-share program.

Old Business

In previous years, the STC has discussed a "Tree Stewardship Program," aka a "Volunteer Tree Pruning Program." However, the hiring of City Arborist Doug Richmond rendered that need less urgent. The commission also discussed the sidewalk-heaving problem due to street trees and made specific recommendations to City Engineer Bill Ferrigno, intended to lower repair costs for the city and residents. Also, at one point in the past the STC studied the tree-pruning practices by the American Electric Power (AEP) and its contractors and made detailed recommendations. As a result of the STC's efforts, there is now a memorandum of understanding (MOU) in place and complaints about unprofessional pruning practices have dropped significantly. However, the STC continues to monitor the situation. Another discussion item of note was soil compaction under trees. Heavy vehicles and machines directly under trees during construction can compact the soil to such a degree that it becomes almost impervious to water and nutrients, slowly killing the tree. The STC discussed steps to discourage that practice from happening in the future.

Arbor Day

For the 35th consecutive year, in 2016 the City of Delaware was awarded the recognition of Tree City USA. Arbor Day was celebrated in grand style on the last Saturday in April of that year with the planting of a shumard oak (*Quercus shumardii*) on the grounds of the YMCA at 1121 S. Houk Road. The Arbor Day tree was once again donated by the Arbors-at-Delaware retirement community at 2270 Warrensburg Road.

Respectfully submitted

Shade Tree Commission
April 2017

The 2016 members are listed below. Due to term overlaps, there are more than 9 names. The STC meets on the fourth Tuesday of each month (except December) at 7 p.m. in City Hall. The meetings are open to the public and can be viewed live or at a later time.

Shannon Brewster
Jim Buck
Dave Carey
Tom Glissman
George Hellinger (City Council)
Paul Olen (Chair)
Marisa Sulek (Hayes High School)
Tom Wolber
Becki Wood-Meek
Susan Wright (Co-Chair)

Our thanks to City Staff & Clerical Support

Linda Mathews
Elaine McCloskey
Ted Miller (Director of Parks & Natural Resources)
Doug Richmond (City Arborist)

[rev. 4/14/17]



FACT SHEET

AGENDA ITEM NO: 9

DATE: 04/24/2017

ORDINANCE NO:

RESOLUTION NO: 17-20

READING: FOURTH

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

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Ted Miller, Parks and Natural Resource Director

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

City Maintained Trails

Memorandum-Bike Plan Questions

Received Public Input

Delaware Run Petition Presented to Council April 10, 2017



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

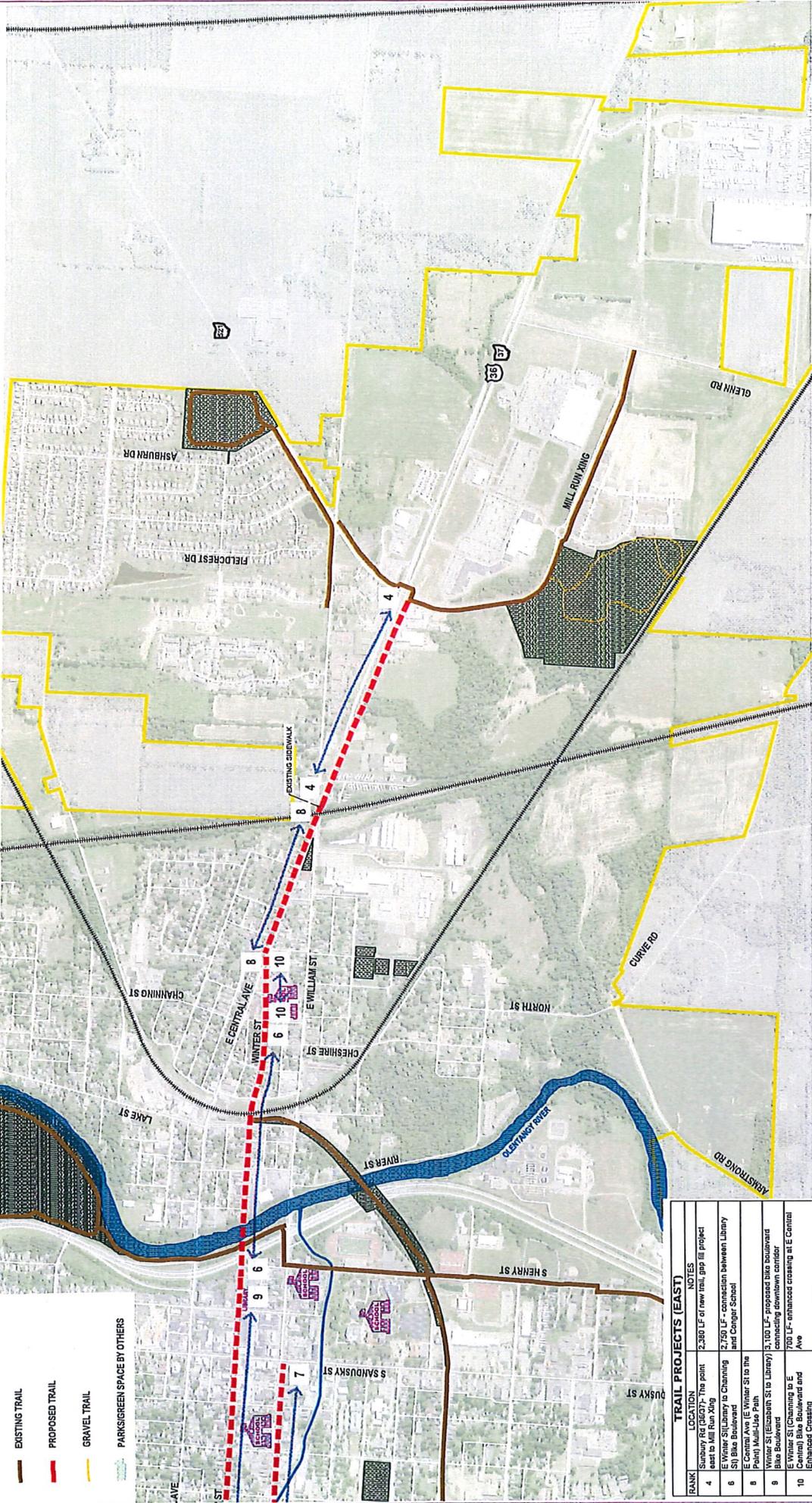
This plan outlines over \$14 million in projects to be implemented over the next 10 years. Projects to be implemented in the short and medium term are generally safety and gap-closing projects, or about \$4 million. These also include miles of on-road facilities such as bike boulevards, defining neighborhood 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

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

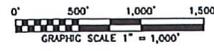


TRAIL PROJECTS (EAST)	
RANK	LOCATION
4	Sunbury Rd (3607') - The point east to Mill Run Xing
6	E Winter St (Library to Channing St) Blake Boulevard
8	E Center Ave (E Winter St to the River)
9	Winter St (East to Library) Blake Boulevard
10	E Winter St (Channing to E Central) Blake Boulevard and Enhanced Crossing

NOTES	
2,360 LF of new mill, gip fill project	
2,750 LF - connection between Library and Conger School	
3,100 LF - proposed bike boulevard connecting downtown corridor	
700 LF - enhanced crossing at E Central Ave	

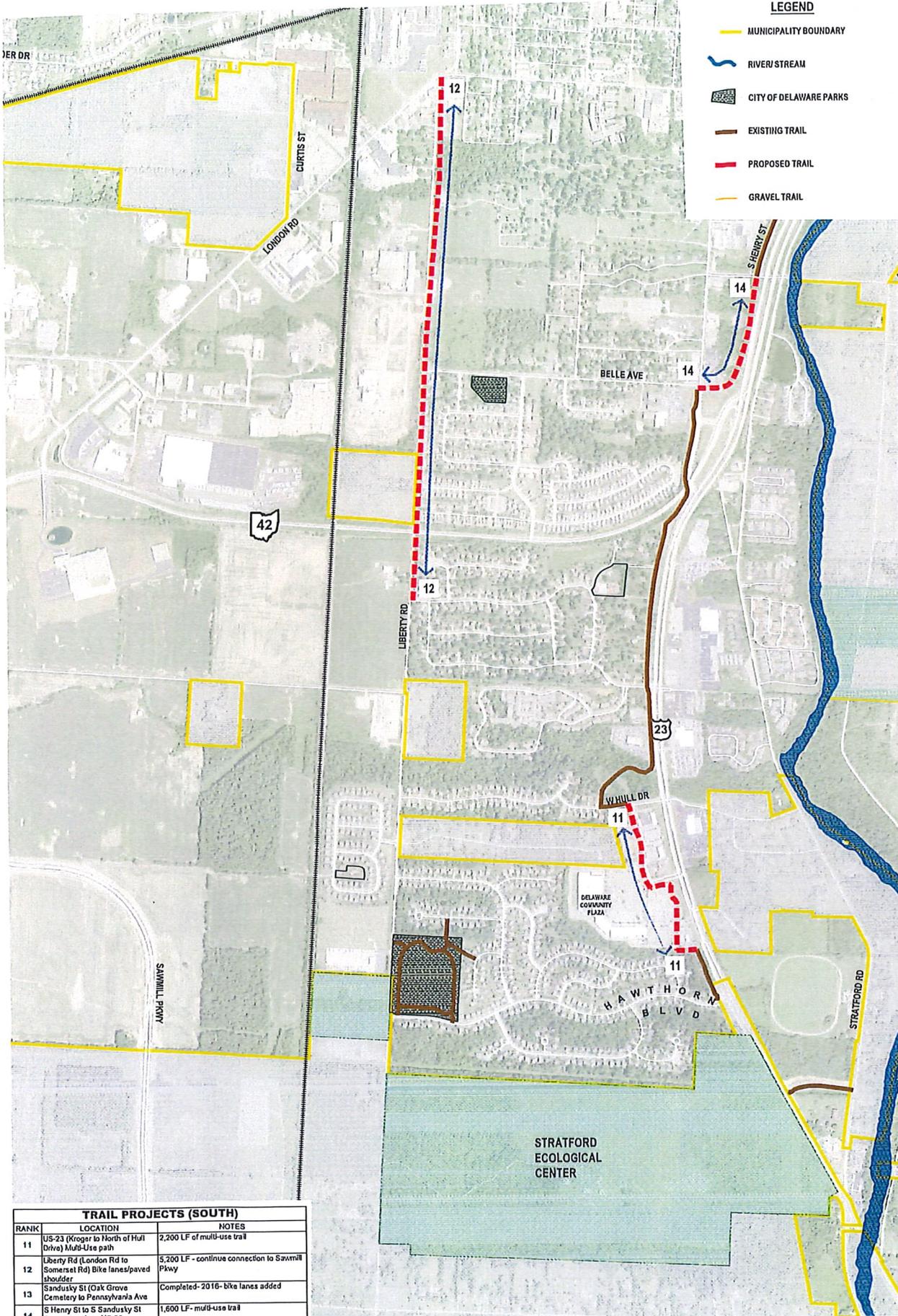
TRAIL PLAN 2016

PRIORITY TRAIL PROJECTS- SOUTH



LEGEND

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

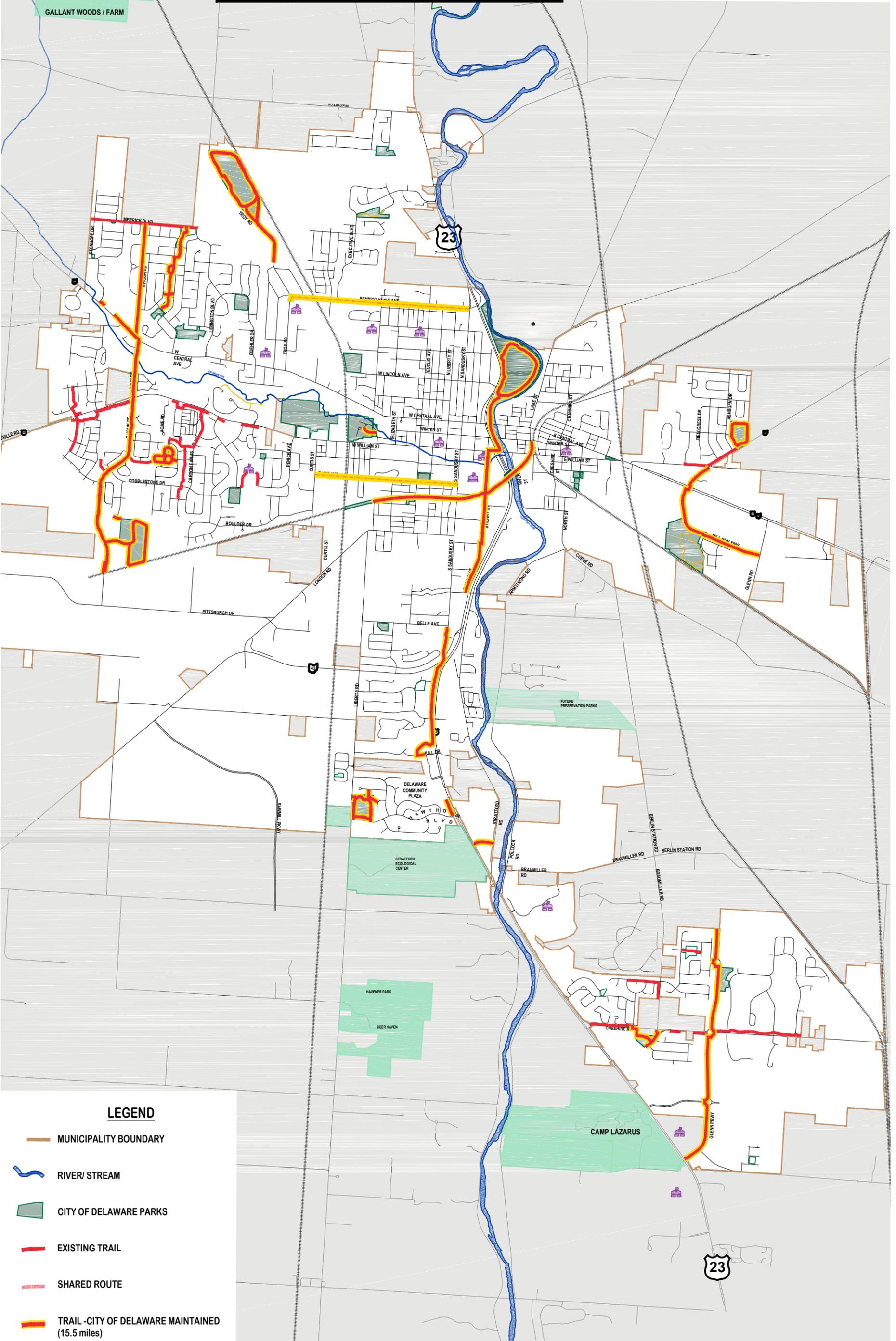


TRAIL PROJECTS (SOUTH)		
RANK	LOCATION	NOTES
11	US-23 (Kroger to North of Hull Drive) Multi-Use path	2,200 LF of multi-use trail
12	Liberty Rd (London Rd to Somerset Rd) Bike lanes/paved shoulder	5,200 LF - continue connection to Sawmill Pkwy
13	Sandusky St (Oak Grove Cemetery to Pennsylvania Ave)	Completed-2016-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

EXISTING BIKE NETWORK 2016



GALLANT WOODS / FARM



LEGEND

-  MUNICIPALITY BOUNDARY
-  RIVER/ STREAM
-  CITY OF DELAWARE PARKS
-  EXISTING TRAIL
-  SHARED ROUTE
-  TRAIL - CITY OF DELAWARE MAINTAINED (15.5 miles)



MEMORANDUM

TO: R. Thomas Homan, City Manager
FROM: Ted Miller, Parks and Natural Resources Director
DATE: 4.18.17
RE: Bike Plan 2016

On April 10, 2017, the Bike Plan 2016 was presented to City Council and open to the public for comment. This memo is in response to some of the Councilmembers questions that were brought up that evening.

1. How was the public informed of public input methods?

The public was asked to voluntarily complete a 33 question internet-based survey focusing on bicycling and made available for three and a half weeks. One-hundred-seventy-one respondents completed the survey, advertised via the City's website and Facebook page, and mentioned in a newspaper article.

A public meeting was held on Tuesday May 12, 2015 from 7 to 8 pm in Council Chambers. Approximately 30 people attended the meeting including City Staff and leaders. Participants sat through a brief presentation followed by opportunities to provide input on Vision and Value Statements; Policy and Programming; Priority Corridors and locations for more bike racks, safer crossings, and destinations to connect to the network.

Priority Corridor Exhibits were placed at the YMCA and the Library, The Exhibits consist of a map of highlighted, numbered corridors and a separate tally sheet where participants could place stickers to vote for their favorite corridors. The stations also provided information on how to submit public comment.

A public comment period was advertised in May 2015 resulting in eight comments emailed to City Staff. A second public comment period was advertised in July, providing the public an opportunity to read the draft plan and provide input.

The most popular path/project corridors, in order of popularity:

1. Delaware Run
2. US 36/SR 37 Corridor
3. YMCA/Rail Trail Extension
4. Liberty Street Bike Boulevard
5. Winter Street Bike Boulevard
6. Bowtown Road/SR 37/Winter St. Connection
7. Troy Road/Merrick Blvd/Smith Park Connector

2. With the increase of proposed bike paths, what is the expected budget to maintain bike paths?

Bill Ferrigno put together the following:

Based on our current program, I've calculated the average annual cost per mile to maintain an 8'-0 wide asphalt bikeway at \$4,382/mile in today's dollars.

Maintenance effort includes:

- Crack seal, repairs and surface sealant on five-year intervals at 5,10, 15 and 20 years. (\$1.35/SY)
 - \$1.20/LF per application or \$0.19/LF annually

- Asphalt overlay at year 25 (\$18/SY)
 - \$16/LF per application or \$0.64/LF annually
- Total annual M&R Cost: \$0.83/LF annually

Based on an inventory of 15.5 miles of public bikeway, the annual budget should be \$68,000 per year.

2017 budget includes \$25,000 for bikeway, sidewalk, handicap ramp and streetscape M&R.

3. What is the dollar value invested in trails now, percentage of paths maintained by the city vs percentage of paths maintained by the HOA?

The City of Delaware has 22 miles of multi-use trail, not including shared roadway trails on Pennsylvania Ave. and Park St. The City maintains 15.5 miles of this trail network or 70% of the multi-use path in the City. Construction costs for trails can vary greatly depending on topography, stream crossings, soil conditions, ROW acquisition, etc. but a base cost for trail construction is approximately \$50/lf or ±\$264,000/mile. The estimated value of the 15.5 mile of existing trail maintained by the City of Delaware is \$5.5-6.5 million. Please see the attached exhibit which shows the existing trails and the delineation of trails that are maintained by the City.

4. Are there any crime related issues associated with bike paths in Delaware?

Still trying to assemble information on this but there current situation where the trail is close to the rear yard of residences and many times the trail is viewed as a amenity.



Figure 1-- Trail along rear yards of the Preserve at Qual Pass at Wetland Park

From: [Kim Gepper](#) on behalf of [CMO](#)
To: "[Richard Belch](#)"; [Chris Jones](#); [Carolyn Riggle](#); [George Hellinger](#); [Kyle Rohrer](#); [Kent Shafer](#); [Lisa Keller](#); [Darren Shulman](#); [Elaine McCloskey](#); [Jackie Walker](#); [R Thomas Homan](#); [Ted Miller](#)
Cc: [Elaine McCloskey](#)
Subject: RE: Delaware Run Bike Path
Date: Wednesday, April 19, 2017 11:23:17 AM

Mr. Belch:

Thank you very much for your email below. It will be added to the packet for Monday's City Council meeting. It will also be forwarded to Ted Miller, our Director of Parks and Recreation.

If you need anything further, please feel free to contact us.

Kim Gepper

Executive Assistant
City Managers Office
City of Delaware
1 S. Sandusky St.
Delaware, OH 43015
Phone: (740) 203-1011

From: Richard Belch [mailto:pbelch@mac.com]
Sent: Tuesday, April 18, 2017 2:42 PM
To: Chris Jones; CMO; Carolyn Riggle; George Hellinger; Kyle Rohrer; Kent Shafer; Lisa Keller
Subject: RE: Delaware Run Bike Path

Dear City Council

Thank you for the public comment opportunity at the City Council meeting on April 10th regarding the Master Bike Path Plan proposed by the Delaware Parks and Recreation Department and its controversial Delaware Run Bike path.

There were emotional and subjective issues presented at the meeting from safety concerns, invasion of private property, environmental and wildlife desecration, and desires to have a scenic, recreational area for enjoyment, as well as an east/west bike corridor. Comments and information presented bring forth additional points regarding the physical and economic practicality of this path. It is requested that City Council take into consideration these points before accepting this path on the master plan.

What we know about this particular path, as presented in the proposal, is it runs from Houk Road to west of Hidden Valley Golf Course and the estimated cost just to install this path is \$1.67 million dollars. The path will be in a flood plain. We also know, as stated by the Park's bike path consultant, that the current bike trails are not being maintained properly and are disconnected. We know that 171 bike path surveys were returned and 44 of these were in favor of the Delaware Run path. Over 200 opposition signatures to this path were collected on the petition.

What we don't know about this bike path is as follows:

1. Where does this path go? As stated, it stops west of Hidden Valley Golf Course. What is the access points? Do people enter at Houk road go west of Hidden Valley Golf Course, stop, turn around and go back to Houk Rd? Is there undisclosed North/South access points? Are people going to cut through yards because they don't want to ride back to Houk Road entry?

2. The path is to connect to Blue Limestone Park. When and how much is that going to cost? Wouldn't it be prudent to plan that path first? To see if it is financially and physically viable (especially through the railroad tunnel) to build the Blue Limestone Path before cutting through private property and building a path that is not connecting to the point it is intended. What happens to the Delaware Run Path if it can't connect to Blue Limestone? Fall into disrepair? Why isn't the Blue Lime Stone path on the top 15 list of

paths to be built?

3. What is the cost of maintenance to the path, as it is located in a flood plain? It will require annual repair. The run floods all the time and flooding will increase as building increases west of town. Where does this money come from?

4. Is there revenue advantage to this path? Could there be revenue loss if people don't fill the housing at Willowbrook because they are nervous for their safety. The elderly pay a high price and move there for peace and security. If they perceive this to be a safety risk is there an economic impact?

5. Is this path the only East/West bike path? I have not seen anything connecting Central Avenue from Panera west to Houk Road. This should be one of the top safety paths. I have seen people in wheel chairs on Central Avenue heading west to CVS and Krogers. Are they going to dip down into the Run area to get from Troy road area west to shop? The same for West William Street and Route 23. Shouldn't connecting the city along the main corridors be priority, as these would be the paths used by most of the population for pleasure, as well as the necessity for access to food, jobs and healthcare.

6. Who and how many people are going to use this path on a regular basis? Is this number the majority of tax payers in Delaware? Was the survey a valid sample size to influence the outcome of what tax payers will pay for?

There are too many economic and physical unknowns of this path to accept this particular bike path as part of the Master Bike Path Plan for the City of Delaware. People move to and stay in the City of Delaware because it's affordable. It's affordable because the taxes are lower than Dublin, Westerville, Worthington and other Columbus areas. As City Council, it is your obligation to keep projects within the scope of the City's budget and taxes down. This bike path is a luxury we cannot afford. Studies done in other communities may or may not apply to the City of Delaware and are always subject to change due to variables.

We realize, at this point, it is only a "plan". We also believe, if the money became available, this path would be high on the list to build. We would like to avoid future expenses to all parties. Economic, safety, environmental and rights to private property will always be issues for the Delaware Run Bike Path. It would be prudent to eliminate this particular bike path simply due to the cost to the city, its taxpayers and residents just to see if it economically feasible. The opposition will always be there for the same timeless reasons.

Once again, it is requested that City Council remove this expensive bike path from the proposed Master Bike Path Plan.

Sincerely,

Patricia Belch
45 Hillside Drive

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.

DR. AND MRS. LYNN E. ELFNER

10 Orchard Lane
Delaware OH 43015
740.363.2244 • Elfner1@gmail.com

Via email

MEMORANDUM TO:

- Mayor Carolyn Kay Riggle, At-Large. CRiggle@delawareohio.net
- George Hellinger, At-Large. GHellinger@delawareohio.net
- Chris Jones, 1st Ward. CJones@delawareohio.net
- Lisa Keller, 2nd Ward. LKeller@delawareohio.net
- Kyle Rohrer, 4th Ward. krohrer@delawareohio.net

Please take care of current bike trails before building more.

The questions on the proposed bike plan by a Delaware City Council member and testimony by the public at Monday's (April 10, 2017) City Council meeting should be cause for pause before making a final decision. While many testified against the Delaware Run portion of the plan, even those enthralled by the overall plan should know that the city currently budgets only \$5,000 annually on maintenance of the existing trails. The person representing the Stantec Consulting Services, that prepared the bike plan, remarked that even under the current system the City should spend \$80,000 per year on maintenance. When asked by a Council member, he was unable to tell us what the maintenance costs would be for the new plan. It could be tens of thousands of dollars more.

Apparently the City is not providing adequate funds for maintaining the current bike paths and does not know what the maintenance cost would be for any or all of the proposed new routes. Obviously, the \$5,000 current annual spending is a pittance compared to an estimated \$80,000 annually recommended by professional planners for the current system of bike paths! Will the City have \$80,000+ to fund adequate maintenance of existing trails and cover projected costs of future bike paths?

The consultant implied that the City should budget \$400,000 over the next five years for existing trails rather than \$25,000 as currently budgeted.

It's one thing to build something with grant money as if the money is "free", but always unwise to accept grant funds if the facility cannot be maintained.

Sincerely,

Dr. and Mrs. Lynn E. Elfner
10 Orchard Lane
Delaware OH 43015
740.363.2244
Elfner1@gmail.com

From: [Jackie Walker](#)
To: [Ted Miller](#); [David M. Efland](#)
Cc: [City Council Email](#); [Elaine McCloskey](#)
Subject: Emailing: 20170413093919781
Date: Thursday, April 13, 2017 9:43:18 AM
Attachments: [20170413093919781.pdf](#)

Ted and Dave,
Ms. O'Brien stopped by the office this morning. She received the attached flyer and wanted to personally express the need for the bike path to be moved up on the list. She stated that with the increased traffic and limited public transportation, that the citizens in the area need a way to safely navigate. She would like her comments read into the record at the next meeting on the bike path.

Jackie

Your message is ready to be sent with the following file or link attachments:

20170413093919781

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.

Bruce Road - Oakhurst - Pennsylvania Avenue Travel Home Safely
Delaware City Council is about to approve the Bike Plan 2025. A project to connect Pennsylvania Avenue to Bruce Road has been developed and recommended by consultants. Unfortunately, the Bruce Rd to Penn Ave Connector is currently ranked ~~#64~~^{R2305} on the priority list of 84 items. There is a gas station being built on Rt 23 at Hills-Miller Road that will contain refueling pumps for semi-trucks. The residents of Ward 1-E are effectively trapped by dangerous roadways and no connector to the center of town. How many residents of Ward 1-E must be injured or killed before the City of Delaware installs a bike path or sidewalk and barrier along Rt 23 to allow safe passage into and back from town?

WHO: B.R.O.P.A.T.H.S.

WHAT: Delaware City Council meeting at the final session of Public Comment on the resolution adopting the Delaware Bike Plan 2025

WHEN: Monday, April 10, 2017 at 7:00pm

WHERE: Delaware City Hall, 1 South Sandusky Street, Delaware
Please like us on Facebook! Bruce Rd-Oakhurst-Penn Ave Travel Home Safely

4/14/17

Barb O'Brien
2228 Bruce Rd
Apt 100
Delaware, Ohio

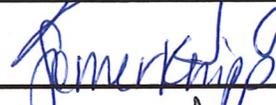
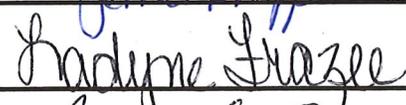
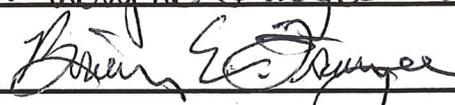
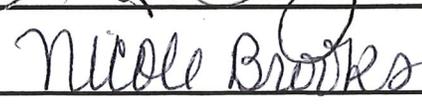
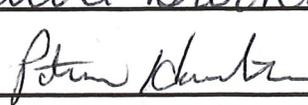
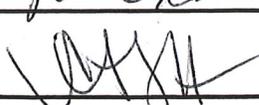
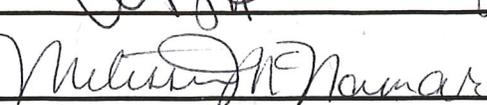
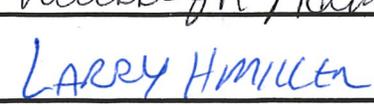
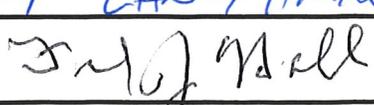
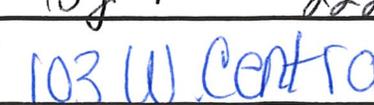
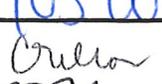
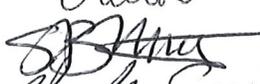
- Move the bike path up on
the list.

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Printed Name	Signature	Address
James Knipp		1505 State Route 37 West Delaware, Ohio 43015
Somer Knipp		1505 St. Rt. 37W Delaware, OH 43015
Ladyne Frazee		109 Seaboard Dr. Del. Ohio 43015
Brian Frazee		109 Seaboard Dr. Del. Ohio
Nicole Brooks		168 E. Winter Street Del, OHIO
PATRICIA HAMILTON		18 Yorkshire Rd Del.
AJ Harding		28 Deerfield Pl Del, OH
Melissa McNamara		7011 Old Bridge Ln Dublin
Larry Miller		320 E. Winter St. Del
Fred Hall		222 Curtis St. Apt 507 DEL
Doris Meyer		103 W Central Ave Del. Ohio
CARDIYN TILLOU		160 Oak Del, OH
STEVEN MICE		1086 Chestnut W B.
CHARLES SCRIPP		510 Oak St, DEL. OH.

Kay Adams 28 Marion Ct. Del. 43015
Linda St Clair 291 E. Central Del 43015

JOSHUA MOORE 17 N UNION ST DELAWARE OH

MARILYN BENTLEY m Bentley 1865 Down's Chapel Dr.
Ruth NUZZO - 1855 Down's Chapel Dr.

Dave Swartz Dave Swartz 1845 DOWN Chapel Dr

Martha J. Hurley Martha J. Hurley 1835 Down Chapel Dr

Louise Evans Louise EVANS 1825 Down's Chapel Dr

~~Sandy Woods~~ Jerry STANLEY 1851 MARY DELL Ln
Sandy Woods 1830# Down's Chapel

Marty Stroud Marty Stroud 38# Cool Springs Ln.

Jeffrey S. Stanley Jeffrey S. Stanley 1851 Mary Dell Ln
Dan Van Dyke Dan Van Dyke 1415 St Rt 370

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Donna Taylor Delaware, Oh

Carol ~~and~~ ^{and} Jack Delaware, OH

Jessica Moaw Delaware, OH

Steve Shankley Delaware, OH

William French Delaware, OH

Windell Wheeler Delaware, OH

Cheryl Mallwan Delaware OH is

Steven Gregory Delaware, OH

Rachel Stewart Delaware, OH

Greg Anderson Delaware, OH

Kate Anderson Delaware, OH

Tamara ~~with~~ Delaware OH

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Donna Sinclair 642 White Rock St., Delaware
Elinor B. Hengartner 100 Willow Brook Way, #3019, Delaware, OH
Alex Hengartner 150 Willow Brook Way South, #3019, Delaware, OH
Maria Abel 49 Forest Ave. Delaware OH 43015
Margo Burtent 3549 SR 521 Delaware OH 43015
Debrah Bogard 8313 Strine Rd., ~~Delaware~~ ^{Ashley} OH 43003
German E Vargas 20 Woodland Av. Delaware OH 43015
Karen Rainey 48 Columbus Ave Delaware OH 43085
~~Sandra Cunningham 7542 Overland Trail~~
Bertha Dell 100 Willow Brook Way #3004 Delaware OH 43015
Suey Honking 168 Grandview Ave 43015
Patricia Buck 4880 Harlem Rd, Delaware OH 43021
Yajun Van Sill 461 Curwood Delaware, Ohio 43015

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Printed Name	Signature	Address
Bradley G. Herron	<i>Bradley G. Herron</i>	755 W. Central Hlke.
Peggy Benziger	<i>Peggy Benziger</i>	129 Hillside Dr.
RALPH BENZIGER	<i>Ralph Benziger</i>	129 Hillside Drive
Richard F. Alsenkamp	<i>Richard F. Alsenkamp</i>	143 Hillside Dr.
Debra Drake	<i>Debra Drake</i>	80 Hillside Dr.
Fred Rake	<i>Fred Rake</i>	80 Hillside Dr.
Manika McCreary	<i>Manika McCreary</i>	50 Hillside Dr.
AARON STEW	<i>Aaron Stew</i>	70 Hillside Dr.
Abbi Graw	<i>Abbi Graw</i>	70 Hillside Dr.
Nancy Wenz	<i>Nancy Wenz</i>	35 Hillside Dr.
Paul R. Beld	<i>Paul R. Beld</i>	45 Hillside Dr.

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Printed Name	Signature	Address
RON NIST	Ron Nist	762 W WILLIAM
Christy Nist	Christy Nist	762 W William St.
Von Redd	Von Redd	1432 West William St
GARY Mast	Gary Mast	59 Brookwood Pl. Delaware
Augustine Jay	Augustine Jay	67 Brookwood Pl. Delaware
Daron Jay	Daron Jay	67 Brookwood Pl. Delaware
PATRICIA Milla	Patricia Milla	197 Hillside Dr. DELAWARE
Judy Judson	Judy Judson	169 Hillside Dr Delaware
Charles Judson	Charles Judson	169 Hillside Dr Delaware
Bethany Lance	Bethany Lance	150 Hillside Dr. Delaware
John Lance	John Lance	150 Hillside Dr. Delaware

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Printed Name	Signature	Address
Sherry Thomson	<i>Sherry Thomson</i>	55 Hillside DR
PATTY BELCH	<i>Patty Belch</i>	45 Hillside Dr
John Shaw	<i>John Shaw</i>	65 Hillside Dr.
Samantha Shaw	<i>Samantha Shaw</i>	65 Hillside Dr.
Jennifer Shaw	<i>Jennifer Shaw</i>	65 Hillside Dr
Sharlee Murphy	SHARLEE MURPHY	127 HILLSIDE DR.
Sarah Murphy	<i>Sarah Murphy</i>	127 Hillside Dr
Francy Zombo	<i>Francy Zombo</i>	181 Hillside Dr.
Natalie McGrady	Natalie MCGRADY	209 Hillside
Brent McGrady	<i>Brent McGrady</i>	209 Hillside DR
Karla Herron	<i>Karla R. Herron</i>	755 W. Central Ave

↳ on Board of ELECTION

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Printed Name	Signature	Address
David Hunter	<i>David Hunter</i>	758 W. William St
Beverly Hall	<i>Beverly Hall</i>	1706 W. William St. Del. OH
Hanley Hall	<i>Hanley Hall</i>	6510 Penn Rd OH
JAD SECREST	<i>JAD Secrest</i>	349 LITTLE CREEK DR OH
Robert Vandenberg	<i>Robert Vandenberg</i>	370 LITTLE CREEK DR. DELAWARE, OH 43015
Mark Herbst	<i>Mark Herbst</i>	440 Little Creek DR Delaware, OH 43015
Joel James	<i>Joel James</i>	50 Hillside dr Delaware OH 43015

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Gail Thayer 400 parkville ct. Delaware Ohio 43015
Kathy Duis 261 W. Neffner St. Del, OH 43015
Michele King 3579 Buttermilk Hill Rd, Radnor, OH 43066
John H 3579 BUTTERMILK Hill RD RADNOR, OH 43066
Nancy Jowley 145 Delaware Crossing W. Delaware, OH 43015
Natalie Ryck 100 DELAWARE CROSSING W DEL OH 43015
Barbara Anderson 164 Delaware Crossing W. Delaware, Ohio, 43015
Jean Pfeiffer 151 Delaware Cr. Del. Ohio 43015
Earlene Whipple 148 W Delaware Xing, W Delaware 43015
James Schrock 143 Delaware Xing West, Delaware, OH 43015
LINDA E. Schrock 143 Delaware xing West Delaware, Ohio 43015
John Brunkhoff 137 Del. Xing West Delaware, OH 43015
Georganna Brunkhoff 137 Delaware Xing W. Delaware OH 43015

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3. The waterway along the Delaware Run is a proven wildlife sanctuary with exceptional bird and animal diversity. Tree removal to construct the proposed path would be a major loss in habitat that would have a significant impact.
4. **An alternative route is available that can better and more safely access the east side of Delaware.** (Houk > W. William > Curtis > Park Ave > Sandusky > existing path across Olentangy river)

Donald Kefner 49 Forest Ave., Delaware

Susan Henderson 68 Willow Brook, Delaware

Jann Schuda 127 Willow Brook Ways, Delaware

Joseph Muser 165 N. Washington St., Delaware, OH

Nancy Cleni 432 Senate Ave. Delaware

Karen Klumpff 70 Delaware Crossing East Del.

Peggy Brader 100 Dela. Xing W. #1006

Emmalou N. Roller Willow Brook

Alice Andrews Willow Brook

Elsa McLoughlin Willow Brook

Jeanne Wall 100 Delaware Xing. W #3019

Rol Hugh 314 Tar Heel Drive

Gertrude Jorrey Willow Brook

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Christina Voise 6029 Wheeler Rd. Delaware, OH 43015

Kyle Davis 12885 Centerburg Rd Sunbury OH 43074

MARIA LOSEY 9590 Moody Rd Centerburg OH 43011

Chris S. Landis 2269 Walthamwoods Rd Powell, OH 43065

Terry Pugno 211 Harmony Dr, Delaware, OH 43015

Perry A. Pugno 211 Harmony Dr., Delaware, OH 43015

Richard Bradley 1146 Penny Rd, Delaware, OH 43015

Peg Crowe 100 Delaware Crossing W, Delaware, OH 43015

Eileen Foley 100 Delaware Crossing Delaware OH 43015

Bridget Hagg 360 17 2010 " "

Shelly Rouden 1520 W. William St Delaware, OH 43015

Louise Musser 165 N. Washington St., Delaware, OH 43015

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Janice Noland
Doyl Thompson
Lyla P Weston (Willow Brook Del Run)
Genevieve E. Peterson
Carol H. Hallenbeck
Mary Lea Bailey
Norman E. Weston
Diane Nelson
Trace Lang
Sue Fraley 581 Executive Blvd. Hill OH.
Katherine Gharity 105 Campbell St, Delaware 43015
Sue Rosenbeck

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Emily Leto 6322 Duffy Rd, Delaware, OH 43015

George Felton 1143 Oxley Rd Columbus OH 43212

Margaret E. Mitchell, Dux. 6556 Worthington Road, Westerville, OH 43082 (Delaware County)

John A. Champey 1324 Cherokee Rose Dr. Westerville, OH 43081

Barbara M. Tuttle 199 Willow Brook Way S Delaware OH 43015

Robert Tomnehill 199 Willow Brook Way S., Delaware, OH 43015

Mary Danico 4629 Olentangy River Rd Delaware, OH 43015

William Shively 127 CAPITAL CT. DELAWARE, OH. 43015

Dean Hard 219 Devon Rd. Delaware, OH 43015

Tavia Poff 4575 Maynard Rd. Delaware, OH 43015

Jeanne Conrad 7344 Skitts Rd Powell OH 43065

R. M. Tuttle 311 W. Central Ave, Delaware, OH 43015

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Lee H. Lybarger 58 Willow Brook Way N, Delaware

Connie D. Lybarger 58 Willow Brook Way, N. Delaware, OH

Robert Tannhill 199 Willow Brook Way S., Delaware, OH

Barbara Tull 199 Willow Brook Way S, Delaware OH

Alice Baker 135 Delaware Crossing W. " "

Lloyd Baker " " " " " "

Edward Han 239 Hensington Drive, Delaware, OH

Kathryn Schwartz 100 Del. Xing W " "

Fogor Koch 125 N. Liberty St. Delaware OH

John G. Fort 34 Willow Brook Way " "

David W. Coyote 932 Executive Blvd. Delaware, OH

Jacqueline Dickel 189 Willow Brook Way S, Delaware, OH.

Richard B. Gye 400 Parkville Ct Delaware, OH

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Nancy Lenarduzzi

Janey Deussen

Ann & Stephen

Janet Schwab

Janice Chusta

Donna Schenker

Beverly M. Rindia (Willow Brook)

Roubin Rindia

H. William Rindia - Willow Brook

Catherine Peacocke

Sue Dickman

John S. Rindia

James Worthington - Willow Brook

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Nancy Riggs 100 Delaware Crossing W

Nianna Almenninger "

Nova Weller "

James R Roesch "

Wayne Histry "

Walter Bruthaupt "

Robert Pritz "

J. Salome Moore "

Sam Osborn "

Ralph D Decker "

Madeline H SOB "

Virginia Griffith

Pat Sweet 88 Delaware Crossing E

John H. Sweet 88 Delaware Crossing E

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4. The proposed \$1.67 million required to construct this path, and the money needed to maintain it, could be used to much better effect elsewhere in the city.

Rayna Patton 86 Delaware Crossing East Delaware OH 43015

Stephanie Gregory 110 Tablers Loop Delaware OH 43015

Steven Gregory 110 Tablers Loop Delaware OH 43015

David Carpenter 932 Executive Blvd Delaware OH 43015

Tom Wolber 272 Hearthstone Dr., Del., OH 43015

Mary Rose

77 E. William St., Del. OH 43015

Marian Jacques

10 Birch Row Dr Delaware, Oh 43015

Collin Hukabee

100 Willow Brook Way SE - Apt 2007, Del. OH 43015

Corinne Lyman

27 Woodland Ave Delaware, OH 43015

Johnnie Hoopes

Willow Brook. Delaware, OH 43015

Wendell Patton

86 Delaware Crossing E. Delaware OH 43015

PETITION TO CITY COUNCIL

We respectfully request that the plan to construct a bike path along the Delaware Run from .Houk Road to the City Golf Club be permanently removed from the proposed list of bike paths currently under consideration by City Council.

The reasons for our objections include the following:

1. The proposed bike path is in an isolated, unlit, and unmonitored area, presenting security concerns for residents on either side of the Run.
2. The proposed bike path is practically unfeasible:
 - a. Heavy flooding two or three times a year would make maintenance of the path an on-going expense.
 - b. A large population of thorny black locust trees in the area makes bike riding impossible, as windstorms blow thorny twigs around the area.
3. An alternative route is available that can easily and safely access the east side of Delaware. (Houk > W. William > Curtis > Park Ave > Sandusky > existing path across Olentangy river)
4. The waterway along the Delaware Run is a proven wildlife corridor with exceptional bird and animal diversity. Tree removal required to construct the proposed path would be a major loss in habitat that would have a significant impact.

Maria Roslan Willowbrook

PAUL ROSLAN WILLOWBROOK

Stephanie Smith Willowbrook

Patricia Crowley Willowbrook

JAMES H. CROWEY Willowbrook

Thomas F. MacLaughlin

Jean W. MacLaughlin

Nancy R. Hutchison Willowbrook

Donald E. Davis Willowbrook

Juddran C. Kauble Willow Brook

Wayne H. Kauble Willow Brook

Mary Ellen Seluz Willow Brook

William D. Seluz Willow Brook

- Rene C. Blaszkowiak

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The reasons for our objections include the following:

1. The bike path is in an isolated, unlit, and unmonitored area, presenting on-going security concerns for residents on either side of the Run.
2. The proposed bike path is practically unfeasible:
 - a. Heavy flooding two or three times a year would make maintenance of the path an on-going expense.
 - b. A large population of thorny black locust trees in the area has made bike riding impossible, as windstorms blow thorny twigs around the area.
3. The waterway along the Delaware Run is a proven wildlife corridor with exceptional bird and animal diversity. Tree removal required to construct the proposed path would be a major loss in habitat that would have a significant impact.
4. An alternative route is available that is would easily and safely access the east side of Delaware. The \$1.67 million required to construct the proposed path, and the money needed to maintain it, could be better used elsewhere in the city.

Shari Stone-Medator *avid bicyclist*
Delaware, OH

Shari Stone-Medator

Mary Alice Bellman, 184 W. Ruelin Ave.

Allison DeLooze, 92 Spring St., Delaware, Ohio 43015

Marianne Gobl, 49 Forest Ave. Delaware OH 43015

Jubianne Houston, 168 Grandview Ave., Delaware, 43015

Jeanne Casanova, 2 Fieldcrest Dr., Delaware OH 43015

Constance Grossman, 2 Fieldcrest Dr Delaware OH

Linda Gaffey, 625 Heritage Blvd., Delaware, OH

PETITION TO CITY COUNCIL

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3. An alternative route is available that can easily and safely access the east side of Delaware. (Houk > W. William > Curtis > Park Ave > Sandusky > existing path across Olentangy river)
4. The waterway along the Delaware Run is a proven wildlife corridor with exceptional bird and animal diversity. Tree removal required to construct the proposed path would be a major loss in habitat that would have a significant impact.

Eather Zinn - Willowbrook

Russell Zinn - willowbrook

Dow/Kreger - Willowback

Richard Kreger - Willowbrook

Beverly Flanders - Willowbrook

Gaurie Elot Shua

Tom Jan

Gregg Mann - Delaware Run

William McCartney - Willow Brook @ Delaware Run

Virginia Longway - Willow Brook DR

Marion Brink - Willow Brook DR

Marilyn Schroeder - WB DR

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4. The waterway along the Delaware Run is a proven wildlife corridor with exceptional bird and animal diversity. Tree removal required to construct the proposed path would be a major loss in habitat that would have a significant impact.

Michael Taggart 10 Birch Row Drive

Melissa Crawford 150 Thornapple Trail

Jethro D. Clark 6056 Cheyenne Creek Dr., Lewis Center

PETITION TO CITY COUNCIL

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The reasons for our objections include the following:

1. The proposed bike path is in an isolated, unlit, and unmonitored area, presenting legitimate security concerns for residents on either side of the Run.
2. The proposed bike path is practically unfeasible:
 - a. Heavy flooding two or three times a year would make necessary maintenance on-going city expense.
 - b. A large population of thorny black locust trees in the area has made bike riding difficult or impossible, as thorny twigs are on record as puncturing tires.
3. The waterway along the Delaware Run is a proven wildlife sanctuary with exceptional bird and animal diversity. Tree removal to construct the proposed path would be a major loss in habitat that would have a significant impact.
4. **An alternative route is available that can better and more safely access the east side of Delaware.** (Houk > W. William > Curtis > Park Ave > Sandusky > existing path across Olentangy river)

Jessie Montgomery	416 Main St Dr. Westerville, Ohio
Ryana L Welch	100 Delaware Crossing W, Del, OH
David Salidas	472 Durham Lane, Del OH
Cathy Fost	60 Tanglewood Delaware, OH
Charles Hainman	255 Hunt Lovin Blvd N. Olentangy OH
Chuck N. Sawley	1115 Delaware Crossing W.



FACT SHEET

AGENDA ITEM NO: 10

DATE: 04/24/2017

ORDINANCE NO: 17-16

RESOLUTION NO:

READING: FOURTH

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

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AN AMENDMENT TO 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 the Planning Commission must be appointed by 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



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

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.

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.

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:

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

CONDITIONS/MISCELLANEOUS:

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

AGENDA ITEM NO: 11

DATE: 04/24/2017

ORDINANCE NO:

RESOLUTION NO: 17-27

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ADOPTING A CODE OF CONDUCT FOR APPOINTED OFFICIALS.

BACKGROUND:

Council has long had an ethics policy that applies to Council, staff, and members of city Boards and Commissions. At a prior meeting, Council asked staff to draft a conduct policy for appointed officials that would cover things beyond ethics. The attached draft was adapted from samples collected from other cities.

REASON WHY LEGISLATION IS NEEDED:

This policy is purely optional.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

This policy adds a layer of guidance regarding how appointed officials will conduct themselves and interact with colleagues. In the event there is a potential violation of the policy, this document establishes a conduct committee to examine the situation and make recommendations to Council.

PRESENTER(S):

Mayor Carolyn Kay Riggle
Darren Shulman, City Attorney

RECOMMENDATION:

ATTACHMENT(S)

Code of Conduct for Appointed Officials
Resolution No. 12-29
Response from Chairperson of Boards and Commissions

City of Delaware

**Code of Conduct
For
Appointed Officials**



Adopted _____, 2017 by Resolution No. 2017-____

A. Policy Purpose

The Delaware City Council adopts this Code Conduct to assure that all appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of City government. This Policy is intended to be used in conjunction with the Delaware Ethics Policy, adopted on July 9, 2012 (Resolution No. 12-29).

A. General Conduct Guidelines

Therefore, members of the City's Boards, Committees and Commissions (Members) shall conduct themselves in accordance with the following standards:

1. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
2. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
3. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
4. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
5. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for Members, City employees, and for citizens and businesses dealing with the City.
6. **Practice civility and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.

B. Improper Conduct

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy.

Prior to removing a Board, Committee, or Commission member for improper conduct under these guidelines, City Council shall convene a Member Conduct Committee comprised of a citizen member of the Planning Commission, Airport Commission, Historic Preservation Commission, and Board of Zoning

Appeals. The City Attorney will chair the meeting, but shall not have a vote.

The Member Conduct Committee will review the conduct alleged to be in violation of this policy and make a recommendation to City Council. **(THE MAYOR MAY TEMPORARILY SUSPEND THE CITIZEN MEMBER FROM THEIR APPOINTMENT DURING THE MEMBER CONDUCT COMMITTEE REVIEW.)** The member charged with inappropriate conduct will have the opportunity to attend the meeting, bring legal counsel, and provide a statement and/or present evidence and witness testimony in his/her favor.

The City Council may adopt, amend, or reject the recommendation of the Committee by a majority vote at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

C. Distribution

This policy will be provided to all boards, commission, and committee members. It is the responsibility of the member to review this policy.

From: [Roger Koch](#)
To: [Elaine McCloskey](#); "[Allyson Lash](#)"; "[matt dick](#)"; "[paul olen](#)"; "[stacy simpson](#)"; "[John Lewis](#)"; "[John Rybka](#)"; "[rand guebert](#)"
Subject: RE: Please review draft code of conduct
Date: Monday, April 17, 2017 9:53:06 PM

Elaine,
The additions seem reasonable to me.
Roger Koch
Chair
HPC

From: Elaine McCloskey [mailto:EMcCloskey@delawareohio.net]
Sent: Monday, April 17, 2017 2:41 PM
To: 'Allyson Lash' <LASHA@nationwide.com>; 'matt dick' <matthewtdick@gmail.com>; 'roger koch' <rogerkoch6@gmail.com>; 'paul olen' <mrpaul.canazi4@gmail.com>; 'stacy simpson' <stacy_simpson1976@yahoo.com>; 'John Lewis' <jlewis1957@gmail.com>; 'John Rybka' <johnrybka@gmail.com>; 'rand guebert' <rand.guebert@gmail.com>
Subject: RE: Please review draft code of conduct

Chairpersons,

Last week I sent out the draft Code of Conduct Policy for members of Boards and Commissions. I am requesting feedback in regards to the policy, even if you have read it and have no concerns. Council would like your input included into the Council packet. If you could please provide the feedback by Wednesday of this week, I would appreciate it.

Thank you,

Elaine McCloskey
City Council Clerk
City of Delaware
1 S. Sandusky St.
Delaware, Ohio 43015
740-203-1013 office
740-203-1024 fax
www.delawareohio.net

From: [Lash, Allyson](#)
To: [Elaine McCloskey](#)
Subject: RE: Please review draft code of conduct
Date: Monday, April 17, 2017 2:46:06 PM

Hi Elaine-

I read through and didn't have any additional input.

Thanks!
Allyson

From: Elaine McCloskey [mailto:EMcCloskey@delawareohio.net]
Sent: Monday, April 17, 2017 2:41 PM
To: Lash, Allyson <LASHA@nationwide.com>; 'matt dick' <matthewtdick@gmail.com>; 'roger koch' <rogerkoch6@gmail.com>; 'paul olen' <mrpaul.canazi4@gmail.com>; 'stacy simpson' <stacy_simpson1976@yahoo.com>; 'John Lewis' <jlewis1957@gmail.com>; 'John Rybka' <johnrybka@gmail.com>; 'rand guebert' <rand.guebert@gmail.com>
Subject: [EXTERNAL] RE: Please review draft code of conduct

Nationwide Information Security Warning: This is an external email. Do not click on links or open attachments unless you trust the sender.

Chairpersons,

Last week I sent out the draft Code of Conduct Policy for members of Boards and Commissions. I am requesting feedback in regards to the policy, even if you have read it and have no concerns. Council would like your input included into the Council packet. If you could please provide the feedback by Wednesday of this week, I would appreciate it.

Thank you,

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City of Delaware
1 S. Sandusky St.
Delaware, Ohio 43015
740-203-1013 office
740-203-1024 fax
www.delawareohio.net

From: [Matthew Dick](#)
To: [John Lewis](#)
Cc: [paul olen](#); [roger koch](#); [Allyson Lash](#); [rand guebert](#); [stacy simpson](#); [John Rybka](#); [Elaine McCloskey](#)
Subject: RE: Please review draft code of conduct
Date: Monday, April 17, 2017 10:28:34 PM

It looks all good to me to Elaine

On Apr 17, 2017 20:22, "John Lewis" <jlewis1957@gmail.com> wrote:

Thanks Elaine,

I've reviewed the draft policy and believe it's reasonable to ask all board members to abide by this.

I am not able to offer improvements or changes at this time.

John Lewis

1036 Hills-Miller Road

Delaware, Ohio 43015

[740-815-0454](tel:740-815-0454)

From: Elaine McCloskey [mailto:EMcCloskey@delawareohio.net]
Sent: Monday, April 17, 2017 2:41 PM
To: 'Allyson Lash' <LASHA@nationwide.com>; 'matt dick' <matthewtdick@gmail.com>; 'roger koch' <rogerkoch6@gmail.com>; 'paul olen' <mrpaul.canazi4@gmail.com>; 'stacy simpson' <stacy_simpson1976@yahoo.com>; 'John Lewis' <jlewis1957@gmail.com>; 'John Rybka' <johnrybka@gmail.com>; 'rand guebert' <rand.guebert@gmail.com>
Subject: RE: Please review draft code of conduct

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From: [John Rybka](#)
To: [Elaine McCloskey](#); "[Allyson Lash](#)"; "[matt dick](#)"; "[roger koch](#)"; "[paul olen](#)"; "[stacy simpson](#)"; "[John Lewis](#)"; "[John Rybka](#)"; "[rand guuebert](#)"
Subject: RE: Please review draft code of conduct
Date: Tuesday, April 18, 2017 8:03:01 AM
Attachments: [conduct_policy_draft_revised_JRybka_4-18-17.docx](#)

Thank you, Elaine, for the opportunity to review the city's draft Code of Conduct Policy for members of boards, committees, and commissions.

I attended the April 9th City Council meeting and witnessed the ensuing discussion surrounding the subject draft policy. In reviewing the draft Code of Conduct Policy presented here, I find it sound, sensible, and more than reasonable to ask of our members who represent the City of Delaware. I might also add that I personally see nothing in this draft that might either hinder healthy debate amongst our members or dampen citizen engagement to serve on such of boards, committees, and commissions.

In the absence of a documented value statement for the city, I fully support the draft as written. One minor edit might be to add the word "Appeal" into the Section B heading to emphasize due process (just a couple minor edits attached and submitted for consideration).

John Rybka
Civil Service Commission

PS: Many progressive organizations, both public and private, develop mission, vision, and value statements in their strategic planning process to communicate purpose, direction, and norms of behavior. Value statements, in particular, serve as a moral compass for an organization and document a standard of behavior from which actions can be assessed against.

From: Elaine McCloskey [mailto:EMcCloskey@delawareohio.net]
Sent: Monday, April 17, 2017 2:41 PM
To: 'Allyson Lash' <LASHA@nationwide.com>; 'matt dick' <matthewtdick@gmail.com>; 'roger koch' <rogerkoch6@gmail.com>; 'paul olen' <mrpaul.canazi4@gmail.com>; 'stacy simpson' <stacy_simpson1976@yahoo.com>; 'John Lewis' <jlewis1957@gmail.com>; 'John Rybka' <johnrybka@gmail.com>; 'rand guuebert' <rand.guebert@gmail.com>
Subject: RE: Please review draft code of conduct

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Thank you,

From: [John Lewis](#)
To: [Elaine McCloskey](#)
Subject: RE: Please review draft code of conduct
Date: Wednesday, April 12, 2017 5:11:05 PM

Thanks Elaine,
I think this sounds perfectly reasonable.....

John Lewis

From: Elaine McCloskey [mailto:EMcCloskey@delawareohio.net]
Sent: Wednesday, April 12, 2017 3:39 PM
To: Allyson Lash <LASHA@nationwide.com>; 'matt dick' <matthewtdick@gmail.com>; 'roger koch' <rogerkoch6@gmail.com>; paul olen <mrpaul.canazi4@gmail.com>; 'stacy simpson' <stacy_simpson1976@yahoo.com>; 'John Lewis' <jlewis1957@gmail.com>; 'John Rybka' <johnrybka@gmail.com>; 'rand guebert' <rand.guebert@gmail.com>
Cc: Carolyn Riggle <criggle@delawareohio.net>; Chris Jones <CJones@delawareohio.net>; Darren Shulman <DShulman@delawareohio.net>; Elaine McCloskey <EMcCloskey@delawareohio.net>; George Hellinger <GHellinger@delawareohio.net>; Jackie Walker <JWalker@delawareohio.net>; Kent Shafer <KShafer@delawareohio.net>; Kim Gepper <kgepper@delawareohio.net>; Kyle Rohrer <KRohrer@delawareohio.net>; Lisa Keller <lkeller@delawareohio.net>; R Thomas Homan <rthoman@delawareohio.net>
Subject: Please review draft code of conduct

All

Attached is a draft Code of Conduct Policy under consideration by City Council for members of boards, commissions, or committees. The items in red are new additions under consideration based on Council's input and comments.

Please review the attached policy and provide any input or recommendations that you may have to myself by Tuesday, April 18, 2017. If you have any questions, please feel free to contact Darren Shulman, City Attorney at 740-203-1014.

Thank you,

Elaine McCloskey
City Council Clerk
City of Delaware
1 S. Sandusky St.
Delaware, Ohio 43015
740-203-1013 office
740-203-1024 fax
www.delawareohio.net

From: [Stacy Simpson](#)
To: [Elaine McCloskey](#)
Subject: Re: Please review draft code of conduct
Date: Monday, April 17, 2017 5:46:00 PM

Elaine,

I take no issue with the proposed draft of the code of conduct.

Stacy L. Simpson
Mobile: +1 (740) 816-0915
stacy_simpson1976@yahoo.com

We shape our buildings; thereafter they shape us.—Winston Churchill

Do the environment a favor...don't print this e-mail.

On Apr 17, 2017, at 14:40, Elaine McCloskey <EMcCloskey@delawareohio.net> wrote:

Chairpersons,

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1 S. Sandusky St.
Delaware, Ohio 43015
740-203-1013 office
740-203-1024 fax
www.delawareohio.net

From: [mr.paul.canazi](#)
To: [John Rybka](#)
Cc: [Elaine McCloskey](#); [Allyson Lash](#); [matt dick](#); [roger koch](#); [stacy simpson](#); [John Lewis](#); [rand quuebert](#)
Subject: Re: Please review draft code of conduct
Date: Wednesday, April 19, 2017 11:46:35 AM

Hello all,

I have read and understand the Code of Conduct Policy document for board and commission members. I agree with all stated policies and have no further recommendations at this time.

Thank you,

Paul Olen, Chairperson - City of Delaware Shade Tree Commission

On Tue, Apr 18, 2017 at 8:02 AM, John Rybka <johnrybka@gmail.com> wrote:

Thank you, Elaine, for the opportunity to review the city's draft Code of Conduct Policy for members of boards, committees, and commissions.

I attended the April 9th City Council meeting and witnessed the ensuing discussion surrounding the subject draft policy. In reviewing the draft Code of Conduct Policy presented here, I find it sound, sensible, and more than reasonable to ask of our members who represent the City of Delaware. I might also add that I personally see nothing in this draft that might either hinder healthy debate amongst our members or dampen citizen engagement to serve on such of boards, committees, and commissions.

In the absence of a documented value statement for the city, I fully support the draft as written. One minor edit might be to add the word "Appeal" into the Section B heading to emphasize due process (just a couple minor edits attached and submitted for consideration).

John Rybka

Civil Service Commission

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FACT SHEET

AGENDA ITEM NO: 12

DATE: 04/24/2017

ORDINANCE NO: 17-22

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
April 24, 2017 at 7:15 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR REDHAWK PROPERTY INVESTMENTS INC. FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN OUTDOOR SEATING AREA FOR YUMII KETTLE CORN AT 339 SOUTH SANDUSKY STREET ON 0.52 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-22

AN ORDINANCE FOR REDHAWK PROPERTY INVESTMENTS INC. FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN OUTDOOR SEATING AREA FOR YUMII KETTLE CORN AT 339 SOUTH SANDUSKY STREET ON 0.52 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zoned B-3 (Community Business District) (2017-0417); and

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

SECTION 1. That the Conditional Use Permit allowing an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street on 0.52 acres zoned B-3 (Community Business District), is hereby confirmed, approved, and accepted with the following condition that:

1. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor dining (seating) area due to the proximity of the residential uses to the east.
2. The outdoor patio shall cease to operate at 10:30 p.m. everyday.
3. No signage shall be permitted in the outdoor dining (seating) area.
4. If the subject use changes to a more intensive commercial use per the Community Development and Planning Director interpretation (restaurant, bar, etc.), the outdoor dining (seating) area shall require a new Conditional Use Permit.
5. Trash receptacles shall be provided.
6. All items shall be kept in good repair.

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

CASE NUMBERS: 2017-0416 & 0417

REQUEST: Multiple Cases

PROJECT: Yumii Kettle Corn

MEETING DATE: April 5, 2017

APPLICANT/OWNER

Redhawk Property Investments
3130 Devonshire Drive
Delaware, Ohio 43015

REQUESTS

2017-0416: A request by Redhawk Property Investments Inc., for approval of a Development Plan Exemption for a Building Renovation for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District).

2017-0417: A request by Redhawk Property Investments Inc., for approval of a Conditional Use Permit for an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District).

PROPERTY LOCATION & DESCRIPTION

The subject parcel located at 339 South Sandusky Street encompasses 0.522 acres and is located on the east side of South Sandusky Street just north of Weiser Avenue. The subject site is zoned B-3 (Community Business District). The property to the north is zoned B-3, the properties to the east and south are zoned B-3 PMU (Community Business District with a Mixed Use Overlay District) and the property to the west is zoned R-1 (One Family Residential District).

BACKGROUND/PROPOSAL

The subject property was originally part of the Delaware Place rezoning in 2015 but the project on this parcel never moved forward and the property reverted back to B-3 per the development text (Ordinance 15-10). The subject property was the Oakside Animal Clinic in the past but has been vacant for several years.

The new owner purchased the property in late 2016 and is proposing to renovate the building and create an outdoor dining (seating) area on the easternmost portion of the site for his retail establishment. The remainder of the site plan would remain the same except for a required tree lawn along South Sandusky Street. The owner intends to sell popcorn, ice cream and sandwiches and create a family atmosphere with limited seating indoor capacity.

STAFF ANALYSIS

- **ZONING:** The building renovation requires a Development Plan Exemption approved by the Planning Commission while the outdoor dining (seating) area requires a Conditional Use Permit approved by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The engineering department indicated no formal engineering drawings are required because of the minimum site plan revisions. However, the appropriate amount of right-of-way shall be dedicated to the City along South Sandusky Street per the adopted Thoroughfare Plan.
- **SITE CONFIGURATION:** As mentioned earlier the site plan would remain as currently constructed except for the installation of a tree lawn along South Sandusky Street per the engineer's requirements. The access to the site would remain with an ingress curb cut south of the building and egress curb cut north of the building on South Sandusky Street that extends into a 13 space parking lot that surrounds the building. A new dumpster enclosed by a stone wall would be located on the northeastern portion of the parking lot. On the eastern portion of the site in the grass area, the owner is proposing four picnic tables for a family outdoor dining (seating) area while maintaining the existing trees in the area. This area has a large earthen mound immediately behind it (east) buffering the adjacent uses.
- **BUILDING DESIGN:** The proposed building renovation would be a significant upgrade and would be compatible with the recently constructed Delaware Place development just east of the subject site. The single story building's front elevation would have a limestone wainscoting with two limestone columns that bookend the front elevation. The remainder of the front elevation would be comprised of tan fiber cement siding above an aluminum store front door and window assemblage. A green fabric awning and six gooseneck lights would be located above the doors and windows respectively. The side elevations would have a return of limestone

wainscoting and windows that extend about a quarter to halfway back each elevation. The remainder of the side elevations and the rear elevation would utilize the existing building walls which are comprised of brick.

- **LANDSCAPING & SCREENING:** Street trees every 40 feet and front yard trees every 50 feet along South Sandusky Street are generally desired which would yield 4 and 3 street and front yard trees respectively. The trees could be installed in a small portion of the tree lawn along South Sandusky Street or more likely in the open space in the rear of the site because there is limited opportunity for landscaping on the established site. The trees along South Sandusky Street shall be installed where feasible and achieve compliance with engineering site distance requirements. Any landscaping requirements would need to be reviewed and approved by the Shade Tree Commission. Staff recommends that no trees are planted directly in front of the building as a result of these site limitations.
- **TREE PRESERVATION:** The owner is preserving the existing trees in the rear of the property but if any trees are removed in the construction of the building renovations they would have to be replaced per the Chapter 1168 Tree Preservation Regulations.
- **SIGNAGE:** The owner is proposing a building sign on the front elevation that would have to comply with minimum zoning requirements and submit for a sign permit.
- **LIGHTING:** The owner is proposing gooseneck lights on the front elevation and wall packs on the rear and side elevation and two existing light poles on the northern portion of the parking lot. The Chief Building Official would have to review and approve any lighting plans.
- **CONDITIONAL USE PERMIT:** Outdoor dining (seating area) has long been considered outdoor storage and display and as such is a conditionally permitted use in the B-3 District. As a result, a Conditional Use Permit is required for this use. Staff has reviewed this application for compliance with the attached Conditional Use Permit decision criteria and specific use decision criteria. These criteria prescribe that the location, design elements, accessibility, and compatibility of existing and adjacent uses will not be detrimental to or endanger the public health, safety or general welfare. The proposal with the conditions noted appears to comply with all the aforementioned requirements. Also, staff would recommend the standard condition for patio uses (outdoor dining) of restricting the noise and hours of the outdoor patio because of the proximity of the residential uses located to the east in Delaware Place to be consistent with other such proposals in the City. In addition, staff would add a condition that if the subject use changes to a more intensive commercial use per the Community Development and Planning Directors interpretation (restaurant, bar, etc.) the outdoor dining (seating) area would require a new Conditional Use Permit because the proposed outdoor dining (seating) area is family friendly and ancillary to the commercial use as opposed to more intensive uses (restaurant, bar, etc.).
- **DEVELOPMENT PLAN EXEMPTION:** Section 1129.06(k) of the Zoning Code authorizes the Director of Planning and Community Development to exempt small incidental construction, which does not result in an adverse impact to the site or surroundings, from the development plan review process. Should the Director make such a determination, the Planning Commission shall confirm or overturn the determination.

Section 1129.06(k) Development Plan Exemption. When a minor alteration is proposed to an existing building, structure, use or site arrangement the Director of Planning and Community Development may make a preliminary determination that such a proposal is not contrary to the Zoning Ordinance and will not result in any material adverse impact to the site or surrounding areas. In such case, the Director may further determine that such proposal is not subject to development plan review. Such determination shall primarily apply to small incidental construction on large zoning lots and when the proposed construction is substantially distant and screened from the adjacent roadways and property lines.

If the Director makes a determination that such a proposal is not a minor alteration, the proposal shall fully comply with the development plan review procedures in Chapter 1129.

- (1) When the Director of Planning and Community Development makes such preliminary determination of administrative approval, the proposal shall be placed on the agenda of the next regularly scheduled Planning Commission meeting. At such meeting, the Planning Commission shall, by motion and majority vote, either:
 - A. Confirm the Director of Planning and Community Development's preliminary determination, in which case, the Director may issue a certificate of zoning compliance; or

- B. Overturn the Director of Planning and Community Development's determination and, in so doing, require that the proposal fully comply with the development plan review procedures in Section 1129.06.

The Director finds, preliminarily, that this proposal with the conditions noted, is a minor alteration, with no adverse impacts to the site or surroundings, and is not contrary to the Zoning Code.

STAFF RECOMMENDATION – DEVELOPMENT PLAN EXEMPTION (2017-0416)

Staff recommends approval of a request by Redhawk Property Investments Inc., for a Development Plan Exemption for a Building Renovation for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District) with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The appropriate amount of right-of-way shall be dedicated and recorded by the owner to the City along South Sandusky Street per the adopted Thoroughfare Plan.
3. The proposed building renovation shall match the submitted building plans in construction materials, design and color.
4. The green awning shall be made of fabric per the submitted plans.
5. Any mechanical equipment on the roof shall be screened from public view.
6. The dumpster shall be enclosed by a limestone wall to match the building and have wood doors painted to match.
7. The appropriate number of street trees shall be planted along South Sandusky Street if possible but more likely in the open space in the rear of the property to achieve compliance with zoning code and engineering site distance standards so as not be directly in front of the proposed building.
8. The landscape plan shall be reviewed and approved by the Shade Tree Commission.
9. Any tree removed in the construction of the building renovation shall have to achieve compliance with Chapter 1168 Tree Preservation Regulations.
10. Any lighting plans shall be reviewed and approved by the Chief Building Official.

STAFF RECOMMENDATION – (2017-0417 CONDITIONAL USE PERMIT)

Staff recommends approval of a request by Redhawk Property Investments Inc., for a Conditional Use Permit for an Outdoor Seating Area for Yumii Kettle Corn at 339 South Sandusky Street 0.52 acres zoned B-3 (Community Business District), with the following conditions that:

1. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor dining (seating) area due to the proximity of the residential uses to the east.
2. The outdoor dining area shall cease to operate after sundown.
3. No signage shall be permitted in the outdoor dining (seating) area.
4. If the subject use changes to a more intensive commercial use per the Community Development and Planning Director interpretation (restaurant, bar, etc.), the outdoor dining (seating) area shall require a new Conditional Use Permit.
5. Trash receptacles shall be provided.
6. All items shall be kept in good repair.

GENERAL REVIEW CRITERIA FOR ALL CONDITIONAL USE PERMITS

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
2. Will not be detrimental to property values in the immediate vicinity.

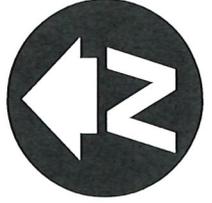
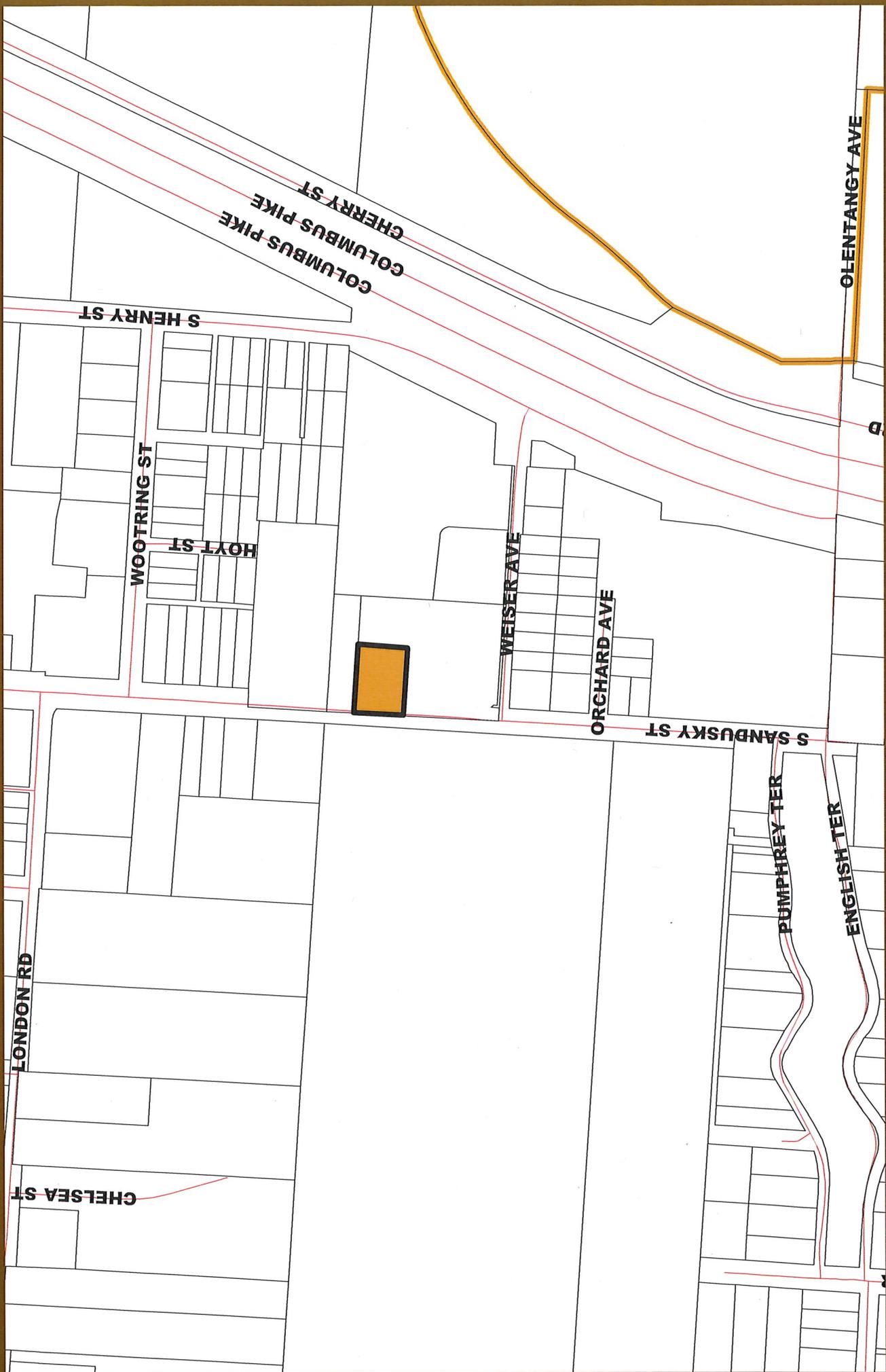
3. Will not restrict or adversely affect the existing use of the adjacent property owners.
4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
5. Will be properly landscaped in accordance with Chapter 1166.
6. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
7. That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.
10. That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.
11. That there is minimal potential for future hardship on the conditional uses that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

COMMISSION NOTES:

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

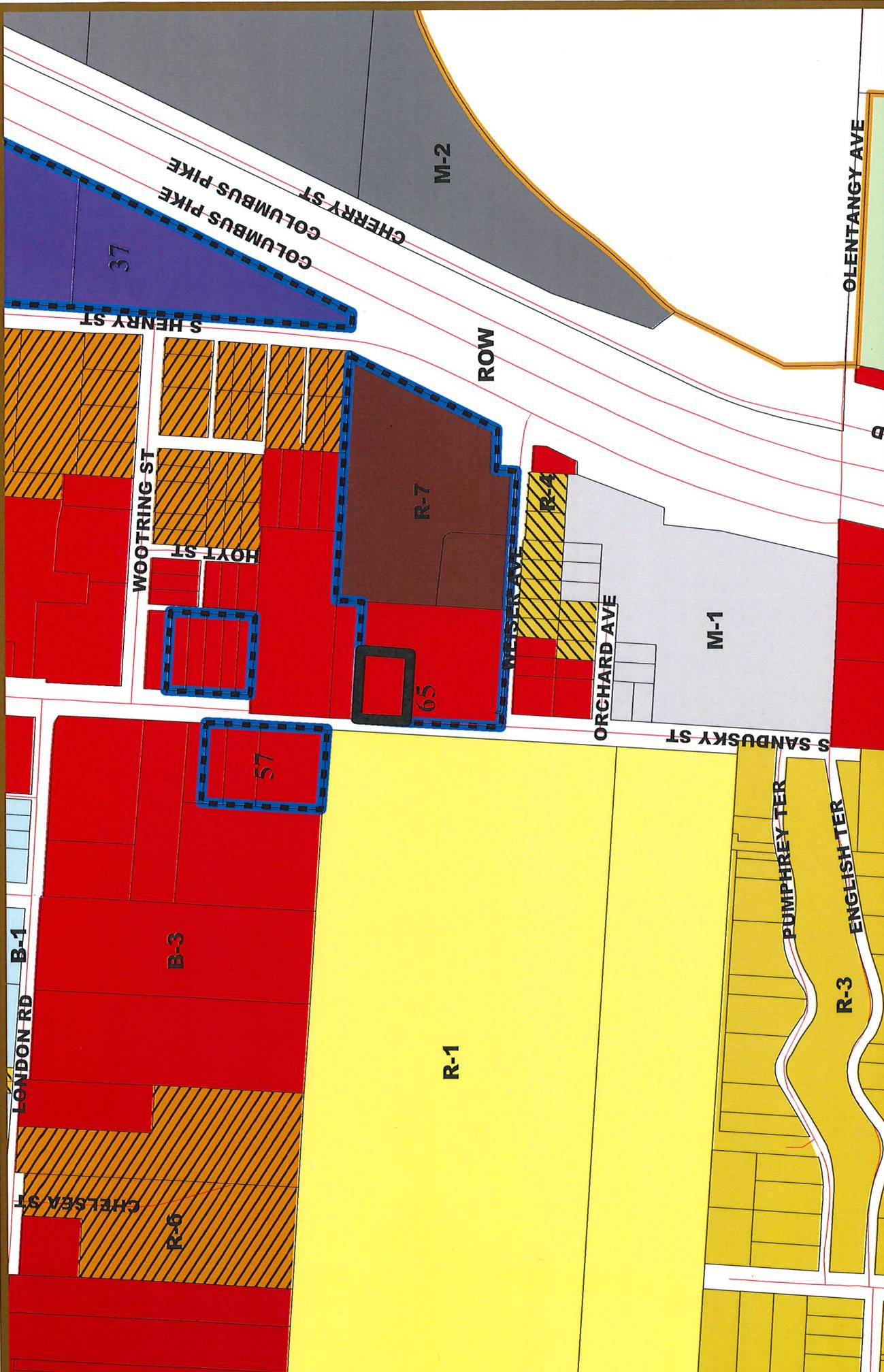
CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: 03/30/17
REVISED:



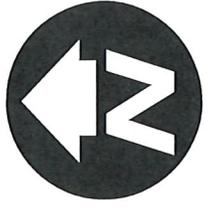
2017-0416 & 0417
 Development Plan Exemption & Conditional Use Permit
 Yumii Kettle Corn - 339 South Sandusky Street
 Location Map





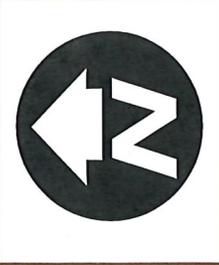
2017-0416 & 0417
 Development Plan Exemption & Conditional Use Permit
 Yumii Kettle Corn - 339 South Sandusky Street
 Zoning Map





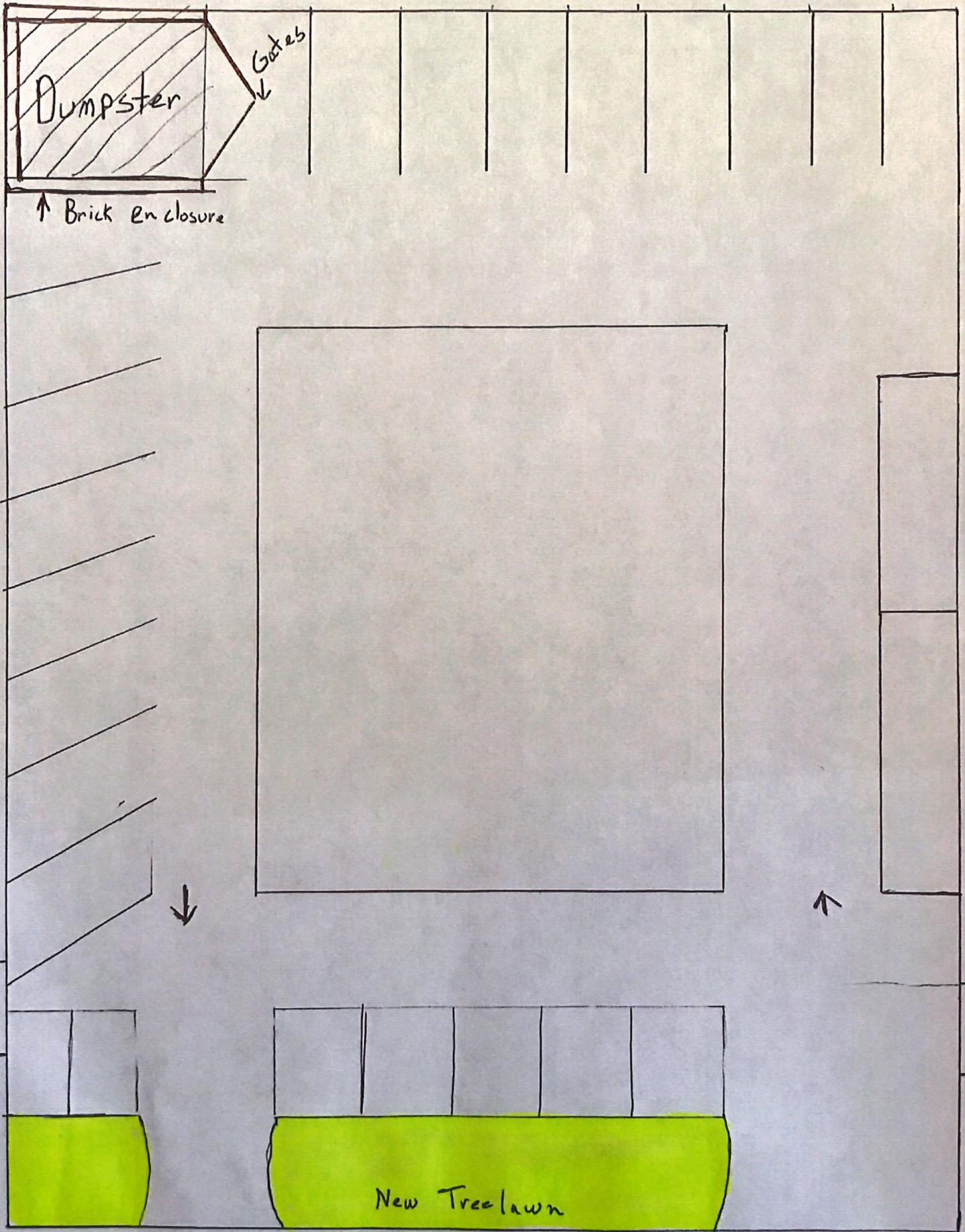
2017-0416 & 0417
Development Plan Exemption & Conditional Use Permit
Yumii Kettle Corn - 339 South Sandusky Street
Aerial (2016)





339 South Sandusky Street

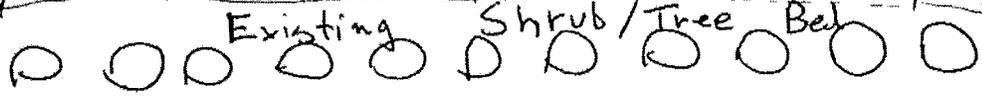




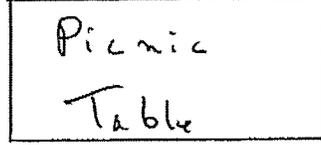
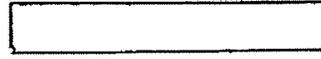
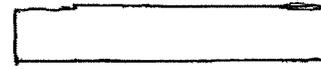
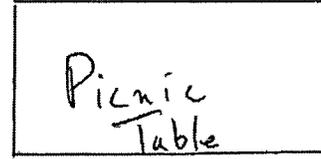
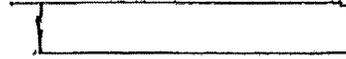
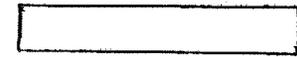
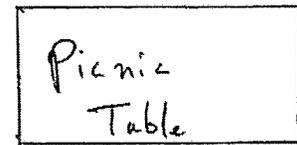
Not to Scale

Existing Sidewalk

Existing Shrub/Tree Bed



Existing Tree Line

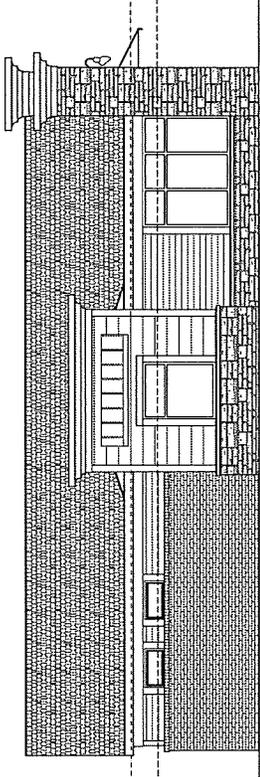


Existing grass

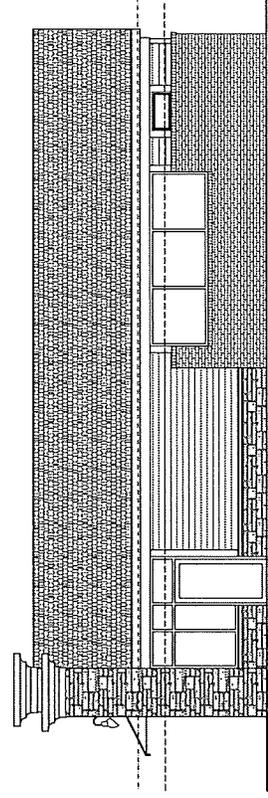
Existing Parking lot

Dumpster

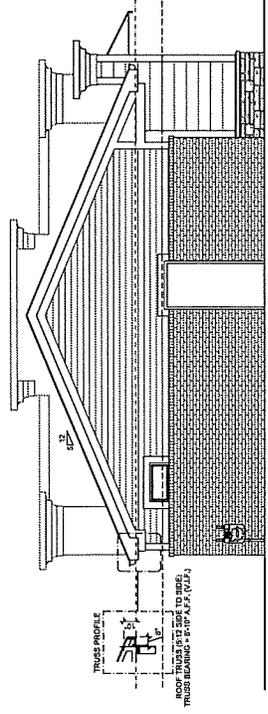
New Flower/Plant Bed



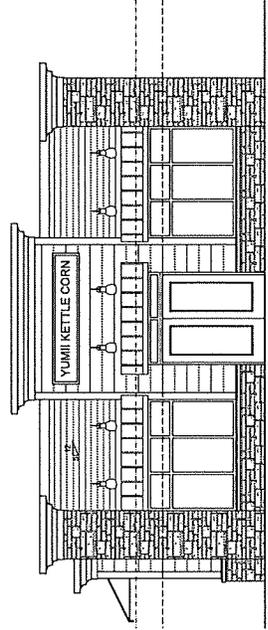
4 LEFT ELEVATION



3 RIGHT ELEVATION



2 REAR ELEVATION



1 FRONT ELEVATION

#	DATE	REVISION / CHANGE DESCRIPTION

YUMMI KETTLE CORN
 138 S. SANDUSKY ST.
 DELAWARE, OH 43015



SCALE: 1/8" = 1'-0"
SHEET DESCRIPTION
EXTERIOR ELEVATIONS
A3-1
DATE: 02/23/17
SA STUDIOS PROJECT # 2014-03





FACT SHEET

AGENDA ITEM NO: 13

DATE: 04/24/2017

ORDINANCE NO: 17-23

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
April 24, 2017 at 7:20 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR SHORTY'S CASUAL CUISINE FOR APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A PERMANENT OUTDOOR PATIO AT 554 WEST CENTRAL AVENUE ON APPROXIMATELY 1.1 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 2017.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 17-23

AN ORDINANCE FOR SHORTY'S CASUAL CUISINE FOR APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A PERMANENT OUTDOOR PATIO AT 554 WEST CENTRAL AVENUE ON APPROXIMATELY 1.1 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Conditional Use Permit for Shorty's Casual Cuisine to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District) (2017-0407); and

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

SECTION 1. That the Conditional Use Permit for Shorty's Casual Cuisine to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District), is hereby confirmed, approved, and accepted with the following conditions that:

1. The parking lot driving aisle located adjacent to the patio shall be maintained at 24 feet per the zoning code.
2. This approval does not constitute approval by the State of Ohio to occupy the space for the consumption / sale of alcoholic beverages. Such approval must be obtained from the State.
3. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor patio area due to the proximity of the residential uses.
4. The outdoor patio shall cease to operate at 10:00 p.m. Sunday thru Thursday and at 11pm on Friday and Saturday.
5. The globe string lights shall be as submitted and turned off at the same the time outdoor patio ceases to operate.
6. The lighting shall meet the minimum requirements of the zoning code and shall be approved by the Chief Building Official.
7. The canvas sun shade (sand color) shall located above the pergola as submitted
8. The proposed 6 foot high bushes shall be planted in pots and watered regularly to ensure survival.
9. The proposed outdoor patio shall require zoning and building permit approval.

10. No signage shall be permitted on the proposed fence.

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

CASE NUMBER: 2017-0407
REQUEST: Conditional Use Permit
PROJECT: 554 West Central Avenue
MEETING DATE: April 5, 2017

APPLICANT/OWNER

Shorty's Casual Cuisine
554 West Central Avenue
Delaware, Ohio 43015

REQUEST

2017-0407: A request by Shorty's Casual Cuisine for approval of a Conditional Use Permit to construct a permanent Outdoor Patio at 554 West Central Avenue on approximately 1.1 acres zoned B-3 (Community Business District).

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the north side of West Central Avenue just east of the Georgetown Plaza and is zoned B-3 (Community Business District). The properties to the north, east and west are zoned B-3 while the property to the south is zoned PO/I (Planned Office/Institutional District).

BACKGROUND/PROPOSAL

In April 2016, the Planning Commission and City Council approved a Conditional Use Permit for a temporary outdoor patio at this location for one year (the subject permit expires at the end of April 2017). Apparently the patio was successful from a business perspective and the City did not receive any formal complaints (police, fire, neighbors, etc.) pertaining to the outdoor patio. Now the applicant is proposing to make the outdoor patio permanent with some upgrades. The outdoor patio would be constructed on private property encompassing the westernmost two parking spaces in front of their tenant space of the strip center on West Central Avenue (they are essentially utilizing the same foot print as the temporary patio). The upgrades would include a wood fence with footers enclosing the patio with a pergola covering the entire patio area for upgraded aesthetics. A canvas sun shade (sand color) with globe string lights would be stretched over the pergola for protection from the weather. There have been a few cases in recent years regarding patios on private property and Staff has endeavored to maintain the same recommended restrictions in this case. This case is unique, however, in that (to Staff knowledge) this is the only such case involving a private patio extension into an existing parking lot area.

STAFF ANALYSIS

- **ZONING** – As mentioned above, the site is zoned B-3 and would require a Conditional Use Permit approval by the Planning Commission and City Council for the permanent outdoor patio.
- **ENGINEERING** – The applicant would not be required to submit engineering drawings because the improvements are on private property and do not impact any public utilities or infrastructure.
- **ROADS AND TRAFFIC** – The applicant is proposing to utilize the two existing curb cuts on West Central Avenue into the strip center to provide access to the site.
- **SITE CONFIGURATION/DESIGN** – The owner is proposing to construct an approximate 440 square foot (20' x 22') permanent outdoor patio on the south side of the restaurant and would encompass two existing parking spaces and a few feet of the access aisle. Per the conditional use criteria requirements, the access aisle is required to be 24 feet wide which would require the existing patio to be reduced by a few feet. Two parking spaces would be removed to accommodate the outdoor patio but the site has more than sufficient parking to absorb the loss of two parking spaces according to the owner of the strip center. The applicant is proposing an 8.6 foot high wood fence around the patio with footers per the building department requirements. A pergola would be installed over the entire outdoor patio for aesthetic and functional reasons. A canvas sun shade (sand color) with globe string lights would be stretched over the pergola for protection from the weather (see attached examples). In addition, there would be 6 foot tall bushes in moveable pots buffering the south end of the patio to screen the patio from the parking lot. Staff would recommend either parking blocks or removable bollards or the like to provide some barrier between the permanent fence and parking lot. The aforementioned landscaping and any barriers shall not protrude into the required 24 foot wide access aisle. Also, the patio hours would be from 11am to 10pm Sunday thru Thursday and from 11am to 11pm Friday and Saturday. Furthermore, the applicant is proposing that neither live music nor outdoor speakers would be permitted on the patio.

- **LANDSCAPING** - The plan proposes 6 foot high bushes located on the south side of the patio to screen it from the parking lot. The bushes would be in pots that should be watered regularly to ensure survival.
- **SIGNAGE** – No additional signage is proposed and none would be allowed on the proposed fence.
- **LIGHTING** – The applicant is proposing globe string lights on the pergola beneath the sun shade. The lighting would have to meet the minimum requirements of the zoning code and be approved by the Chief Building Official.
- **CONDITIONAL USE PERMIT:** Outdoor dining has long been considered outdoor storage and display and as such is a conditionally permitted use in the B-3 District. As a result, a Conditional Use Permit is required for this use. Staff has reviewed this application for compliance with the attached Conditional Use Permit decision criteria and specific use decision criteria. These criteria prescribe that the location, design elements, accessibility, and compatibility of existing and adjacent uses will not be detrimental to or endanger the public health, safety or general welfare. The proposal with the conditions noted appears to comply with all the aforementioned requirements. Also, staff would recommend the standard condition for patio uses of restricting the noise and hours of the outdoor patio because of the proximity of the residential uses located to the east to be consistent with other such proposals in the City. Furthermore, the temporary outdoor patio was open for a year the City did not receive any formal complaints (police, fire, neighbors, etc.).

STAFF RECOMMENDATION – (2017-0407 CONDITIONAL USE PERMIT)

Staff recommends approval of a request by Shorty's Casual Cuisine for a Conditional Use Permit to construct a permanent outdoor patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District), with the following conditions that:

1. The parking lot driving aisle located adjacent to the patio shall be maintained at 24 feet per the zoning code.
2. This approval does not constitute approval by the State of Ohio to occupy the space for the consumption / sale of alcoholic beverages. Such approval must be obtained from the State.
3. No outdoor sound system or outdoor entertainment shall be permitted in conjunction with the outdoor patio area due to the proximity of the residential uses.
4. The outdoor patio shall cease to operate at 10:00 p.m. Sunday thru Thursday and at 11pm on Friday and Saturday.
5. The globe string lights shall be as submitted and turned off at the same the time outdoor patio ceases to operate.
6. The lighting shall meet the minimum requirements of the zoning code and shall be approved by the Chief Building Official.
7. The canvas sun shade (sand color) shall located above the pergola as submitted
8. The proposed 6 foot high bushes shall be planted in pots and watered regularly to ensure survival.
9. The proposed outdoor patio shall require zoning and building permit approval.
10. No signage shall be permitted on the proposed fence.

GENERAL REVIEW CRITERIA FOR ALL CONDITIONAL USE PERMITS

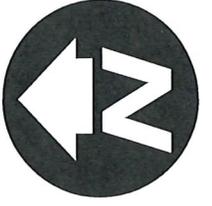
1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
2. Will not be detrimental to property values in the immediate vicinity.
3. Will not restrict or adversely affect the existing use of the adjacent property owners.
4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
5. Will be properly landscaped in accordance with Chapter 1166.
6. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

7. That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.
10. That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.
11. That there is minimal potential for future hardship on the conditional uses that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

COMMISSION NOTES:

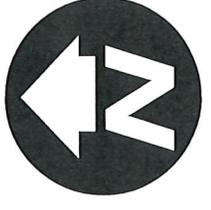
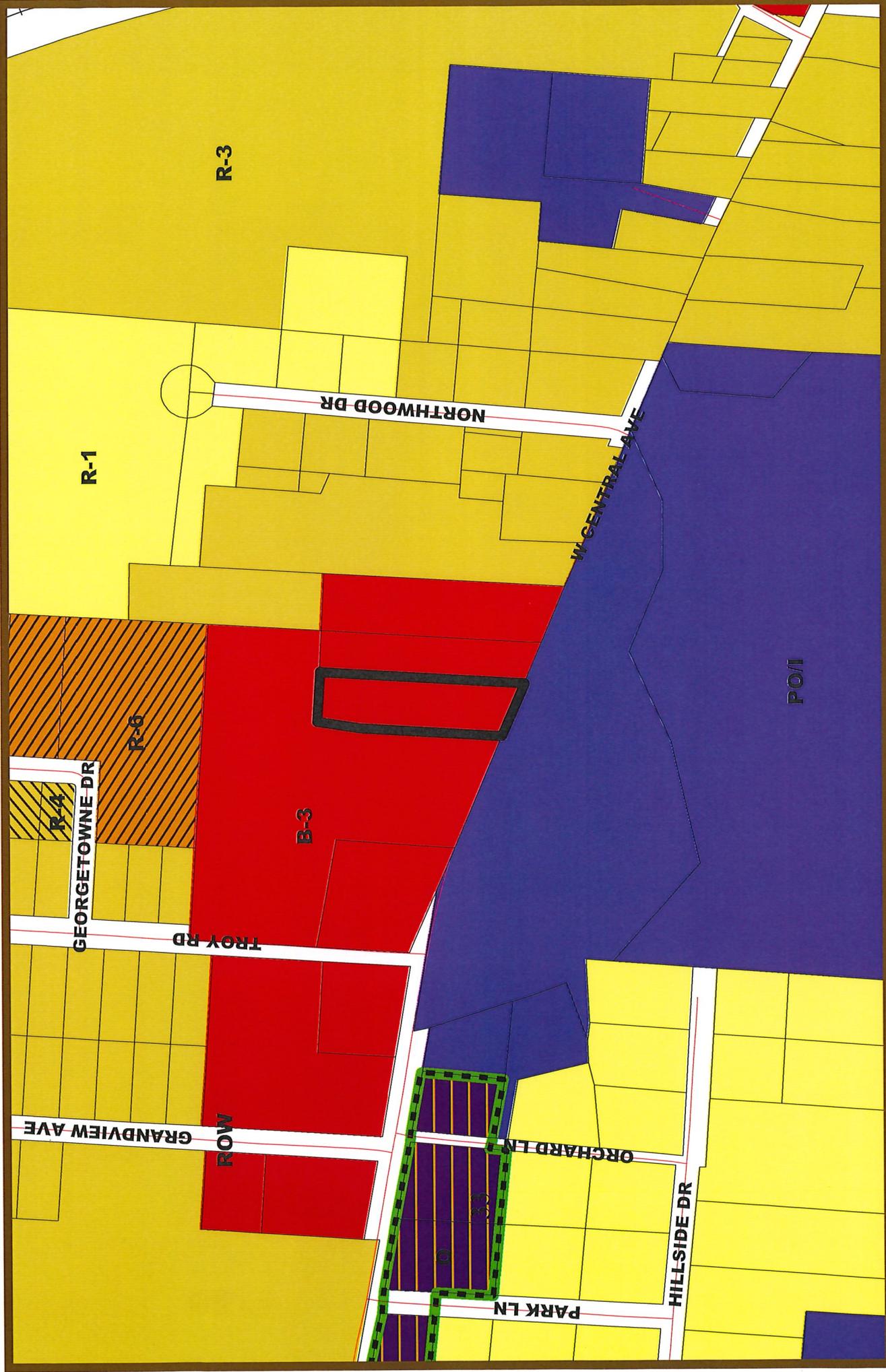
MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:



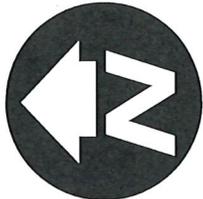
2017-0407
Conditional Use Permit
Shorty's Casual Cuisine - 554 West Central Avenue
Location Map





2017-0407
 Conditional Use Permit
 Shorty's Casual Cuisine - 554 West Central Avenue
 Zoning Map





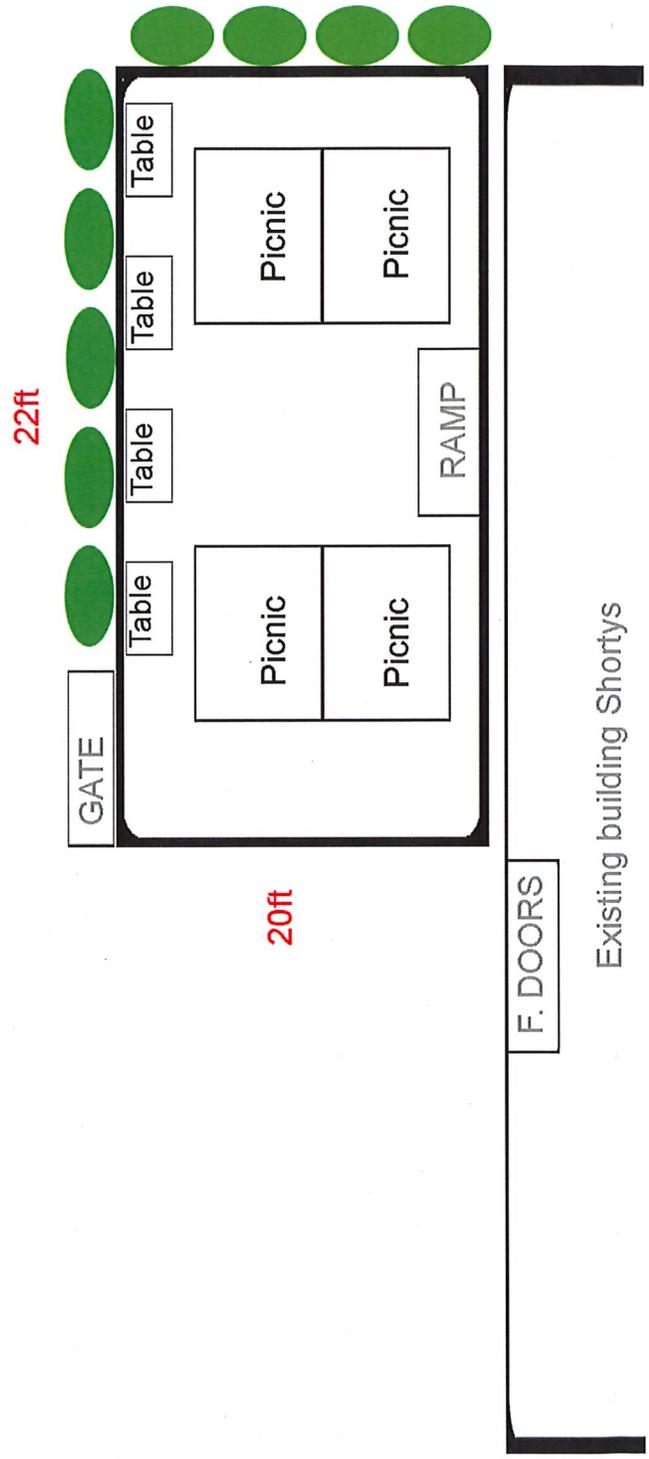
2017-0407
 Conditional Use Permit
 Shorty's Casual Cuisine - 554 West Central Avenue
 Aerial (2015)

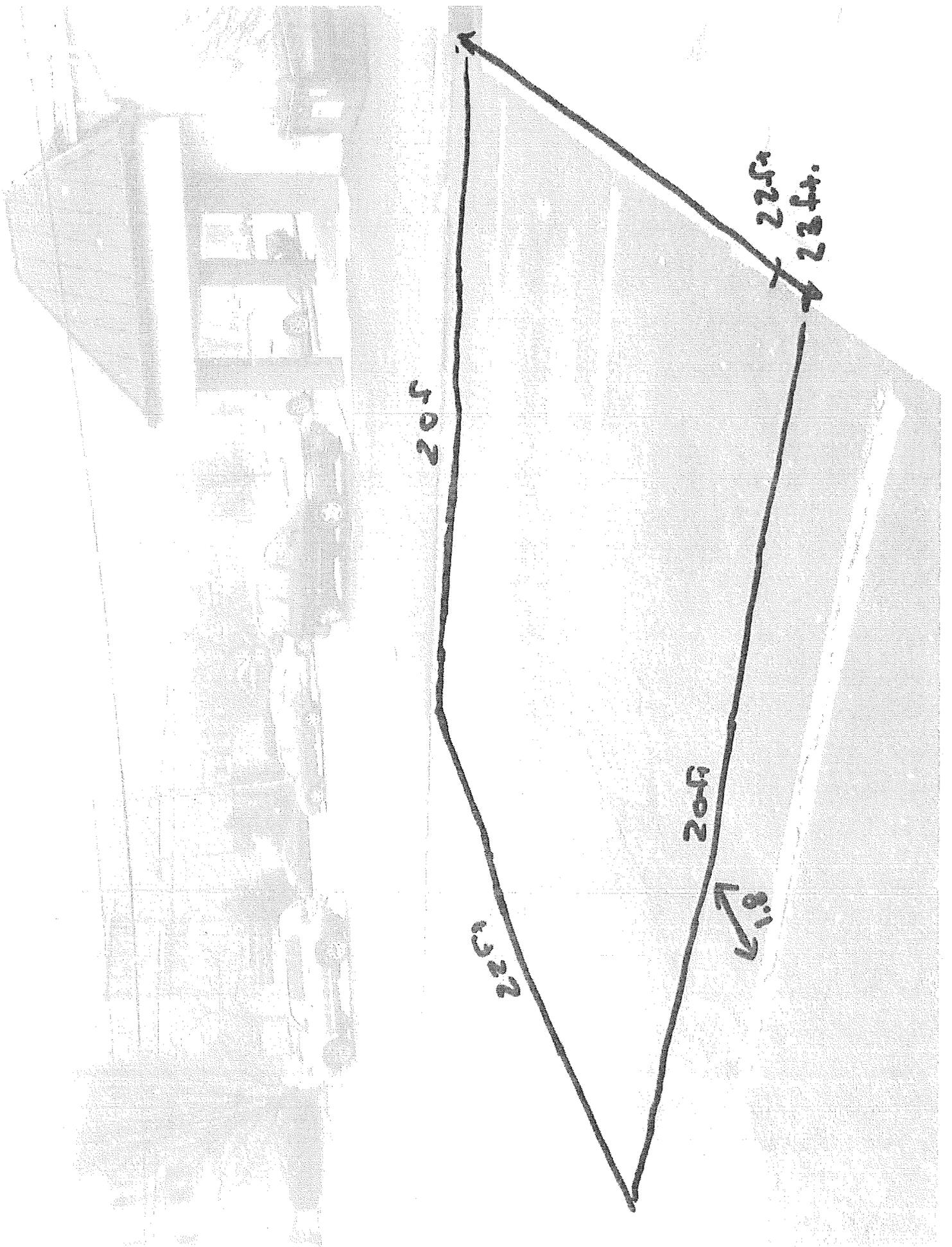


- * The patio is 20ft by 22ft.
(same demensions as last year)
- * Four picnic tables 30in tall 52.5 in wide and 60in long
(same as last year)
- * Four restaurant tables 2.5ft tall 2.5ft by 2ft wide.
(same as last year)
- * Privacy bushes will be optional this year depending on
shade of sun. 6ft tall

CHANGES* last year structure was not permanent and was being weighed down by 100lb concrete and sand bags. This year a perminant structure is being built.

- * Outdoor pergola with support beams cemented into the ground and up to code with all structural guidelines set by the city of Delaware.
- * This will be free standing (not connected) to the building.
- * Low wattage string lights will be used to illuminate the patio at night.
- * Commercial grade canvas sun shades will make up the roof of the structure.





502

222

20ft

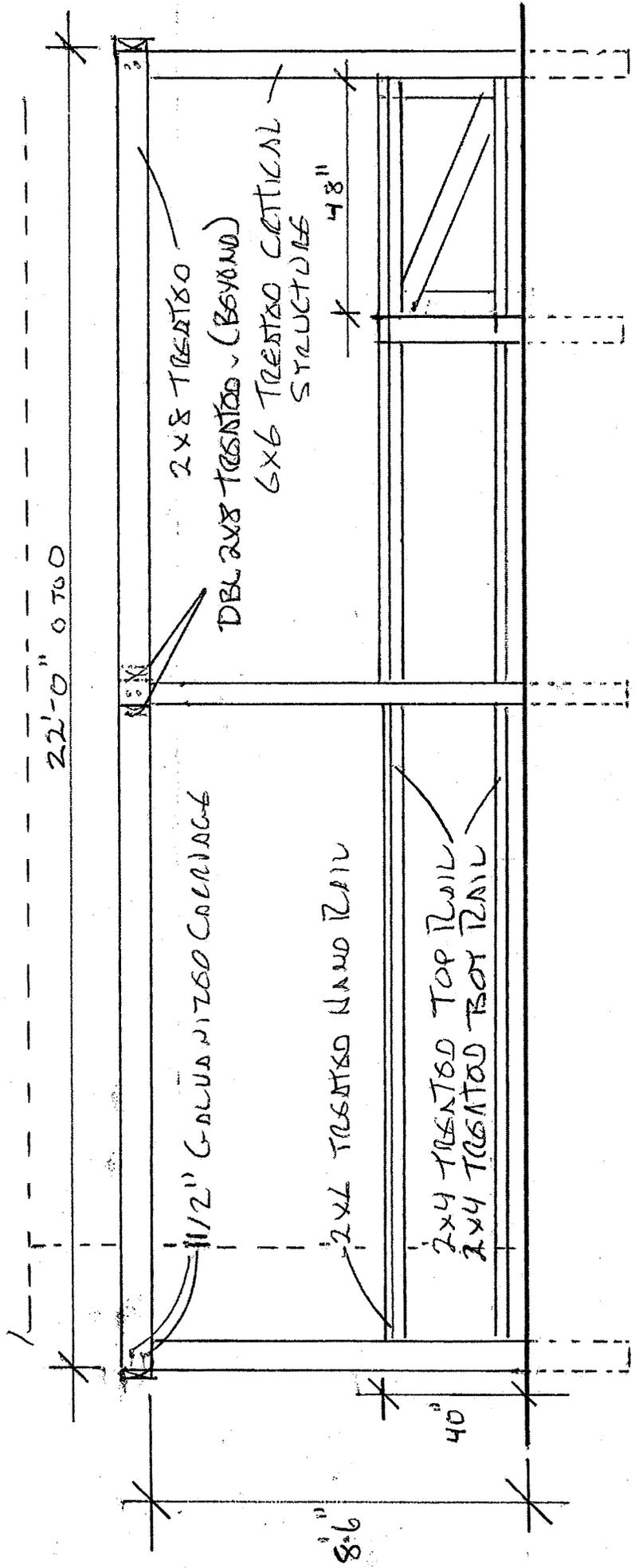
1.8

22ft

23ft.

CENTRAL AVE. VIEW
554 WEST CENTRAL AVE

EXISTING STRUCTURE
BEYOND



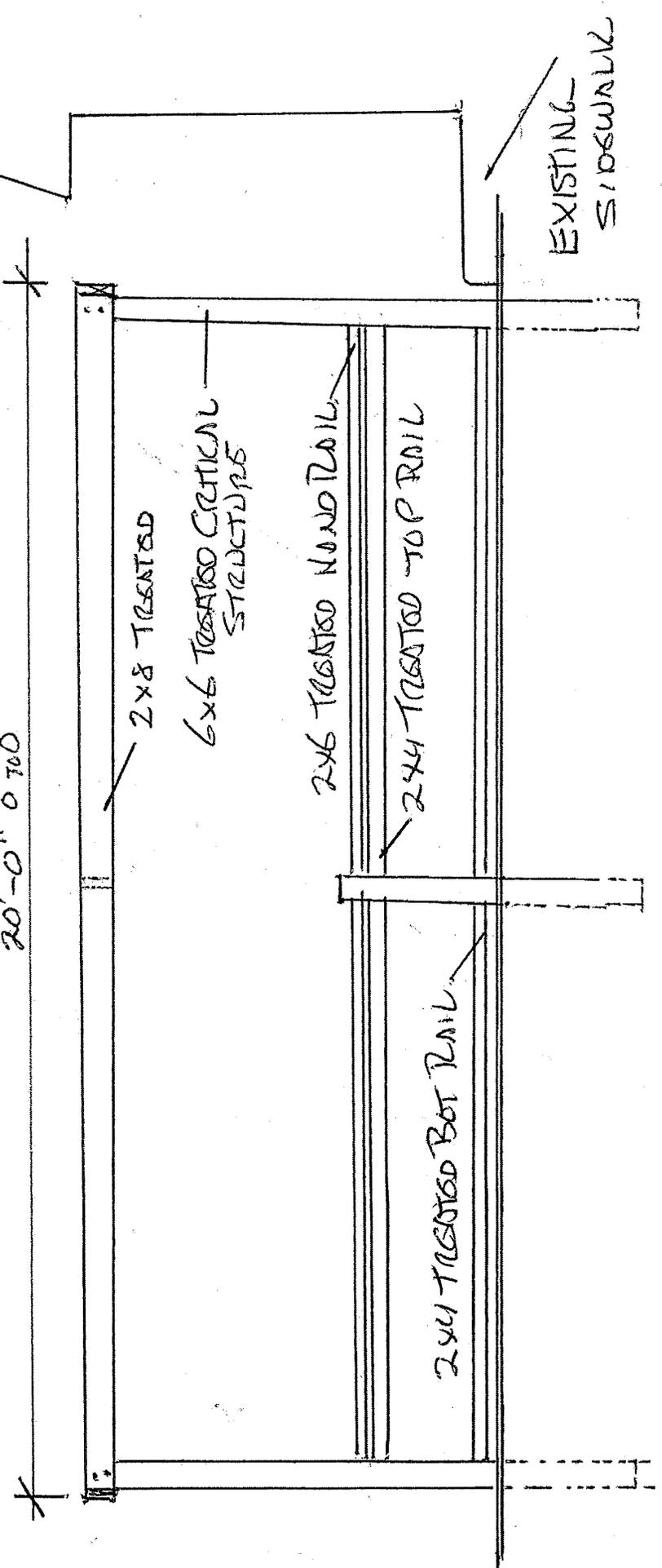


RIGHT END VIEW
554 WEST CENTRAL AVE.

(LEFT END - TYPICAL)

EXISTING BOOK

20'-0" O.T.O.



EXISTING SIDEWALK

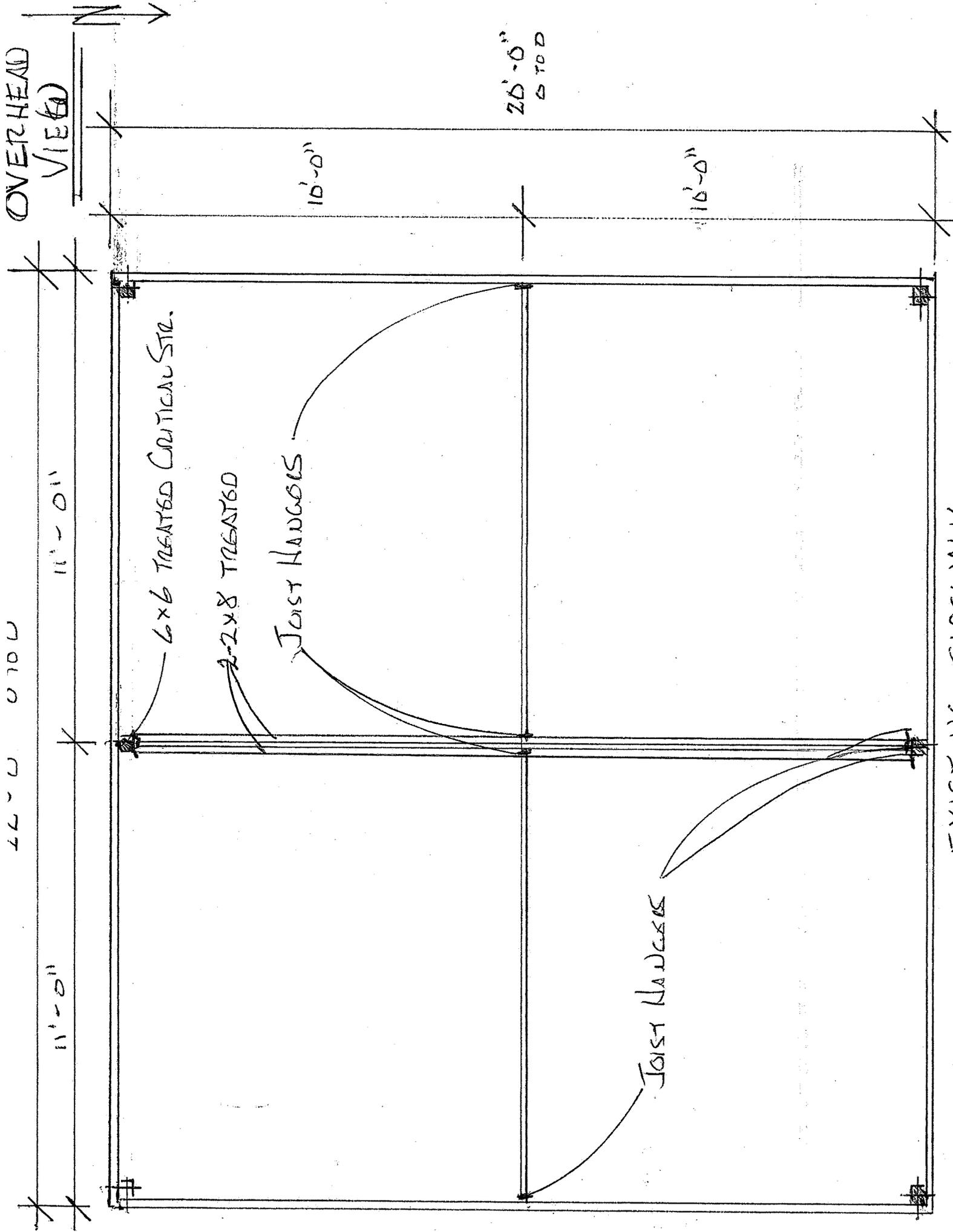
2x8 TREATED

6x6 TREATED CRITICAL STRUCTURE

2x6 TREATED HANDRAIL

2x4 TREATED TOP RAIL

2x4 TREATED BOT RAIL



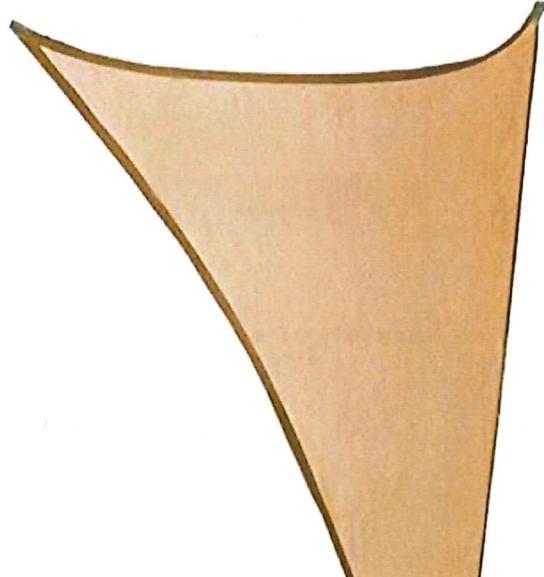
EXISTING SIDEWALK

44-0 0700





canvas patio shade"



ancer

Cool Friend@ Sun Shade Sail Uv Top Outdoor Canopy Patio Lawn Triangle (sand, 16.5'x16.5'x22'11")

★★★★★ 9 customer reviews

Price: \$99.00
Sale: **\$42.99** Prime
You Save: \$56.01 (57%)

In Stock.

Want it tomorrow, March 30? Order within 2 hrs 10 mins and choose One-Day

Shipping at checkout. Details

Sold by GEORGE OFFICIAL and Fulfilled by Amazon. Gift-wrap available.

Color: sand



Size: 16.5'x16.5'x22'11"

13' x 13' x 13' 16.5'x16.5'x22'11"

- Blocks 89-92% of UV, Easy to install
- Sun shade can be used over a patio, driveway or other outdoor area to protect against UV rays
- Made of high-quality sun screen fabric, so it blocks up to 90% of harmful UV rays
- Sail comes finished with strong stitched seam. fitted stainless steel eyelets and

Roll over image to zoom in

Share

Qty: 1



Turn on 1-Click o

Ship to:

Shorty's- Delaw

Add to List

Add to yo

Have one to sell?





oll over image to zoom in

Brightech

Ambience G40 Globe String Lights, Black Wire

★★★★☆ 539 customer reviews | 50 answered questions

Price: ~~\$49.00~~

Sale: **\$19.99** Prime

You Save: **\$29.01 (59%)**

In Stock.

Want it Friday, March 31? Order within **1 hr 58 mins** and choose **Two-Day Shipping** at checkout. [Details](#)
Sold by [Brightech](#) and [Fulfilled by Amazon](#). Gift-wrap available.

Color: **Black**



- **PERFECT FOR ENTERTAINING OUTSIDE AFTER DARK:** This 26-foot length string with 25 (7 watt) clear, exposed filament G40 Globe Bulbs lights up your patio, rooftop, or garden for evening meals or celebrations.
- **CONNECT UP TO 3 STRANDS END-TO-END:** Expand the festive glow of your outdoor party by simply plugging in multiple strings together. From a candelabra (E12) socket base, the bulbs produce warm light without being glaringly bright or harsh to the eyes.

Share   

Qty: 1 

Add a Protection
 Include 3-Year for **\$3.92**
 Include 2-Year for **\$2.69**



Add

Turn on 1-Click order

Ship to:

Shorty's- Delaware

Add to List

Add to your list



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



Project # _____

Case # 2017-0407

Planning Commission

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

Subdivision/Project Name _____ Address 554 W. Central Ave Delaware OH 43015

Acreage _____ Square Footage _____ Number of Lots _____ Number of Units _____

Zoning District/Land Use _____ Proposed Zoning/Land Use _____ Parcel # _____

Applicant Name Thom Johnson Contact Person JOHN CORNAS 415-631-2518

Applicant Address 554 W. Central Ave Delaware OH 43015

Phone 740-362-5335 Fax _____ E-mail icofohio@hotmail.com *SEND RECEIPT*

Owner Name _____ Contact Person _____

Owner Address _____

Phone _____ Fax _____ E-mail _____

Engineer/Architect/Attorney _____ Contact Person _____

Address _____

Phone _____ Fax _____ E-mail _____

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

Owner Signature
[Signature]

Agent Signature

Owner Printed Name
Thom Johnson

Agent Printed Name

Sworn to before me and subscribed in my presence this _____ day of _____, 20__.

Notary Stamp

Notary Public



FACT SHEET

AGENDA ITEM NO: 14

DATE: 04/24/2017

ORDINANCE NO: 17-24

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
April 24, 2017 at 7:25 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) AND R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-3 AND R-4 PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 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. 17-24

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) AND R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-3 AND R-4 PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Rezoning Amendment for Tim Colatruglio from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street (2017-0408); and

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

SECTION 1. That the Rezoning Amendment for Tim Colatruglio from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, is hereby confirmed, approved, and accepted with the following condition that:

1. Any new structure(s) or any change of use of any existing structure(s) or property shall require conformance to all provisions of the Development Text and any conditions of approval.

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

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR

CASE NUMBERS: 2017-0408, 0410-0411

REQUEST: Multiple Requests

PROJECT: River Street Business Park

MEETING DATE: April, 2017

APPLICANT/OWNER

Terrain Evolution
720 East Broad Street, Suite 203
Columbus, Ohio 43215

REQUESTS

2017-0408: A request by Tim Colatruglio for approval of a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

2017-0411: A request by Tim Colatruglio for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

2017-0410: A request by Tim Colatruglio for approval of a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

PROPERTY LOCATION & DESCRIPTION

The subject thirteen parcels are located south of East Williams Street between River Street and the elevated bike path. The southern four most parcels fronting River Street are zoned B-3 (Community Business District) while the remaining nine parcels are zoned R-4 (Medium Density Residential). The properties to the north, east and south are zoned R-4 while the property to the west is zoned B-3 and PO/I (Planned Office/Institutional District) located across the river and US 23.

BACKGROUND/PROPOSAL

The owner is proposing to maintain the existing 2,340 square foot building which contains his company located on the southern portion of the site along River Street while adding two new commercial/office/warehouse buildings 15,500 square feet and 6,000 square feet respectively with an associated parking lot located north of the existing building for a total business park square footage of 23,840. Two curb cuts from River Street would access the proposed business park. Ultimately the three City paper alleys' that extend through the site would need to be vacated by the City if the Rezoning, Conditional Use Permit and Preliminary Development Plan are approved.

STAFF ANALYSIS

- **ZONING:** As mentioned above, the zoning of the subject properties are B-3 and R-4 which would require a zone change to a PMU with specific development text to allow the proposed uses. In addition, a Conditional Use Permit (to allow the PMU), a Preliminary Development Plan, a Final Development Plan and an Alley Vacation would be required to be approved by Planning Commission and City Council to allow the proposed development. The Final Development Plan and Alley Vacation would be submitted for review if the Rezoning, Conditional Use Permit and Preliminary Development Plan are approved.
- **LAND USE:** The proposed business park with specific PMU development text limited uses would be consistent with the Comprehensive Plan of the "Downtown Core" of the plan which designates these properties for Mixed Use.
- **ENGINEERING** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND TRAFFIC:** The site would be accessed by two full movement curb cuts from River Street. The engineering department would require a guard rail on the west side of River Street adjacent to the curbs cuts to help protect against any vehicles from going into the river. In addition, a sidewalk on the east side of River Street along the frontage of the development would be required to be installed per engineering requirements.
- **SITE LAYOUT:** The aforementioned two curb cuts access a 60 space parking lot which forms an interior loop with the proposed buildings constructed on the perimeter of the site. A 15,500 square foot building (which

could be divided into multi-tenant spaces) would be constructed along the northern perimeter of the site (just south of the alley) while a 6,000 square building would be constructed along the eastern portion of the site adjacent to the City bike path which is approximately 12 feet above the subject site. The existing 2,430 square foot building is located along the southern perimeter of the site. The entire site would yield 23,840 square feet of building area. The parking ratio for the site is approximately one space per 400 square feet which would require a mix of commercial, office, manufacturing and warehouse uses. For example the entire site cannot be commercial or office uses as a practical matter because their parking ratios are 200 and 300 square feet respectively which could only accommodate 12,000 square feet of commercial space and 18,000 square feet of office space respectively while manufacturing and warehousing uses are 400 and 1,000 square feet respectively which could accommodate the entire square footage of the 60 space parking lot. Therefore, staff is comfortable with the proposed developments ability to accommodate a mix of uses while providing adequate parking with a blended average parking ratio reflective of the use mix. Additionally, the base zoning code allows for up to a 30% reduction in parking spaces to be deferred as well based upon the specifics of the proposal. Staff finds these two factors compelling in recommending this shared parking allowance and what is shown on the development plan. Two dumpsters enclosed by a wood fence are proposed along the eastern portion of the parking lot. The zoning code and development text require the dumpsters to be enclosed by a wall to match the buildings with the doors painted to match. A detention basin is located along River Street between the two curb cuts.

- **BUILDING DESIGN:** The intent of the design regulations allows renovations and additions to existing structures to be constructed of similar building materials or natural materials while all new buildings regardless of use shall consist of steel siding combined with stone veneer water table or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process. Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves. Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.
- **BIKE PATHS AND PEDESTRIAN ROUTES:** There are not any proposed bike paths or pedestrian routes within this site per the City of Delaware Bikeway Plan approved in 2010 or the Bike Plan 2025 that is being currently reviewed by City Council. The engineering department would require standard sidewalks on the east side of River Street along the frontage of the site.
- **LANDSCAPING:** The applicant is proposing street, front yard, perimeter and interior parking lot landscaping for the subject site. The zoning code requires 11 street (one tree every 40 feet) and 9 (one tree every 50 feet) front yard trees based on the 420 feet of frontage on River Street. The proposed plan identifies 7 trees which is 13 trees less than the required amount per base code. However, the owner is proposing 17 new trees to provide a buffer to the residential homes to the north. Staff recommends 6 foot high evergreen trees at installation planted 20 feet on center to form a continuous buffer adjacent to the residential houses to the north. The interior parking lot landscaping and parking lot buffering appears to meet base zoning code requirements. Also, foundation landscaping would be required for each building. All the landscaping plans would need to achieve compliance at Final Development Plan submittal and approval. All landscape plans would need to be submitted, reviewed and approved by the Shade Tree Commission.
- **TREE PRESERVATION:** A tree survey has been provided that documents the total number, type, size, and health of trees to be preserved and replaced. Tree removal and replacement shall meet requirements of Chapter 1168 along with the following replacement schedule and fee/replanting requirements:
 - i) Trees in poor condition shall not be replaced (dead, damaged or diseased).
 - ii) Trees in fair condition shall be replaced at 50%.
 - iii) Trees in good condition shall be replaced at 100%
 - iv) Ash trees shall not be replaced and must be removed from the site.

- v) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
 - vi) Based upon the submitted and verified survey, the number of caliper inches removed is 351 caliper inches. Therefore, the owner would be required to make a payment of \$35,100 (351 caliper inches removed x \$100 per caliper inch fee) prior to engineering drawing approval unless preservation areas are provided per vii.
 - vii) Credit shall be given on a caliper inch basis for any permanently protected (easement or covenant) areas of existing trees. This shall be determined through the Final Development Plan process.
- **LIGHTING PLAN:** The proposed plan does not identify parking lot lighting but would be required to provide such for Final Development Plan submittal. The engineering department requires typical street lights along River Street adjacent to the site or parking lot lighting that would extend the appropriate illumination on River Street. All lighting plans would need to be submitted, reviewed and approved by the Chief Building Official that achieves compliance with the zoning code.
 - **MISC:** If the subject rezoning is approved and concurrent with the Final Development Plan submittal, an alley vacation would need to be approved by the Planning Commission and City Council. The initial review by the City indicates there are not any public utilities or easements within the existing alley right of way and subject right-of-way is not needed for emergency services. The owner would have to perform their own due diligence pertaining to any private utilities and/or easements within the alleys and address those issues with the impacted agency. Also, the existing improved alley on the north side appears to have been constructed outside of the right-of-way and onto the subject property. The applicant is willing to grant a temporary easement to allow this condition to continue until the alley is paved within its right-of-way. This issue shall be resolved concurrently with the Final Development Plan.
 - **CONDITIONAL USE PERMIT:** The proposed development achieves compliance with the conditional use permit requirements per the zoning code and of the approved development text.

STAFF RECOMMENDATION (2017-0408 – REZONING AMENDMENT)

Staff recommends approval of a request by Tim Colatruglio for a Rezoning Amendment from B-3 (Community Business District) and R-4 (Medium Density Residential District) to B-3 and R-4 PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, with the following condition that:

1. Any new structure(s) or any change of use of any existing structure(s) or property shall require conformance to all provisions of the Development Text and any conditions of approval.

STAFF RECOMMENDATION (2017-0411 – CONDITIONAL USE PERMIT)

Staff recommends approval of a request by Tim Colatruglio for a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street.

STAFF RECOMMENDATION (2017-0410 – PRELIMINARY DEVELOPMENT PLAN)

Staff recommends approval of a request by Tim Colatruglio for a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. A guard rail on the west side of River Street adjacent to the curbs cuts shall be installed per engineering requirements for safety reasons.

CASE NUMBER: 2017- 0408, 0410-0411

MEETING DATE: April 5, 2017

PAGE: Page 5 of 5

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

CONDITIONS/MISCELLANEOUS:

FILE:

ORIGINAL:

REVISED: 03/31/17

PLANNED MIXED USE DEVELOPMENT TEXT
RIVER STREET BUSINESS PARK
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Tim and Michelle Colatruglio are proposing to rezone their subject 2.594 acre property (including vacated right-of-way) which encompasses thirteen parcels and right-of-way that the owner would like to have the City vacate and make part of the project. The property's zoning would change from existing R-4 and B-3 to R-4 and B-3 with a Planned Mixed Use Overlay District



2. GENERAL DEVELOPMENT STANDARDS

A. **Purpose and Intent.** It is the intent of this development to provide a planned commercial use for both the existing and new buildings, with compatible and common site improvements, architectural design, signage and amenities. This Development Text represents the zoning requirements for this development as agreed upon between the developer and the City.

- B. Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.
- C. Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.
- D. Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
- (1) Any major change in the use or occupancy other than those uses specifically listed in this text.
 - (2) Major change in the approved location of land uses or land use sub-areas and building sizes of more than 10%.
 - (3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved access points and parking facilities that results in a change in operating characteristics or character.
- E. Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
- (1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
 - (2) Any minor change to the use or occupancy of the structures onsite other than those uses specifically allowed in this text or any minor changes to the approved site layout.
 - (3) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved access points and parking facilities that results in a change in operating characteristics or character.
 - (4) Minor structural alterations that do not alter the overall design intent of the building.
- F. Preliminary & Final Development Plan**
1. The proposed site plan and building elevations require Preliminary and Final Development Plan approval by the Planning Commission and City Council.
- G. Tree Removal and Replacement.** Tree removal and replacement shall meet all requirements of Chapter 1168 along with the following replacement schedule:
- (1) Trees in poor condition shall not be replaced (dead, damaged or diseased).

- (2) Trees in fair condition shall be replaced at 50%.
- (3) Trees in good condition shall be replaced at 100%
- (4) Ash trees shall not be replaced and must be removed from the site.
- (5) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.
- (6) Based upon the submitted and verified survey, the number of caliper inches removed is 351 caliper inches. Therefore, the owner would be required to make a payment of \$35,100 (351 caliper inches removed x \$100 per caliper inch fee) prior to engineering drawing approval unless preservation areas are provided per vii.
- (7) Credit shall be given on a caliper inch basis for any permanently protected (easement or covenant) areas of existing trees. This shall be determined through the Final Development Plan process.

3. SITE PLAN

The project is located at 45 River Street which encompasses approximately 2.6 acres (including 0.404 acres of proposed vacated right-of-way). The owner is proposing two new buildings of 15,500 and 6000 square feet as well as utilizing the existing building of about 2,300 square feet. The owner is marketing these facilities towards commercial and office uses that are defined in the text.

The buildings would utilize the proposed parking lot and drives for business as well as emergency access. Each building can be built to suit the proposed use and compartmentalized for multiple uses in each building. The owner wants to be able to be flexible with the areas needed for each use as the market and the tenants dictate.

4. SITE USES

A. **Uses.** The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P, C, or L, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

- (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.
- (2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.
- (3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	Uses
(a) Industrial	
(1) Warehouse/ indoor storage and distribution	P
(2) Research and development facility	P
(3) Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
(4) Automotive repair garage – no auto sales or parking.	P
(b) Office Professional Services	
(1) Offices – Administrative, Business and Professional	P
(2) Day Care Center – child/adult	P
(3) Medical/Dental Offices health and allied services	P
(c) Recreation and Entertainment	
(1) Indoor recreation and entertainment (such indoor theater, bowling alley, arcade, billiard parlor, assemble hall and party center)	P
(f) Retail and Services	
(1) Retail and service establishments in completely enclosed buildings	P

(5) **Prohibited Uses.**

- i) **Adult Entertainment Businesses:** (also known as sexually oriented businesses) are expressly prohibited from locating anywhere on the proposed Development site.
- ii) **Wireless telecommunication facilities including installations known as small cell sites and Distributed Antenna Systems (DAS):** Towers are expressly prohibited from the entire Development area. Small cell sites, DAS, antennas, and/or amplifiers

may be permitted so long as they are completely camouflaged so as to be not visible either within an enclosed building or the structure to which they are attached if external. These shall be reviewed individually administratively for compliance with these regulations.

- iii) **Outdoor Storage:** No outdoor storage is permitted on the site which includes open dumps and mineral extraction. However, the existing outdoor storage in the rear of the existing building shall remain as documented on the Final Development Plan.
- iv) **Medical Marijuana:** No medical marijuana principal or accessory uses are permitted on the subject site.
- v) **Games of Skill:** Accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster’s, Magic Mountain, and Chuck E. Cheese

B. Lot Standards. The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	Per approved FDP
(2) Minimum lot width and frontage*	Per approved FDP
(3) Maximum building coverage	40%
(4) Maximum lot coverage**	70%

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

**Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area A, excluding any existing public right-of-way, and converted to a percentage.

C. Building Setback Standards. The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	
(1) Setback from Adjacent Alley	25 ft.
(2) Setback From River St	25 ft. Proposed, 19' Existing
(3) Rear Setback From Property Line	21 ft.

D. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from River St.	20 ft., Existing as Shown
(2) Perimeter setback	20 ft

E. **Maximum Building Height.** The maximum height of any building or structure shall be 40 feet as measured from finished floor elevation to the highest point of the roof.

F. **Building Design.** The intent of this regulation is allow renovations and additions to existing structures to be constructed of similar building materials or natural materials while all new buildings regardless of use shall consist of steel siding combined with stone veneer water table or similar approved products as the exterior material. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process and substantially similar to the following elevations.

- (1) Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
- (2) Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.

G. **Parking.** The amount of parking shall be as approved on the Final Development Plan and not inconsistent with the Preliminary Development Plan.

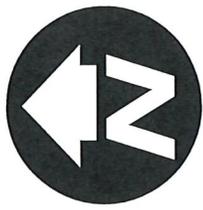
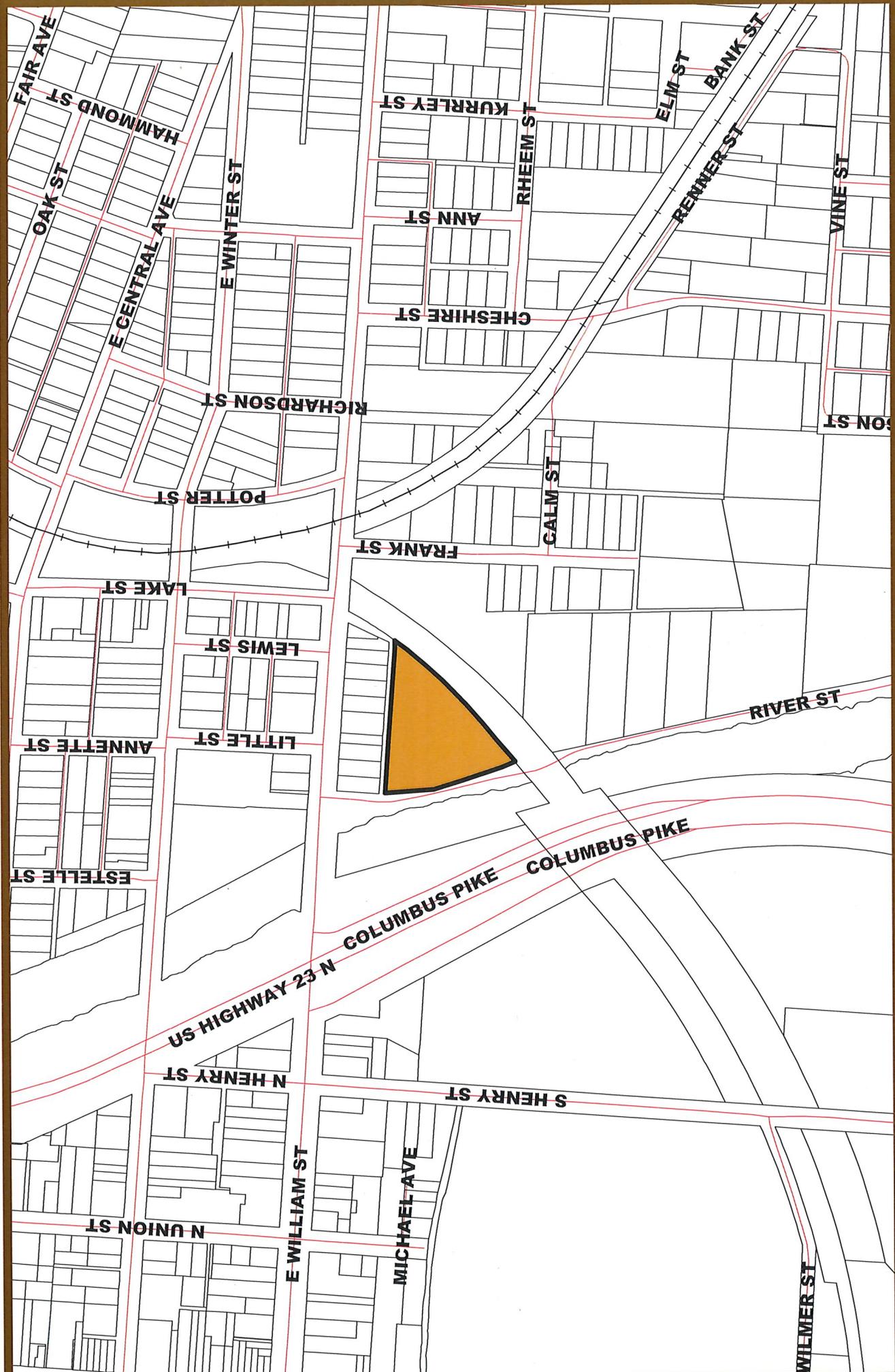
H. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan. In addition, the buffering along the northern property line shall consist of six foot high evergreen trees at installation planted 20 feet on center to form a continuous buffer shall be planted adjacent to the residential houses to the north.

- I. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current Zoning Code, except that there is no requirement to provide lighting beyond that required by the applicable Building Code.

- k. **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165.16(c) and will be provided as part of the Final Development Plan. All signage proposed for this Planned Commercial Development will comply with Chapter 1165 of the City of Delaware Zoning Code.

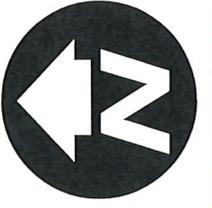
- l. **Roads.** Any new or existing road(s) to be constructed and/or widened within the development shall comply with the City minimum requirements or as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject phase. Sidewalk shall be required per the City Engineer.

- m. **Utilities.** Any new or existing utilities(s) to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City Director of Utilities. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plans for the subject phase.

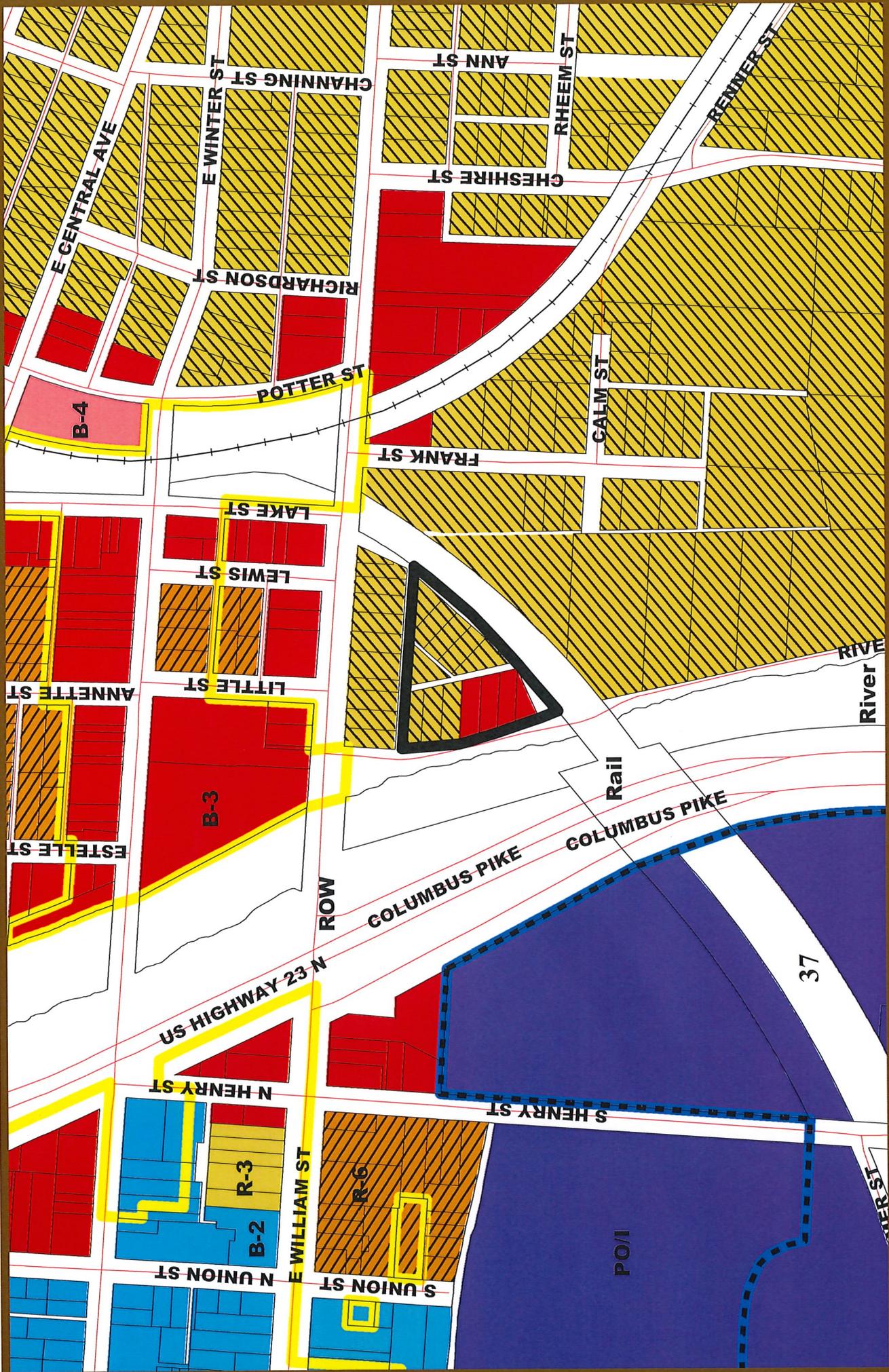


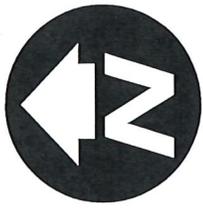
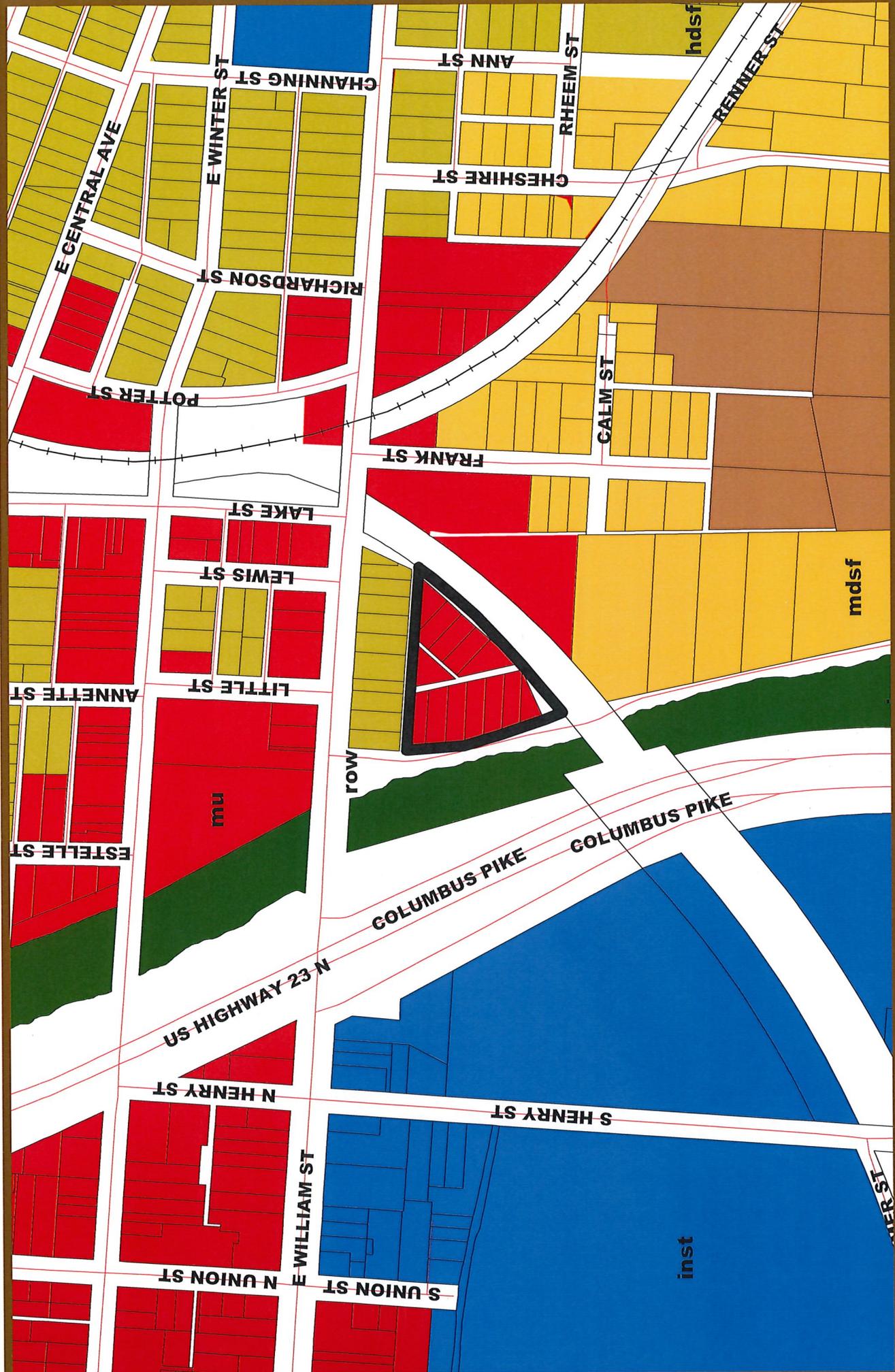
2017-0408, 0410 & 0411
 Rezoning, Conditional Use Permit & Preliminary Development Plan
 River Street Business Park
 Location Map





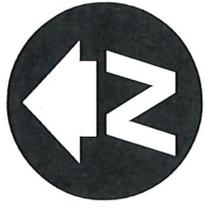
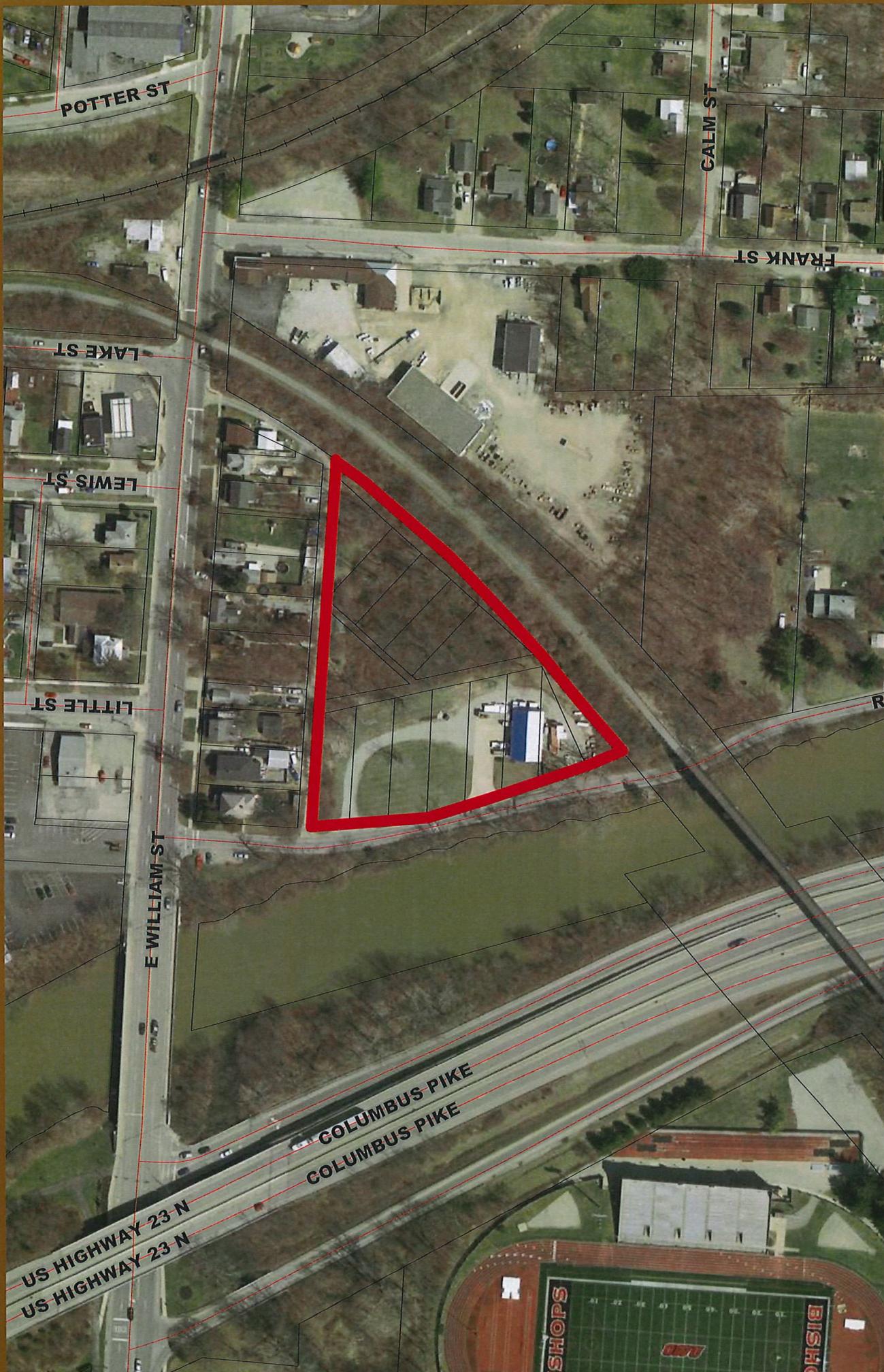
2017-0408, 0410 & 0411
Rezoning, Conditional Use Permit & Preliminary Development Plan
River Street Business Park
Zoning Map





2017-0408, 0410 & 0411
 Rezoning, Conditional Use Permit & Preliminary Development Plan
 River Street Business Park
 Comprehensive Land Use Plan

EST. 1808
 CITY OF
DELAWARE
 OHIO



2017-0408, 0410 & 0411
 Rezoning, Conditional Use Permit & Preliminary Development Plan
 River Street Business Park
 Aerial (2015)



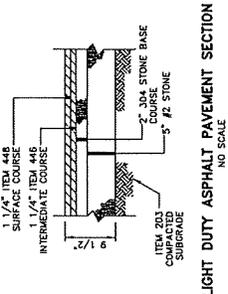
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1	CHANGE ORDER SCHEDULE	

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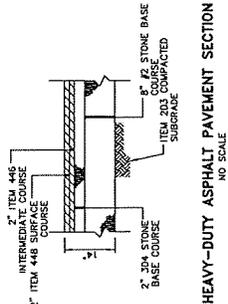
230 East Broad Street | 6th Floor | Columbus, OH 43215
 614.228.1990 | E: info@terrainevolution.com | B: info@terrainevolution.com

CITY OF DEWARVILLE, OHIO
 RIVER STREET BUSINESS PARK
 DETAILS

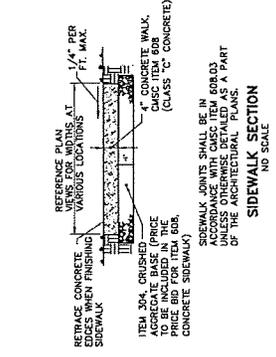
DATE	ISSUED FOR	BY
FEBRUARY, 2017	ISSUED FOR	ISSUED BY
PROJECT NO.	PROJECT NAME	PROJECT LOCATION
5/15	RIVER STREET BUSINESS PARK	DEWARVILLE, OHIO



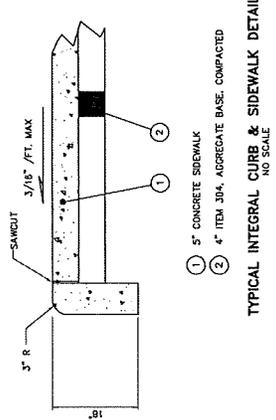
LIGHT DUTY ASPHALT PAVEMENT SECTION
NO SCALE



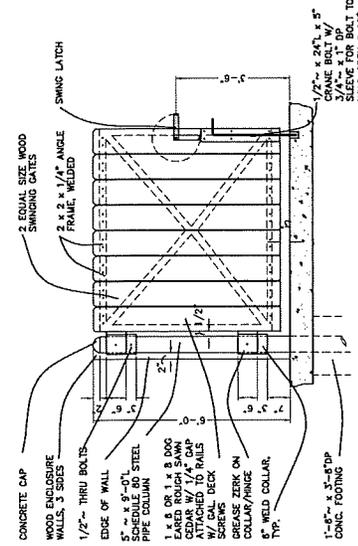
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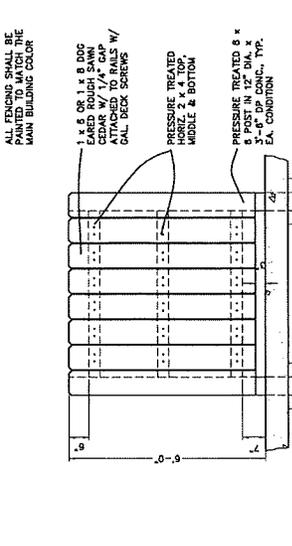
SIDEWALK SECTION
NO SCALE



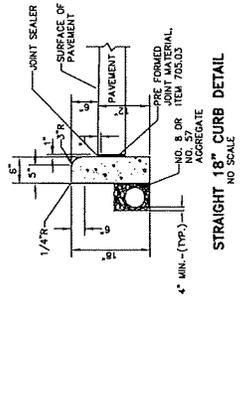
TYPICAL INTEGRAL CURB & SIDEWALK DETAIL
NO SCALE



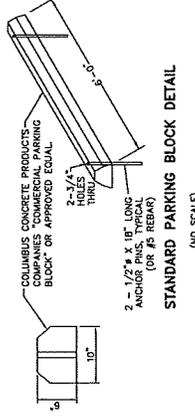
DUMPSTER GATE DETAIL
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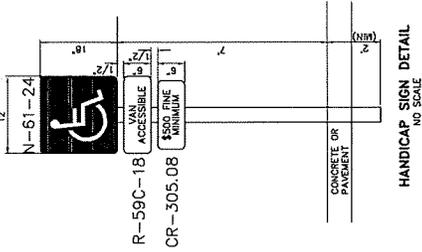
WOOD FENCE DETAIL
NO SCALE



STRAIGHT 18\"/>NO SCALE



STANDARD PARKING BLOCK DETAIL
NO SCALE



HANDICAP SIGN DETAIL
NO SCALE



FACT SHEET

AGENDA ITEM NO: 15

DATE: 04/24/2017

ORDINANCE NO: 17-25

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
April 24, 2017 at 7:25 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 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. 17-25

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street (2017-0411); and

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

SECTION 1. That the a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, is hereby confirmed, approved, and accepted.

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

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 16

DATE: 04/24/2017

ORDINANCE NO: 17-26

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

BACKGROUND:

See attached staff report.

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1129 Procedures of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on April 5, 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. 17-26

AN ORDINANCE FOR TIM COLATRUGLIO FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR RIVER STREET BUSINESS PARK ON THIRTEEN PROPERTIES ENCOMPASSING APPROXIMATELY 2.594 ACRES LOCATED AT 45 RIVER STREET.

WHEREAS, the Planning Commission at its meeting of April 5, 2017 recommended approval of a Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street (2017-0410); and

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

SECTION 1. That the Preliminary Development Plan for River Street Business Park on thirteen properties encompassing approximately 2.594 acres located at 45 River Street, is hereby confirmed, approved, and accepted with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. A guard rail on the west side of River Street adjacent to the curbs cuts shall be installed per engineering requirements for safety reasons.
A sidewalk on the east side of River Street along the frontage of the development shall be installed per engineering requirements.
3. The existing building and the new buildings shall achieve compliance with the design standards of the approved development text. Building elevations shall be submitted prior to Final Development Plan approval.
4. The appropriate amount of street and front yard trees per the zoning code shall be installed along River Street or elsewhere on the site as determined through the Final Development Plan process.
5. Six foot high evergreen trees at installation planted 20 feet on center to form a continuous buffer shall be planted adjacent to the residential houses to the north.
6. Foundation landscaping shall be required for each building.

7. The owner shall be required to replant, permanently preserve treed area and/or pay a tree replacement fee preliminary calculated of \$35,100 per the submitted tree survey to achieve compliance with Chapter 1168 Tree Preservation Regulations along with the approved development text.
8. Any landscape plans shall be reviewed and approved by the Shade Tree Commission.
9. The engineering department requires typical street lights along River Street adjacent to the site or parking lot lighting that would extend the appropriate illumination on River Street
10. A lighting plan shall be reviewed and approved by the Chief Building Official.
11. The thirteen parcels shall be consolidated after the Alley Vacation and Final Development Plan approval but prior to the occupancy permit of the first new building.

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



FACT SHEET

AGENDA ITEM NO: 17

DATE: 04/24/2017

ORDINANCE NO:

RESOLUTION NO: 17-28

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT (018-18).

BACKGROUND:

The City must participate in a cooperative purchasing agreement in order to obtain road salt for winter snow and ice management operations within the city. Participation in ODOT's winter salt contract guarantees adequate supply of highway road salt. Salt is available through the program from October 1, 2017 through April 30, 2018, and at a competitive price through ODOT's public bid process. Participation provides access to up to 2,200 tons of road salt at an estimated delivered price of \$50.00 per ton. The City's five-year average use of winter road salt is 2,100 tons per year, and has ranged from 1,400 tons to 3,200 tons used in a season. Availability of additional road salt outside of participation in the ODOT program remains limited.

REASON WHY LEGISLATION IS NEEDED:

Resolution and signed agreement required by ODOT to participate in program

COMMITTEE RECOMMENDATION:

None

FISCAL IMPACT(S):

Participation allows for access to road salt through a large scale publically bid program that yields potentially lower unit costs than alternative approaches to acquiring salt.

POLICY CHANGES:

This is the third year the City has participated in ODOT's winter salt program.

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

ODOT Winter Contract (018-18) for road salt.

RESOLUTION NO. 17-28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT (018-18).

WHEREAS, the City of Delaware is responsible for operating and maintaining public highways within the corporate limits of the City; and

WHEREAS, the Ohio Department of Transportation invites all local governments and political subdivisions to partner with ODOT for the cooperative purchase of road salt through Winter Contract (018-18); and

WHEREAS, being a member of the State Cooperative Purchasing Program, the City of Delaware is eligible to participate in the ODOT program; and

WHEREAS, participation in the cooperative bidding and purchasing with ODOT will most likely ensure the best possible price and a reliable source of availability for road salt for the 2017-2018 winter seasons.

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

SECTION 1. That the City Manager is hereby granted authority to participate in the Ohio Department of Transportation Winter (018-18) contracts for road salt and sign agreements as required.

SECTION 2. That the City Manager is hereby authorized to agree to and be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3. That the City Manager is hereby authorized to agree to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Delaware participates, for items it receives pursuant to the contract.

SECTION 4. That the City of Delaware agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Delaware agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Delaware may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

SECTION 5. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _____, 2017

YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT WINTER CONTRACT (018-18) FOR ROAD SALT**

WHEREAS, the City of Delaware, Ohio (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-18) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of 2,200 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2017 through April 30, 2018; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2017. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

_____ (Authorized Signature) _____ Approval Date
_____ (Authorized Signature) _____ Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE WINTER SALT PARTICIPATION WEBSITE
BY NO LATER THAN WEDNESDAY, MAY 10, 2017.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.



FACT SHEET

AGENDA ITEM NO: 18

DATE: 04/24/2017

ORDINANCE NO:

RESOLUTION NO: 17-29

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Ted Miller, Parks and Natural Resource Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING THE PARK AND FACILITIES NAMING AND DEDICATION POLICY.

BACKGROUND:

The City of Delaware does not currently have a park and facilities naming policy in place. A request has been made to rename Eastside park and the proposed policy would outline procedures to name newly acquired or developed or as-yet unnamed parks and recreation facilities.

REASON WHY LEGISLATION IS NEEDED:

To to provide a clear process for naming and dedicating parks and facilities, ensure that parks and recreational areas are identified and located, ensure that names given are consistent with the values and characteristics of the City of Delaware, assure the quality of the title/name so that it will serve the purpose of the city in a permanent manner, encourage public participation and input, and encourage and recognize the dedication of lands, or donations by individuals or group.

COMMITTEE RECOMMENDATION:

The action is being taken as a result of the Parks and Recreation Board recommendation at the April 18, 2017 meeting.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Ted Miller, Parks and Natural Resource Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Park and Facilities Naming and Dedication Policy

CITY OF DELAWARE
PARKS AND NATURAL RESOURCES
POLICIES AND PROCEDURES
PARK AND FACILITIES NAMING AND DEDICATION POLICY

1.0 POLICY:

- 1.1 It is the policy of the City of Delaware, Parks and Natural Resources to name newly acquired or developed or as-yet unnamed parks (or portions of park as described below) and recreation facilities, after following the procedures outlined below.
- 1.2 Parks may name significant portions of an otherwise named park, such as a fountain, playfield, pavilion, skate area, or playground.

2.0 PURPOSE OF POLICY:

- 2.1 The purpose of the park and facilities naming and dedication policy is to provide a clear process for naming and dedicating parks and facilities owned and managed by the Parks and Natural Resources Department.
- 2.2 Ensure that parks and recreational areas are easily identified and located.
- 2.3 Ensure that names given are consistent with the values and characteristics of the City of Delaware.
- 2.4 Assure the quality of the title/name, so that it will serve the purpose of the city in a permanent manner.
- 2.5 Encourage public participation and input in order to fully represent the best interest of the area affected.
- 2.6 Encourage and recognize the dedication of lands, or donations by individuals or groups.

3.0 DEFINITIONS:

- 3.1 Parks and Recreation Advisory Board (PRAB) – a citizen board created by the city Charter to advise the Parks and Natural Resources Director, the Mayor, the City Manager, City Council and other city departments with respect to park and natural resource matters.
- 3.2 Parks and Recreation Facilities – all properties and facilities in the park and recreation system of the City under ownership, management and/or control of the City of Delaware Parks and Natural Resources.

4.0 RESPONSIBILITY:

- 4.1 The Parks and Recreation Advisory Board is authorized to establish criteria and procedures to be followed in selecting names to be submitted to City Council.

5.0 PROCEDURES:

- 5.1 Staff, city residents, community leaders and organizations interested in proposing a name for a park, recreational area or facility must submit written recommendations, petitions, etc. for presentation to the Parks and Natural Resources Director for consideration by the Parks and Recreation Advisory Board. Recommendations need to describe in detail why the candidate merits such recognition. The Parks and Natural Resources Director will provide staff support.

CITY OF DELAWARE
PARKS AND NATURAL RESOURCES
POLICIES AND PROCEDURES
PARK AND FACILITIES NAMING AND DEDICATION POLICY

- 5.2 The Parks and Natural Resources Department will use the media, community groups, notification to those who have participated in community meetings relating to the development and or acquisition of the park site, and appropriate signage to solicit suggestions for names from organizations and individuals. The Parks and Natural Resources Department will acknowledge and record for consideration all suggestions, solicited or not.
- 5.3 After considering the names and applying the criteria set forth in 6.0 below, the Parks and Natural Resources Director shall forward naming recommendations to the Parks and Recreation Advisory Board Chair, and provide the historical or other supportive information as appropriate to justify the recommendations.
- 5.4 The Parks and Recreation Advisory Board shall consider all requests and submit a formal recommendation for names deemed worthy of consideration to the City Manager and City Council.
- 5.5 The City Council will allow for public input and comment.
- 5.6 The City Council will confirm park, recreation areas, and facility names by resolution.
- 5.7 The City Council has final approval and may reject any naming or renaming request. If City Council rejects naming or renaming request the application will return to the Park & Recreation Advisory Board for submission of a new name.

6.0 CRITERIA:

- 6.1. To avoid duplication, confusing similarity, or inappropriateness, the PRAB, in considering name suggestions, will review existing park and facility names in the park system.
- 6.2 In naming a park or facility, the PRAB will consider geographical location, historical or cultural significance, distinctive natural or geological features, and the wishes of the community in which it is located.
- 6.3 In naming community centers and other facilities, the PRAB will give considerable weight to the names that reflect the geographic location that gives identity to the community.
- 6.4 Parks and recreation facilities may be named for a person subject to the following conditions: the person must be deceased for a minimum of one year, and the person must have made a significant positive contribution to parks, recreation, or culture in the community without which the park/facility may not exist, or in which the individual's contributions enhanced a program or facility in an extraordinary way. The City will bear the cost of the sign, plaque or monument indicating the name of the individual for whom the facility is named.
- 6.5 As a general rule, portions of a park or recreation facility will not have a name other than that of the entire facility. The Committee may consider exceptions in cases where, as a revenue or fundraising opportunity, a nomination is submitted to name a room within a community center after a corporate sponsor or in cases where an area within a park is distinctive enough, in the view of the Committee, to merit its own name.

CITY OF DELAWARE
PARKS AND NATURAL RESOURCES
POLICIES AND PROCEDURES
PARK AND FACILITIES NAMING AND DEDICATION POLICY

- 6.6 When naming after a person or persons, written documentation of approval by next of kin to be honored (if available/possible) is required as part of the proposal.
- 6.8 Because temporary “working” designations tend to be retained, the Parks and Natural Resources Director will carry out the naming process for a new park facility as early as possible after its acquisition or development. Facilities will bear number designations until the naming process results in adoption of a name.

7.0 EXCLUSIONS

- 7.1 Naming associations with tobacco, alcohol, contraceptives, religious organizations, political candidates or adjudicated felons are prohibited.
- 7.2 The dedication of small park amenities with an identifiable lifespan and not intended to be permanent such as fixed park benches and tables shall be addressed under a separate parks policy.

8.0 RENAMING

- 8.1 The intent of naming is for permanent recognition. The renaming of parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most crucial examination so as not to diminish the original justification for the name or discount the value of the prior contributors. Parks named for subjects, other than individuals, may be changed in name only if the current name is ineffectual or inappropriate.
- 8.2 The same criteria and procedures will apply to renaming an existing park or facility.



FACT SHEET

AGENDA ITEM NO: 19

DATE: 04/24/2017

ORDINANCE NO: 17-28

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE AND SIGN A PETITION ON BEHALF OF THE CITY OF DELAWARE, OHIO, AS A "PROXIMATE CITY" WITHIN THE MEANING OF SECTION 349.01(M) OF THE OHIO REVISED CODE, TO CREATE A NEW COMMUNITY AUTHORITY AND NEW COMMUNITY DISTRICT UNDER CHAPTER 349 OF THE OHIO REVISED CODE, FOR EVANS FARM NCA, AND DECLARING AN EMERGENCY.

BACKGROUND:

As the proximate city, Delaware must give approval if Evans Farm is going to create a New Community Authority (NCA). In looking at the potential impact of the development on the City, the Public Works Department has recommended that the City approve this NCA without any financial consideration.

REASON WHY LEGISLATION IS NEEDED:

Under Ohio Revised Code the proximate city must give approval by ordinance or resolution.

COMMITTEE RECOMMENDATION:

The Finance Committee had no opposition for passage at their April 11, 2017 meeting.

FISCAL IMPACT(S):

Negligible impact on City infrastructure caused by the future development.

POLICY CHANGES:

This is consistent with past practice regarding NCA requests.

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Approval

ATTACHMENT(S)

Evans Farm-Declaration of Covenants & Restrictions
Evans Farm Land Development Comp- Petition for NCA

ORDINANCE NO.17-28

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE AND SIGN A PETITION ON BEHALF OF THE CITY OF DELAWARE, OHIO, AS A “PROXIMATE CITY” WITHIN THE MEANING OF SECTION 349.01(M) OF THE OHIO REVISED CODE, TO CREATE A NEW COMMUNITY AUTHORITY AND NEW COMMUNITY DISTRICT UNDER CHAPTER 349 OF THE OHIO REVISED CODE, FOR EVANS FARM NCA, AND DECLARING AN EMERGENCY.

WHEREAS, Evans Farm Land Development Company, an Ohio limited liability company (the “Developer”) will submit a petition (the “Petition”) to Delaware County, Ohio (the “County”) requesting the establishment of a new community authority to be named “Evans Farm NCA” comprising approximately 1,159.6 acres in Orange Township, Delaware County, Ohio and Berlin Township, Delaware County, Ohio (the “District Property”) for the purposes of developing the District Property as one functionally interrelated community; and

WHEREAS, the Developer has requested that the City of Delaware, Ohio (the “City”), as a “proximate city” as defined in Section 349.01(M) of the Ohio Revised Code, authorize the City Manager to sign the Petition as approval of such Petition by the City, as a “proximate city” to allow for the Petition to be then presented to the County, as the “Organizational Board of Commissioners” to consider creation of the Evans Farm NCA as a new community authority and new community district under the provisions of Chapter 349 of the Ohio Revised Code.

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

SECTION 1. The City Manager is hereby authorized to execute and sign the Petition on behalf of the City and this Council, which Petition shall then be presented to the County, as the “organizational board of commissioners” as defined Section 349.01(M) of the Ohio Revised Code, pursuant to Chapter 349 of the Ohio Revised Code to create Evans Farm NCA as a new community authority and as a new community district for the benefit of the residents of the City, the Townships and the County, and the residents of the proposed new community authority and the new community district. The City Manager’s signature on that Petition shall indicate the approval of that Petition by the City as a “proximate city” within the meaning of Section 349.01(M) of the Ohio Revised Code.

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 or its committees,

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

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, safety, health and welfare of the City and for the further reason that this Ordinance is required to be immediately effective is to provide for the timely consideration of the Petition by the County, to allow for the Developer and the New Community Authority to commence financing and construction of public infrastructure improvements, thus securing for economic benefits of the future residents of the Evans Farm NCA, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS ____ NAYS ____
ABSTAIN ____

EMERGENCY CLAUSE: YEAS ____ NAYS ____
ABSTAIN ____

PASSED: _____, 2017 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR

**DECLARATION
OF
COVENANTS, RESTRICTIONS AND AGREEMENTS
FOR
EVANS FARM NCA
DELAWARE COUNTY, OHIO**

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I PURPOSE AND INTENT	1
ARTICLE II DEFINITIONS	2
2.01. Assessed Valuation.....	2
2.02. Board.....	2
2.03. Chapter 349	2
2.04. Chargeable Parcel	2
2.05. Chargeable Property.....	2
2.06. Community Authority	3
2.07. Community Development Charge	3
2.08. Declaration.....	3
2.09. Development Period.....	3
2.10. District.....	3
2.11. Fiscal Meeting.....	3
2.12. Late Payment Rate	3
2.13. Owner.....	3
2.14. Parcel.....	3
2.15. Place of Business.....	3
2.16. Place of Residence	3
2.17. Private Developer	4
2.18. Recorded	4
2.19. Resident.....	4
2.20. Restrictions	4
2.21. Secretary	4
2.22. Tenant	4
2.23. Terms Defined in Chapter 349.....	4
ARTICLE III EXPANSION.....	4
ARTICLE IV COVENANT FOR COMMUNITY DEVELOPMENT CHARGE	4
4.01. Community Development Charge Covenant.....	4
4.02. Purpose of Community Development Charge	5

4.03. Creation of Lien and Personal Obligation of Community Development Charge	5
4.04. Enforcement of Lien and Collection of Charge	5
ARTICLE V COMMUNITY DEVELOPMENT CHARGE	5
5.01. Establishment of Community Development Charge: Effective Date	5
5.02. Amount or Community Development Charge	5
5.03. Payment	5
5.04. Penalty and Interest	6
5.05. Refund and Reduced Assessed Valuation	6
5.06. Personal Obligation	6
5.07. Community Development Charge Lien	6
5.08. Evidence of Payment	6
ARTICLE VI PROCEDURE FOR WAIVER, REDUCTION, INCREASE OR	7
6.01. Fiscal Meeting	7
6.02. Notice of Fiscal Meeting	7
6.03. Waiver, Reduction, Increase or Termination	7
6.04. Discretion of the Board	7
ARTICLE VII COMMUNITY FACILITIES	7
7.01. Rights of Enjoyment in Community Facilities and Public Land Development	7
7.02. <u>Subordination to Mortgage or Other Lien</u>	8
ARTICLE VIII DURATION, AMENDMENT AND TERMINATION	8
8.01. Effective Date	8
8.02. Duration and Effect	8
8.03. Termination of Restrictions	9
ARTICLE IX AMENDMENTS AND SUPPLEMENTS	9
9.01. Amendments or Supplements Not Requiring Consent of Owners	9
9.02. Amendments or Supplements Requiring Consent of Owners	9
9.03. Consent of Private Developer Required During Development Period	10
9.04. Recording of Amendments	10
ARTICLE X MISCELLANEOUS	10
10.01. Priority	10
10.02. Reservation	10
10.03. No Reverter	10

10.04. Severability	10
10.05. Construction.....	11
10.06. Headings	11
10.07. Interpretation and References	11
EXHIBIT A Legal Description of the Property	A-1
EXHIBIT B Map of the Property.....	B-1
EXHIBIT C Consent of Seller	C-1

DECLARATION OF EVANS FARM NEW
COMMUNITY AUTHORITY COVENANTS AND RESTRICTIONS

This DECLARATION OF EVANS FARM NCA COVENANTS AND RESTRICTIONS is made on this ___ day of November 2016, by EVANS FARM LAND DEVELOPMENT COMPANY, LLC, an Ohio limited liability company (the "Private Developer").

Private Developer is the owner or in control of certain real estate located in Delaware County, Ohio particularly described in Exhibit A and depicted in Exhibit B, each attached hereto and incorporated herein by reference (the "Initial Property") and may from time to time pursuant to Article III hereof subject other real estate in the vicinity of the Initial Property (the "Additional Property" and, collectively with the Initial Property, the "Property") to this Declaration. Private Developer makes this Declaration for the purposes hereinafter set forth (the Initial Property being all of the Property unless and until any other real estate is so added). The Private Developer Evans Farm Delaware, LLC, an Ohio limited liability company (the "Seller"), is under contract to purchase a portion of the Property. The Seller has consented to the terms of this Declaration and the recordation thereof pursuant to Exhibit C attached hereto.

Private Developer hereby declares that the Property shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions which shall constitute covenants running with the Property and shall be binding upon all parties now or hereafter having any right, title or interest in the Property or any part thereof and all such persons, including their respective heirs, personal and legal representatives and successors and assigns, acquiring any right, title or interest therein, and as a part of the consideration therefor, agree that their right, title and interest in the. Property or any part therein shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions.

ARTICLE I

PURPOSE AND INTENT

The Property is part of a New Community District which has been formed in accordance with Chapter 349, for which the Private Developer initiated the proceedings for the organization of a New Community Authority in accordance with Chapter 349. Private Developer desired the creation of the New Community District and the organization of the New Community Authority for the purpose of encouraging the orderly development of a well-planned, diversified and economically sound New Community of approximately 1,159.6 acres in Orange Township, Ohio and Berlin Township, Ohio in southern Delaware County, Ohio through the implementation of a New Community Development Program. Private Developer anticipates that the costs of carrying out the New Community Development Program, including debt service on any New Community bonds, notes or loans authorized by the Community Authority under Chapter 349 of the Revised Code and any other cost incurred by the Community Authority in the exercise of its powers under Chapter 349, will be covered in whole or in part by the payment of the Community Development Charge by each Owner of a Chargeable Parcel.

In order to provide for the District, the implementation of the Community Authority's New Community Development Program, and the establishment and payment of the Community Development Charge, this Declaration is for the purpose of creating covenants running with the land pursuant to which all persons now or hereafter having any right, title or interest in the Property or legal representatives and their successors and assigns, shall acquire and hold such right, title or interest subject to the restrictions, including, but not limited to, the obligation of an Owner of each Chargeable Parcel to pay the Community Development Charge applicable thereto. The Restrictions and this Declaration are imposed for the benefit of the New Community District and the Community Authority.

ARTICLE II

DEFINITIONS

In addition to the terms defined elsewhere in this Declaration, as used in this Declaration including the preambles, unless the context otherwise requires, the following words shall mean respectively:

2.01. Assessed Valuation.

(a) "Assessed Valuation" means, as to any Chargeable Parcel with respect to any year for which the Community Development Charge is being collected, an amount equal to the assessed valuation thereof (including the buildings, structures and improvements thereon) listed on the tax duplicate of the Auditor of Delaware County, Ohio, for the preceding year and disregarding any reductions pursuant to any applicable law for the purpose of reducing real estate taxes for certain persons in the State of Ohio (including but not limited to reductions for persons 155 years of age or older pursuant to Section 2. of Article XII, Ohio Constitution, as the same may be amended from time to time) except the reductions described in Section 5.05 hereof. If by reason of any change of law, rate, or common level of assessment the assessed valuation for purposes of the tax duplicate is to be determined as an amount which is less than thirty-five percent of true value of the real property assessed, then upon determination by the Board "Assessed Valuation" shall mean the assessed valuation shown on the duplicate adjusted to equal thirty-five percent of true value. If the assessed valuation listed on the tax duplicate of the Auditor of Delaware County, Ohio, for the preceding year does not reflect the completed value of a single family resident on a Parcel and a building permit for a single family residence has been issued by a governmental authority for that Parcel, then, solely at the Board's discretion, "Assessed Valuation" shall mean the cost of the single family residence stated on the building permit.

(b) If the Auditor of Delaware County, Ohio, and any other official authorized by Ohio law to assess real estate in Delaware County, shall ever cease to assess real estate or if an assessed valuation has not yet been listed on the tax duplicate of the Auditor of Delaware County, Ohio, for the preceding year for a Parcel, "Assessed Valuation" shall mean, as to any Chargeable Parcel for each year thereafter, the Assessed Valuation determined by the Board in its sole and absolute discretion by such criteria as the Board may establish from time to time subject to any applicable adjustments to be made under subsection (a) of this Section.

(c) If any Chargeable Parcel is not separately listed on the Auditor's tax duplicate with respect to any year, "Assessed Valuation" shall be determined by the Board equitably apportioning to such Chargeable Parcel a portion of the Assessed Valuation of the Parcel or Parcels from which such Chargeable Parcel was subdivided or created.

2.02. Board. "Board" means the Board of Trustees of the Community Authority.

2.03. Chapter 349. "Chapter 349" means Chapter 349 of the Ohio Revised Code.

2.04. Chargeable Parcel. "Chargeable Parcel" means any Parcel of Chargeable Property, including all buildings, structures and improvements thereon.

2.05. Chargeable Property. "Chargeable Property" means the Property together with all buildings, structures and improvements thereon, with the exception of the following:

(a) all lands, buildings, structures and improvements of the United States of America, the State of Ohio, the Community Authority and all other political subdivisions or governmental instrumentalities of the State of Ohio; and

(b) all lands, buildings, structures and improvements exempt from real estate taxation under Ohio law provided that such exemption from the Community Development Charge has been determined by the Board to be consistent with the purposes and needs of the Community Authority and not inconsistent with any commitments made with respect to any obligations of the Community Authority.

(c) all parcels on which no commercial or residential structure (including condominiums) has been constructed and for which a certificate of occupancy has not been issued, provided that for any parcel on which only condominiums are to be constructed, only that portion of the parcel corresponding to the ratio between the percentage of condominium units for which a certificate of occupancy has been issued and the final number of condominium units to be constructed on the parcel shall be deemed to be Chargeable Property.

2.06. Community Authority. "Community Authority" means Evans Farm New Community Authority, a body corporate and politic established for the District pursuant to Chapter 349.

2.07. Community Development Charge. "Community Development Charge" means the charge established in Articles IV and V hereof, including all applicable penalties and interest pertaining to any unpaid amount.

2.08. Declaration. "Declaration" means this Declaration of Evans Farm NCA Covenants and Restrictions made _____, ____, 2016, as the same may from time to time be amended or supplemented in the manner prescribed in Articles III or IX hereof.

2.09. Development Period. "Development Period" means the period commencing on the date on which this Declaration is Recorded and ending on the date all members of the Board are scheduled to be elected citizen members pursuant to Section 349.04 of the Revised Code as it exists on the date hereof.

2.10. District. "District" or "New Community District" means the New Community District for The Evans Farm NCA created pursuant to Chapter 349.

2.11. Fiscal Meeting. "Fiscal Meeting" means the annual meeting of the Board described in Article VI hereof.

2.12. Late Payment Rate. "Late Payment Rate" means the 'federal short term rate" determined pursuant to Section 5703.47(A) of the Revised Code, rounded to the nearest whole number percent, plus three percent.

2.13. Owner. "Owner" means, with respect to any Parcel, the owner of record from time to time, whether one or more persons or entities, of an interest in: (i) fee simple; (ii) reversion; (iii) remainder; or (iv) leasehold estate of 75 years or more, but shall not include the Community Authority.

2.14. Parcel. "Parcel" means such parcel of the Property which has a separate listing on the tax duplicate prepared by the Auditor of Delaware County, Ohio, or on the records of any other official authorized by Ohio law to assess real estate in Delaware County, Ohio. Should each unit of a residential condominium not have a separate listing on the tax duplicate as provided above, then until such time, each condominium unit chargeable by its condominium association for such unit's share of that parcel's real property taxes shall also be considered a "Parcel".

2.15. Place of Business. "Place of Business" means any location on the Property on or in which an Owner or Tenant (including any subsidiary or other entity controlled directly or indirectly by such Owner or Tenant) is conducting a professional, commercial or industrial activity or any other activity permitted by law and conducted for profit or by a nonprofit organization. A contractor who is an Owner or Tenant shall have a Place of Business at each of his/her construction or work sites on the Property. Each landlord of any Parcel or any part thereof or interest therein, including each sublandlord and each assignee of such landlord or sublandlord, shall have a Place of Business at the Parcel.

2.16. Place of Residence. "Place of Residence" means the place on the Property in which a person's habitation is fixed, and to which, whenever he/she is absent, he/she has the intention) of returning. A person shall not be considered to have lost his/her Place of Residence by leaving it temporarily with the intention) of returning.

2.17. Private Developer. "Private Developer" means Evans Farm Land Development Company, LLC, an Ohio limited liability company; and any successors in interest. A person or entity shall be deemed a successor in interest of the Private Developer only if specifically so designated in a duly recorded written instrument as a successor or assign of the Private Developer under this Declaration and/or under a supplemental Declaration and shall be deemed a successor in interest of the Private Developer only as to the particular rights or interests of the Private Developer under this Declaration or under such supplemental Declaration which are specifically designated in the recorded written instrument.

2.18. Recorded. "Recorded" means filed for record in the office of the Recorder of Delaware County, Ohio, or in such other office as may be provided by law for the recordation of instruments conveying lands in Delaware County, Ohio.

2.19. Resident. "Resident" means any person who has a Place of Residence or any person or entity who has a Place of Business, including, without limitation, a partnership or an S corporation as defined in Section 1361 of the Internal Revenue Code of 1986, as amended.

2.20. Restrictions. "Restrictions" means all covenants, conditions, restrictions, charges, liens and other obligations provided for in this Declaration.

2.21. Secretary. "Secretary" means the person serving as the secretary of the Board, or any other person designated by the Board in his/her place to receive service of process.

2.22. Tenant. "Tenant" means any person or entity (a) occupying any Parcel (including any part thereof and any structure or any part of any structure thereon) pursuant to a written or oral lease, rental or license agreement with the Owner, (b) by permission of the Owner or with any other person or entity claiming under the Owner, or (c) under a tenancy at will or sufferance.

2.23. Terms Defined in Chapter 349. The terms "Community Facilities", "Land Development", "New Community", "New Community Authority", "New Community Development Program", and "New Community District" have the meanings given in Section 349.01 of the Revised Code.

ARTICLE III

EXPANSION

Additional. Property may from time to time be subjected to this Declaration and the Restrictions by the Private Developer recording a supplemental Declaration describing the Additional Property and subjecting it to the Restrictions and this Declaration. Such supplemental Declaration shall not require the consent of the Owners or compliance with the provisions of Article IX hereof. Any such expansion shall be effective upon such supplemental Declaration being Recorded unless otherwise provided therein. Any expansion may be accomplished in stages by successive supplemental Declarations or in one supplemental Declaration. All owners, successors and assigns to any of the Property shall take such Property subject to this Declaration for so long as such Declaration is in effect.

ARTICLE IV

COVENANT FOR COMMUNITY DEVELOPMENT CHARGE

4.01. Community Development Charge Covenant. The Private Developer as the original Owner of each Parcel hereby covenants, and each Owner of any Parcel, by acceptance of a deed or other instrument or conveyance therefor, shall covenant and be deemed to covenant, to pay or secure the payment of the Community Development Charge applicable to the Owner's Chargeable Parcel to the Community Authority as provided in Articles IV and V hereof. The Private Developer and each Owner agrees that every purchase agreement for a Parcel entered into after this Declaration is Recorded shall, in compliance with Section 349.07 of the Revised Code, specifically refer to the

Community Development Charge and identify the instrument number in the deed records in which this Declaration is Recorded.

4.02. Purpose of Community Development Charge. The Community Development Charge is established for the benefit and use of the Community Authority to cover all or part of the cost of the acquisition, development, construction, operation and maintenance of land, Land Development and Community Facilities, the debt service therefor and all other costs incurred by the Community Authority in the exercise of its powers pursuant to Chapter 349 (including without limitation the reimbursement of loans, advances or expenditures made to or by the Private Developer for such purposes), and shall not be used for any other purpose.

4.03. Creation of Lien and Personal Obligation of Community Development Charge. The Community Development Charge shall be a charge and lien on each Chargeable Parcel and shall also be the personal obligation of the Owner of each Chargeable Parcel, both to the extent and for the period provided in Article V hereof.

4.04. Enforcement of Lien and Collection of Charge. Any lien established under this Declaration may be enforced by the Community Authority in the same manner and to the same extent (including appointment of a receiver, foreclosure sale and, where appropriate, deficiency judgment) and subject to the same procedures as in the case of foreclosure of a real property mortgage under the laws of Ohio. In any such enforcement proceeding, the amount that may be recovered by the Community Authority shall include all costs of such proceeding, including reasonable attorney's fees. In any such foreclosure sale, the Community Authority may become the purchaser.

The Community Authority may also cause the collection of any Community Development Charge by certifying that Community Development Charge to the Auditor of Delaware County, Ohio, for collection on the tax duplicate.

No remedy conferred upon or reserved to the Community Authority by this Declaration is intended to be exclusive of any other remedy. Each remedy shall be cumulative and shall be in addition to every other remedy given hereunder or otherwise to the Community Authority or now or hereafter existing.

ARTICLE V

COMMUNITY DEVELOPMENT CHARGE

5.01. Establishment of Community Development Charge: Effective Date. There is hereby established for the benefit of the Community Authority, as a charge on each Chargeable Parcel, an annual Community Development Charge based upon the Assessed Valuation of such Chargeable Parcel, which may be expressed as a number of mills (one mill equals 1/10 of 1%) as determined in Section 5.02 hereof multiplied by each dollar of the Assessed Valuation thereof. Such Community Development Charge shall be paid to the Community Authority by the Owner of each such Chargeable Parcel in the manner provided in this Article. Such charge shall be levied and paid on each Chargeable Parcel from its first imposition on that Chargeable Parcel.

5.02. Amount or Community Development Charge. Subject to waiver, reduction or termination of the Community Development Charge as provided in Sections 6.03 and 6.04, the amount of the approved Community Development Charge for each Chargeable Parcel shall be equal to 10.00 mills.

5.03. Payment. One-half of the annual Community Development Charge for each Chargeable Parcel shall be due and payable semiannually on due dates determined by the Board; provided that if permitted by law the Board may provide for or require such payment to be made on a monthly, bimonthly or quarterly basis. Each installment shall be paid within the time prescribed by the Board. No Owner shall be required to prepay any installment to the Community Authority, but nothing herein shall preclude Owner from agreeing with the Community Authority to prepay all or any part of the semiannual installments on a monthly or other basis. If Chapter 349 shall hereafter be amended to allow the payment of the Community Development Charge at more frequent intervals, the Board may increase the frequency of such installments accordingly.

Notwithstanding the foregoing, (a) the Community Authority may enter into an agreement with any mortgage lender for the escrowing of Community Development Charge installments with such lender with respect to any Chargeable Parcel and for the periodic payment of the escrowed installments

to the Community Authority, and (b) so long as such agreement continues, the Owner of any Chargeable Parcel on which such lender holds a mortgage shall, if such Owner so consents, pay the Community Development Charge installments with respect thereto directly to the lender; provided, however, that the obligation to pay the Community Development Charge shall remain that of the Owner and is not satisfied until and unless full payment of the Community Development Charge is received by the Community Authority.

5.04. Penalty and Interest. For each Chargeable Parcel for which any installment of the Community Development Charge: (1) is not paid on or before the due date or dates established by the Board pursuant to Section 5.03, or (2) if such Community Development Charge was certified to the Auditor of Delaware County for collection on the tax duplicate pursuant to Section 4.04, is not paid on or before the dates for payment of real property taxes prescribed by Chapter 323 of the Revised Code, there shall be added to the installment (a) a penalty of ten percent (10%) thereof (imposed at the same time that penalties for delinquent real property taxes are imposed pursuant to Chapter 323 of the Ohio Revised Code), (b) interest (imposed at the same time that interest on delinquent real property taxes is imposed pursuant to Chapter 323 of the Ohio Revised Code) on the sum of (A) the amount of such installment, (B) the interest that has accrued thereon for more than six months and (C) the penalty until paid at the greater of (i) the Late Payment Rate or (ii) ten percent per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower), and (c) any costs of the Community Authority incurred in connection with the enforcement of the Community Development Charge or any penalties, interests or costs thereon, including reasonable attorney fees. Any payments of less than the full amount shall be credited first against the penalty and second against the interest accrued to the date of payment. The applicable penalties, interest and costs are part of the Community Development Charge. To the extent any of such penalties, interest and costs owing with respect to a Community Development Charge certified to the Auditor of Delaware County are not collected by the Auditor of Delaware County or otherwise collected by the Community Authority, such amounts shall be added to the amount of the Community Development Charge imposed with respect to such Chargeable Parcel in the following year. Notwithstanding anything contained herein to the contrary, no Owner shall be permitted to enter into an agreement pursuant to Section 323.31 of the Revised Code with respect to a delinquent Community Development Charge without the prior written consent of the Community Authority.

5.05. Refund and Reduced Assessed Valuation. If the official assessed valuation of any Chargeable Parcel (by which the Assessed Valuation thereof is determined pursuant to Section 2.01 hereof) is reduced for any year pursuant to Sections 5715.11 through 5715.16 of the Revised Code, upon application of the Owner, the Assessed Valuation shall be reduced in the same amount and the Community Development Charge for such year shall be proportionately reduced. If any installment of such Community Development Charge has been paid before the date of such reduction, the sole procedure for refund is that the Board shall credit the same against any other amounts due or to become due to the Community Authority with respect to the Chargeable Parcel.

5.06. Personal Obligation. Each Owner shall be and remain personally obligated for the payment of the Community Development Charge with respect to his or her Chargeable Parcel, including any penalties and interest thereon, which is attributable to that Owner's period of ownership.

5.07. Community Development Charge Lien. The Community Development Charge with respect to each Chargeable Parcel, including any penalty and interest thereon, shall constitute a continuing lien in favor of the Community Authority on such Chargeable Parcel. If an installment or any part of an installment of the Community Development Charge on any Parcel is not paid within the period provided in Section 5.03 hereof, the lien with respect to such delinquent installment or part thereof shall be enforceable in any manner provided in Section 4.04 hereof. Such lien shall be prior to all other liens and encumbrances thereon whatsoever, excepting real estate taxes and assessments and liens of the United States of America, the State of Ohio, and all other political subdivisions or governmental instrumentalities of the State of Ohio to the extent made superior by applicable laws enacted by the Ohio General Assembly.

5.08. Evidence of Payment. Upon the request of the Owner or any mortgagee or lessee of any Chargeable Parcel or any prospective purchaser, mortgagee or lessee thereof, the Board shall furnish written evidence of the amount of the Community Development Charge with respect thereto for the current year and the amount of any unpaid Community Development Charge including any penalty and interest for the current or any previous year. Such evidence may be conclusively relied upon by any such party and by anyone furnishing any title evidence or opinion with respect to such Chargeable Parcel.

ARTICLE VI

PROCEDURE FOR WAIVER, REDUCTION, INCREASE OR TERMINATION OF THE COMMUNITY DEVELOPMENT CHARGE

6.01. Fiscal Meeting. Annually, the Board shall hold a Fiscal Meeting to determine whether any of the Community Development Charge should be waived, reduced, increased (but only as hereafter provided) or terminated. Any Fiscal Meeting shall be held on such date as the Board shall determine. Each Fiscal Meeting shall be open to the public, and the Board shall take no action to waive, reduce, increase or terminate the Community Development Charge except at a Fiscal Meeting.

6.02. Notice of Fiscal Meeting. Notice of the Fiscal Meeting shall be given by the Board in compliance with Section 121.22 of the Revised Code. Such notice shall specify the place, date and hour of the Fiscal Meeting and state that it is the Fiscal Meeting required by this Article VI.

6.03. Waiver, Reduction, Increase or Termination. At any Fiscal Meeting the Board may waive, reduce or terminate all or a portion of the Community Development Charge for one or more years or to a stated date. The reduction or waiver of a portion of the Community Development Charge authorized by this Section 6.03 may include but is not limited to an additional reduction or waiver, separate and distinct from any other reduction or waiver, for the early payment of the Community Development Charge by an Owner. Notwithstanding any other provision of this Declaration, no waiver, reduction or termination of the Community Development Charge shall be effective if it is inconsistent with the express obligations of the Community Authority under the terms of any outstanding Community Authority bonds, notes or loans authorized by the Community Authority under Chapter 349 of the Revised Code.

At any Fiscal Meeting held after all members of the Board are scheduled to be elected citizen members pursuant to Section 349.04 of the Revised Code as it exists on the date hereof; the Board may increase the Community Development Charge established under Section 5.02 hereof by the affirmative vote of at least six of the seven Board members.

Except as otherwise provided in this Declaration: (a) every action taken by the Board pursuant to this Article VI shall be governed by, and taken with reference to, the fiscal requirements of the Community Authority for the year for which the Community Development Charge is to be collected as reflected in the budget for that year adopted by the Board, which budget may provide for reasonable reserves and the development of funds for future uses and contingencies; and (b) any action by the Board relating to the waiver, reduction or termination of any of the Community Development Charge shall be taken only after the Board has determined that the Community Development Charge to be waived, reduced or terminated is not needed for any of the purposes for which the Community Development Charge has been established as set forth in Section 4.02 hereof. Notwithstanding any other provision of the Declaration, if a Chargeable Parcel is removed from the District, the Community Development Charge shall permanently terminate as to the Chargeable Parcel immediately on the date that such Chargeable Parcel has been removed from the District.

6.04. Discretion of the Board. Subject to the provisions of this Declaration and all applicable provisions of valid agreements of the Community Authority, the decision to waive, reduce, increase or terminate the Community Development Charge as provided herein shall be solely within the discretion of the Board.

ARTICLE VII

COMMUNITY FACILITIES

7.01. Rights of Enjoyment in Community Facilities and Public Land Development. Each Owner shall have a right of use and enjoyment of the Community Facilities and Land Development within the District that are of the type available for direct use by Owners, and such right shall be appurtenant to, and shall pass with the title, of the Owner's Parcel. Each Resident shall have a nontransferable privilege to use and enjoy the Community Facilities. Such rights and privileges, and any other use thereof, shall be subject, however, to the following:

- (a) The right of the Board to issue Community Authority bonds or notes under Section 349.08 of the Revised Code, to take out loans under Section 349.06(J) of the Revised Code or to otherwise borrow for the purposes permitted under Chapter 349 and in aid thereof to mortgage or to

otherwise encumber, and prescribe changes, conditions and requirements with respect to, the Community Facilities and Land Development.

(b) The right of the Board to adopt, modify and enforce, and from time to time amend, reasonable rules and regulations pertaining to the use of the Community Facilities and Land Development, including but not limited to regulations requiring use and regarding the mode of use, and limiting the number of guests of Owners and Residents who may use the Community Facilities and Land Development.

(c) The right of the Board to establish and charge reasonable admission, use and other fees for the use or availability of any of the Community Facilities and Land Development, including the right of the Board to fix, alter, impose, collect and receive reasonable service and user fees, rentals and other charges (including deposits, penalties and interest). In establishing any such fee, the Board may establish reasonable classifications. Each fee must be uniform within each class but need not be uniform between classes.

(d) The right of the Board to suspend (i) for a reasonable period of time, the right of any Owner or the privilege of any Resident to use the Community Facilities or Land Development for any infraction of the rules and regulations relating to the Community Facilities or Land Development, and (ii) the right of any Owner and the privilege of each Resident claiming through such Owner to use the Community Facilities or Land Development for any period during which the Community Development Charge against such Owner's Parcel or other user fees, rentals or other charges payable by such Owner or by the Resident remains unpaid and delinquent; provided that each such right of suspension shall not, in itself, prevent ingress to or egress from such Owner's or Resident's Place of Residence or Place of Business or threaten the life, safety or health of a Resident.

(e) Such rights as the Board may have to grant easements in or rights of way over Land Development or Community Facilities to any public utility corporation or public agency.

(a) Such rights as the Board may have to convey or lease all or any part of the Land Development or Community Facilities.

(b) All applicable provisions of valid agreements of the Community Authority relating to the Land Development or Community Facilities.

The foregoing rights of the Board stated in clauses (a) through (d) are hereby established as part of the authority of the Board and, through it, of the Community Authority and are in addition to any other authority they may exercise.

7.02. Subordination to Mortgage or Other Lien. The rights and privileges provided in this Article VII shall be subordinate to any mortgage or other lien given by the Community Authority for the purposes of acquiring, improving or maintaining the Community Facilities or Land Development.

ARTICLE VIII

DURATION, AMENDMENT AND TERMINATION

8.01. Effective Date. The Restrictions shall be effective and shall be and be deemed covenants running with the land when this Declaration is recorded; provided, however, that no Community Development Charge shall be collected and the Community Authority shall have no rights or obligations hereunder until the Community Authority executes and there is recorded an instrument by which the Community Authority joins in this Declaration for the purposes of accepting the duties, responsibilities and benefits imposed and conferred on it by the Restrictions.

8.02. Duration and Effect. The Restrictions (a) shall be, and shall be construed as, covenants running with the land; (b) shall be binding upon the Private Developer, the Community Authority and each Owner and Residents; and (c) shall inure to the benefit of and be enforceable by (i) the Private Developer or the Community Authority (regardless of whether or not any such beneficiary owns an interest in any Parcel), (ii) each Owner and (iii) all Residents. Unless amended or terminated as provided in this Article, the Restrictions shall continue in full force and effect until December 31, 2065, and

thereafter the Restrictions shall be automatically renewed for successive ten year periods unless terminated pursuant to Section 8.03 hereof.

8.03. Termination of Restrictions. The Restrictions shall terminate and shall be null and void: (a) on the date designated in a written declaration of termination made by the Private Developer at any time before the date the Community Authority is declared to be organized as a body corporate and politic and the boundaries of the District defined by the County Commissioners of Delaware County, Ohio pursuant to Chapter 349; or (b) automatically if and on the date when there occurs a dissolution of the Community Authority pursuant to Chapter 349. Notwithstanding any other provision of this Declaration, no termination of the Restrictions shall be effective to the extent it is inconsistent with the express obligations of the Community Authority under the terms of any outstanding Community Authority bonds, notes or loans authorized by the Community Authority under Chapter 349 of the Revised Code. Further, except as hereafter provided, no termination due to dissolution of the Community Authority pursuant to Chapter 349 shall be effective unless approved in writing by the Private Developer. Notwithstanding any other provision of this Declaration, the restrictions shall terminate and shall be null and void automatically as to any Chargeable Parcel if and on the date that such Chargeable Parcel is removed from the District. No amendments to this Section 8.03 shall be permitted without the written consent of the Owners at the time such amendment is proposed.

If a final judicial adjudication is rendered, or lawful executive or legislative action is taken by the government of the State of Ohio which effectively enjoins or prevents the Community Authority from (i) implementing or collecting the Community Development Charge or (ii) carrying out any other substantial or important duty or responsibility imposed on it under this Declaration or receiving or accepting any other substantial or important benefit granted to it by this Declaration, the Community Authority and the Private Developer shall, within thirty days after the rendition of such adjudication or the taking of such action (or such longer period that they may agree upon) attempt to agree upon a course of action that will remedy any defect identified in such adjudication or created by such action, and if within such thirty-day (or extended) period no course of action is agreed upon by the Community Authority and the Private Developer, subject to any applicable restrictions pertaining to outstanding bonds, notes or loans authorized by the Community Authority under Chapter 349 of the Revised Code, the restrictions may be terminated on such date as shall be designated in a written declaration of termination by the Private Developer if within the Development' Period or by the Community Authority if after the Development Period.

If the Restrictions are required or permitted to be terminated pursuant to this Section 8.03, such termination shall become effective when a certificate or other document stating the authority for such termination and signed by the person or entity or entities empowered to effect such termination is Recorded. If the restrictions terminate automatically, the Private Developer shall promptly cause a certificate or other document to be recorded which shall state the authority for such termination and the effective date thereof.

All rights and obligations which had accrued under the restrictions prior to the date of termination shall survive such termination, including without limitation, all personal obligations and liens under the Declaration.

ARTICLE IX AMENDMENTS AND SUPPLEMENTS

9.01. Amendments or Supplements Not Requiring Consent of Owners. Without the consent of or notice to any of the Owners, the Community Authority may amend or supplement this Declaration (i) to cure any ambiguity, inconsistency or formal defect or omission or eliminate any typographical or other inadvertent error; (ii) to make or accommodate adjustments in the manner or method for billing and collecting the Community Development Charge; (iii) as provided in Article III hereof; (iv) to conform this Declaration to any amendment permitted by Section 349.03 of the Revised Code to the petition filed by the Private Developer to organize the Community Authority; or (v) to make any other amendment which, in the judgment of the Community Authority, is not to the prejudice of the Owners.

9.02. Amendments or Supplements Requiring Consent of Owners. Except as provided in Sections 6.03, 8.03 or 9.01 hereof, no provision of this Declaration may be amended or supplemented in whole or in part or terminated without the written consent of not less than 66% of the number of Owners of all Parcels.

For the purposes of this Section, "Parcel" shall mean such Chargeable Parcel which has a separate listing on the tax duplicate of the Auditor of Delaware County, Ohio, or on the records of any other official authorized by Ohio law to assess real estate in Delaware County, and all Owners of a Parcel shall be deemed to constitute one Owner and together shall only have one consent for the Parcel.

In connection with any bonds, notes or loans authorized by the Community Authority under Chapter 349 of the Revised Code, the Community Authority may agree that no amendment may be made to this Declaration and no waiver, reduction or termination of the Community Development Charge may be made without the consent of or on behalf of the holders of such securities or without the consent of any provider of a "Credit facility" as defined in Section 98(Q) of the Ohio Revised Code.

The Secretary shall determine (a) whether the Owners have consented to any amendment or supplement of this Declaration, and (b) whether, if their consent is necessary, the Private Developer or the holders of any outstanding Community Authority bonds, notes or loans issued under Chapter 349 or provider of a "Credit facility" as defined in Section 9.98(G) of the Ohio Revised Code have consented to any such amendment or supplement of this Declaration. Such determinations of the Secretary shall be conclusive against all Owners.

9.03. Consent of Private Developer Required During Development Period. Notwithstanding any other provision of this Declaration, no amendments or supplements to this Declaration made during the Development Period shall be permitted without the written consent of the Private Developer.

9.04. Recording of Amendments. Promptly after any amendment or supplement of this Declaration, the Secretary shall cause to be Recorded a written instrument certified by the Secretary setting forth such amendment or supplement and stating that any required written consents were obtained.

ARTICLE X

MISCELLANEOUS

10.01. Priority. The Restrictions contained in this Declaration shall take priority over all other covenants, conditions, restrictions or easements applicable to any Parcel whatsoever, to the extent permitted by law and except as otherwise provided herein.

10.02. Reservation. Subject to the Declaration being recorded but prior to the District being created pursuant to Chapter 349, Private Developer may sell to purchasers (the "Purchasers") lots which may comprise a part of the Property and be included as part of the District (the "Lots"). Purchaser, and Purchaser's successors and assigns, shall be deemed an Owner and shall take title to the Lots subject to the Declaration. In order to more fully provide for the inclusion of the Lots as part of the District, Private Developer hereby reserves to itself and its successors and assigns a reservation in the Lots and a beneficial interest and control therein solely for the purpose of including the Lots as part of the District. In consideration of the transfer of a Lot to a Purchaser, a Purchaser shall take title to a Lot subject to such reservation and, in recognition of such reservation and in order to more fully evidence Private Developer's reservation, Purchaser irrevocably constitutes and appoints Private Developer as such Purchaser's true and lawful attorney-in-fact, coupled with an interest, in such Purchaser's name, place and stead for the limited purpose of taking, and delegates to the Private Developer the authority to take, all such action that is necessary and appropriate, in accordance with Chapter 349, to include a Purchaser's Lot within the District. Acceptance by a Purchaser of a deed or other instrument of conveyance from Private Developer or from any other Owner shall constitute appointment of the attorney-in-fact as provided herein. The reservation and appointment reserved and granted hereby shall automatically terminate on the date on which a Purchaser's Lot, in accordance with Chapter 349, is accepted and established as part of the District. The durable power of attorney is coupled with an interest and shall not be affected by the death or disability of the Purchaser.

10.03. No Reverter. No covenant, condition, restriction or reservation contained in this Declaration is intended to create, or shall be construed as creating a possibility of reverter or, except as provided in Sections 5.01 and 8.01 hereof, a condition subsequent.

10.04. Severability. In case any section or provision of this Declaration, or any Restriction, agreement, obligation, act or action, or part thereof, made, assumed, entered into, done or taken under this Declaration or a Restriction, or any application thereof, is held to be illegal or invalid for any reason,

or is inoperable at any time, that illegality, invalidity or inoperability shall not affect the remainder of this Declaration or any other section or provision of this Declaration or any other Restriction, agreement, obligation, act or action, or part thereof, made, assumed, entered into, done or taken under this Declaration, all of which shall be construed and enforced at the time as if the illegal, invalid or inoperable portion were not contained therein. Any illegality, invalidity or inoperability shall not affect any legal, valid and operable section, provision, Restriction, agreement, obligation, act, action, part, or application, all of which shall be deemed to be effective, operative, made, assumed, entered into, done or taken in the manner and to the full extent permitted by law from time to time.

10.05. Construction. The Board, where specifically authorized herein to act, shall have the right to construe the provisions of this Declaration, and, in the absence of an adjudication by a court of competent jurisdiction to the contrary, such construction shall be final and binding as to all persons and entities benefited or bound by the provisions of this Declaration.

10.06. Headings. The headings of the Articles and Sections are for convenience only and shall not affect the meaning or construction of the contents of this Declaration.

10.07. Interpretation and References. Any reference in this Declaration to a section or provision of the Revised Code or to the laws of Ohio shall include that section or provision and those laws as from time to time amended, modified, revised, supplemented or superseded. However, no such amendment, modification, revision, supplementation or supersession, or further action by the General Assembly, shall alter the obligation to pay the Community Development Charge in the amount and manner, and at the times provided in this Declaration, or otherwise impair the application of the Restrictions, except to the extent that the Restrictions cannot be sustained by reason of such amendment, modification, revision, supplementation or supersession.

Unless the context otherwise indicates, the masculine gender shall be deemed to include the feminine and neuter, and the singular shall be deemed to include the plurals and vice versa.

References in this Declaration to sections and articles, unless otherwise stated, are to sections and articles of this Declaration. The terms "hereof", "herein", "whereby", "hereto", and "hereunder", and similar terms, mean and refer to this Declaration.

(signature page to follow)

IN WITNESS WHEREOF, EVANS FARM LAND COMPANY, LLC has caused this Declaration to be executed as of the day and year first above written.

**EVANS FARM LAND DEVELOPMENT
COMPANY, LLC**

By: _____

Printed: _____

Title: _____

STATE OF OHIO

) SS:

COUNTY OF DELAWARE)

The foregoing instrument was acknowledged before me this ____ day of _____, by _____, as _____ of Evans Farm Land Company, LLC, an Ohio limited liability company.

Notary Public

EXHIBIT A

Legal Description of the Property

EXHIBIT B
Map of the Property

EXHIBIT C – CONSENT OF SELLER

Evans Farm Delaware, LLC, an Ohio limited liability company (the “Seller”) has agreed to sell the real property (“Seller Property”) described on Attachment 1 hereto to Evans Farm Land Development Company, LLC, an Ohio limited liability company (the “Private Developer”). The Private Developer has, pursuant to a Declaration of Covenants and Restrictions dated as of November __, 2016 (the Declaration”), declared the Seller Property to be included in the Property (as defined in the Declaration) and that such Property shall be subject to certain covenants and restrictions set forth in the Declaration, all in accordance with Chapter 349 of the Ohio Revised Code. The Seller hereby consents to the recordation of the Declaration and agrees that the Seller Property shall be included in the Property, as defined in the Declaration.

[Signature Page Immediately Follows]

IN WITNESS WHEREOF, EVANS FARM DELAWARE, LLC has caused this Declaration to be executed as of the day and year first above written.

EVANS FARM DELAWARE, LLC

By: _____

Tambera M. Schueler, President

STATE OF OHIO

) SS:

COUNTY OF DELAWARE)

The foregoing instrument was acknowledged before me this ____ day of _____ 2016, by Tambera M. Schueler, as President of Evans Delaware, LLC, an Ohio limited liability company.

Notary Public

Attachment 1 – Legal Description

0129964.0620445 4818-5469-1122v4

**PETITION FOR ORGANIZATION
OF A NEW COMMUNITY AUTHORITY**

TO THE BOARD OF COMMISSIONERS
COUNTY OF DELAWARE, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, Evans Farm Land Development Company, LLC, an Ohio limited liability company (the “Developer”), hereby petitions the Board of Commissioners (the “Commissioners”) of the County of Delaware, Ohio (the “County”) for the creation of a new community authority (the “Authority”). The Developer is the “developer” within the meaning of Section 349.01(E) of the Ohio Revised Code for the new community district described in paragraph 3 below.

The Developer further states as follows:

1. The Authority shall be named the “Evans Farm NCA.”
2. The principal office of the Authority shall be located at Evans Farm Land Development Company, LLC, 1550 Lewis Center Rd., Suite B, Lewis Center, Ohio 43035, or such other location as may hereafter be determined by the Board of Trustees of the Authority.
3. Attached to this Petition as Exhibit A-1 is a map of all the land comprising the Evans Farm NCA District (the “District”). Legal descriptions of all the real property located within in the District (collectively, the “Property”) are attached as Exhibit A-2, including a full and accurate description of the boundaries of the District. All properties within those boundaries will be included in the District. The total acreage to be included in the District will be approximately 1,159.6 acres, all of which acreage is owned or controlled (within the meaning of Section 349.01(E) of the Ohio Revised Code) by the Developer. The Property is within the boundaries of Orange Township, Ohio (“Orange Township”) and Berlin Township, Ohio (“Berlin Township,” and together with Orange Township, the “Townships”) and Delaware County, Ohio (the “County”). The Property is developable as one functionally interrelated community under one framework master development and infrastructure plan (the “Plan” as described in Exhibit B).
4. Attached to this Petition as Exhibit C is a statement setting forth the zoning regulations adopted for the area within the boundaries of the District for comprehensive development as a new community, including but not limited to the proposed Plan within the District and the certified copies of the Zoning Plan for Orange Township and the Zoning Plan for Berlin Township attached hereto as Exhibits C-1 and C-2, respectively. The area within the boundaries of the District lies within the zoning jurisdiction of the Townships.
5. Attached to this Petition as Exhibit B-1 and Exhibit B-2 is a current development and program plan drawing and development and program plan text, respectively, indicating the proposed development program, including the Plan (the

“Program”) for the District; the Land Acquisition, Land Development, Community Facilities and Community Activities, as such terms are defined in Sections 349.01(G), (H), (I), (N) and of the Ohio Revised Code, respectively; and the provision of community services and management and coordinating services and maintenance, as related and appropriate for each, of Land Acquisition, Land Development, Community Facilities and Community Activities, which it is proposed that the Authority will undertake under the Program; the proposed method of financing these activities and services; and the projected total population of the new community and expected construction and full time retail and commercial employee equivalents created.

6. Consistent with Section 349.04 of the Ohio Revised Code, the board of trustees (the “Board”) governing the Authority shall consist of seven members, with three of those members to be citizen members appointed by the Commissioners, three members to be appointed by the Developer, and one member to be appointed by the Commissioners to serve as a representative of local government. Board members are subject to periodic re-appointment by the Developer and the Commissioners, respectively. No elections will be held for electing successor Board members.

7. Attached to this Petition as Exhibit D-1 is a preliminary economic feasibility analysis, including projections of the currently expected “Community Development Charge,” as that term is defined in Section 349.01(L) of the Ohio Revised Code and described in Exhibit D-1 and as shown on Exhibit D-2, including the area development pattern and demand, location and proposed District size, present and future socio-economic conditions, public services provision, financial plan, and a statement of the Developer’s management capability attached hereto as Exhibit D-3.

8. The development will comply with all applicable environmental laws and regulations.

9. For purposes of the establishment of the Authority, the City of Delaware, Ohio and the City of Columbus, Ohio are the only cities that qualify as a “proximate city” as that term is defined in Section 349.01(M) of the Ohio Revised Code.

10. The Authority may only be dissolved by vote of the Board of the Authority and with the approval of (a) the Commissioners and (b) the Developer. The Authority may not be dissolved so long as any bonds, notes or other legal indebtedness of the Authority remains outstanding.

Attached Exhibits A-1, A-2, B-1, B-2, C-1, C-2, D-1, D-2, and D-3 are part of this Petition.

All capitalized terms set forth and not defined herein shall have the respective meanings assigned thereto in Section 349.01 of the Ohio Revised Code, unless the context requires a different meaning.

The Developer hereby requests that the Commissioners, as the organizational board of commissioners under Section 349.03 of the Ohio Revised Code, determine that this Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised

Code, and further requests that the Commissioners fix the time and place of a hearing on this Petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, and provided that this Petition has been signed by each Proximate City, that hearing must be held not less than thirty (30) nor more than forty-five days (45) after the filing of this Petition pursuant to Section 349.03 of the Ohio Revised Code on this ___ day of _____, 2017.

(remainder of page intentionally left blank—signature page follows)

IN WITNESS WHEREOF, Evans Farm Land Development Company, LLC has caused this Petition for Organization of the Evans Farm NCA to be executed by its duly authorized representative as of the day and year first above written.

EVANS FARM LAND DEVELOPMENT
COMPANY, LLC
as Developer

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

(Petition signature page)

Proximate City Approval

The City of Delaware, Ohio by Ordinance No. _____-_____, passed by the City Council of the City of Delaware, Ohio on _____ __, 2017, has authorized Carolyn Kay Riggle, as the Mayor of that City, to sign this Petition on behalf of the City of Delaware, and the Petition is herewith signed, as evidence of that approval.

City of Delaware, Ohio

By: _____
Carolyn Kay Riggle, Mayor

(Proximate City's signature page)

Proximate City Approval

The City of Columbus, Ohio by Ordinance No. _____ - _____, passed by the City Council of the City of Columbus, Ohio on _____, 2017, has authorized the City Clerk to sign this Petition on behalf of the City of Columbus, and the Petition is herewith signed, as evidence of that approval.

City of Columbus, Ohio

By: _____
City Clerk, City of Columbus, Ohio

(Proximate City's signature page)

EXHIBIT A-1

MAP OF THE BOUNDARIES OF EVANS FARM NCA DISTRICT

(remainder of page intentionally left blank)

EXHIBIT A-2

LEGAL DESCRIPTION OF EVANS FARM NCA DISTRICT

(remainder of page intentionally left blank)

EXHIBIT B-1

PROPOSED CURRENT DEVELOPMENT PROGRAM AND PLAN DRAWING

**[Development Plan Drawing pocket insert and Town Center
and Residential Sketches Follow This Page]**

EXHIBIT B-2

PROPOSED CURRENT DEVELOPMENT PROGRAM AND PLAN

A. Proposed New Community Development Program

(i) Site Description

The District is located within the boundaries of Orange Township, Ohio (“Orange Township”) and Berlin Township, Ohio (“Berlin Township,” and together with Orange Township, the “Townships”) all within the County of Delaware, Ohio (the “County”). As proposed, the District will encompass the Property, which includes approximately 1,159.6 acres located in the Townships in the southern portion of the County and south of the City of Delaware, Ohio and north of the City of Columbus, Ohio and approximately four miles north of the interchange at I-270 and State Route 23 as depicted and more particularly described in Exhibits A-1 and A-2, respectively.

(ii) The New Community Development Program

The primary goal of the District’s New Community Development Program is to provide for an appropriate mix of land uses and associated Community Facilities, Community Activities and infrastructure necessary to fulfill the desired and future needs of the community and assist and plan with the Olentangy Local School District, Delaware and Franklin Counties, Ohio the “School District”) concerning its needs and growth plans. The Program provides for the development of a first class, new urbanism styled, walkable, residential development and town centers to serve the surrounding community (collectively the “Development”). In addition, the District will include a number of public spaces throughout each section of the Plan and open space for community events, community farm markets and recreation fields.

The Authority is expected to fund Community Facilities, as defined herein, which may include but not be limited to roads, curbs, gutters, sidewalks, lighting, landscaping, and storm-water retention and recreation basins in the District according to the Program for the District.

B. Proposed Land Acquisition and Land Development Activities

The Developer has acquired control, by deed, purchase contract or option to purchase agreement, of all the land in the District. A map of the land is attached to this Petition as Exhibit A-1 and legal descriptions of the acquired land as Exhibit A-2. Zoning approvals for development within the District will be obtained in accordance with the zoning regulations adopted for the area within the boundaries of the District, including the zoning regulations of the Township, for comprehensive development as a new community, as documented in Exhibit C to this Petition.

In connection with the Development of the private improvements on the Property, certain public infrastructure improvements will be made to support the private improvements, which public infrastructure improvements may include but are not limited to streets, roads, curbs, gutters, lighting, traffic signals, sidewalks, utilities, open park space, recreation fields, parking facilities, off-site improvements, storm water management and site preparation for those improvements and the operation and maintenance of the aforementioned improvements, as applicable and appropriate under Ohio law (collectively, the “Community Facilities”).

It is contemplated that the provision of the Community Facilities will be financed in part from the (i) Community Development Charge, (ii) receipts derived from moneys contributed by the Townships or the County from tax increment financing districts established with respect to the Property or other real property outside of the District, if any, (iii) income/earnings tax receipts derived from a joint economic development district or districts (“JEDD”), if any, and (v) any other revenues or funds received by the Authority and used as determined by the Authority.

(i) Development

The development within the District is currently expected to include single family and multifamily residential uses to be developed, retail, office, and commercial uses, to be constructed in multiple phases (estimated as 11 phases), as dictated by market forces at the time of development of such phases. The first phase of the development is expected to include (i) a town center with ten acres dedicated to commercial space for lease and areas for public gathering, a public market and public parking, (ii) 271 single-family lots, (iii) 30 single-family row house units, and (iv) approximately 60 units of a multi-family community on approximately 10 acres. It is anticipated that certain parcels or portions of parcels within the District will continue to be used for agricultural purposes until they are developed in accordance with the Plan. Throughout the District public spaces will be structured so they may be available for uses that benefit the community, creating an environment that will be attractive to visitors and to members of the surrounding communities.

(ii) Park Space, Green Space and Recreational Fields

The District will be an integrated new community authority environment with a number of public spaces within the District pursuant to the Plan. The allocation of public space, park space, and recreational fields within the District will establish an underlying fabric that will connect the walkable community together and maintain a functionally interrelated and integrated

community and add a sense of community within the District. Connect to Alum Creek State Park.

Expected to have a 50,000 sq. ft. recreation center/community center working with an entity like a YMCA or other 501(c)(3).

C. Proposed Community Facilities, Community Activities

The Authority will oversee the construction of, and finance a portion of, the Community Facilities, Community Activities, Land Acquisition and Land Development activities and services in the District in support of the Developer's mixed-use development. The Developer or a member of the Developer, on behalf of the Authority, is expected to construct the Community Facilities. A list of the currently proposed Community Facilities and the currently proposed owners of those Community Facilities upon completion is show below in this Exhibit B.

The Authority will provide such other Community Facilities, Community Activities, Land Acquisition and Land Development as are determined by the Authority and as are permitted under Chapter 349 of the Ohio Revised Code.

D. Proposed Method of Financing the Community Facilities, Community Activities and Services

The financing for the Land Acquisition, Land Development Activities, Community Facilities, and Community Activities is expected to be provided through equity provided by the Developer and bond financing issued by the Authority, but may also be provided pursuant to the terms of one of more intergovernmental cooperative agreements or development agreements (collectively, the "Cooperative Agreement") among one or more of the following parties or other parties, as appropriate: the Developer, the Townships, and the Authority, and, as appropriate the Delaware County Finance Authority, and the County.

All or a portion of the Land Acquisition, Land Development Activities, Community Facilities and Community Activities, as allowed and appropriate under Ohio law, is expected be financed using revenues and receipts from one or more of the following sources, including but not limited to: (i)(a) a Community Development Charge based on the assessed valuation of each parcel in the District, (ii) receipts, if any, derived from moneys contributed by the Townships or the County from tax increment financing districts established with respect to the Property or other real property outside of the District, if any, (iii) income/earnings tax receipts derived from a JEDD, if any, and (iv) any other revenues or funds received by the Authority and used as determined by the Authority.

The financing of the Community Facilities will be provided by the Authority or its designee, as set forth in the "Preliminary Economic Feasibility Analysis and Financing Plan" for the first phase of the Community Facilities attached as Exhibit D, which plan of finance is expected to be similar for each additional phase as dictated by market forces at the time of development and as may be further described in any financing arrangements through the Authority or any Cooperative Agreement, if any.

Further discussion of the “Preliminary Economic Feasibility Analysis and Financing Plan” for the District is included in Exhibit D to this Petition.

E. Projected Total Population of the New Community

It is estimated that the District may include approximately 2,100 single-family and approximately 1,000 multi-family units upon full development of the new community over fifteen to twenty years, and it is estimated that it will include approximately 6,500 residents.

**PROPOSED COMMUNITY FACILITIES
AND COMMUNITY SERVICES**

COMMUNITY FACILITIES

Community Facilities are expected to be constructed and improved in phases over time as development occurs and as federal, state and local approvals are obtained or dictate otherwise, including but not limited to approval of state and local governmental jurisdictions, as appropriate, and any other governmental approving entities, as appropriate. Such Community Facilities may include improvements to a railroad crossing, road improvements and other extraterritorial Community Facilities as determined by the Authority to benefit the District. Certain Community Facilities, including but not limited to recreational fields, pathways, trails, public parks, open spaces and other community spaces or facilities, are expected to be constructed and approved over time as development occurs within the District as approved by the Authority in cooperation with the Developer, the City, the Townships, the School District and other appropriate governmental entities through Cooperative Agreements, as are necessary and appropriate.

The following page includes the projected public development costs expected for the District over the course eleven phases - 2016 through 2029.

COMMUNITY ACTIVITIES

It is anticipated that the Authority or the Developer may provide, on its own accord or through Cooperative Agreements or otherwise, as appropriate and determined necessary, cultural, educational, governmental, recreational, residential, agricultural, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities (the “Community Activities”). It is anticipated that the Authority will utilize certain Community Facilities, including but not limited to recreational fields, public or private market space, pathways, trails, public parks, open spaces and other community spaces or facilities, for the provision of Community Activities or work with other public and private partners to provide for same. The Authority plans to work cooperatively with the Townships, the County, the School District and existing local jurisdictions and communities in providing the Community Activities to best serve its constituents.

EXHIBIT C-1

ZONING REGULATIONS APPLICABLE TO
EVANS FARM NCA NEW COMMUNITY DISTRICT
ORANGE TOWNSHIP ZONING APPROVAL LETTER

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EXHIBIT C-2

**ZONING REGULATIONS APPLICABLE TO
EVANS FARM NCA NEW COMMUNITY DISTRICT**

BERLIN TOWNSHIP ZONING CODE

Zoning for this portion of the Evans Farm NCA New Community District is in process and expected to be the same to the approved Orange Township zoning.

On January 3, 2017 the Berlin Township Zoning Commission approved the zoning - BZC 16-001. The request for zoning was for approval of a preliminary & final development plan known as Evans Farm to rezone for a mixed use, from Farm Residential District (FR-1) to Planned Residential District (PRD) and Planned Commercial District, (PCD) for a new urbanism community, 607.12 ± acres, including Parcels #41833001010000, 41833001006000, 41834001053000, 41834001054000, 41833001104000, 41833001101001, 41833001098000, 41834001055000, 41834001056000, 41834001057000, 41834001061000, 41834001062000, 41843303001002, 41843303001000, 41833001103000, and 314.21 ± acres, Parcels #41834001013000, 41834001012000, 41834001009000, 41834001004000, 41834001008000, 41834001002000, 41834001003000, 41843001005000, 41843001006000, 41843001007000, 41834001006000, 41834001010000, 41834001011000, 41834001019000, 41831001095000.

(remainder of page intentionally left blank)

EXHIBIT D-1

PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS AND FINANCING PLAN

A. Area Development Pattern and Demand

The proposed site is located in the Townships and the County and is situated in one of the fastest growing areas in the State of Ohio. More specifically, the site abuts the southern boundary of the City of Delaware, Ohio and approximately twelve miles north of downtown Columbus, Ohio and four miles north of the junction of I-270 and State Route 23 interchange.

B. Location and Proposed District Size:

The Developer has assembled approximately 1,159.6 acres of land in the Townships and the County north of the existing interchange at I-270 and State Route 23 as depicted and more particularly described in Exhibits A-1 and A-2, respectively.

C. Present and Future Socio-Economic Conditions

(i) Job Creation and Retention

When the Development is completed it is expected that the Development will employ approximately 30,000 residential construction workers, 1,000 commercial construction workers and over 2,500 full-time equivalent retail and commercial jobs. These will be new jobs to the region.

(ii) Economic and Fiscal Impact

It is anticipated that within the first phase of the District's existence and with the development of ten acres of the town centers there will be newly created space for retail, restaurants, office and other commercial space, approximately over \$178,000,000 will be invested in private development within the District and approximately over \$104,000,000 of public infrastructure improvements that benefit the District.

D. Public Services Provision

(i) Roads

Public roads will be built to public specifications as approved by the Townships in accordance with their design and build specifications and in accordance with the approved zoning plans.

(ii) Zoning and Other Accommodations

The Developer has obtained or will obtain the rezoning and other accommodations required for its planned development of the District. The zoning of the property is described in Exhibit C.

(iii) Community Development Charge

Funds raised by the Community Development Charge will be directed toward the payment of costs, including but not limited to costs of Land Development, Land Acquisition Activities and Community Facilities, all as applicable and appropriate under Ohio law.

(iv) Utilities

Sewer. Sewer services will be provided to the District by the County.

Water, Electric, Gas Telephone and Cable/Internet Service. It is expected water services will be provided to the District by Del-Co Water Company, Inc. Gas is to be provided by Suburban Gas, and electric, telephone and cable services will be provided to the District by local suppliers in the area.

E. Financial Plan: Charge Revenues

(i) Charge Covenant Filing

The Declaration of Covenants, Restrictions and Agreements for the Evans Farm NCA (the “Declaration”) has been prepared by the Developer and will be filed with the County Recorder of the County for the purpose of creating covenants running with the land to establish the obligation of current and future landowners to pay the Community Development Charge once the Authority is formed and the Community Development Charge is implemented by the Authority’s Board of Trustees. The Declaration will be filed on all real property included in the District. No Community Development Charges will be levied on real property within the District that is undeveloped or owned by a political subdivision, unless agreed to by such political subdivision.

(ii) Maximum Amount of Community Development Charge

The maximum amount of the Community Development Charge will be 10.00 mills on the assessed value of real property beginning with the Tax Year in which improvements on such parcels are granted a certificate of occupancy.

Revenues from the Community Development Charge has been projected based on real property sales in the area and similarly situated real property sales and the projected increase in value of such real property. A projection of currently expected Community Development Charge revenues for phase 1 is attached hereto as Exhibit D-2.

(iv) Apportioning Charge Revenues

The Community Development Charge revenues will be apportioned to capital improvements and may be apportioned to associated operating and maintenance costs for public services and Community Facilities to serve the tenants, guests, residents and real and personal

property in the District. The Authority shall have a first lien on the amount of the Community Development Charge collected as is necessary to pay debt service on any bonds or notes issued for Land Acquisition, Land Development or Community Facilities benefiting the District.

(v) Charge Collections

Collection of the Community Development Charge will be administered under the direction of the Board of Trustees of the Authority. It is expected the Community Development Charge will be due on an annual or semi-annual basis collected through the Treasurer of the County with the collection of real property taxes.

As permitted by Section 349.07 of the Ohio Revised Code, the Authority may certify the Community Development Charge to the Auditor of the County, who will enter the Community Development Charge, as certified by the Authority, on the tax list and duplicate of real property and certify the Community Development Charge to the Treasurer of the County for collection with the tax bills. Delinquent payments of the Community Development Charge may, and it is expected such delinquent payments will, be collected in the same manner provided for the collection of delinquent real property taxes where the owner of a parcel is obligated to pay the Community Development Charge by private action or other methods or means determined by the Authority in instances, including but not limited to, where an owner's tenant is required to pay the Community Development Charge.

F. Developer's Management Capability

See attached Exhibit D-3.

EXHIBIT D-2

**PROJECTION OF CURRENTLY EXPECTED
COMMUNITY DEVELOPMENT CHARGE REVENUES**

(remainder of page intentionally left blank—Exhibit D-2 follows)

EXHIBIT D-3

DEVELOPER'S MANAGEMENT CAPABILITY

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Evans Farm Land Development Company, LLC
J. Anthony Eyerman, PLA, LEED AP
Daniel W. Griffin, Esq.

Tony Eyerman is a leader in the land development and land planning industries with over 34 years of practice in Delaware County, one of the fastest growing counties in the United States. Tony is a former Executive Director of the Delaware County Regional Planning Commission and has served on local planning and zoning commissions throughout his career. Tony is the past President of the Board of Directors of the Delaware County Habitat for Humanity chapter and the President-elect for the Delaware Area Chamber of Commerce. Tony is exceedingly familiar with Delaware County. He and his family have lived in the community for 28 years. He has strong working relationships with residents, landowners, political bodies, and governmental officials throughout the County, and broader region of central Ohio. Tony has worked with the Evans family for over 6 years to create the New-Urbanism vision for Evans Farm.

Dan Griffin is one of the preeminent land developers in the Mid-West as a partner in the former Hines Griffin Development Company and as owner of Griffin Land Company. Dan has originated and directed the successful completion of over 40 residential and commercial ventures, including some of the most beautiful lifestyle communities in America. Dan's expertise in master-planned, mixed-use residential communities is highly regarded in the industry as well as his innovations in environmentally sensitive land development. Dan's experience in Title Insurance, Law, Banking, and Real Estate Development has spanned 35 years. Dan is a third generation Real Estate Attorney. Dan brings a combination of experience, training, philosophy and personal commitment that is second to none.

Tony and Dan have worked together on some of the most outstanding developments in Ohio and around the nation. Below is an extensive list of recognized, award-winning communities that Tony and Dan designed and/or developed:

- **Tartan Fields Golf Club**, an Arnold Palmer Signature Course, 550-acre residential development in Dublin, Ohio
- **The TPC at RiversBend**, first and only Tournament Players Club in Ohio. TPC at Riversbend was named by Golf Digest among the "Top 10 Best New Private Clubs in the U.S." when it debuted in 2002 and Perennially recognized as "One of the Best Courses" in the state. The TPC's 18-hole golf course designed by the legendary Arnold Palmer
- **Village of SanMarGale**, a 3,200 acre zoned community in Cincinnati, Ohio
- **Seraphim Ranch**, a 9,000 acre private Sportsmen's Club in Adams County, Ohio
- **Palmer's Creek Golf Community**, Fredricksburg, Virginia. A 1,600-acre mixed use, residential development. An Arnold Palmer-designed golf club
- **Windswept Villas**, Kiawah Island, SC. A nationally recognized oceanfront condominium development sensitively integrated to protect the sand dunes and numerous trees
- **Woodland Hall**, Powell, Ohio. An exclusive single-family community sensitively nestled in the Olentangy River Valley
- **Golf Village**, Powell, Ohio. A +/- 1,200 acre, mixed-use residential and golf community. An Arthur Hills designed golf course

- **Melrose Plantation**, Daufuskie Island, SC. A mixed-use, oceanfront, residential and golf community, sited on the historic Daufuskie Island. A Jack Nicklaus-signature golf course
- **Stone Meadow**, 30 estate homes in the City of Montgomery, Ohio
- **The Bluffs at RiversBend**, 33 estate homes overlooking the Little Miami River, Indian Hill schools, Cincinnati, Ohio
- **Oasis Golf Course Community**, Site of the 1994 Homearama Home Builders Association of Greater Cincinnati Home Show, Loveland, Ohio
- **Fairways at Pine Run** Golf Course Community, Site of the 1996 Homearama Home Builders Association of Greater Cincinnati Home Show
- **White Pillars**, redeveloped Historic Colonel Thomas Paxton Estate, Loveland, Ohio

Tony and Dan are pleased to partner in yet another creative, community-oriented development that is guided by their agricultural roots and their desire to preserve the natural setting of the community. Questions like, “What’s the ideal community to live in and raise a family? How can we provide an environment which promotes connectivity with neighbors and the outdoors?” are at the threshold of their pre-planning. Evans Farm will be the premiere New-Urbanism community in the nation and will set the standard in excellence and design for generations to come.

0129964.0620445 4814-5630-4683v11



FACT SHEET

AGENDA ITEM NO: 20

DATE: 04/24/2017

ORDINANCE NO: 17-29

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
May 8, 2017 at 7:15 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE REPEALING AND REPLACING SECTION 929 OF THE CITY OF DELAWARE STREETS, UTILITIES AND PUBLIC SERVICES CODE ESTABLISHING GENERAL RULES AND REGULATIONS FOR THE COLLECTION OF REFUSE.

BACKGROUND:

The City recently completed the process of reviewing and establishing revised refuse collection rates in association with the provision of residential and commercial refuse collection service throughout the community. As part of that process, several policies concerning existing regulations and practices were reviewed and determined to require updating in order to better reflect current practices and industry standards regarding the collection of refuse. In order to establish fair and equitable service options to all city refuse customers, certain modifications to the current rules are necessary specifically concerning customers utilizing dumpster service.

Additional updates are included as well to bring the definitions in the code up to current understanding and application, and to include new practices such as the utility of publically accessible dumpster collection.

REASON WHY LEGISLATION IS NEEDED:

Current rules require any residential premise or customer to utilize city refuse collection services, whether via tipcart or dumpster collection. Proposed revisions will allow for any customer, whether residential or commercial, utilizing dumpster services to have the option of subscribing to city or private refuse collection services.

COMMITTEE RECOMMENDATION:

Potential changes to the rules governing refuse collection were discussed at the recent Public Works and Utilities Committee who subsequently deferred the presentation of such changes to full council for additional consideration.

FISCAL IMPACT(S):

Providing the opportunity for existing multi-family development customers to opt out of city refuse collection service will reduce both revenue and cost associated with the provision of commercial collection operations by the city. It is not clear as to the total impact this change will have until better determination can be made as to how many existing customers may switch from city to private collection service.

POLICY CHANGES:

Allows for multi-family developments that utilize dumpster collection service to seek private collection service if so desired.

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

Chapter 929-revised

ORDINANCE NO. 17-29

AN ORDINANCE REPEALING AND REPLACING SECTION 929 OF THE CITY OF DELAWARE STREETS, UTILITIES AND PUBLIC SERVICES CODE ESTABLISHING GENERAL RULES AND REGULATIONS FOR THE COLLECTION OF REFUSE.

WHEREAS, the City of Delaware provides refuse collection service to its residents and businesses within the community; and

WHEREAS, the rules and regulations regarding the manner in which refuse collection service shall operate require periodic update and revision to conform to current practices and industry standard; and

WHEREAS, a comprehensive review of the refuse collection rates and program has been under consideration by the city resulting in desired changes to the refuse collection code; and

WHEREAS, Chapter 929 of the STREETS, UTILITIES AND PUBLIC SERVICES CODE shall be modified to include updated language detailing the current practices and regulations associated with the collection and disposal of refuse within the city.

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

SECTION 1. That Chapter 929 of the Codified Ordinances of the City of Delaware is hereby amended and replaced in its entirety by the following new section (attached hereto)

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

VOTE ON RULE SUSPENSION: YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2017 YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

CHAPTER 929. - REFUSE COLLECTION

929.01. - Definitions.

As used in this chapter:

- a) "Bag Tag" is a sticker that may be purchased and placed on bags of household generated refuse for disposal exceeding the allowable volume of refuse which can be contained within a tipcart.
- b) "Bulk Item" means individual items too large to fit a tipcart container including but not limited to furniture, appliances, and exercise equipment.
- c) "Commercial premises" means all premises in the City other than those defined as residential premises, including institutions, private and public, charitable and non-charitable, where refuse may be generated.
- d) "Construction Waste" means building materials and debris resulting from or accumulating in the construction, alteration or major repairing of any building or structure.
- e) "Director" means the Director of Public Works of the City.
- f) "Dumpster" means a large steel refuse container with closeable lids.
- g) "Dwelling unit" means one room or a suite of two or more rooms designed for or used by one family or housekeeping unit for living and/or sleeping purposes and having only one kitchen or kitchenette.
- h) "Multi-family premise" means all residential premises in the City with two or more dwelling units used for the purpose of human habitation which contain sleeping quarters and/or cooking facilities for two or more families or housekeeping units living independently of each other.
- i) "Publically accessible dumpsters" – means any dumpster owned by the City and accessible for refuse disposal by multiple property owners requiring both residential and/or commercial refuse service.
- j) "Putrescible waste", includes every refuse accumulation of animal, fruit or vegetable matter, used or intended for food, or that attends dealing in or storing of meat, fish, fowl, fruit or vegetables.

- k) "Recyclable Material" means materials that can be recovered from the general refuse stream to be reused in another form following a reprocessing cycle including but not limited to plastic, glass and metal beverage containers, paper, magazines, newsprint and cardboard.
- l) "Recycling Bin" means an 18-gallon rectangular plastic container for disposing of recyclable materials.
- m) "Refuse" means garbage, trash or rubbish which is accumulated by individuals and businesses in their normal day-to-day operations, excluding construction waste, recyclable material and yard waste.
- n) "Refuse collector" means the City and any and all of its authorized agents or employees connected with the collection and disposal of refuse.
- o) "Residential premises" means all single-family and multi-family premises used for the purpose of human habitation which contain sleeping quarters and/or cooking facilities for the use of individual and/or separate households.
- p) "Tipcart" means 32-gallon, 64-gallon or 96 gallon wheeled refuse cart with closeable lid, serviceable by semi-automated collection equipment.
- q) "Yard Waste" means lawn trimmings, leaves, vines, brush, whole Christmas trees during the month of January, garden waste and other vegetation that are compostable and biodegradable.

929.02. – Residential refuse customers.

- a) Each single family residential premise(s) in the City shall subscribe to City refuse collection service.
- b) Each multi-family residential premise(s) in the City that can reasonably accommodate the storage and weekly servicing of standard tipcart collection containers as determined by the Director, shall subscribe to City refuse collection service.

- c) Multifamily premises constructed without garages, car ports, or other such enclosures suitable for the storage of tipcart containers may be serviced through dumpster units either through the City, or via private refuse collection services, and shall be considered by the City as commercial customers subject to commercial rates.

929.03. – Commercial refuse customers.

- a) Commercial customers shall be serviced using dumpsters of appropriate size and frequency to provided adequate capacity for both weekday and weekend use, and are subject to commercial collection rates.
- b) Commercial customers that generate a small volume of non-putrescible refuse on a weekly basis may be serviced via tipcart(s) collection at the same rate per container that residential customers pay, provided tipcarts can be reasonably accommodated on the property out of public view.

929.04. – Publically accessible dumpsters.

In some instances, refuse service may be provided for both residential and commercial customers through use of a publically owned dumpster positioned in predetermined locations and open to use by multiple property owners. The size and rate of service of these dumpsters is variable and depends on the number of customers using the dumpster at a given time and quantity of weekly waste generated.

929.05. – Refuse containers; specifications; placement; disposition.

- a) Tipcarts for residential customers shall be initially paid for by the customer and distributed by the City, and remain the property of the City. Repairs to and replacement of existing tipcarts necessary as a result of normal usage and wear/tear, shall be provided by the City at no charge to the customer.
- b) Dumpster containers housed within new multi-family developments serviced by the City shall be purchased by the property owner and distributed through the City, and remain the property of the City.
- c) Dumpsters for commercial customers not servicing residential households shall be provided by the City.
- d) The maximum weight of a fully-loaded tipcart container with the lid closed shall not exceed the manufacturer's recommended max load. Containers exceeding these restrictions may not be serviced.

- e) Recycling containers are provided by the City and shall be uniform in appearance, size and function wherever serviced by the city.
- f) Tipcarts, recycling containers and yard waste shall be placed at the location specified by the city for servicing on the scheduled collection day.
- g) No person, except a refuse collector, shall remove any refuse from any premise other than his or her own, without the property owner's permission.
- h) Each refuse customer served by the City or a licensed private hauler shall conform to the rules and regulations relating to refuse collection and disposal as specified by the Director of Public Works under authority granted in Section 929.10 of the City Code. Current rules and regulations establishing these procedures shall be available to all refuse customers and licensed private haulers.

929.06. - Deposit of refuse in proper containers/length of storage/location of containers

- (a) All refuse being disposed of must be contained within appropriate collection containers whether being serviced by the City or licensed private hauler.
- (b) No refuse container may be placed within the public right-of-way for more than 24 hours preceding or following the servicing of that container by the City or private refuse hauler.
- (c) Refuse containers must be stored in locations as determined appropriate by applicable zoning regulations, HOA provisions, or property deed restrictions.

929.07. - City's refuse collection times.

- a) The City shall collect from residential and commercial premises within the City at least once every week in accordance with schedules, routes and policies as established by the Director. Collection days may be adjusted during weeks where the City observes a holiday such that normal City operations are suspended.
- b) Yard waste is collected on a regular weekly basis coinciding with the regular residential collection schedule, from April through November, and in January for Christmas Tree collections.

929.09. - Collection charges.

- (a) All residential and commercial premise in the City subscribing to city refuse collection service shall be individually billed by the Finance Director in accordance with provisions contained in Section 929.08 of the City Code, unless such charges are waived by the City Manager due to unusual or practical considerations of a particular situation.
- (b) In cases where multiple customers occupy the same property or building, the City may elect to invoice the property owner for refuse collection services instead of individual tenants.
- (c) Charges for collection of commercial customers shall be based upon the analysis of the type of service rendered and shall be computed by the Director of Public Works in accordance with the Fee Schedule in Section 197.02 of the City Code.
- (d) Commercial refuse customers requesting additional dumpster pickups will be charged a fee per pickup.
- (e) The monthly collection rate for customers assigned to a publically accessible dumpster shall be determined by the Director, and generally be in line with the rate that would be charged if the customer had an individual refuse container on their respective property.
- (f) An individual 55 years of age or older living alone may apply for a senior citizen discount rate.
- (g) Bag tags may be utilized as a method of disposing of additional bags of refuse or other household items exceeding the allowable volume of refuse which can be contained within a tipcart with the lid closed. Bag tags may be purchased at a cost set forth in the Fee Schedule in Section 197.02 of the City Code.
- (h) When requesting a temporary discontinuation of refuse collection services, a fee provided in the Fee Schedule will be assessed to have the container(s) removed. When the account is reactivated an additional fee will be assessed to have the container(s) returned. If container(s) is/are not removed charges will continue to be assessed on a monthly basis.
- (i) Changes to container sizes at the request of the customer will be allowed within a 30-day grace period of the initial establishment of service without a fee being assessed. Changes made after the 30-day grace period will be assessed a fee. Changes will be permitted only twice within a calendar year.
- (j) In cases where there are no established rates, the Director may establish classifications of service and fix rates governing such classifications. When such classifications are made and rates established, they shall

have the same force and effect as though they were a part of this Section.

- (k) The Director may modify the above charges if particular circumstances or conditions require it.

929.10. - Director's collection rules and regulations.

The Director of Public Works for the purpose of collecting and disposing of refuse, is hereby authorized and directed to make such rules and regulations as are necessary or convenient therefore, such regulations to have the same validity as ordinances when not repugnant thereto or to the Constitution or laws of the State.

929.11. - Private collector requirements.

- a) All private collectors shall conform to the rules and regulations regarding licensing requirements as provided within the Ohio Revised Code.
- b) The transportation of refuse by private collectors or haulers shall be in vehicles covered in such a manner as to prevent the littering of the public ways of the City in any manner. Collection vehicle requirements are governed by rules and regulations as provided within the Ohio Revised Code.

929.12. - Disposal at an approved site.

No person shall dispose of, bury, burn or dump within the corporate limits of the City any refuse created within or without the City. All refuse shall be conveyed to and disposed of at an appropriately licensed municipal waste disposal site.

929.99. - Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.



FACT SHEET

AGENDA ITEM NO: 21

DATE: 04/24/2017

ORDINANCE NO: 17-30

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
May 8, 2017 at 7:20 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTION 521.08 OF CHAPTER 521 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING AUTHORITY TO REMOVE LITTER, AND THE RIGHT TO AN APPEAL OF A NOTICE OF VIOLATION.

BACKGROUND:

The City has considered changes to the rules and regulations regarding the littering and deposit of garbage and waste material within the downtown business district and other locations throughout the community. Current code prescribes a lengthy process that can take as long as several days to provide written notification to violators when determining that refuse or other discarded items have been improperly placed within the public right of way. There are certain instances when the city has determined that leaving the illegally deposited refuse in the right of way is neither acceptable nor desirable, and prefers to have the refuse or debris immediately removed by city staff.

Section 521.08 is also being amended to provide for the right to appeal by any individual or entity being served a notice of violation of the provisions of this section.

REASON WHY LEGISLATION IS NEEDED:

Current code does not prescribe a means to address the immediate removal of illegally deposited materials within the public right of way. Proposed changes to the code will allow for the City Manager to make such determination and cause such refuse to be collected and disposed of in a timely basis. Current code also is absent of an appeal process for individuals or entities served a notice of violation.

COMMITTEE RECOMMENDATION:

Potential changes to the rules governing refuse collection were discussed at the recent Public Works and Utilities Committee who subsequently deferred the presentation of such changes to full council for additional consideration.

FISCAL IMPACT(S):

The number of cases whereby the proposed provisions would be exercised is likely to be minimal. Collecting and disposing of illegally deposited refuse without imposing fees for such violations will have minimal financial impact on the city.

POLICY CHANGES:

Proposed change provides the authority for the City Manager to make a determination regarding violations and to direct staff to remove illegally deposited refuse. Also allows any notice of violation to violations of this section to be appealed to the Public Works and Utilities Committee.

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

ORDINANCE NO. 17-30

AN ORDINANCE AMENDING SECTION 521.08 OF CHAPTER 521 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING AUTHORITY TO REMOVE LITTER, AND THE RIGHT TO AN APPEAL OF A NOTICE OF VIOLATION.

WHEREAS, the City of Delaware Codified Ordinances contains certain rules and regulations governing littering and deposit of garbage and waste material upon public property; and

WHEREAS, violations to these rules require a prescribed notification process and schedule in order for remediation of the violation, and for fines to be levied; and

WHEREAS, there are instances that a more immediate response to addressing such violation is desirable outside of THE timeframe currently prescribed by existing code; and

WHEREAS, individuals or entities receiving a notice of violation are not provided a process by which to appeal such notice or associated charges.

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

SECTION 1. That Section 521.08 be amended to include the following:

521.08 (e) If the city manager or designated representative makes a determination that such an accumulation or deposit of material specified in subsections (a) or (b) presents an immediate safety risk, hazard, or otherwise objectionable public nuisance to adjacent property owners, pedestrians or motorists, the city may immediately cause the deposit or accumulation to be removed.

521.08 (f) Charges incurred under sections (d) may be appealed within 30 days of the charge. Appeals shall be heard by the Public Works and Utilities Committee. If an appeal is timely filed, charges will not become due until the committee has issued a decision.

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 actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



MARCH FINANCE REPORT

TO: Members of City Council
FROM: Dean Stelzer, Finance Director
DATE: April 19, 2017

Reports Included

<u>Page</u>	<u>Reports</u>	<u>Purpose</u>
2	Revenues by Source	This summary compares year-to-date revenues for 2015 to 2014 by source.
3	General Fund	Summary of General Fund budgeted revenues, expenditures and fund balance.
4	Other Operating Funds	Summary of budgeted revenues, expenditures, & fund balances for non-general fund operating funds.
5	Other Funds	Other non-operating funds revenues, expenditures and fund balance.
6	Insurance	Summary of the City's self-funded health insurance costs with comparisons to last year.
7	Income Tax	Monthly income tax collections for last three years. Also includes tax collection projections for remainder of the year.
8	Recreation Levy Summary	Reflects 2017 and total Recreation Levy expenditures by Phase.

Highlights:

- * Income tax collections are down 7.64% compared to last year. Part of the decrease is due to State of Ohio changes to municipal tax withholding requiring employers to remit withheld taxes monthly vs. quarterly. We are monitoring other potential changes to our collections and should be able to provide updated projections in early June once the individual tax filing period has ended.
- * Development related revenues are down about 12% on average over last year levels.

YTD 2016 Budget Supplementals

17-17 \$9,333 - General Fund - Refund fire insurance bond

FINANCE DIRECTOR'S REPORT
REVENUES BY SOURCE
March 31, 2017

	Revenues @ 3/31/17	Revenues @ 3/31/16	% Change
TAXES			
Income Tax	\$ 5,928,245	\$ 6,416,012	-7.60%
Property Tax	911,198	880,698	3.46%
Local Government Fund	151,243	153,274	-1.33%
Hotel/Motel Tax	10,951	13,262	-17.43%
Gasoline Taxes	282,610	276,748	2.12%
License Plate Tax	166,441	163,255	1.95%
FEES			
Franchise Fee (cable tv)	\$ 91,769	\$ 88,037	4.24%
Parking Meter & Lot Fees	19,911	21,544	-7.58%
Fines/Forfeitures/Court Diversion Fees	37,999	38,204	-0.54%
Impact Fees	108,766	150,085	-27.53%
Airport - Fuel	85,476	73,742	15.91%
Cemetery	38,938	30,479	27.75%
Golf Course	15,736	15,626	0.70%
REIMBURSEMENTS			
Engineering Fees	\$ 402,282	\$ 457,624	-12.09%
Fire/EMS Reimbursement	516,322	67,389	666.18%
Income tax collections are down	80,200	59,040	35.84%
Building Permits and Fees	163,207	184,318	-11.45%
UTILITY CHARGES			
Water - Meter Charges	\$ 1,293,470	\$ 1,271,424	1.73%
- Capacity Fees	308,038	336,345	-8.42%
Sewer - Meter Charges	1,591,408	1,556,910	2.22%
- Capacity Fees	293,590	315,184	-6.85%
Refuse	878,437	857,312	2.46%
Storm Sewer	222,221	226,201	-1.76%
MUNICIPAL COURT REVENUES	\$ 942,960	\$ 915,887	2.96%

FINANCE DIRECTOR'S REPORT
GENERAL FUND REVENUES
March 31, 2017

March 25.0% of year	Revenues 3/31/2017	2017 Budget	Revenues As % of Budget	Comparative Revenues 3/31/2016	% Change YTD
GENERAL FUND					
Property Tax	705,502	1,522,000	46.35%	677,824	4.08%
City Income Tax	3,207,933	14,391,065	22.29%	3,473,234	(7.64%)
Other Taxes	0	0	0.00%	0	0.00%
Local Government Fund	151,243	617,500	24.49%	153,274	(1.33%)
Fines and Forfeitures	37,999	145,000	26.21%	38,204	(0.54%)
Engineering Fees	402,282	810,000	49.66%	457,624	(12.09%)
Prosecutor Contracts	80,200	260,000	30.85%	59,040	35.84%
Parking Meters	7,730	37,000	20.89%	9,710	(20.39%)
Other Fees and Contracts	5,829	0	0.00%	6,370	(8.49%)
Liquor Permits	140	45,000	0.31%	1,557	(91.01%)
Franchise Fees	91,769	355,000	25.85%	88,037	4.24%
Licenses & Permits	163,207	725,000	22.51%	184,318	(11.45%)
Investment Income	37,938	175,000	21.68%	17,904	111.90%
Miscellaneous	26,120	150,000	17.41%	43,831	(40.41%)
Reimbursements	48,132	168,000	28.65%	15,578	208.97%
Transfers	510,388	1,920,000	26.58%	496,215	2.86%
TOTAL	5,476,412	21,320,565	25.69%	5,722,720	(4.30%)

GENERAL FUND EXPENDITURES

	Expenses 3/31/2017	2017 Budget	Expenses As % of Budget	Comparative Expenses 3/31/2016	% Change YTD
GENERAL FUND					
City Council	31,739	151,797	20.91%	21,668	46.48%
City Manager	203,030	684,160	29.68%	220,470	(7.91%)
Human Resources	80,935	349,298	23.17%	63,971	26.52%
Economic Development	182,816	388,834	47.02%	62,022	194.76%
Legal Affairs/Prosecution	201,939	797,760	25.31%	207,673	(2.76%)
Finance	383,927	1,551,135	24.75%	371,758	3.27%
Income Tax Refunds	164,622	360,000	45.73%	159,231	3.39%
General Administration	1,580,033	5,684,387	27.80%	1,223,940	29.09%
Risk Management	978	332,900	0.29%	7,558	(87.06%)
Police	2,029,620	8,173,369	24.83%	1,957,048	3.71%
Planning	271,434	1,136,486	23.88%	249,627	8.74%
Engineering	334,597	1,485,329	22.53%	289,027	15.77%
City Buildings	83,226	478,763	17.38%	93,298	(10.80%)
TOTAL	5,548,896	21,574,218	25.72%	4,927,291	12.62%

General Fund Beginning Balance January 1, 2017	4,382,218
2017 General Fund Revenues	5,476,412
2017 General Fund Expenditures	(5,548,896)
Advances to Other Funds	-
Outstanding Encumbrances 2/28/17	(400,950)
General Fund Ending Fund Balance Feb 28, 2017	<u>3,908,784</u>

FINANCE DIRECTOR'S REPORT

OTHER OPERATING FUNDS

March 31, 2017

REVENUES

	Revenues 3/31/2017	2017 Budget	Revenues As % of Budget	Comparative Revenues 3/31/2016	% Change YTD
STREET MAINTENANCE & REPAIR	738,942	2,806,691	26.33%	669,012	10.45%
STORM SEWER	222,424	852,000	26.11%	226,371	(1.74%)
PARKS AND RECREATION	483,439	1,427,500	33.87%	281,897	71.49%
CEMETERY	57,688	212,500	27.15%	40,478	42.52%
AIRPORT OPERATIONS	142,531	711,218	20.04%	120,577	18.21%
FIRE/EMS INCOME TAX	2,861,321	14,940,746	19.15%	2,592,285	10.38%
MUNICIPAL COURT	694,568	2,736,750	25.38%	689,507	0.73%
GOLF COURSE	15,736	173,700	9.06%	15,626	0.70%
WATER	1,332,280	5,650,132	23.58%	1,398,609	(4.74%)
SEWER	1,673,018	7,180,000	23.30%	1,644,935	1.71%
REFUSE	885,422	3,588,500	24.67%	864,784	2.39%
GARAGE ROTARY	161,360	645,440	25.00%	150,777	7.02%
INFORMATION TECH. ROTARY	263,213	1,052,850	25.00%	234,133	12.42%
TOTAL	9,531,942	41,978,027	22.71%	8,928,991	6.75%

EXPENDITURES

	Expenditures 3/31/2017	2017 Budget	Expenses As % of Budget	Comparative Expenses 3/31/2016	% Change YTD
STREET MAINTENANCE & REPAIR	681,682	2,924,173	23.31%	565,483	20.55%
STORM SEWER	414,171	1,542,458	26.85%	143,249	189.13%
PARKS AND RECREATION	312,858	1,393,719	22.45%	200,821	55.79%
CEMETERY	79,010	411,281	19.21%	51,594	53.14%
AIRPORT OPERATIONS	149,848	801,551	18.69%	134,166	11.69%
FIRE/EMS INCOME TAX	2,335,282	14,111,551	16.55%	2,965,324	(21.25%)
MUNICIPAL COURT	642,671	2,641,901	24.33%	629,952	2.02%
GOLF COURSE	34,588	200,014	17.29%	35,665	(3.02%)
WATER OPERATIONS	1,045,867	5,939,211	17.61%	1,042,707	0.30%
SEWER OPERATIONS	906,603	7,391,675	12.27%	970,547	(6.59%)
REFUSE	678,350	5,370,832	12.63%	819,049	(17.18%)
GARAGE ROTARY	147,959	643,633	22.99%	166,434	(11.10%)
INFORMATION TECH. ROTARY	260,875	1,053,120	24.77%	259,102	0.68%
TOTAL	7,689,764	44,425,119	17.31%	7,984,093	(3.69%)

FUND BALANCES

	Fund Balance 1/1/2017	Revenues 3/31/2017	Expenditures 3/31/2017	Outstanding Encumb.	Fund Balance 3/31/2017
STREET MAINTENANCE & REPAIR	442,970	738,942	681,682	103,053	397,177
STORM SEWER	1,921,698	222,424	414,171	265,092	1,464,859
PARKS AND RECREATION	232,381	483,438	312,858	189,955	213,006
CEMETERY	299,378	57,688	79,010	9,328	268,728
AIRPORT OPERATIONS	232,295	142,531	149,848	29,326	195,652
FIRE/EMS INCOME TAX	5,637,179	2,861,321	2,335,282	394,307	5,768,911
MUNICIPAL COURT	1,881,840	694,568	642,671	8,895	1,924,842
GOLF COURSE	69,962	15,736	34,588	8,342	42,768
WATER OPERATIONS	1,421,338	1,332,280	1,045,867	200,421	1,507,330
SEWER OPERATIONS	2,661,859	1,673,018	906,603	112,439	3,315,835
REFUSE	2,185,719	885,422	678,350	624,244	1,768,547
GARAGE ROTARY	273,429	161,360	147,959	49,806	237,024
INFORMATION TECH. ROTARY	561,103	263,212	260,875	60,922	502,518
TOTAL	17,821,151	9,531,940	7,689,764	2,056,130	17,607,197

FINANCE DIRECTOR'S REPORT
OTHER FUND REVENUES/EXPENSES/FUND BALANCE
March 31, 2017

	Beginning Fund Balance	Revenues 3/31/2017	Expenses 3/31/2017	Outstanding Encumbrances	Ending Fund Balance
STATE HIGHWAY IMPROVEMENT	106,060	26,304	0	0	132,364
LICENSE FEE	223,448	100,571	0	0	324,019
TREE FUND	211,030	55,151	0	0	266,181
AIRPORT 2000 T-HANGAR	143,529	24,308	10,249	9,226	148,362
RECREATION FACILITIES TAX	3,530,990	484,774	356,685	15,250	3,643,829
AIRPORT TIF	57,415	12,501	0	0	69,916
GLENN RD BRIDGE TIF	1,463,310	456,455	14,219	205,051	1,700,495
SKY CLIMBER/V&P TIF	0	9,796	0	0	9,796
MILL RUN TIF	0	72,581	0	0	72,581
COURT IDIAM	18,784	3,874	16,715	2,001	3,942
DRUG ENFORCEMENT	54,013	1,456	0	0	55,469
COURT ALCOHOL TREATMENT	516,519	32,154	0	0	548,673
OMVI ENFORCEMENT/EDUCATION	4,036	709	0	0	4,745
POLICE JUDGEMENT	114,881	6,140	10,592	17,150	93,279
PARK DEVELOPMENT	205,177	26,808	0	0	231,985
COMPUTER LEGAL RESEARCH	486,966	65,498	7,943	24,985	519,536
COURT SPECIAL PROJECTS	865,397	65,805	10,551	23,692	896,959
PROBATION SERVICES	451,587	80,351	7,147	5,212	519,579
POLICE/FIRE DISABILITY	0	205,696	205,696	0	0
COMMUNITY PROMOTION FUND	45,497	21,076	35,000	0	31,573
CDBG GRANT	2,530	0	0	230	2,300
ED REVOLVING LOAN	478,274	31,209	32,670	80,002	396,811
HOUSING GRANT PROGRAM INCOME	27,018	0	0	27,018	0
CHIP GRANT	(62,267)	62,270	67,248	80,308	(147,553)
GENERAL BOND RETIREMENT	72,367	88	0	500	71,955
PARK IMPROV BONDS FUND	107,796	323,807	0	0	431,603
SE HIGHLAND SEWER BOND FUND	83,023	249,230	0	0	332,253
CAPITAL IMPROVEMENT	1,408,850	564,447	601,656	411,173	960,468
FAA AIRPORT GRANT	(374,800)	310,744	19,485	37,600	(121,141)
FAA AIRPORT AIP GRANT	(406,370)	409,216	19,250	5,750	(22,154)
EQUIPMENT REPLACEMENT	199,822	455,000	158,174	372,248	124,400
PARK IMPACT FEE	1,082,919	63,259	9,995	185,808	950,375
POLICE IMPACT FEE	334,055	10,002	3,325	4,600	336,132
FIRE IMPACT FEE	330,732	17,803	3,335	4,615	340,585
MUNICIPAL SERVICES IMPACT FEE	535,122	20,526	3,335	4,615	547,698
GLENN ROAD CONSTRUCTION FUNDS	3,486,736	289,506	480	29,300	3,746,462
PARKING LOTS	28,666	12,181	9,179	5,638	26,030
WATER CIP	9,903,611	315,155	1,191,687	212,299	8,814,780
SEWER CIP	6,835,942	373,419	1,798,631	495,728	4,915,002
SELF INSURANCE	2,216,317	1,250,713	1,303,097	7,215	2,156,718
WORKERS COMP RESERVE	1,973,888	146,171	9,430	6,993	2,103,636
FIRE DONATION	5,765	580	0	0	6,345
PARK DONATION	25,000	0	0	0	25,000
POLICE DONATION	7,809	0	0	0	7,809
MAYOR'S DONATION	1,958	500	942	0	1,516
PROJECT TRUST	560,120	4,195	0	11,500	552,815
UNCLAIMED FUNDS	68,119	0	0	0	68,119
DEVELOPMENT RESERVE FUND	807,886	0	0	0	807,886
RESERVE ACCOUNT FUND	1,012,323	0	0	0	1,012,323
BERKSHIRE JEDD FUND	32,427	47,461	32,741	167,259	(120,112)
CEMETERY PERPETUAL CARE FUND	36,063	44	0	280	35,827
STATE PATROL TRANSFER	252	13,857	13,857	0	252
STATE BUILDING PERMIT FEES	474	1,552	1,290	0	736
PERFORMANCE BOND FUND	164,146	0	0	0	164,146
TOTAL	39,485,212	6,724,943	5,954,604	2,453,246	37,802,305

City of Delaware
Employee Health Insurance Plan
March 31, 2017

Account	March 2017	YTD 2017	2017 Budget	% of Budget	YTD 2016	% Change 2016-17
Life Insurance	\$ 2,360	\$ 6,946	\$ 29,000	24.0%	\$ 6,824	1.8%
Insurance Opt-Out	2,395	7,485	30,500	24.5%	6,685	12.0%
Preventative Care	2,386	12,456	45,000	27.7%	9,474	31.5%
Vision Coverage	534	534	13,600	3.9%	-	0.0%
Administrative Fees						
Excise Tax	-	-	40,000	0.0%	-	0.0%
TPA Fees	7,886	22,096	86,000	25.7%	20,090	10.0%
PPO Fees	3,696	10,920	46,000	23.7%	10,654	2.5%
Broker Fees	-	-	7,000	0.0%	1,522	-100.0%
Total Admin	11,582	33,016	179,000	18.4%	32,266	2.3%
Stop Loss Insurance	54,121	159,717	620,000	25.8%	129,097	23.7%
Claims						
Medical	221,019	831,543	3,400,000	24.5%	666,227	24.8%
Dental	22,837	70,044	300,000	23.3%	60,372	16.0%
Prescription	56,138	181,357	715,000	25.4%	152,513	18.9%
Total Claims	299,994	1,082,944	4,415,000	24.5%	879,112	23.2%
Total Costs	373,372	1,303,098	5,332,100	24.4%	1,063,458	22.5%
Employee Payment	159,715	223,576	820,000	27.3%	203,720	
Reimbursements	-	55,706	300,000	18.6%	121,727	
NET PLAN COSTS	\$ 213,657	\$ 1,023,816	\$ 4,212,100	24.3%	\$ 738,011	38.7%

Enrollment:	Family Coverage	Single Coverage	Total Coverage
March 2017	211	50	261
March 2016	201	50	251

**MONTHLY INCOME TAX REVENUES
2015-2017**

	2015				% OF ACTUAL	2016				% OF ACTUAL	2017				% OF BUDGET
	W/H	PERSONAL	BUSINESS	TOTAL		W/H	PERSONAL	BUSINESS	TOTAL		W/H	PERSONAL	BUSINESS	TOTAL	
JANUARY	1,386,435	325,735	145,382	1,857,552		1,433,007	317,649	37,649	1,788,305		1,794,272	205,680	204,662	2,204,614	
FEBRUARY	1,374,902	315,054	84,287	1,774,243		2,161,101	396,158	52,085	2,609,344		1,304,987	327,145	95,437	1,727,569	
MARCH	1,122,427	601,839	98,726	1,822,992		1,237,708	545,907	234,748	2,018,363		1,175,241	625,299	195,522	1,996,062	
SUBTOTAL	3,883,764	1,242,628	328,395	5,454,787	23.87%	4,831,816	1,259,714	324,482	6,416,012	25.69%	4,274,500	1,158,124	495,621	5,928,245	22.27%
APRIL	1,299,084	2,094,760	670,933	4,064,777		1,481,257	2,185,373	575,354	4,241,984						
MAY	1,283,212	133,840	38,214	1,455,266		1,390,669	153,006	33,392	1,577,067						
JUNE	1,255,611	146,124	199,120	1,600,855		1,267,769	426,520	238,738	1,933,027						
JULY	1,426,574	318,033	55,623	1,800,230		1,426,206	146,332	33,356	1,605,894						
AUGUST	1,379,035	213,566	22,758	1,615,359		1,470,975	140,043	25,584	1,636,602						
SEPTEMBER	1,219,497	194,176	224,009	1,637,682		1,167,550	523,048	257,476	1,948,074						
OCTOBER	1,258,135	403,492	95,560	1,757,187		1,760,852	262,154	134,880	2,157,886						
NOVEMBER	1,437,276	240,304	53,785	1,731,365		1,283,667	213,128	13,244	1,510,039						
DECEMBER	1,294,296	274,186	166,753	1,735,235		1,296,162	420,091	232,478	1,948,731						
TOTALS	15,736,484	5,261,109	1,855,150	22,852,743	102.12%	17,376,923	5,729,409	1,868,984	24,975,316	104.09%	4,274,500	1,158,124	495,621	5,928,245	22.27%
BUDGETED				22,378,779					23,993,421					26,614,811	

	Total Receipts	Jan-Feb Receipts	% of Annual Collections	Projection based on ten year trend JAN-MARCH 2017 RECEIPTS =	
2007	12,865,504	3,149,492	24.48%		\$5,928,245
2008	14,159,170	3,805,999	26.88%	HIGH =	\$24,845,325
2009	14,719,896	3,795,614	25.79%	LOW =	\$22,054,401
2010	15,185,348	3,623,316	23.86%		
2011	17,765,717	4,452,287	25.06%	LAST 3 YR	
2012	19,658,101	5,110,981	26.00%	AVG =	\$23,941,841
2013	20,557,766	5,020,529	24.42%		
2014	21,537,420	5,324,992	24.72%	*2017 BUDGETED RECEIPTS	\$26,614,811
2015	22,852,743	5,454,787	23.87%		
2016	24,975,316	6,416,012	25.69%		
		10 Year Avg.	25.08%		

**FINANCE DIRECTOR'S REPORT
RECREATION LEVY
March 31, 2017**

<i>Account #</i>	<i>Description</i>	<i>2014 Expended</i>	<i>2015 Expended</i>	<i>2016 Expended</i>	<i>2017 Expended</i>	<i>2017 Encumbered</i>	<i>2017 Remaining Budget</i>	<i>Total 2014 - 2017</i>
Phase 1 - \$20,000,000								
233-0233- 5230	Design	7,090	0	0	0	0	0	7,090
5513	Other Park Improvements	14,981	0	0	0	0	0	14,981
5521	National Guard City Alternatives	117,500	0	0	0	0	0	117,500
5533	Veterans Park Restroom/Shelter	0	100,000	150,000	0	0	0	250,000
	Total	139,571	100,000	150,000	0	0	0	389,571
Phase 2 - \$3,800,000								
233-0233- 5522	Park Asphalt Projects	306,291	59,111	27,841	0	0	0	393,243
5523	Park Seal Coating Projects	36,025	100,894	0	0	0	30,000	166,919
5524	Smith Park Trail	27,461	3,699	205,818	0	0	0	236,978
5525	Park Irrigation	0	0	0	0	0	0	0
5526	Park Aeration	20,109	0	0	0	0	286,000	306,109
5527	Parks General Construction Projects	113,737	6,250	12,645	0	0	157,581	290,213
5528	Dog Park	32,354	34,003	0	0	0	0	66,357
5529	Drainage & Excavation Projects	2,608	0	0	0	0	18,000	20,608
5530	Miscellaneous Park Improvements	42,715	0	0	0	0	25,000	67,715
5531	Income tax collections are down	337,203	0	0	0	0	0	337,203
5532	Wayfinding and Signage	0	0	0	8,500	15,250	0	23,750
5534	Veterans Park Playtoy	0	152,551	94,449	0	0	0	247,000
5535	Splashpad Construction	5,300	479,956	51,627	0	0	0	536,883
5536	Parkland Acquisition/Improvement	0	722,272	428,577	0	0	0	1,150,849
5537	Park Improvements Contingency	3,040	0	0	0	0	0	3,040
5538	Pickleball Courts	0	17,035	0	0	0	0	17,035
5710	In House Design	0	4,237	0	0	0	0	4,237
	Total	926,843	1,580,008	820,957	8,500	15,250	516,581	3,868,139
	Phase 1 Totals	139,571	100,000	150,000	0	0	0	389,571
	Phase 1 Reimbursements	72,000						72,000
	Phase 1 Net Cost	67,571	100,000	150,000	0	0	0	317,571
	Phase 1 Net Cost 2009-2013							19,609,505
	TOTAL PHASE 1 COSTS							19,927,076
	Phase 2 Totals	926,843	1,580,008	820,957	8,500	15,250	516,581	3,868,139
	Phase 2 Reimbursements		212,722					212,722
	TOTAL PHASE 2 COSTS	926,843	1,367,286	820,957	8,500	15,250	516,581	3,655,417
	TOTAL ALL PHASES							23,582,493

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: April 24, 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**

April 4

- * Dedication of Ohio Living Sarah Moore- The Rehab Suites
- * Public Works/Public Utilities Committee Meeting

April 6

- * JASCO 20th Anniversary Reception

April 7

- * Moody's Presentation

April 10

- * Rotary Meeting

April 11

- * Finance Committee Meeting
- * Sister City Advisory Board Meeting

April 13

- * Departure with Delegation for Sakata, Japan

April

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						1
2	3	4	5	6	7	8
		Public Works Public Utilities 6pm	Planning 7pm			
9	10	11	12	13	14	15
Council 7pm	Finance 4:30pm Sister City 6pm		BZA 7pm canceled			
16	17	18	19	20	21	22
		Parks & Rec 7pm		Airport Commission 7pm canceled		
23	24	25	26	27	28	29
Council 7pm		Shade Tree 7pm	HPC 7pm- canceled			
						30

May

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3	4	5	6
			Civil Service 3pm Planning 7pm			
7	8	9	10	11	12	13
	Council 7pm					
14	15	16	17	18	19	20
	Parking & Safety 7pm	Parks & Rec 7pm				
21	22	23	24	25	26	27
	Council 7pm	Shade Tree 7pm	HPC 7pm			
28	29	30	31			
	City Offices Closed					

CONTRACT APPROVAL – April 24, 2017

VENDOR	EXPLANATION OF AGREEMENT	2017 AMOUNT	DEPARTMENT
Ohio Wesleyan University	Agreement for Medical Services-Graduation	\$116.20/hr	Fire Department
JHR	Code Enforcement-lawn maintenance/cleanup	0-4,000 SQFT \$40.00	Planning
MS Consultants	East Side Traffic Analysis	\$35,950 Base Contract	Public Works