

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

AGENDA

REGULAR MEETING

October 23, 2017

1. ROLL CALL
2. INVOCATION – Pastor Mike Cheek, Highpoint Nazarene Church
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on October 9, 2017, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summary for the Sister City Advisory Board meeting held July 11, 2017.
 - B. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held August 15, 2017.
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. PRESENTATION
 - A. Presentation from Delaware City Schools – Paul Craft, Superintendent
9. CONSIDERATION OF NEW LIQUOR PERMIT
 - A. Delaware Lanes Inc., 536 Sunbury Road, Delaware, Ohio Permit Class: D5
10. 7:20 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-64, an ordinance approving the amendment to petition for expansion of the Northern New Community Authority and make related findings, provide the method of selecting the Board of Trustees of the New Community Authority, and define the boundary of the expanded New Community District.

11. 7:25 P.M. PUBLIC HEARING AND FOURTH READING of Ordinance No. 17-61, an ordinance amending the Neglect of Companion Animals Section of the Animal and Fowl Chapter of the General Offenses Code.
12. 7:45 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-66, an ordinance for the City of Delaware for approval of a Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.
13. 7:45 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 17-67, an ordinance for the City of Delaware for approval of a Conditional Use Permit for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.
14. SECOND READING of Ordinance No. 17-68, an ordinance for the City of Delaware for approval of a Combined Preliminary and Final Development Plan for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.
15. THIRD READING of Resolution No. 17-57, a resolution creating a Designated Outdoor Refreshment Area (DORA) for Downtown Delaware and enacting regulations.
16. THIRD READING of Ordinance No. 17-62, an ordinance amending the employment agreement with the City Manager.
17. CONSIDERATION of Resolution No. 17-60, a resolution authorizing the city to participate in joint litigation to challenge provisions of state law which violate home rule authority granted to cities by the Ohio Constitution.
18. CONSIDERATION of Ordinance No. 17-69, an ordinance supplementing the 2017 Appropriations Ordinance to provide additional funding for Land Development Engineering Professional Services, and declaring an emergency.
19. CONSIDERATION of Ordinance No. 17-70, an ordinance supplementing the 2017 Appropriations Ordinance to provide additional funding for various Water Plant Line Items Accounts, and declaring an emergency.
20. CONSIDERATION of Ordinance No. 17-71, an ordinance supplementing

the 2017 Appropriations Ordinance to provide additional funding for Administrative Services wages line item.

21. FINANCE DIRECTOR'S REPORT
22. CITY MANAGER REPORT
23. COUNCIL COMMENTS
24. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

DEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

October 9

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The regular meeting of Council held October 9, 2017 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Chaplain Jonathan Smith of the City of Delaware Fire Department, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney; Dean Stelzer, Finance Director, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Brad Stanton, Director of Public Utilities, Caroline Cicerchi, Watershed/Sustainability Coordinator, Sean Hughes, Economic Development Director, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on September 25, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary for the Work Session of Council held October 2, 2017, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held September 25, 2017, and the Motion Summary of the Work Session of Council held October 2, 2017 as recorded and transcribed, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held July 25, 2017.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held July 26, 2017.
- C. Acceptance of the Motion Summary for the Civil Service Commission meeting held September 6, 2017.
- D. Acceptance of the Motion Summary for the Planning Commission meeting held September 6, 2017.
- E. Resolution No. 17-58, a resolution authorizing the City Manager to enter into a Cooperative Agreement with the Ohio Department of Transportation for the resurfacing portions of US-42 between US-36 and CR-270 (Horseshoe Rd.).
- F. Establish October 23, 2017 at 7:45 p.m. as a date and time for a public hearing and second reading for Ordinance No. 17-66, an ordinance for the City of Delaware for approval of a Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway and Ordinance No. 17-67, an ordinance for the City of Delaware for approval of a Conditional Use Permit for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

RECORD OF PROCEEDINGS

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Held October 9 2017

ITEM 7: COMMITTEE REPORTS

Mayor Riggle provided information on the October 10, 2017 Sister City Advisory Board meeting.

ITEM 8: PRESENTATION

Mayor Riggle read an additional proclamation to recognize David Wortz of Troop 318 for achieving the rank of Eagle Scout through the Boy Scouts of America.

- A. Proclamation recognizing Melissa Bargar of Oakland Nursery for her efforts to the beautification of Downtown Delaware
- B. Proclamation recognizing October 8 thru October 14 as Fire Prevention Week
- C. Sister City Annual Report – Rand Guebert, Chairman of Sister City Advisory Committee
- D. Presentation on Electric Aggregation – Jay Sell, Aspen Energy

PRESENTOR:

Jay Sell, Aspen Energy
3822 Greensview Drive
Powell, Ohio 43065

ITEM 9: CONSIDERATION OF NEW LIQUOR PERMIT

- A. Tuan Nguyen LLC, DBA Jennis Nail Spa & Bar, 1234 Columbus Pike, Delaware, OH 43015. Permit Class: D3

Motion: Mr. Rohrer motioned to not request a hearing, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 10: RESOLUTION 17-54 [Fifth Reading]

A RESOLUTION ADOPTING THE 2018-2022 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

The Clerk read the resolution for the fifth time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 17-54, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 17-61 [Third Reading]

AN ORDINANCE AMENDING THE NEGLECT OF COMPANION ANIMALS SECTION OF THE ANIMAL AND FOWL CHAPTER OF THE GENERAL OFFENSES CODE.

The Clerk read the ordinance for the third time.

A public hearing is scheduled for October 23, 2017 at 7:25 p.m.

ITEM 12: RESOLUTION NO. 17-57 [Second Reading]

A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) FOR DOWNTOWN DELAWARE AND ENACTING REGULATIONS.

The Clerk read the resolution for the second time.

Mrs. Walker reviewed the proposed signage and cups that would be used. Mayor Riggle discussed the amount of ounces that the cup can hold.

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Meeting

PEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

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PUBLIC COMMENT:

Susie Bibler
Main Street Delaware, Executive Director
20 East Winter Street
Delaware, Ohio 43015

Chip Gregory
Main Street Delaware, President of Board of Directors
1921 Hyatts Road
Delaware, Ohio 43015

Mr. Gregory and Ms. Bibler discussed their efforts to reach out to Main Street Delaware members to determine their interest in participating in DORA events. Mr. Gregory read into the record a letter from the Main Street Board of Directors to voice their support in a DORA.

Tracey Peyton
Strand Theatre, Managing Director
28 East Winter Street
Delaware, Ohio 43015

Ms. Peyton voiced her support in having a DORA and discussed other cities within Ohio that participate in DORA events.

Larry Vance
188 N. Franklin Street
Delaware, Ohio 43015

Mr. Vance voiced opposition with a DORA due to lack of downtown public restroom facilities. Mr. Vance discussed the potential use of 20 East William Street as a building for public restrooms.

Genti Koci
Opa Grill and Tavern
18 South Sandusky Street
Delaware, Ohio 43015

Mr. Koci voiced his support for DORA activities.

Dustin Nanna
206 Silver Maple Drive
Delaware, Ohio 43015

Mr. Nanna requested information regarding if the boundaries to a DORA may be expanded or reestablished. Mrs. Walker reviewed the need to resubmit an application to reestablish boundaries.

Al Myers
17 West Winter Street
Delaware, Ohio 43015

The Clerk read a letter into the record that Mr. Myers had sent to Councilmember Rohrer voicing concerns regarding a DORA.

Councilmember Hellinger voiced a question if plastic cups is needed for all alcoholic beverages at establishments that accept the DORA.

RECORD OF PROCEEDINGS

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Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8284 FORM NO. 10148

October 9

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Held

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Councilmember Jones requested clarification on how many drinks can an individual purchase in DORA approved cups at one time.

Mayor Riggle requested a break at 8:37 p.m. and reconvened the meeting at 8:44 p.m.

ITEM 13: ORDINANCE NO. 17-62 [Second Reading]
AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER.

The Clerk read the ordinance for the second time.

ITEM 14: RESOLUTION NO. 17-59 [First Reading]
A RESOLUTION OF COMMITMENT TO SUSTAINABLE2050.

The Clerk read the resolution for the first time.

Ms. Cicerchi provided background information regarding MORPC and Sustainable2050.

Motion: Mr. Jones motioned to adopt Resolution No. 17-59, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 17-64 [First Reading]
AN ORDINANCE APPROVING THE AMENDMENT TO PETITION FOR EXPANSION OF THE NORTHERN NEW COMMUNITY AUTHORITY AND MAKE RELATED FINDINGS, PROVIDE THE METHOD OF SELECTING THE BOARD OF TRUSTEES OF THE NEW COMMUNITY AUTHORITY, AND DEFINE THE BOUNDARY OF THE EXPANDED NEW COMMUNITY DISTRICT.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for October 23, 2017 at 7:20 p.m.

ITEM 16: ORDINANCE NO. 17-65 [First Reading]
AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH KB42, LTD., DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A BUILDING AT 42 NORTH SANDUSKY STREET AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT:
Denny Bolton
KB42, LTD
5 East Winter Street
Delaware, Ohio

Kreg King
KB42, LTD
5 East Winter Street
Delaware, Ohio

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-328-8094 FORM NO. 10148

Held October 9

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Councilmember Hellinger voiced a concern regarding the requirement to be a Main Street Delaware member in the agreement.

Motion: Mr. Hellinger motioned to amend Ordinance No. 17-65 that requirement of Main Street Delaware membership be stricken as a requirement and be put as a suggestion, seconded by Mr. Browning. Motion failed with a 1-6 (Jones, Keller, Browning, Rohrer, Shafer, Riggle) vote.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-65, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-65, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-65, seconded by Mrs. Keller. Motion approved by a 6-1 (Hellinger) vote.

ITEM 17: ORDINANCE NO. 17-66 [First Reading]

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A REZONING AMENDMENT FOR FIRE STATION 304 ON 4.102 ACRES TO A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for October 23, 2017 at 7:45 p.m.

ITEM 18: ORDINANCE NO. 17-67 [First Reading]

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for October 23, 2017 at 7:45 p.m.

ITEM 19: ORDINANCE NO. 17-68 [First Reading]

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

The Clerk read the ordinance for the first time.

ITEM 20: CITY MANAGER'S REPORT

Mr. Homan informed Council that Mayor Riggle and himself will be meeting with County Commissioner Jeff Benton to discuss funding.

ITEM 21: COUNCIL COMMENTS

Mr. Jones requested an update regarding discussion with County Commissioners regarding the use of parking spaces at the new courthouse.

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Meeting

BEAR GRAPHICS 800-325-8024 FORM NO. 10148

Held October 9 20 17

Mr. Browning discussed the need to review and increase funding for an up ground water reservoir as presented at the Council Work Session.

Mr. Hellinger discussed the need to educate the public that fallen leaves are the responsibility of homeowners to clean up.

Vice-Mayor Shafer discussed the need to look at additional recycling and trash containers during First Friday events and if the DORA is approved.

Mayor Riggle informed Council that she recently attended the 60th Habitat for Humanity House Dedication.

ITEM 22: ADJOURNMENT

Motion: Vice-Mayor Shafer moved to adjourn the meeting, seconded by Mr. Browning. The meeting adjourned at 9:22 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**SISTER CITY ADVISORY BOARD
MOTION SUMMARY
July 11, 2017**

ITEM 1. Roll Call

The Sister City Advisory Board Meeting was called to order by Chairman Guebert at 6:01 p.m.

Members Present: Julie Horvath, Julie Means, Colleen Rush, Mayor Carolyn Riggle, Vice-Chairman Will Kopp, and Chairman Rand Guebert

Members Absent: Rita Selle-Grider and Vice-Chairman Will Kopp

Staff Present: Tom Homan, City Manager

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

ITEM 2. Welcome New Board Members

Chairman Guebert introduced Ms. Horvath and Ms. Rush as new members on the Sister City Advisory Board.

ITEM 3. APPROVAL of the Motion Summary of the Sister City Advisory Board meetings held on April 11, 2017, as recorded and transcribed.

Motion: Mayor Riggle moved to approve the Motion Summary of the Sister City Advisory Board meeting held on April 11, 2017, as recorded and transcribed, seconded by Ms. Means. The motion failed by a 3-0-2 (Horvath, Rush) vote.

ITEM 4. Sister City Updates

a. Sakata

1. Report from Carolyn and Tom on their recent trip

Mayor Riggle and Mr. Homan provided a slide show of pictures from their trip.

2. Follow-up: JASCO, student visit to Dempsey, etc.

Mr. Homan informed the Advisory Board that they have been attempting to schedule a meeting with JASCO and recommended to the City of Sakata that they become members of the organization.

Chairman Guebert discussed the participation in the Global Scholars Program at Delaware Hayes High School and also at Buckeye Valley.

b. Baumholder

1. Planning for Museum dedication in 2018

Chairman Guebert discussed the upcoming dedication and the potential to form a delegation, including veterans, to attend the event. Mayor Riggle informed the Advisory Board that there is not a date set yet for the event.

2. Liaising with Baumholder Representatives

c. Omutninsk Status

Chairman Guebert discussed hopes to visit Omutninsk in the future.

ITEM 5. Review of Draft Annual Report for year to June 30, 2017

Chairman Guebert reviewed the draft report. The Advisory Board voiced no input or changes to draft.

ITEM 6. Sister City Display at City Hall

Mr. Homan discussed the potential to set up a display on the first floor of City Hall. The Advisory Board discussed opening City Hall up to the public at First Friday events or Farmer Markets.

ITEM 7. Future Committee Organization

Chairman Guebert discussed the role that the Advisory Board can take to help nurture the different sister city relationships.

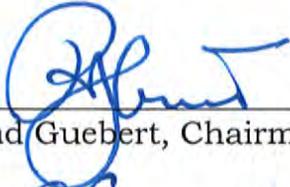
Ms. Rush discussed an opportunity that she is working on with Delaware City Schools to have the band play in Ireland for St. Patrick's Day.

ITEM 8. Member Comments

ITEM 9. Date of next meeting: October 10, 2017

ITEM 10. Adjournment

Motion: Ms. Horvath moved to adjourn the Sister City Advisory Board Meeting, seconded by Mayor Riggle. The meeting adjourned at 7:00 p.m.



Rand Guebert, Chairman



Elaine McCloskey, Clerk

**PARKS AND RECREATION ADVISORY BOARD
MOTION SUMMARY
August 15, 2017**

ITEM 1. Roll Call

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

Members Present: Joshua Bricker, Bob Dalton, Michael Rush, Councilmember Jim Browning, Corie Thompson, Angela MacWhinney, Vice-Chairwoman Dianna Hibinger, and Chairwoman Allyson Lash

Members Absent: Caitlyn Ashley, Robert Ruh, Cassie Cunningham

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

YMCA Staff Present: Jeremy Byers, Associate Executive Director

Motion to Excuse: Mr. Bricker moved to excuse Ms. Ashley, Mr. Ruh, and Ms. Cunningham seconded by Mr. Rush. Motion approved by an 8-0 vote.

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

Chairwoman Lash introduced New Parks and Recreation Advisory Board Member Councilman Jim Browning.

ITEM 3. APPROVAL of the Motion Summary for the meeting held June 20, 2017 as recorded and transcribed.

Motion: Mr. Dalton moved to approve the Motion Summary for the meeting held June 20, 2017 as recorded and transcribed, seconded by Vice-Chairwoman Hibinger. Motion approved by a 7-0-1 (Browning) vote.

ITEM 4. PUBLIC COMMENTS

ITEM 5. UPDATE of YMCA Recreation Services, Programs and Events

ITEM 6. UPDATE of Park Activities

Mr. Miller provided an update on the installation of new drinking fountains both inside and outside park facilities.

Mr. Miller informed the board that he is working with Main Street Delaware on a possible ice skating rink to be set up for the December First Friday event at

the basketball courts at Willis. Mr. Miller provided information on the Glice materials that would be used instead of ice.

ITEM 7. UPDATE of Glen Ross Park

Mr. Miller provided an update on plans to begin in the fall and discussed the need to widen the mounding and possible drainage issues.

ITEM 8. DISCUSSION of Facility Rules and Regulations Policy

Mr. Miller discussed recommended changes to weekend and holiday rental rate and the success of using the block rental times.

ITEM 9. DISCUSSION of Prairie Planting Exhibit

Mr. Miller discussed the use of prairie planting to help reduce the need for mowing in certain parts of the city, and these areas would only be mowed once a year. Mr. Miller is researching different herbicides and the effectiveness of organic herbicide as well as cost effectiveness.

ITEM 10. REVIEW of Quarterly Report

Mr. Bricker inquired on outcome from the changes recommended at Hidden Valley Golf Course. Mr. Miller discussed an increase in use by students with the changes in student pricing and increase participation of golf lessons through the YMCA. Mr. Miller discussed the use of the course relating to the weather.

ITEM 11. STAFF COMMENTS

Mr. Miller informed the Board that they will not be meeting in September due to the Delaware County Fair.

ITEM 12. MEMBERS COMMENTS

Vice-Chairwoman Hibinger informed the Board that she received positive input regarding the city at Hayes First Invitational for tennis.

Mr. Rush thanked Board Member Corie Thompson on her role in the Fourth of July Parade.

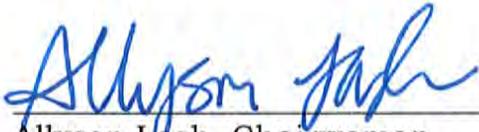
Mr. Rush informed staff that the home plate on field one at Smith Park needs repaired.

Ms. Thompson provided an update on her recent participation in the Dave Staley Triathlon and the Ironman. She stated the need for more volunteers at the Dave Staley event.

Mr. Bricker informed the Board that the Delaware Car Show will be held August 26, 2017.

ITEM 13. ADJOURNMENT

Motion: Vice-Chairwoman Hibinger moved to adjourn the Parks and Recreation meeting, seconded by Mr. Rush. The meeting adjourned at 7:36 p.m.



Allyson Lash, Chairwoman



Elaine McCloskey, Clerk

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

2024129 PERMIT NUMBER		STCK TYPE	DELAWARE LANES INC
ISSUE DATE		536 SUNBURY RD	
01 09 2017 FILING DATE		DELAWARE OHIO 43015	
D5 PERMIT CLASSES			
21 TAX DISTRICT	022 PERMIT CLASSES	B PERMIT CLASSES	F19196 RECEIPT NO.

FROM **09/28/2017**

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	PERMIT CLASSES	RECEIPT NO.



MAILED **09/28/2017**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **10/30/2017**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B STCK 2024129**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF DELAWARE CITY COUNCIL
1 SOUTH SANDUSKY ST
DELAWARE OHIO 43015



Delaware Police Department Liquor Permit Report

DPD Report Number L-17-08		Investigating Officer McQuigg	
Applicant (Primary Shareholder) Kris E. Votaw		Company Name: DBA: Delaware Lanes Inc	
Common Name Delaware Lanes		Address 536 Sunbury Rd, Delaware, OH 43015	
Applicant Phone Number 614-496-1953		Applicant E-Mail Address: votaw_13@yahoo.com	
<input checked="" type="checkbox"/> Existing Business <input type="checkbox"/> New Business (Supplement Attached)	Type of Business Bowling Alley	Notification Type: STCK	Date of Report 10/10/2017
Permit Type <input type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input type="checkbox"/> D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout. <input type="checkbox"/> D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. <input checked="" type="checkbox"/> D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. <input type="checkbox"/> Other			

Location Information

Churches, Libraries and or schools within 500 feet <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No <i>Note: Objections are only permitted for new permits.</i>
Police Calls for Service in past 12 months: yes	Number of Police Reports in past 12 months: one
Calls for Service excluding calls not related to the business in past 12 months: 0	Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No
Nuisance Abatement Pending <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Accessible by Law Enforcement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site compliance checked by Dept. of Commerce <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Applicant Information

Records Checked <input type="checkbox"/> Ohio Law Enforcement Gateway <input checked="" type="checkbox"/> Delaware Police Department Database	Record located for Liquor Law Violation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant has an active warrant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criminal History Checked by Dept. of Commerce <input type="checkbox"/> Yes <input type="checkbox"/> No
Local Record on file <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Contact made with Applicant <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Problem History with DPD <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No	

Determination on Objection

<input checked="" type="checkbox"/> The Delaware Police Department does not find a legislative basis for requesting a hearing to object to the issuance of a liquor permit for this business.	<input type="checkbox"/> The Delaware Police Department recommends requesting a hearing into the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code. <ul style="list-style-type: none"> <input type="checkbox"/> Site does not conform to local building, safety and health codes (excluding zoning). <input type="checkbox"/> Law enforcement or state agents do not have ready access to the premises where alcoholic beverages are being served. <input type="checkbox"/> Physical location causes a public nuisance. <input type="checkbox"/> Site has been officially classified as a nuisance according to State Law. <input type="checkbox"/> Conviction of a crime by the applicant that relates to operating a liquor establishment. <input type="checkbox"/> Past improper operation of a location with a liquor permit. <input type="checkbox"/> Misrepresentation of material fact on the application. <input type="checkbox"/> Addiction of the applicant to alcohol or narcotics. <input type="checkbox"/> Formal objection by specific types of other locations to which the site is in certain proximity. <input type="checkbox"/> Conviction of the applicant of food stamp or WIC fraud. (Supplement Attached)
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Delaware Police Department
Liquor Permit Report

Supplement

Supplement Type

- New Business Description
- Police Department Objection
- Community Objection

Other : Kris E. Votaw is the new, principal owner of the Delaware Lanes Inc business. Votaw resides in Johnstown, Ohio and anticipates operating the business as the sole owner. Votaw is seeking to continue the D5 permit already in place (permits the sale of beer and liquor 6-days a week, no liquor on Sundays). There are no church or library objections to this business. A single report for criminal damaging was filed in January, 2017 alleging that a family member of a previous co-owner of Delaware Lanes had deliberately flooded a janitor's closet within the business. No criminal charges were filed at the request of the ownership at that time. Votaw received a speeding ticket in March, 2017 (Licking County Municipal Court); no criminal or civil records located elsewhere. No objections to this permit.

Dave McHugh 10/10/17
Investigating Officer Signature Date

Det Sgt Michael Blute 10-11-17
Supervisor Signature Date



FACT SHEET

AGENDA ITEM NO: 10

DATE: 10/23/2017

ORDINANCE NO: 17-64

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
October 23, 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 APPROVING THE AMENDMENT TO PETITION FOR EXPANSION OF THE NORTHERN NEW COMMUNITY AUTHORITY AND MAKE RELATED FINDINGS, PROVIDE THE METHOD OF SELECTING THE BOARD OF TRUSTEES OF THE NEW COMMUNITY AUTHORITY, AND DEFINE THE BOUNDARY OF THE EXPANDED NEW COMMUNITY DISTRICT.

BACKGROUND:

The North New Community Authority (North NCA), is existing and consists of the Glennwood Commons Shopping Center and the developing apartments. The purpose of the North NCA is to first and foremost pay for the Glenn Road improvements existing and potentially envisioned down to Curve Rd. The developers of the Quail Pass Apartments (aka Redwood) have previously consented to joining the North NCA via execution of a formal Declaration to do so. This enabled the Authority to charge and collect the 7.5 Mills required and allowed by Ohio Revised Code (ORC) and the enabling legislation for the North NCA. NCA counsel, and the North NCA Board of which the City is a part, has advised that ORC requires taking the final formal steps in the amendment process to formally amend the original NCA to include the entirety of the apartment area. This is in accordance with the original vision for the North NCA area. ORC requires a number of formal and prescribed steps in this process including accepting the determination of sufficiency herein, advertising at proscribed intervals for the pending amendment, a public hearing for the

amendment, and finally adoption of the amendment itself. While Staff takes care of much as this process, City Council is charged with reviewing and approving the Sufficiency Ordinance followed by the Amendment. Without passage of these items, technically the North NCA will not be able to include the land originally envisioned and could impact the funding related to Glenn Road as a result. City Council passed at the September 25 meeting the Sufficiency Ordinance and established the formal Amendment hearing for October 23, 2017.

REASON WHY LEGISLATION IS NEEDED:

This follows the prescribed steps as given in the Ohio Revised Code to complete the inclusion of the proposed area into the North NCA for the primary purpose of funding Glenn Road improvements.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Amendment to Petition For Organization of a New Community Authority
Attachment A-1 Map

ORDINANCE NO. 17-64

AN ORDINANCE APPROVING THE AMENDMENT TO PETITION FOR EXPANSION OF THE NORTHERN NEW COMMUNITY AUTHORITY AND MAKE RELATED FINDINGS, PROVIDE THE METHOD OF SELECTING THE BOARD OF TRUSTEES OF THE NEW COMMUNITY AUTHORITY, AND DEFINE THE BOUNDARY OF THE EXPANDED NEW COMMUNITY DISTRICT.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, on October 22, 2007, Zaremba Group, LLC (the “Original Developer”) filed a petition (the “Original Petition”) for the establishment of the Northern New Community Authority (the “Authority”) with this City Council; and

WHEREAS, this City Council, as the “organizational board of commissioners” as that term is defined in Section 349.01(F) of the Ohio Revised Code, passed its Ordinance No. 07-98 on November 12, 2007, determining that the Original Petition complied as to form and substance with the requirements of Section 349.03(A) of the Ohio Revised Code and fixing the time and place for a hearing on the establishment of the Authority; and

WHEREAS, this City Council passed Ordinance No. 07-103 on December 10, 2007, determining that the Delaware South New Community District (the “District”) would be conducive to the public health, safety, convenience and welfare and that it was intended to result in the development of a new community as described in Chapter 349 of the Ohio Revised Code, and declaring the Authority organized as a body corporate and politic in the State of Ohio; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code authorizes the amendment of the Original Petition by filing an application to add land to the District at any time after the creation of the Authority, and upon the filing of such an application City Council, as the organizational board of commissioners, shall follow the same procedure to approve the amendment as required by Section 349.03 in relation to the Original Petition; and

WHEREAS, Delaware Preserve, LLC (the “Developer”) filed an amendment to the Petition with the Clerk of this City Council to expand the territory of the District as required by Chapter 349.03 of the Ohio Revised Code (the “Amendment to Petition”); and

WHEREAS, this City Council, as the organizational board of commissioners, passed Ordinance No. 17-63 on September 25, 2017,

determining that the Amendment to Petition complied as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code and fixing the time and place for a hearing on the Amendment to Petition; and

WHEREAS, this City Council, as the organizational board of commissioners, held a public hearing on the Amendment to Petition on October 23, 2017, after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code;

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

Section 1. This City Council finds and determines pursuant to Section 349.03 of the Ohio Revised Code that the expansion of the District as contemplated by the Amendment to Petition will be conducive to the public health, safety, convenience and welfare, and will be consistent with the development of the new community, will not jeopardize the plan of the new community, and is intended to result in the development of the new community.

Section 2. The Amendment to Petition is hereby accepted and shall be recorded, along with this Ordinance, in the journal of the City Council, as the organizational board of commissioners, pursuant to Section 349.03 of the Ohio Revised Code.

Section 3. The District shall be expanded to include the property identified in the Amendment to Petition.

Section 4. That the Board of Trustees of the Authority shall be composed of seven (7) members selected, with three of those members to be citizen members appointed by this Council, three members to be appointed by the Original Developer, and one member to be appointed by this Council to serve as a representative of local government. No elections will be held for electing successor Board members. If the Original Developer does not appoint a member for a Board member position within 30 days of written request for such appointment by the City, this Council may appoint a Board member to fill that position.

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

Section 6. This Ordinance is declared to be in full force and effect from and after the earliest period allowed by law.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

AMENDMENT TO PETITION FOR ORGANIZATION
OF A NEW COMMUNITY AUTHORITY

TO THE CITY COUNCIL
OF THE CITY OF DELAWARE, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, Delaware Preserve LLC and Delaware Preserve Two LLC (together the "Developer") applies to amend the Petition for Organization of a New Community Authority (the "Petition") for The Northern New Community Authority (the "Authority"). The Developer states as follows:

1. The Delaware City Council enacted Ordinance No. 07-93 on October 22, 2007, directing the City Clerk to execute the Petition behalf of the City of Delaware (the "City") pursuant to Chapter 349 of the Ohio Revised Code, and that Petition was signed by the City Clerk to indicate the approval of the Petition by the City as the sole "proximate city" as that term is defined in Section 349.01(M) of the Ohio Revised Code.

2. The Petition was filed in the office of the Clerk of the Delaware County Board of County Commissioners and in the office of the City Clerk as required by Section 349.03(A) of the Ohio Revised Code.

3. The Delaware City Council, as the "organizational board of commissioners" as that term is defined in Section 349.01(F) of the Ohio Revised Code, enacted Ordinance No. 07-98 on November 12, 2007, determining that the Petition complied as to form and substance with the requirements of Section 349.03(A) of the Ohio Revised Code and fixing the time and place for a hearing on the establishment of the Authority.

4. The Delaware City Council, as the organizational board of commissioners, held a hearing on the Petition on December 10, 2007, after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code.

5. The Delaware City Council, as the organizational board of commissioners, enacted Ordinance No. 07-103 on December 10, 2007, determining that the "new community district" would be conducive to the public health, safety, convenience and welfare and was intended to result in the development of a "new community," as those terms are defined in Section 349.01 of the Ohio Revised Code, and declaring the Authority organized and a body politic and corporate.

6. Section 349.03(B) of the Ohio Revised Code authorizes the amendment of the Petition by filing an application to add land to the new community district (the "District") at any time after the creation of the Authority, and upon the filing of such an application with Delaware City Council, as the organizational board of commissioners, shall follow the same procedure to approve the amendment as required by that Section 349.03 of the Ohio Revised Code in relation to the Petition.

7. The Developer, as the "developer" for the Additional Property within the meaning of Section 349.01(E) of the Ohio Revised Code, desires to amend the Petition in order

to add certain parcels of real property (collectively, the “Additional Property”) to the District, with legal descriptions of the Additional Property attached hereto as Exhibit A.

8. The Developer declares that the addition of the Additional Property to the District will be conducive to the public health, safety, convenience and welfare, and will be consistent with the development of the new community, and will not jeopardize the plan of the new community.

9. All of the Additional Property to be included in the District is owned or controlled (within the meaning of Section 349.01(E) of the Ohio Revised Code) by the Developer.

10. The Developer requests that the Delaware City Council, as the organizational board of commissioners, determine that this amendment complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code, and the Developer further requests that Delaware City Council fix the time and place of a hearing on this amendment, which hearing, pursuant to Section 349.03(A) of the Ohio Revised Code, must be held not less than thirty nor more than forty-five days after the filing of this amendment.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Developer has caused this amendment to be duly executed as of this 21st day of September, 2017.

DELAWARE PRESERVE LLC,

By: [Signature]

Print Name: David Conwill

Title: MANAGING MEMBER

STATE OF OHIO
COUNTY OF DELAWARE, SS:

The foregoing instrument was acknowledged before me this 21 day of September, 2017, by DAVID CONWILL, the MANAGING MEMBER of Delaware Preserve LLC, on behalf of the limited liability company.

[Signature]
Notary Public

Commission Expiration: 1/22/18



JOHN LATEULERE III
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
January 22, 2018
Recorded in
Gauga County

IN WITNESS WHEREOF, the Developer has caused this amendment to be duly executed as of this 21 day of September, 2017.

DELAWARE PRESERVE TWO LLC,

By: [Signature]

Print Name: DAVID CONWILL

Title: Managing Member

STATE OF OHIO
COUNTY OF DELAWARE, SS:

The foregoing instrument was acknowledged before me this 21 day of September, 2017, by DAVID CONWILL, the Managing Member of Delaware Preserve Two LLC, on behalf of the limited liability company.

[Signature]
Notary Public

Commission Expiration: 1/22/18



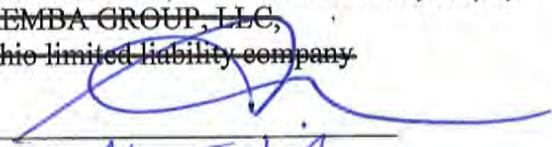
JOHN LATEULERE III
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
January 22, 2018
Recorded in
Geauga County

ACKNOWLEDGEMENT AND CONSENT OF ORIGINAL DEVELOPER

The undersigned, as original Developer and signatory to the Petition, hereby acknowledges and consents to this Amendment to the Petition, dated 2/21/17, 2017.

By: ZarCal, LLC, a Delaware limited liability company
By: Zaremba Shopping Centers, LLC, a Delaware limited liability company

ZARCAL DELAWARE, a Delaware limited liability company
~~ZAREMBA GROUP, LLC, an Ohio limited liability company~~

By: 
Name: Ah Seivik
Title: CEO



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

PARCEL "A"
 PROPOSED 7.952 ACRES
 QUAIL PASS DEVELOPMENT

Situated in the State of Ohio, Delaware County, City of Delaware, part of Farm Lot 29, Quarter Township 4, Township 5, Range 19, United States Military Lands, being a part of an 8.451 acre tract in the name of Del-36, Ltd., as described in Deed Book 599, Page 3f and being more generally described as follows:

Beginning at a found 1/2" iron pin at the northeasterly corner of Lot 10279 as delineated on the plat of Glenwood Commons Subdivision recorded in O.R. 814, Page 229, Recorder's Office, Delaware County, Ohio, being in the southerly line of Mill Run Crossing as shown in Official Record 814, Page 229 and the northwesterly corner of said 8.451 acre tract, and the true Point of Beginning;

Thence with the northerly line of Del-36, Ltd.'s 8.451 acre tract and the southerly line of Mill Run Crossing the following courses:

1. South 63°33'21" East, 41.32 feet to a found 1/4" iron pin;
2. Southeasterly along a curve to the right, having a radius of 50.00 feet, an arc length of 70.29 feet, a delta of 80°32'36", a chord which bears South 23°17'03" E, and a chord length of 64.64 feet, to a found 1/2" iron pin;
3. South 16°59'15" West, 33.53 feet to a found 1/4" iron pin;
4. South 67°27'19" East, 58.00 feet to a found 1/4" iron pin;
5. North 30°54'28" East, 21.92 feet to a found 1/4" iron pin;
6. Northeasterly along a curve to the right, having a radius of 80.00 feet, an arc length of 113.99 feet, a delta of 81°38'13", a chord which bears North 71°43'34" East, and a chord length of 104.59 feet, to found 1/4" iron pipe;
7. South 67°27'19" East, 440.04 feet to a found 1/4" iron pin;
8. Southeasterly along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears South 22°26'48" East, and a chord length of 21.21 feet to a set 5/8" iron pin;
9. South 22°32'41" West, 3.25 feet to a found 1/4" iron pin;
10. South 67°27'19" East, 47.26 feet to a found 1/4" iron pin at the northeasterly corner of said 8.451 acre tract and the northwesterly corner of a 4.643 acre tract in the name of Georgia Ann Mandos, Trustee, (1/2 Interest) as described in Official Record 664, Page 2221 and in the name of Diane C. Mandos M.D. (1/4 Interest) as described in Deed Book 553, Page 361 and Deed Book 556, Page 351, and in the name of Joni M. Brown (1/4 Interest) as described in Deed Book 553, Page 364 and Deed Book 556, Page 355;

Thence South 03°47'23" West, 21.78 feet with the easterly line of said 8.451 acre tract and the westerly line of said 4.643 acre tract, to a set 5/8" iron pin;

Thence into and through said 8.451 acre tract the following courses:

1. South 73°41'57" West, 6.91 feet to a set 5/8" iron pin;
2. South 36°16'04" West, 7.58 feet to a set 5/8" iron pin;
3. South 22°35'18" West, 72.40 feet to a set 5/8" iron pin;

4. Southeasterly along a curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00"; a chord which bears South 22°24'42" East, and a chord length of 21.21 feet to a set 5/8" iron pin;
5. South 22°35'19" West, 24.00 feet to a set 5/8" iron pin;
6. Southwesterly along a curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00"; a chord which bears South 67°35'18" West, and a chord length of 21.21 feet to a set 5/8" iron pin;
7. South 22°35'18" West, 59.96 feet to a set 5/8" iron pin;
8. Southwesterly along a curve to the left, having a radius of 483.00 feet, an arc length of 160.41 feet, a delta of 19°01'41"; a chord which bears South 13°04'28" West, and a chord length of 159.67 feet to a set 5/8" iron pin;
9. South 03°33'37" West, 11.54 feet to a 5/8" iron pin set on the southerly line of said Farm Lot 29 and the northerly line of a 36.785 acre tract in the name of Georgia Ann Manos, Trustee as described in Official Record 664, Page 2221 and in the name of Diane C. Manos M.D. & Joni M. Brown as described in Deed Book 553, Page 364 and Deed Book 556, Page 355, also being the northerly line of Farm Lot H, Quarter Township 1, Township 4, Range 19, United States Military Lands;

Thence North 86°29'26" West, 527.93 feet with the southerly line of said Farm Lot 29 also being the northerly line of said Farm Lot H and the northerly line of said 36.785 acre tract, to a 1/4" iron pin found at the northwesterly corner of said 36.781 acre tract, the southwest corner of said 8.451 acre tract, also being a point on the easterly line of said Lot 10279;

Thence with easterly line of said Lot 10279 and the westerly line of said 8.451 acre tract the following courses:

1. Northwestery along a curve to the left, having a radius of 1000.00 feet, an arc length of 22.26 feet, a delta of 01°16'31"; a chord which bears North 17°23'21" West, and a chord length of 22.26 feet to a found 1/2" iron pin;
2. Northwestery along a curve to the right, having a radius of 273.00 feet, an arc length of 250.00 feet, a delta of 52°28'07"; a chord which bears North 16°46'25" West, and a chord length of 241.36 feet to a found 1/2" iron pin;
3. North 67°21'15" West, 97.56 feet to a found 1/2" iron pin;
4. North 22°38'45" East, 364.76 feet to the True Point of Beginning.

Containing 7.952 acres, more or less. Subject to all easements, restrictions and right-of-ways of record.

Iron pins set are 5/8" rebar, 30" long, with a yellow cap stamped "CBC COR".

The basis of bearings for this description are based on the location of boundary evidence referenced to a Grid Meridian of South 67°27'19" East along the southerly right-of-way line of Mill Run Crossing between found monumentation of observed using ODOT's "Virtual Reference System" (VRS) - Ohio State Plane, Ohio North Zone, NAD 83 (2007 Adjustment).

Civil & Environmental Consultants, Inc.

Jeffrey A. Miller 8-26-13
 Jeffrey A. Miller, Date
 Registered Land Surveyor No. 7211



DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	RPC Approval Required
<input checked="" type="checkbox"/>	Municipal Approval Required
<input checked="" type="checkbox"/>	Delaware County Engineer
FEE: \$-MAIL	

APPROVED BY PLANNING COMMISSION
 CITY OF DELAWARE, OHIO
 NO PLAT REQUIRED
 BY *[Signature]* DATE 8/26/13



Civil & Environmental Consultants, Inc.
8740 Orton Place, Suite 100 • Columbus, Ohio 43240
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INDIANAPOLIS, IN • NASHVILLE, TN • PITTSBURGH, PA. • ST. LOUIS, MO.

PARCEL "B"
PROPOSED 7.741 ACRES
QUAIL PASS DEVELOPMENT

Situated in the State of Ohio, Delaware County, City of Delaware, part of Farm Lot H, Quarter Township 1, Township 4, Range 19, United States Military Lands, also being a part of a 36.781 acre tract in the name of Georgia Ann Manos, Trustee (1/2 Interest) as described in Official Record 664, Page 2221 and in the name of Diane C. Manos M.D. (1/4 Interest) as described in Deed Book 553, Page 361 and Deed Book 556, Page 351, and in the name of Joni M. Brown (1/4 Interest) as described in Deed Book 553, Page 364 and Deed Book 556, Page 355 and being more generally described as follows:

Beginning a found 1/4" iron pin at the northwesterly corner of said 36.785 acre tract the southwesterly corner of a 8.451 acre tract in the name of Dgl-36, LTD, as described in Deed Book 599, Page 31, being a point on the easterly line of Lot 10279 as delineated on the plat of Glenwood Commons Subdivision recorded in O.R. 814, Page 229, Recorder's Office, Delaware County, Ohio, the northerly line of said Farm Lot H and the southerly line of Farm Lot 29, Quarter Township 4, Township 5, Range 19, United States Military Lands, and the True Point of Beginning;

Thence South 86°29'26" E, 527.93 feet with the southerly line of said 8.451 acre tract being the northerly line of said 36.785 acre tract, the northerly line of said Farm Lot H and the southerly line of said Farm Lot 29, to a set 5/8" iron pin;

Thence into and through said 36.781 acre tract the following courses:

1. South 03°33'37" West, 81.17 feet to a set 5/8" iron pin;
2. Southeasterly with a curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears South 41°26'23" East, and a chord length of 21.21 feet, to a 5/8" iron pin set;
3. South 86°26'23" East, 3.00 feet to a set 5/8" iron pin;
4. South 03°33'37" West, 172.63 feet to a set 5/8" iron pin;
5. North 86°26'23" West, 3.00 feet to a set 5/8" iron pin;
6. Southwesterly with a curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears South 48°33'37" West, and a chord length of 21.21 feet, to a set 5/8" iron pin;
7. South 03°33'37" West, 197.04 feet to a set 5/8" iron pin;
8. Southeasterly along a curve to the left, having a radius of 15.00 feet, a delta of 90°00'00", an arc length of 23.56 feet, a chord which bears South 41°26'23" East, and a chord length of 21.21 feet to a set 5/8" iron pin;
9. South 03°33'37" West, 24.00 feet to a set 5/8" iron pin;
10. Southwesterly with a curve to the left, having a radius of 15.00 feet, a delta of 90°00'00", an arc length of 23.56 feet, a chord which bears South 48°33'37" West, and a chord length of 21.21 feet to a set 5/8" iron pin;
11. South 03°33'37" West, 179.59 feet to a set 5/8" iron pin;

T of 2

12. North 86°07'26" West, 459.23 feet to a 5/8" iron pin set on the westerly line of said 36.785 acre tract and the easterly line of said Lot 10279;

Thence with the westerly line of said 36.785 acre tract and the easterly line of said Lot 10279 the following courses:

1. North 03°49'43" East, 549.22 feet to a set 5/8" iron pin;
2. North 54°10'10" West, 35.60 feet to a set 5/8" iron pin;
3. Northwesterly with a curve to the left, having a radius of 1000.00 feet, a delta of 08°32'43", an arc length of 149.14 feet, a chord which bears North 12°28'50" West, and a chord length of 149.01 feet to the True Point of Beginning;

Containing 7.741 acres, more or less. Subject to all easements, restrictions and right-of-ways of record.

Iron pins set are 5/8" rebar, 30" long, with a yellow cap stamped "CEC COR".

The basis of bearings for this description are based on the location of boundary evidence referenced to a Grid Meridian of South 67°27'19" East along the southerly right-of-way line of Mill Run Crossing between found monumentation of observed using ODOT's "Virtual Reference System" (VRS) - Ohio State Plane, Ohio North Zone, NAD 83 (2007 Adjustment).

Civil & Environmental Consultants, Inc.

Jeffrey A. Miller
 Jeffrey A. Miller,
 Registered Land Surveyor No. 7211

DATE: 8-28-13



DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	FPC Approval Required <i>2/2/13</i>
<input checked="" type="checkbox"/>	Municipal Approval Required Delaware County Engineer <i>(3)</i>
Per: E-MAIL	

APPROVED BY PLANNING COMMISSION
 CITY OF DELAWARE, OHIO
 NO PLAT REQUIRED
 BY: *[Signature]* DATE: *8/28/13*



Civil & Environmental Consultants, Inc.

8740 Orion Place, Suite 100 • Columbus, Ohio 43240

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CHICAGO, IL • CINCINNATI, OH • EXPORT, PA • DETROIT, MI
INDIANAPOLIS, IN • NASHVILLE, TN • PITTSBURGH, PA • ST. LOUIS, MO.

**PARCEL "C"
PROPOSED 0.006 ACRES
QUAIL PASS DEVELOPMENT**

Situated in the State of Ohio, Delaware County, City of Delaware, part of Farm Lot 29, Quarter Township 4, Township 5, Range 19, United States Military Lands, being a part of a 4.643 acre tract in the name of Georgia Ann Manos, Trustee (1/2 Interest) as described in Official Record 664, Page 2221 and in the name of Diane C. Manos M.D. (1/4 Interest) as described in Deed Book 553, Page 361 and Deed Book 556, Page 351, and in the name of Joni M. Brown (1/4 Interest) as described in Deed Book 553, Page 364 and Deed Book 556, Page 355 and being more generally described as follows:

Beginning at 1/4" iron pin found at the northwesterly corner of said 4.643 acre tract, the northeasterly corner of a 8.451 acre tract in the name of Del-36, LTD. as described in Deed Book 599, Page 31, and being a point on the southerly line Mill Run Crossing as shown in Official Record 814, Page 229, being the True Point of Beginning;

Thence South 67°27'19" East, 12.74 feet to a set 5/8" iron pin in the southerly right-of-way of Mill Run Crossing and the northerly line of said 4.643 acre tract;

Thence into and through said 4.643 acre tract the following courses:

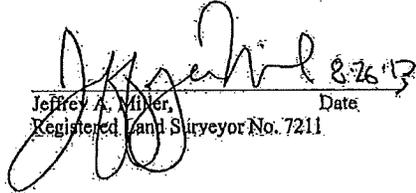
1. South 67°27'19" East, 8.00 feet to a set 5/8" iron pin;
2. South 51°39'23" West, 11.12 feet to set 5/8" iron pin;
3. South 73°41'57" West, 15.38 feet to a 5/8" iron pin set on the easterly line of said 4.643 acre tract also being the westerly line of said 8.451 acre tract;

Thence North 03°47'23" East, 21.78 feet with the westerly line of said 4.643 acre tract also being the easterly line of said 8.451 acre tract to the True Point of Beginning. Containing 0.006 acres, more or less. Subject to all easements, restrictions and right-of-ways of record.

All iron pins set are 5/8" rebar, 30" long, with a yellow cap stamped "CEC COR".

The basis of bearings for this description are based on the location of boundary evidence referenced to a Grid Meridian of South 67°27'19" East along the southerly right-of-way line of Mill Run Crossing between found monumentation of observed using ODOT's "Virtual Reference System" (VRS) - Ohio State Plane, Ohio North Zone, NAD 83 (2007 Adjustment).

Civil & Environmental Consultants, Inc.


Jeffrey A. Miller, Date 8/26/13
Registered Land Surveyor No. 7211



DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	RPC Approval Required
<input checked="" type="checkbox"/>	Municipal Approval Required
<input type="checkbox"/>	Delaware County Engineer

APPROVED BY PLANNING COMMISSION
CITY OF DELAWARE, OHIO
NO PLAN REQUIRED
BY  DATE 8/26/13



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

PARCEL "D"
 PROPOSED 0.499 ACRES
 QUAIL PASS DEVELOPMENT

Situated in the State of Ohio, Delaware County, City of Delaware, part of Farm Lot 29, Quarter Township 4, Township 5, Range 19, United States Military Lands, being part of a 8.451 acre tract in the name of Del-36, LTD as described in Deed Book 599, Page 31, and being more generally described as follows:

Beginning for Reference at 1/4" iron pin found at the northeasterly corner of said 8.451 acre tract and the northwesterly corner of a 4.643 acre tract in the name of Georgia Ann Manos, Trustee (1/2 Interest) as described in Official Record 664, Page 2221 and in the name of Diane C. Manos M.D. (1/4 Interest) as described in Deed Book 553, Page 361 and Deed Book 556, Page 351, and in the name of Joni M. Brown (1/4 Interest) as described in Deed Book 553, Page 364 and Deed Book 556, Page 355, and being a point on the southerly line Mill Run Crossing as shown in Official Record 814, Page 229;

Thence South 03°47'23" West, 21.78 feet with the easterly line of said 8.451 acre tract and the westerly line of said 4.643 acre tract, to a 5/8" iron pin set at the True Point of Beginning;

Thence South 03°47'23" West, 353.84 feet with the easterly line of said 8.451 acre tract and the westerly line of said 4.643 acre tract to a found 1/4" iron pin on the southerly line of said Farm Lot 29 and the northerly line of Farm Lot H, Quarter Township 1, Township 4, Range 19, United States Military Lands;

Thence North 86°29'26" West, 96.33 feet to a set 5/8" iron pin;

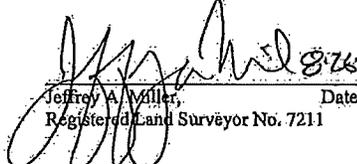
Thence into and through said 8.451 acre tract the following courses:

1. North 03°33'37" East, 11.54 feet to a set 5/8" iron pin;
2. Northeasterly with a curve to the right, having a radius of 483.00 feet, an arc length of 160.41 feet, a delta of 19°01'41", a chord which bears North 13°04'28" East, and a chord length of 159.67 feet, to a set 5/8" iron pin;
3. North 22°35'18" East, 59.96 feet to a set 5/8" iron pin;
4. Northeasterly with a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears North 67°35'18" East, and a chord length of 21.21 feet, to a set 5/8" iron pin;
5. North 22°35'19" East, 24.00 feet to a set 5/8" iron pin;
6. Northwesterly with a curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears North 22°24'42" West, and a chord length of 21.21 feet, to a set 5/8" iron pin;
7. North 22°35'18" East, 72.40 feet to a set 5/8" iron pin;
8. North 36°16'04" East, 7.58 feet to a set 5/8" iron pin;
9. North 73°41'57" East, 6.91 feet to the True Point of Beginning, containing 0.499 acres, more or less. Subject to all easements, restrictions and right-of-ways of record.

All iron pins set are 5/8" rebar, 30" long, with a yellow cap stamped "CEC-COR".

The basis of bearings for this description are based on the location of boundary evidence referenced to a Grid Meridian of South 67°27'19" East along the southerly right-of-way line of Mill Run Crossing between found monumentation of observed using ODOT's "Virtual Reference System" (VRS) - Ohio State Plane, Ohio North Zone, NAD 83 (2007 Adjustment).

Civil & Environmental Consultants, Inc.


Jeffrey A. Miller, Date 8/26/15
Registered Land Surveyor No. 7211



DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	RPC Approval Required <i>2/2/15</i>
<input checked="" type="checkbox"/>	Municipal Approval Required
	Delaware County Engineer <i>(S)</i>

PER: E-11411

APPROVED BY PLANNING COMMISSION
CITY OF DELAWARE, OHIO
NO PLAN REQUIRED
BY  DATE 8/26/15



Civil & Environmental Consultants, Inc.
8740 Orion Place, Suite 100 • Columbus, Ohio 43240

Phone 614.540.6633 • Fax 614.540.6638

CHICAGO, IL. • CINCINNATI, OH • EXPORT, PA. • DETROIT, MI.
INDIANAPOLIS, IN. • NASHVILLE, TN. • PITTSBURGH, PA. • ST. LOUIS, MO.

PARCEL "E"
PROPOSED 39.621 ACRES
QUAIL PASS DEVELOPMENT

Situated in the State of Ohio, Delaware County, City of Delaware; part of Farm Lot 29, Quarter Township 4, Township 5, Range 19 and part of Farm Lot H, Quarter Township 1, Township 4, Range 19, and part of Farm Lots 28 & 29, Quarter Township 2, Township 4, Range 18, United States Military Lands, being a part of a 4.643 acre tract, a 5.465 acre tract and a 36.785 acre tract in the name of Georgia Ann Manos, Trustee (1/2 Interest) as described in Official Record 664, Page 2221 and in the name of Diane C. Manos M.D. (1/4 Interest) as described in Deed Book 553, Page 361 and Deed Book 556, Page 351, and in the name of Joni M. Brown (1/4 Interest) as described in Deed Book 553, Page 364 and Deed Book 556, Page 355 and being more generally described as follows:

Beginning for Reference at 1/2" iron pin found at the northwesterly corner of said 4.643 acre tract, the northeasterly corner of a 8.451 acre tract in the name of Del-36, LTD. as described in Deed Book 599, Page 31, and being a point on the southerly line Mill Run Crossing as shown in Official Record 814, Page 229;

Thence South 67°27'19" East, 12.74 feet with the southerly right-of-way of Mill Run Crossing and the northerly line of said 4.643 acre tract to a set 5/8" iron pin, being the True Point of Beginning for the tract herein being described;

Thence with the southerly line of said Mill Run Crossing and the northerly line of said 4.643 acre tract the following courses;

1. North 22°32'41" East, 3.25 feet to a set 5/8" iron pin;
2. Northeasterly along a curve to the right, having a radius of 15.00 feet, a delta of 90°00'00", an arc length of 23.56 feet, a chord which bears North 67°32'41" East, and a chord length of 21.21 feet, to a set 5/8" iron pin;
3. South 67°27'19" East, 783.20 feet, to set 5/8" iron pin at the northeasterly corner of said 4.643 acre tract and the northwesterly corner of a 0.260 acre tract in the name of Zarcal Delaware, LLC as described in Deed Book 814, Page 162, also being the easterly line of said Farm Lot 29, and the westerly line of Farm Lot 18, Quarter Township 3, Township 5, Range 19;

Thence South 03°30'42" West, 128.56 feet with the easterly line of said 4.643 acre tract, the westerly line of said 0.260 acre tract and the common line between said Farm Lots 29 and 18 to a found 1/2" iron pipe at the southeasterly corner of said 4.643 acre tract, the southwest corner of said 0.260 acre tract, the northeasterly corner of said 36.785 acre tract, and the northwesterly corner of a 33.683 acre tract in the name of Nutter Farms, Inc. as described in Deed Book 636, Page 808, being the common corner of said Farm Lot 29, said Farm Lot 18, and said Farm Lot H, and the northwesterly corner of Farm Lot 29, Quarter Township 2, Township 4, Range 18;

Thence South 03°30'42" West, 1,075.43 feet with the easterly line of said 36.785 acre tract and the westerly line of said 33.683 acre tract to a set 5/8" iron pin;

Thence South 86°19'20" East, 483.50 feet with the southerly line of said 33.683 acre tract and the northerly line of said 5.465 acre tract to a found railroad spike in the centerline of Glen Road, passing a set 5/8" iron pin at 453.03 feet;

Thence with the centerline of Glenn Road the following courses;

1. South 14°54'37" West, 573.35 feet to found railroad spike at the intersection with the common line between Farm Lots 29 and 28, Quarter Township 2, Township 4, Range 18;

2. South 15°32'36" West, 150.25 feet to a railroad spike on the northerly line of CSX Transportation Railway;

Thence North 56°12'58" West, 1933.62 feet with the northerly line of CSX Transportation Railway, to a 5/8" iron pin set at the southeast corner of Lot 10279 as delineated on the plat of Glenwood Commons Subdivision recorded in O.R. 814, Page 229, Recorder's Office, Delaware County, Ohio, passing a found 1/4" iron pipe at 30.91 feet;

Thence North 03°49'43" East, 99.72 feet with the easterly line of said Lot 10279 and the westerly line of said 36.785 acre tract, to a set 5/8" iron pin;

Thence into and through said 36.785 acre tract the following courses:

1. South 86°07'26" East, 459.23 feet to a set 5/8" iron pin;
2. North 03°33'37" East, 179.59 feet to a set 5/8" iron pin;
3. Northeasterly with a curve to the right, having a radius of 15.00 feet, a delta of 90°00'00", an arc length of 23.56 feet, a chord which bears North 48°33'37" East, and a chord length of 21.21 feet to a set 5/8" iron pin;
4. North 03°33'37" East, 24.00 feet to a set 5/8" iron pin;
5. Northwesterly along a curve to the right, having a radius of 15.00 feet, a delta of 90°00'00", an arc length of 23.56 feet, a chord which bears North 41°26'22" West, and a chord length of 21.21 feet to a set 5/8" iron pin;
6. North 03°33'37" East, 197.04 feet to a set 5/8" iron pin;
7. Northeasterly with a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears North 48°33'37" East, and a chord length of 21.21 feet, to a set 5/8" iron pin;
8. South 86°26'23" East, 3.00 feet to a set 5/8" iron pin;
9. North 03°33'37" East, 172.63 feet to a set 5/8" iron pin;
10. North 86°26'23" West, 3.00 feet to a set 5/8" iron pin;
11. Northwesterly with a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, a delta of 90°00'00", a chord which bears North 41°26'23" West, and a chord length of 21.21 feet, to a 5/8" iron pin set;
12. North 03°33'37" East, 81.17 feet to a 5/8" iron pin set on the southerly line of said Farm Lot H and the northerly line of said Farm Lot 29;

Thence South 86°29'26" East, 96.33 feet with the southerly line of said Farm Lot 29 and the northerly line of said Farm Lot H to a found 1/2" iron pin on the northerly line of said 36.785 acre tract, the southeasterly corner of said 8.451 acre tract and the southwesterly corner of said 4.643 acre tract;

Thence North 03°47'23" East, 353.84 feet with the easterly line of said 8.451 acre tract and the westerly line of said 4.643 acre tract to a set 5/8" iron pin;

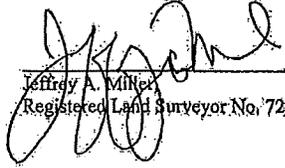
Thence into and through said 4.643 acre tract the following courses:

1. North 73°41'57" East, 15.38 feet to a set 5/8" iron pin;
2. North 31°39'23" East, 11.12 feet to a set 5/8" iron pin;
3. North 67°27'19" West, 8.00 feet to the True Point of Beginning, containing 39.621 acres, more or less. Subject to all easements, restrictions and right-of-ways of record.

All iron pins set are 5/8" rebar, 30" long, with a yellow cap stamped "CEC COR".

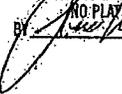
The basis of bearings for this description are based on the location of boundary evidence referenced to a Grid Meridian of South 67°27'19" East along the southerly right-of-way line of Mill Run Crossing between found monumentation of observed using ODOT's "Virtual Reference System" (VRS) - Ohio State Plane, Ohio North Zone, NAD 83 (2007 Adjustment).

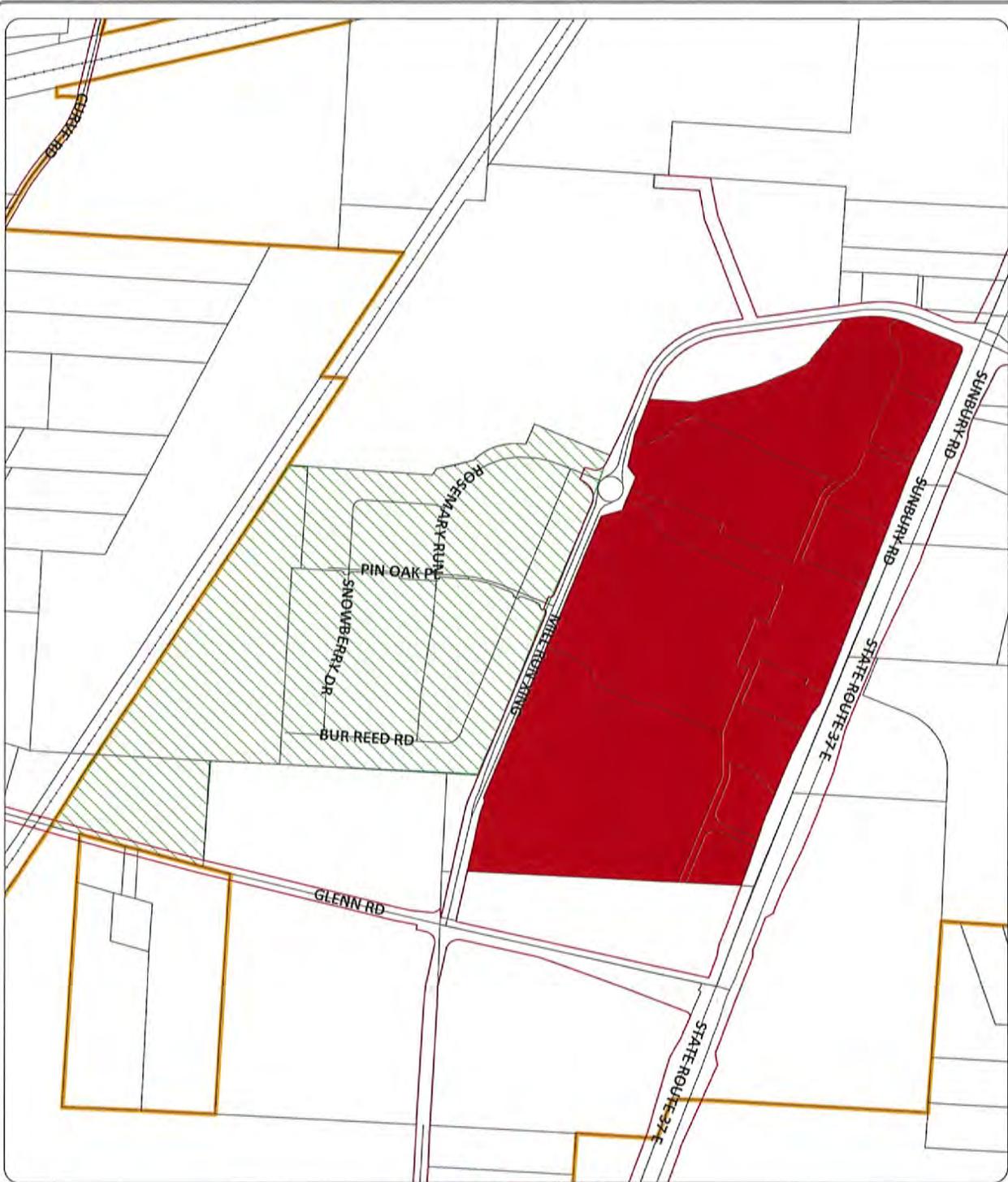
Civil & Environmental Consultants, Inc.


Jeffrey A. Miller Date 8-26-13
Registered Land Surveyor No. 7211



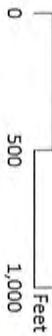
DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	RPO Approval Required
<input checked="" type="checkbox"/>	Municipal Approval Required
<input checked="" type="checkbox"/>	Delaware County Engineer

APPROVED BY PLANNING COMMISSION
CITY OF DELAWARE, OHIO
NO PLAN REQUIRED
BY  DATE 8/26/13



ATTACHMENT A-1

- ROW
- Railroad
- Road Centerline
- Parcel Boundary
- Original Glenwood Commons Shopping Center
- Quail Pass Apartments Addition -56A
- Delaware South NCA
- Municipal Boundary



Source: Delaware County Auditor's Office DAUS Project and City of Delaware, August 2015.



FACT SHEET

AGENDA ITEM NO: 11

DATE: 10/23/2017

ORDINANCE NO: 17-61

RESOLUTION NO:

READING: FOURTH

PUBLIC HEARING: YES
October 23, 2017 at 7:25 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE NEGLECT OF COMPANION ANIMALS SECTION OF THE ANIMAL AND FOWL CHAPTER OF THE GENERAL OFFENSES CODE.

BACKGROUND:

Councilman Jones brought this issue forward and requested staff draft an ordinance, providing a bill that was proposed but not adopted in the state legislature as an example. In reviewing the City's existing animal neglect statute, staff identified areas in which it could be strengthened. The language proposed in this initial draft is geared towards enforceability while avoiding unintended consequences. It has been reviewed and approved by the City's Community Services Officer (CSO) and the County Dog Warden.

UPDATE 10/23/2017: This packet includes a new draft that should be easier to read while maintaining the substance of the prior draft. Rather than attempt to draft the legislation as an amendment, the current draft is aimed at replacing the section in its entirety. Also included in the packet are potential amendments for Council consideration based on discussions at prior meetings.

UPDATE 10/09/2017: Staff is working on potential amendments based on the comments from Council at the September 25th meeting and will be presented at the October 23 meeting.

UPDATE 9/25/2017: Based on discussion and testimony at the September 11 Council meeting the attached draft includes the following changes:

1. Detailed requirements for providing shelter (b) (1)
2. Defined requirements for shelter structure, detailed in (b) (3)

After the meeting Councilman Hellinger proposed a different approach in which the city would adopt animal neglect ordinance to apply to every animal kept within the city. Councilman Hellinger provided a sample law from Illinois and with some suggested additions (see attached email). Staff recommends discussing this potential approach prior to moving forward with a public hearing on the draft.

REASON WHY LEGISLATION IS NEEDED:

This legislation is geared towards providing additional protection for the welfare of companion animals and increasing the penalties for repeat offenders.

COMMITTEE RECOMMENDATION:

None

FISCAL IMPACT(S):

Any ordinance that adds new things that can be enforced could have an impact on police department staffing. As a complaint driven ordinance, the impact is difficult to predict.

POLICY CHANGES:

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

ATTACHMENT(S)

Tethering Amendments
Public Letters/Emails Received

ORDINANCE NO. 17-61

AN ORDINANCE AMENDING THE NEGLECT OF
COMPANION ANIMALS SECTION OF THE ANIMAL
AND FOWLS CHAPTER OF THE GENERAL OFFENSES
CODE.

WHEREAS, the City of Delaware has promoted numerous animal-related ordinances, designed to encourage responsible companion animal ownership and support the humane treatment of animals;

WHEREAS, the State of Ohio currently has no regulations on the tethering of companion animals; and,

WHEREAS, companion animals that are tethered can be subjected to serious physical harm from weather, other animals, or the tethers themselves; and,

WHEREAS, companion animals that are tethered can become lonely, bored, and anxious, which can lead to heightened aggression toward adults, children, and other animals.

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

SECTION 1. The Neglect of Companion Animals Section is replaced in its entirety as follows:

505.25 - Neglect of companion animals.

(a) **Definitions**

For purposes of this section,

(1) "neglect" shall mean any act or omission which fails to provide appropriate care for, or attention to, any companion animal; or which has caused or may cause injury or unnecessary suffering to any companion animal.

(2) "Tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place that allows a radius in which the animal can move about.

(3) "Serious physical harm" shall have the same meaning as O.R.C. 951.31.

(b)

No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1)

Fail to provide food and drink which is clean, of sufficient quantity and appropriately available to the animal when unattended.

(2)

Fail to provide shelter from the elements including heat, cold, wind, rain, snow, or excessive direct sunlight. If the companion animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size, and type of that animal. The structure must be enclosed and insulated, having a single entrance/exit. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the companion animal to stand, turn about freely, and lie in a normal position. The structure shall be made of a durable material with a solid, moisture-proof floor raised at least two (2) inches from the ground. Suitable drainage shall be provided so the animal has access to a dry area at all times. The shelter, cage, or pen shall be regularly cleaned and sanitized and free of insect or rodent infestation.

(3)

Fail to obtain reasonably necessary veterinary care for the companion animal, including but not limited to immunizations against parvovirus, leukemia, and rabies.

(c)

Tethers of companion animals must be of a sufficient length to allow reasonable freedom of movement, without allowing the animal to leave the harborer's property and the area of restraint must be free of entangling objects. Tethers must be of suitable size and secured to the animal in such a manner that the animal will not be injured or choked. Strict liability is intended for enforcement of this section.

(d)

Violation of this section is a minor misdemeanor punishable by a fine of up to one hundred fifty dollars (\$150.00) on a first offense and a second degree misdemeanor for a second offense within one year. However, if a companion animal experiences serious physical harm as a result of a violation of this section, violation that section is a misdemeanor of the first degree.

Potential Amendments to Proposed Ordinance Amending the Neglect of Companion Animals Section of the Animal and Fowls Chapter of the General Offenses Code.

Proposed content amendments:

1. No unattended tethering

Add to 505.25(a) “Definitions”:

“505.25(a)(4) A companion animal shall be considered an ‘unattended companion animal’ when no owner or harborer is present and awake on the premises the companion animal is present.”

Add 505.26(b)(4):

“505.25(b)(4) Leave an unattended companion animal restrained by a tether outdoors.”

2. No unattended tethering between 10-6

Add to 505.25(a) “Definitions”:

“505.25(a)(4) A companion animal shall be considered an ‘unattended companion animal’ when no owner or harborer is present and awake on the premises the companion animal is present.”

Add “505.26(b)(4):

“505.25(b)(4) Leave an unattended companion animal restrained by a tether outdoors for an excess of 15 continuous minutes between the hours of 10:00PM and 6:00AM.”

Kim Gepper

From: holly tschakert <kharmamusic@yahoo.com>
Sent: Tuesday, October 3, 2017 11:54 AM
To: CMO
Subject: [BULK] Please support legislation to limit dog tethering in Delaware!

Importance: Low

Please support the proposed anti-tethering ordinance for the city of Delaware. There is no viable reason to tether a "pet" dog, a social animal, outside overnight or for prolonged periods. Not only can tethering become neglectful, but unsupervised can present a danger to the animal if it becomes entangled. An owner who thinks they have such a reason, needs to consider re-homing their pet with someone who has the time and resources to provide properly for it. Not only is prolonged tethering neglectful, but unsupervised it can present a danger to the animal if it becomes entangled.

In addition, a tether does not necessarily secure a dog, and can be chewed, dug or pulled loose creating a potential danger to neighbors or other animals. Thanks for your time.

Holly Tschakert
313 N. Union St.
Delaware, OH 43015

Kim Gepper

From: Rick Salazar <salblues@live.com>
Sent: Wednesday, October 4, 2017 9:01 AM
To: CMO
Subject: Re: New Ordinance (Anti-Tethering Ordinance)

To whom it may concern,

I am in favor of this proposed new ordinance (albeit I would like to read it fully before officially endorsing it ((or anything for that matter))). The ordinance (according to the blog reference) will state that no dog can be tethered during the hours of 10pm and 6 am and not if the owner is not home. I read about it on the site Nextdoor West Central Ave where, I along with hundreds of Delaware residents talk and most agree with this new ordinance. Please let me know if there is any way for me to get involved and help pass this. I feel it is long over due and would help the humane societies and animal control finally put an end to the neglect, cruelty and let them do what they know is right but are held back because of an old outdated and uneducated law. Thanks you for your help.

Regards,

Rick Salazar
95 Elizabeth Street
Delaware, OH 43015

Sent from [Outlook](#)

Kim Gepper

From: Maggie Payne <dancin4joy@gmail.com>
Sent: Wednesday, October 4, 2017 9:20 AM
To: CMO
Subject: Anti Tethering Ordinance

Members of the City Council,

I am writing in support of the anti tethering ordinance which will be voted on this month. I feel it would be in dog's best interest to not have them tethered between the hours of 10pm and 6am, or when the owners are not home. I am asking you to please vote for this ordinance when the time comes.

Thank you,
Maggie Payne

279 Westwood Ave
Delaware, OH 43015

Kim Gepper

From: Bonnie Miller <bonmill45@gmail.com>
Sent: Monday, September 25, 2017 5:03 PM
To: CMO
Subject: Dog care

Please pass the proposal on taking better care of our animals. Delaware is to good of a community for letting people take their anger out on our animals that can't defend themselves. Thank you

Kim Gepper

From: Ivy Gardner <ivymgardner@icloud.com>
Sent: Thursday, September 14, 2017 4:37 PM
To: CMO
Subject: [BULK] Unattended Dogs

Importance: Low

To whom it may concern

I am writing this email to express my feelings about the lack of tethering laws in the city of Delaware. I believe the dogs should not be tied up from the time of 10 PM to 6 AM. Every day. And also that a dog or dogs not be tethered at all if the owner is not home or available to tend to the needs of the animals. Thank you for your prompt attention to this matter.

Ivy Gardner

"I took the one less traveled by, and that has made all the difference."

Kim Gepper

From: Shauna Iles <siles018@yahoo.com>
Sent: Thursday, September 14, 2017 2:46 PM
To: CMO
Subject: An anti tethering ordinance

Propose an anti tethering ordinance that 21 other states have and 14 cities in Ohio already have. The ordinance will state that no dog can be tethered during the hours of 10pm and 6 am plus not if the owner is not home.

My name is Shauna Garringer.

Address is 468 Cobblestone Dr Delaware, Oh 43015.

Kim Gepper

From: Beverly Beckwith <beverlyabeckwith@yahoo.com>
Sent: Friday, September 15, 2017 8:28 AM
To: CMO
Subject: Tethering law

It is vital that this law be passed. No tethering of animals between 10 am and 6 pm, nor when the owners are not home. Domestic animals should not be forced to live in a cage with insufficient shelter and no human interaction. Pass this law.

Beverly Beckwith
447 Slate Crossing
Delaware Ohio 43015

Sent from my iPad

Kim Gepper

From: osugross9@aol.com
Sent: Friday, September 15, 2017 11:34 AM
To: CMO
Subject: [BULK] Dog tethering

Importance: Low

I support the law that needs to be passed that protects our unspoken heroes they give unconditional love without a voice. Please pass this law that would break the chain of abuse Colleen Hawkinberry 740-369-4749 I live within the city limits Sent from my iPhone

Kim Gepper

From: Joyce Richmond <joyce523@msn.com>
Sent: Friday, September 15, 2017 11:53 AM
To: CMO
Subject: [BULK] Anti tethering ordinance needed in Delaware

Importance: Low

I saw the following message on Nextdoor and I agree completely with this proposal. A dog owner that chains a dog up 24/7 really should surrender the dog to the Humane Society or a rescue group so it can have a decent life. I live at 146 Overtrick Dr., Delaware, OH and have two dogs of my own. When you take on the responsibility of dog ownership you have a moral obligation to provide for the physical, mental and social needs of the animal. An anti-tethering ordinance will go a long way to ensure that dogs are treated humanely or surrendered to someone who is willing to provide for all of the dogs needs. I would ask that you pass this ordinance for the betterment of the Delaware Community.

Sincerely,

Joyce Richmond

"There is a dog in my neighborhood that is chained up 24/7, I never see anyone out there and she stays in her doghouse most of the time just peeking out. She looks so sad an when owners are in garage she barks constantly wanting attention but I never see her get any. I contacted both Humane Society and Delaware Animal control that says the law in Delaware states that as long as a dog has food, water and shelter there is nothing that can be done. This brought me to proposing an anti tethering ordinance that 21 other states have and 14 cities in Ohio already have. The ordinance will state that no dog can be tethered during the hours of 10pm and 6 am plus not if the owner is not home. If any of you support this could you please email the city council members and let them know. It is in the works and they will vote on it sometime next month. The more support from citizens the more chance it has of passing. If you email please mention not tethering from 10-6 and also not when the owner isn't home. Make sure you put your address so they know you are in Delaware city. Their email is cmo@delawareohio.net. This would help so much!!"



Joyce Richmond

Kim Gepper

From: Mona <mcbc59@columbus.rr.com>
Sent: Friday, September 15, 2017 4:43 PM
To: CMO
Subject: Anti tethering ordinance

We would like to add our names to this issue. We do not think dogs should be chained up at anytime, but definitely not when the owner/owners are home. Please approve the Anti Tethering ordinance with the requested hours and restrictions.

Mona Compston
Bill Compston
&
Alaina Hoover

95 Bridgeport Way
Delaware, OH

Sent from my iPad

Kim Gepper

From: Jon Brown <JBrown@rockfordhomes.net>
Sent: Friday, September 15, 2017 4:51 PM
To: CMO
Subject: Anti-tethering ordinance

Dear mayor Riggle, and members of City Council

Good evening, I am writing you this Letter With support behind the Anti-tethering ordinance. I am a citizen of this beautiful city of Delaware. I hope that you will follow in the footsteps of Akron,Cleveland,Dayton,Cincinnati and Youngstown just the name of a few of the Cities In Ohio that have already Placed this anti-tethering ordinance in affect. This ordinance Is not only for the safety of the pet But it also sets boundaries and expectations of owners of pet treatment. Pets that are constantly tethered outside are prone to extreme weather conditions and Dogs can tangle choke And have collars embedded in Their skin. Tethered dogs Are a public nuisance and notorious for barking. Dogs are Social animals Constantly tied up Leads to being lonely anxious which can also lead to increased aggression in the animal. I please ask you mayor Riggle And members of City Council To step up with other cities in Ohio Not only for the safety of pets but the safety of police, fire and public utility workers not To exclude The safety to the citizens of the city of Delaware and our children.

Thank you for your time mayor Riggle And city council.

Jon Brown
126 Pumphrey Terrace
Delaware ohio

Kim Gepper

From: Bill Kreis <KreisB@carolinacolor.com>
Sent: Thursday, September 14, 2017 3:40 PM
To: CMO
Subject: Anti-tethering Ordinance

Dear Mayor Riggle and Members of City Council,

Good Afternoon. I am writing to you today to express my 100% support of our city's Anti-Tethering Ordinance and modifications thereof. Said modifications to include; specific verbage restricting tethering of companion pets between the hours of 10pm and 6am. Also, restriction against tethering any time that the pet's owner is not at home to reasonably supervise the safety of the pet. I do not believe that caring, responsible pet owners will be negatively affected by this important change as it is not our community's intent to restrict already responsible owners. I believe that this change will make a positive impact toward encouraging responsible pet ownership and treatment as well as increasing safety for the citizens of our pet friendly city.

Thank you in advance for your time and consideration of this important matter.

Sincerely,

Bill Kreis

Shipping Manager
Carolina Color Corporation
www.carolinacolor.com
740-363-6622



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Kim Gepper

From: Jessie Arnett <jessiearnett43015@gmail.com>
Sent: Thursday, September 14, 2017 3:13 PM
To: CMO
Subject: Unattended dogs

To whom it may concern. I am writing this email to speak my mind about the tethering laws or lack there of in the city of Delaware. I would like to recommend the dogs not be tied up from the time of 10 PM to 6 AM. Every day. And also that a dog or dogs not be tethered at all if the owner is not home or available to tend to the needs of the animals. Please feel free to send a response of any kind thank you. Let me know what I can do to help make these kinds of changes.

Sent from my iPhone

Kim Gepper

From: Erin Brown <ebrown1226@gmail.com>
Sent: Thursday, September 14, 2017 2:17 PM
To: CMO
Subject: [BULK] Please support an anti-tethering ordinance in Delaware, Ohio
Importance: Low

Dear city council members,
Please support an anti-tethering ordinance in Delaware, Ohio.

Many cities in Ohio and other states have already supported an initiative that would keep animals from being all but abandoned on the end of a tether and left for hours or days at a time. We would encourage and support a City Council decision to enact some form of protection for the animals in Delaware. Please consider not allowing tethering from 10pm to 6am or when owners are not home.

Thank you,
Erin Brown
222 Cambridge Rd
Delaware Ohio 43015

Sent from my iPhone

Kim Gepper

From: jammccjess <jammccjess@yahoo.com>
Sent: Thursday, September 14, 2017 2:15 PM
To: CMO
Subject: No tethering #Delaware County

Hello,

Please consider the need for a tethering law. Animals don't deserve to be kept in dog house and or tethered all the time. Since they (animals) don't have voices, we need to speak up and stand up for them.

Thank you Jessica McCandless a
Delaware Resident

Sent from my Verizon, Samsung Galaxy smartphone

Kim Gepper

From: Kristie Bridgeman <kristie.bridgeman@yahoo.com>
Sent: Thursday, September 14, 2017 2:14 PM
To: CMO
Subject: Please support an anti-tethering ordinance in Delaware, Ohio

Good Afternoon,

Many cities in Ohio and other states have already supported an initiative that would keep animals from being all but abandoned on the end of a tether and left for hours or days at a time. We would encourage and support a City Council decision to enact some form of protection for the animals in Delaware..

Thank you,

Kristie Bridgeman

Kim Gepper

From: darlene inscho <darleneinscho@gmail.com>
Sent: Thursday, September 14, 2017 1:51 PM
To: CMO
Subject: Anti-Tethering ordinance

Please support an anti-tethering ordinance in Delaware, Ohio.

Many cities in Ohio and other states have already supported an initiative that would keep animals from being all but abandoned on the end of a tether and left for hours or days at a time. We would encourage and support a City Council decision to enact some form of protection for the animals in Delaware.

Thank you,

Geoffrey Inscho
Darlene Inscho

Kim Gepper

From: Jeannie McNeely <jeanniemcneely@hotmail.com>
Sent: Thursday, September 14, 2017 1:50 PM
To: CMO
Subject: [BULK] Animal Tethering
Importance: Low

Dear Council Members,

I am writing to voice my agreement with the proposed city ordinance that no dog (animal) shall be tethered outside for extended amounts of time, (10pm-6am).

Too many dogs are simply tied up and forgotten. They may have a dog house and water/food bowls laying around but more often than not, those bowls are not filled regularly.

A simple solution to helping our animal friends would be to pass an ordinance making sure they get brought indoors for the night and hopefully, they will get access to warmth, food, and water.

Sincerely
Jeannie McNeely
74 W Central Ave
Delaware Oh 43015

Kim Gepper

From: Scott Miller <miller863@hotmail.com>
Sent: Thursday, September 14, 2017 1:49 PM
To: CMO
Subject: I do not support an Anti Tethering of dogs/pets law in Delaware

Hi, I heard that there is discussion about passing an anti-tethering law for dogs and pets in Delaware. I would like to let you know that I do not support such a law. While I think abusing pets is shameful, we have laws against that, I do not feel that keeping pets outside overnight is abuse, as long as they have food, water, and shelter. Nor is keeping a pet outside when the owner is gone considered abuse. I think that having such a law would be an overreach of government.

However, if we do not have one, I would favor a law against incessant dog barking.

Sincerely,
Scott Miller
205 Tar Heel Drive Delaware Ohio

Thanks,
Scott

Sent from my Sprint Samsung Galaxy S® 6.

Kim Gepper

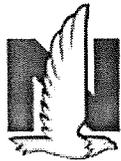
From: Hoover, Elizabeth A <HOOVERE@nationwide.com>
Sent: Thursday, September 14, 2017 1:33 PM
To: CMO
Subject: Dog Tethering

I'm writing to you to urge your support for an anti-tethering law in our city for dogs. This is inhumane and unhealthy for these living, breathing, emotional, social creatures. At a minimum, I would be supportive of stipulations that state such anti-tethering between the hours of 10pm and 6am, and while the owners are not at their residence.

Thank you for your consideration.

Elizabeth Hoover
213 Hawthorn Blvd
Delaware OH 43015

614-496-8741
jejhoover@yahoo.com



Nationwide
is on your side

Elizabeth Hoover
Specialist – IT Project Management
Project Delivery Services
W 614-677-8700 | C 614-496-8741
hoovere@nationwide.com

Kim Gepper

From: Brenda Buettin <magwyn22@live.com>
Sent: Thursday, September 14, 2017 1:30 PM
To: CMO
Subject: Anti Tethering

Please pass this law. I am Brenda Buettin at 315 Federal Circle, Delaware, Ohio! It is inhumane to tether an animal for any length of time!!!

Kim Gepper

From: A. Sheets <amy.sheets724@gmail.com>
Sent: Thursday, September 14, 2017 1:28 PM
To: CMO
Subject: Anti-dog tethering...

I am in support of this possible law/ordinance.

I believe strongly no dog should live on a tether... occasionally for short periods but not a solution.
Just for toileting and such.

I'm a registered voter at...
810 Village Dr.
Delaware Ohio 43015

Thank you

Kim Gepper

From: Susan Lynch <shlynch2003@yahoo.com>
Sent: Thursday, September 14, 2017 12:41 PM
To: CMO
Subject: [BULK] TETHERING DOGS - RESTRICTIONS

Importance: Low

PLEASE put into law restrictions on tethering dogs: NO TETHERING PETS BETWEEN THE HOURS OF 10 P.M. and 6 A.M., as well as WHEN THE OWNERS ARE AWAY FROM THE HOME. Dogs (any pets) should not be tethered AT ALL, unless the owners are sitting right there with them - in my opinion - but sadly, many are.

Too many dogs are treated so inhumanely in so many ways, and this is one that could easily be enforced without encroaching on individuals' presumed "rights" to treat their pets as they please. I realize the law says that as long as the dogs have shelter, food and water, there's nothing anyone can do. To me, that is pathetic. Maybe the owners wouldn't mind being tethered in their back yards with just food, water, and a box to sit in...day in and day out...regardless of the weather...without any love, attention, or companionship. UGH!

Thank you so much in advance!!

*Susie Lynch
123 Saratoga Street
Delaware, OH 43015*

Kim Gepper

From: Melissa Cassidy <lissa.cassidy@gmail.com>
Sent: Thursday, September 14, 2017 12:24 PM
To: CMO
Subject: Dog tethering ordinance

Hello,

Just wanted to let you know our family of four is completely in agreement with the dog tethering ordinance.

We really need this.

Thank you,

Melissa and Anthony Cassidy and Lowell and Marlys Prince

Melissa

Kim Gepper

From: Jessica Nutter <nutterj@carolinacolor.com>
Sent: Thursday, September 14, 2017 12:22 PM
To: CMO
Subject: Anti-Tethering Ordinance

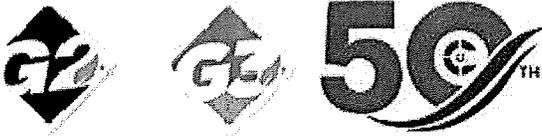
Dear Mayor Riggle and Members of City Council,

Good Afternoon. I am writing to you today to express my 100% support of our city's Anti-Tethering Ordinance and modifications thereof. Said modifications to include; specific verbage restricting tethering of companion pets between the hours of 10pm and 6am. Also, restriction against tethering any time that the pet's owner is not at home to reasonably supervise the safety of the pet. I do not believe that caring, responsible pet owners will be negatively affected by this important change as it is not our community's intent to restrict already responsible owners. I believe that this change will make a positive impact toward encouraging responsible pet ownership and treatment as well as increasing safety for the citizens of our pet friendly city.

Thank you in advance for your time and consideration of this important matter.

Sincerely,

Jessica Nutter
Purchasing
Carolina Color
nutterj@carolinacolor.com
ph: 740-363-6622
fx: 740-363-6833



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Kim Gepper

From: Robyn Corl <rcorl6@gmail.com>
Sent: Thursday, September 14, 2017 12:19 PM
To: CMO
Subject: Teathering law purposed in Delaware, Ohio.

Please vote in favor of an anti-teathering law in the City Of Delaware. Please show the state of Ohio that our community cares about our furry friends.

Robyn Corl
363 Linwood Street
Delaware, Ohio
4197052021

Kim Gepper

From: Michelle Foster <m.foster08@yahoo.com>
Sent: Wednesday, September 13, 2017 9:06 PM
To: CMO
Subject: [BULK] Dog tethering law

Importance: Low

To whom it may concern,

I am writing in regards to the tethering law that concerned citizens and council persons are working on to become a law in the city of Delaware. I attended the city council meeting on Monday, September 11, 2018, and I am concerned that no time limit will be added to the law as to how long a dog should be tethered. I understand that this law would be difficult to enforce. My suggestion is to at least have a no tethering law between the hours of 10pm to 6am. When dogs are tethered at night, barking can be disruptive to neighbors, and also many nocturnal animals are prowling around and there is no way for a dog to protect themselves from wild animals that might see the dog as a threat and try to attack. A tethered dog would have no way of protecting themselves from these critters. This could be easily enforced being there is actual times that tethering would not be permitted. I understand someone might tether their dog at night temporarily if they need to "go", and would monitor their dog while they are tethered. If they started barking, the owner would be there to let them in. If other dog owners are like myself, my main goal is to get my dog out to do her business and get them back inside ASAP, so i can go back to bed :)

Thank you for your time.

Michelle Foster
283 Westwood Ave
Delaware, Ohio 43015

From: [Brenda Buettin](#)
To: [City Council Email](#)
Date: Sunday, September 03, 2017 9:54:20 AM

Please stop the heinous act of tethering animals outside. This is a horrible way to live and no one should have to live this way, no animal of any kind. Please stop stop stop this. Thank you!

From: Kim Caldwell
To: [CMO](#)
Subject: Anti-Tethering Ordinance
Date: Wednesday, September 13, 2017 11:36:31 AM
Attachments: [image002.png](#)

Dear Mayor Riggle and Members of City Council,

Good Afternoon. I am writing to you to express my 100% support of our city's Anti-Tethering Ordinance and modifications thereof. Said modifications to include; specific verbage restricting tethering of companion pets. Restriction against tethering any time that the pet's owner is not at home to reasonably supervise the safety of the pet. I do not believe that caring, responsible pet owners will be negatively affected by this important change as it is not our community's intent to restrict already responsible owners. I believe that this change will make a positive impact toward encouraging responsible pet ownership and treatment as well as increasing safety for the citizens of our pet friendly city.

Thank you in advance for your time and consideration of this important matter.

Sincerely,
Kim Caldwell
34 Branch Street
Delaware Ohio 43015

Kimberly Caldwell
Customer Service Manager
Carolina Color Corporation
caldwellk@carolinacolor.com
Office -740-363-6622 ext.101



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From: [Kim Gepper](#) on behalf of [CMO](#)
To: [City Council Email](#)
Cc: [R Thomas Homan](#); [Jackie Walker](#); [David M. Efland](#); [Dean Stelzer](#); [Darren Shulman](#)
Subject: FW: Anti-Tethering Ordinance
Date: Tuesday, September 12, 2017 1:53:49 PM

Please see the email below that came in to the CMO mailbox regarding the anti-tethering ordinance.

Kim Gepper

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

From: angeleelucas [mailto:angeleelucas@gmail.com]
Sent: Tuesday, September 12, 2017 12:18 PM
To: CMO <CMO@delawareohio.net>
Subject: Anti-Tethering Ordinance

Dear Mayor Riggle and Members of City Council,

Good Afternoon. I am writing to you today to express my 100% support of our city's Anti-Tethering Ordinance and modifications thereof. Said modifications to include; specific verbage restricting tethering of companion pets between the hours of 10pm and 6am. Also, restriction against tethering any time that the pet's owner is not at home to reasonably supervise the safety of the pet. I do not believe that caring, responsible pet owners will be negatively affected by this important change as it is not our community's intent to restrict already responsible owners. I believe that this change will make a positive impact toward encouraging responsible pet ownership and treatment as well as increasing safety for the citizens of our pet friendly city.

Thank you in advance for your time and consideration of this important matter.

Sincerely,
Angelee M. Hall
171 White Elm Drive
Delaware, Ohio

Sent from my Verizon, Samsung Galaxy smartphone

addressed. Any use by others is strictly prohibited.

From: [Darren Shulman](#)
To: [Elaine McCloskey](#)
Subject: FW: Anti Tethering
Date: Wednesday, August 30, 2017 11:25:00 AM
Attachments: [Tethering legislation draft Columbus.docx](#)
[Delaware HSUS ordinance support.pdf](#)
[Animal Tethering Regulations Blendon Township Ohio.pdf](#)

From: Shannon Roof [mailto:shannon.jarrad@gmail.com]
Sent: Wednesday, August 30, 2017 10:20 AM
To: Chris Jones; Carolyn Riggle; Kent Shafer; George Hellinger; Lisa Keller; Jim Browning; Kyle Rohrer; Darren Shulman; Christopher Ballard
Subject: Anti Tethering

Dear City Council Members, as you know I proposed the anti-tethering ordinance after observing a dog in my neighborhood who is tied up 24/7 without human contact or exercise, as far as I can tell. Her name is Molly and she lays in the back of her doghouse most of the time. I have seen the occupants outside several times but Molly still stays in her doghouse. Several of my neighbors have called the Humane Society over the years from the neglect they have seen including table scraps and maggots in her food bowl. One neighbor bought straw and put it in her doghouse over the winter. According to the ordinance in affect now there is nothing that can be done. My goal is to change the quality of life for Molly and dogs of Delaware just like her.

I know one concern that was brought up with the ordinance item that a dog cannot be “tethered for more than (6) hours total in a twenty-four hour period and not more than (2) consecutive hours with no less than a (1) hour period between tetherings” and I do understand how this would be difficult to monitor but maybe we could add the language as one ordinance did to include “when the same dog is observed to be tethered in the same location that it was in after an initial observation of the dog in that location, then there shall be a rebuttable presumption that the dog has been continuously tethered in that location since the initial observation”. I don’t want the ordinance to be over shadowed with legalities so if this is something you are not comfortable with then I won’t push the issue with this item.

Another concern was for the item that a dog cannot be “tethered between the hours of 10pm and 6am” and many have older dogs that have to use the bathroom in the middle of the night but investigations are complaint driven, very few people are going to complain to enforcement about this and if it so happens then our Law Enforcement is empowered to make judgement calls.

I think the key is to educate the citizens of Delaware City by creating pamphlets or adding a webpage to the city website explaining the ordinance and the affects that tethering a dog long periods of time has on their state of mind and quality of life. There are many resources on the effects tethering for long periods of time has on dogs mentally and physical. Please check out <http://www.animaladvocates.com/end-dog-abuse/research-behavioural.php> and http://m.humanesociety.org/issues/chaining_tethering/facts/chaining_tethering_facts.html?credit=web_id80866531#Why_is_tethering_bad_for_dogs .

The town, cities and townships in Ohio started making Anti-tethering ordinances in 2007 and since then many have followed, 2 already this year. You can find this list and also their

ordinances by going to the website <https://www.peta.org/issues/companion-animal-issues/cruel-practices/chaining-dogs/current-legislation-tethering-dogs/> . Six have the item that a dog cannot be “tethered between the hours of 10pm and 6am” and 10 have hourly limits ranging from 1 hour to 10 in a 24 hour period. Blendon Township of Franklin county recently passed an anti-tethering ordinance and the City of Columbus is in the same process with an ordinance of its’ own. I am attaching Blendon Township Ordinance as well as the draft proposal for Columbus.

After listening to your concerns I propose that Delaware city add to the ordinance:
No person shall tether an animal in any of the following circumstances:

- (1) Between the hours of 10pm and 6am
- (2) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service
- (3) If a severe weather warning has been issued by a local or state authority or the National Weather Service
- (4) If the tether is less and (20) feet in length
- (5) If the owner or occupant is present at the premises.

My hope is not for this to be perceived to over-restrict owners or punish them for having a dog but make sure we are giving dogs like Molly a better quality of life.

Sincerely,
Shannon Roof

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.

BACKGROUND

..Title

To amend Section 2327.01 and enact new Section 2327.20 of the Columbus City Codes, establishing regulations for the tethering of animals in the City of Columbus.

..Body

WHEREAS, Chapter 2327 of the Columbus City Codes pertains to general offenses related to animals; and

WHEREAS, the State of Ohio currently has no regulations on the tethering of animals; and

WHEREAS, animals that are tethered can become lonely, bored and anxious, which can lead to increased aggression; and

WHEREAS, research conducted by the Center for Disease Control found that chained dogs are 2.8 times more likely to bite than non-chained dogs. That number increases to 5.4 times more likely to bite children under the age of twelve; and

WHEREAS, the City of Columbus has promoted numerous animal-related resolutions, designed to encourage responsible pet ownership and support the humane treatment of animals; and

WHEREAS, the City of Columbus, in furthering its efforts to promote safe neighborhoods and encourage responsible pet ownership, finds it necessary to amend Chapter 2327 to include new Section 2327.20 which will provide limitations on the tethering of animals; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 2327 of the Columbus City Codes is hereby amended by the enactment of new Section 2327.20, reading as follows:

2327.20 – Tethering animals

(A) No person shall allow an animal to be tethered outdoors:

- (1) unattended between the hours of 10:00 p.m. and 6:00 a.m.
- (2) in an environment that violates the provisions of section 2327.15 of the Columbus City Codes;
- (3) in an environment that violates the provisions of section 2327.19 of the Columbus City Codes;
- (4) if a heat or cold advisory or a severe weather warning has been issued by a local or state authority or the national weather service for the area in which the animal is kept or harbored.

- (5) with a pinch, prong, or choke-type collar;
 - (6) with a tow chain, log chain, padlock chain, or any type of tether unsuitable for the animal's size and weight.
 - (7) with a tether that is entangled or does not allow free movement of the animal for the full length of the tether
 - (8) in a manner that will allow it to reach within the property of another person, a public walkway, or a road;
 - (9) in a manner that could allow it to become entangled with a fence or other tethered animals;
- (B) The Capital Area Humane Society may appoint agents for the purpose of prosecuting any person guilty of a violation of this section, or any other section in the Columbus City Codes pertaining to the protection of animals from acts of cruelty or neglect. Such agents may arrest any person found violating this section. Upon making an arrest the agent forthwith shall convey the person arrested before some court or magistrate having jurisdiction of the offense, and there make complaint against the person on oath or affirmation of the offense.
- (C) Whoever violates subsection 2327.20(A)(2) is guilty of a misdemeanor of the first degree, according to the provisions of subsections 2327.15(F) of the Columbus City Codes. Whoever violates subsection 2327.20(A)(3) is guilty of a misdemeanor of the second degree, according to the provisions of subsection 2327.19(B) of the Columbus City Codes. Whoever violates any other provisions of Section 2327.20 is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense.

SECTION 2. That Section 2327.01 of the Columbus City Codes is hereby amended to read as follows:

2327.01 - Definitions.

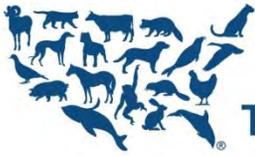
As used in this chapter:

- (A) "Health commissioner" means the health commissioner of the city of Columbus, or his authorized representative.
- (B) "Vicious animal" means any animal which has been declared a vicious animal by the animal review board or which represents a danger to any person or to any other domestic animal because it has killed or seriously injured a person.
- (C) "Dangerous animal" means any animal which has been declared a dangerous animal or any animal which represents a danger to any person or to any other domestic animal, for either:
 - (1) The animal is attack trained;
 - (2) The animal without provocation has chased or attempted to bite or otherwise endanger any person off the premises of its owner.

- (D) "Owner" means any person owning, handling, keeping, possessing, harboring, maintaining or having the care, custody or control of an animal.
- (E) "Nuisance animal" means any of the following:
- (1) Any animal that has been declared a nuisance animal by the city veterinarian;
 - (2) Any animal that has been cited and/or impounded for running at large and/or not licensed and/or not vaccinated for rabies; or
 - (3) Any animal that has been cited and/or impounded for running at large for a second occurrence within a twelve (12) month period.
- (F) "City veterinarian" shall mean the veterinarian of the city of Columbus or his authorized representative.
- (G) "Attack trained dog" means:
- (1) Any dog which has been specifically trained by any person to take a command to attack or injure a person or animal; or
 - (2) Any dog which has been specially trained or disciplined to protect persons or property;
 - (3) "Attack trained dog" does not include dogs possessed and used by a law enforcement officer in the performance of his official duties.
- (H) "Direct control" means that a dog is within sight and hearing and will respond instantly to the commands or signals to "come," "sit," or "stay."
- (I) "Come" means that the dog shall immediately leave the position where he is located and return to his owner;
- (J) "Sit" means that the dog shall immediately cease movement in any direction and assume a sitting position;
- (K) "Stay" means that the dog shall immediately cease movement in any direction and remain at the spot in which the command was heeded until released by his owner.
- (L) "Animal" means any animal, other than man.
- (M) "Tether" means a rope, chain, cord, dog run or pulley, or similar restraint, other than a fence, for holding an animal in place, allowing a radius in which it can move about.

SECTION 3. That existing section 2327.01 of the Columbus City Codes is hereby repealed and replaced as provided herein.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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Lona Williams

August 29, 2017

Delaware City Council
1 South Sandusky Street
Delaware, Ohio 43015

Mayor Riggle, Vice Mayor Shafer and members of the Council:

My name is Corey Roscoe and I am the Ohio State Director for The Humane Society of the United States. On behalf of The HSUS and our members in Ohio, I would like to offer our support of the proposed upgrades to the city's neglect of companion animals ordinances to include the regulation of constant/cruel tethering. Dogs who are tethered or live predominantly outdoors are often victims of sufficient care, suffering from sporadic feedings, overturned water bowls, inadequate veterinary care, lack of exercise, and exposure to extreme temperatures.

An upgraded law would also have positive impacts on the community. Dogs are social animals that thrive on interaction. A dog kept in one spot for months or years suffers immense psychological damage. Studies show that chained dogs are much more likely to bite than unchained dogs. *The Centers for Disease Control (CDC)* has concluded that the dogs most likely to attack are male, unneutered and chained.

Chained dogs/dogs left outdoors are often the source of nuisance complaints, impacting the quality of life for community residents and the law enforcement officers who respond to these calls.

Municipalities across our great state are upgrading their tethering ordinances (city of Columbus is hearing a similar measure this week) with increasing frequency and I look forward to the city of Delaware joining the list. If we can support you along the way, please let me know. We are grateful for your consideration on this important issue.

Sincerely,

Ms. Corey Roscoe
croscoc@humanesociety.org
t 614.570.0825

Celebrating Animals | Confronting Cruelty

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BLENDON TOWNSHIP
FRANKLIN COUNTY, OHIO**

The Board of Township Trustees (the "Board") of Blendon Township (the "Township"), Franklin County, Ohio met in regular session on _____, 2017 at __:00 pm at 6350 South Hempstead Road, Westerville, Ohio 43081, with the following members present:

Stewart Flaherty

Jan Heichel

James Welch

Trustee _____ introduced the following resolution in writing:

RESOLUTION NO. 2017-01HR

**RESOLUTION ADOPTING ANIMAL TETHERING REGULATIONS AND
DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY**

WHEREAS, the Board believes there is a need to protect the public health, safety, morals and general welfare as it pertains to tethering of animals in the Township; and

WHEREAS, protection of animals as well of residents will improve the public health and safety of the Township; and

WHEREAS, a limited home rule township may adopt, administer and enforce all powers of local self-government within the unincorporated area of the Township; and

WHEREAS, as a limited home rule township, the Township may impose civil fines pursuant to Ohio Revised Code 504.05, to enforce resolutions adopted under limited home rule;

WHEREAS, the Board has determined that adoption of animal tethering regulations is necessary for the immediate preservation of the public peace, health, safety and welfare of the Township; and

WHEREAS, it is in the best interests of the Township to immediately act to prevent animal cruelty and to establish and adopt the animal tethering regulations thereto as an emergency resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Blendon Township, Franklin County, Ohio, that:

Section 1. ANIMAL TETHERING REGULATIONS. Pursuant to Ohio Revised Code Chapter 504, the Board hereby establishes and adopts, the following animal tethering regulations:

- (a) No person shall tether an animal in any of the following circumstances:
 - (1) For more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) consecutive hours with no less than a one (1) hour period between tetherings;
 - (2) Between the hours of 10:00 p.m. and 6:00 a.m.;
 - (3) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

- (4) If a severe weather warning has been issued by a local or state authority or the National Weather Service;
- (5) If the tether is less than twenty (20) feet in length;
- (6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;
- (7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;
- (8) If the tether may cause injury or entanglement;
- (9) In a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation;
- (10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;
- (11) If no owner or occupant is present at the premises.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

Section 2. PENALTY. Any violation of Section 1 of this Resolution shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

1 st Violation:	\$150.00
2 nd Violation:	\$250.00
3 rd and subsequent Violations:	\$500.00

(a) If a citation is warranted, the peace officer serving the Township pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:

- (1) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
- (2) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
- (3) Specify that the answer must be made in person or by mail with the Prairie Township Fiscal Officer;
- (4) Indicate the amount of the fine that may be imposed for the violation.

(b) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:

(1) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.

(2) A denial that the person committed the violation.

(c) Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

Section 3. OTHER REMEDIES. Nothing herein shall be construed to impair any common law or statutory cause of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Township; to prevent animal cruelty and is immediately necessary to promote the health, safety and welfare of residents in the Township.

Section 5. The Board, upon majority vote, hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes adoption of this Resolution upon its first reading.

Section 6. The Township Clerk is hereby directed to provide notice of the adoption of this code, including a summary of the Code, as provided by law.

Section 7. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. This resolution shall take effect at the earliest time allowed by law.

Following its introduction, the resolution was read by the Township Clerk by title only.

M____. _____ moved the adoption of the resolution and the motion was seconded by M____. _____ . Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
M____. _____	___	___
M____. _____	___	___
M____. _____	___	___

Having received the affirmative vote of all of the trustees, the resolution was adopted as an emergency measure, to become effective immediately after the filing with the Township Clerk.

Adopted: _____, 20__
Effective: _____, 20__

**BOARD OF TOWNSHIP TRUSTEES
BLENDON TOWNSHIP
FRANKLIN COUNTY, OHIO**

Attest: _____
Wade Estep, Clerk

Stewart Flaherty, Township Trustee

APPROVED AS TO FORM:

Jan Heichel, Township Trustee

Ron O'Brien
Township Law Director

James Welch, Township Trustee

CERTIFICATION

The undersigned Fiscal Officer of Blendon Township, Franklin County, Ohio hereby certifies that the foregoing is a true and exact copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township on _____, 20__.

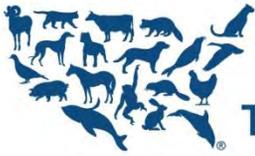
Wade Estep, Fiscal Officer
Blendon Township
Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, _____, Fiscal Officer of Blendon Township, Franklin Township, Ohio do hereby certify that a summary of this resolution was published in the newspapers listed below and on the dates listed below:

_____ and _____, 20__
_____ and _____, 20__

Wade Estep, Fiscal Officer
Blendon Township, Franklin County, Ohio



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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David O. Wiebers, M.D.

Lona Williams

August 29, 2017

Delaware City Council
1 South Sandusky Street
Delaware, Ohio 43015

Mayor Riggle, Vice Mayor Shafer and members of the Council:

My name is Corey Roscoe and I am the Ohio State Director for The Humane Society of the United States. On behalf of The HSUS and our members in Ohio, I would like to offer our support of the proposed upgrades to the city's neglect of companion animals ordinances to include the regulation of constant/cruel tethering. Dogs who are tethered or live predominantly outdoors are often victims of sufficient care, suffering from sporadic feedings, overturned water bowls, inadequate veterinary care, lack of exercise, and exposure to extreme temperatures.

An upgraded law would also have positive impacts on the community. Dogs are social animals that thrive on interaction. A dog kept in one spot for months or years suffers immense psychological damage. Studies show that chained dogs are much more likely to bite than unchained dogs. *The Centers for Disease Control (CDC)* has concluded that the dogs most likely to attack are male, unneutered and chained.

Chained dogs/dogs left outdoors are often the source of nuisance complaints, impacting the quality of life for community residents and the law enforcement officers who respond to these calls.

Municipalities across our great state are upgrading their tethering ordinances (city of Columbus is hearing a similar measure this week) with increasing frequency and I look forward to the city of Delaware joining the list. If we can support you along the way, please let me know. We are grateful for your consideration on this important issue.

Sincerely,

Ms. Corey Roscoe
croscoc@humanesociety.org
t 614.570.0825

Celebrating Animals | Confronting Cruelty



FACT SHEET

AGENDA ITEM NO: 12

DATE: 10/23/2017

ORDINANCE NO: 17-66

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
October 23, 2017 at 7:45 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A REZONING AMENDMENT FOR FIRE STATION 304 ON 4.102 ACRES TO A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

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 7-0 on October 4, 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. 17-66

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A REZONING AMENDMENT FOR FIRE STATION 304 ON 4.102 ACRES TO A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

WHEREAS, the Planning Commission at its meeting on October 4, 2017 recommended approval of a Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway (2017-2359).

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

SECTION 1. That the Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway, 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

CASE NUMBER: 2017-2359-2361
REQUEST: Multiple Requests
PROJECT: Fire Station 304
MEETING DATE: October 4, 2017

APPLICANT/OWNER

The Kleingers Group
350 Worthington Road, Suite B
Westerville, Ohio 43082

City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

REQUEST

2017-2359: A request by the City of Delaware for approval of a Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

2017-2360: A request by the City of Delaware for approval of a Conditional Use Request for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

2017-2361: A request by the City of Delaware for approval of a Combined Preliminary and Final Development Plan for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

PROPERTY LOCATION & DESCRIPTION

The subject properties are located on the north side of Cheshire Road just west of Glenn Parkway and northwest of the Cheshire Road/Glenn Parkway roundabout. The subject site encompasses four parcels with the western two parcels (2.856 acres) being annexed into the City in March 2017 (Ordinance 17-18) while the eastern two parcels are located in the City from when Glenn Parkway was constructed. The site is currently zoned A-1 (Agricultural District) per Section 1131.04 of the City Zoning Code after being annexed into the City. This code section automatically applies the A-1 zoning district to a parcel that has not undergone a formal rezoning. It is prudent to formalize the A-1 zoning for the entire site through the public hearing process to ensure conformity and the highest level of defensibility. The zoning to the north is R-2 (One Family Residential District), the zoning to the south is PO/I (Planned Office/Institutional District) and the zoning to the east is R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District). The property to the west is located in Liberty Township and zoned FR1 (Farm Residential).

BACKGROUND

The City electorate passed a fire levy in 2010 to construct and staff additional fire stations to accommodate the City's growth. In 2012 the City constructed Fire Station 303 on West Central Avenue and now the City is proposing to construct Fire Station 304 on Cheshire Road as long planned which would be the fourth fire station in the City. As mentioned above, the western parcel was annexed in the City in March 2017 and the City recently razed the house on the subject property. The City is proposing to construct a 9,149 square foot Fire Station with curb cuts on Cheshire Road and Glenn Parkway accessing a twelve space parking lot.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The Comprehensive Plan recommends a future land use of Very Low Density Single Family for the subject parcels in the Cheshire subarea. Because a Fire Station is a Conditional Use in the A-1 zoning district (and in all residential districts in the City) and the A-1 district requires very low density, the proposed use would achieve compliance with the land use designation if all the Conditional Use Permit requirements are met. Furthermore, the City has identified the southeastern portion of the City as being underserved from a fire station perspective.
- **ZONING:** As previously mentioned, the proposed zoning for the subject property is A-1. Under the proposed zoning, a fire station (public safety and service facility) requires a Conditional Use Permit approved by the Planning Commission and City Council. Also, the Rezoning Amendment and Combined Preliminary and Final Development Plan would need to be approved by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change

based on the final technical review by the Engineering Department once a complete plan set is submitted for review.

- **ROADS AND ACCESS:** The subject site is located just northwest of the existing Cheshire Road/Glenn Parkway roundabout and would have access from Cheshire Road and Glenn Parkway. The Cheshire Road access would be full movement for the public and fire vehicles while the Glenn Parkway access would be full movement with a cut in the Glenn Parkway median for fire related vehicles only. The Cheshire Road curb cut would access the twelve space parking lot for the public vehicles and the east overhead doors and an access road that would connect the Cheshire Road and Glenn Parkway curb cuts for fire vehicles only.
- **PEDESTRIAN CONNECTIVITY:** The 2017 adopted Bicycle and Pedestrian Plan does not identify a bike or multi-use connection through the subject property. However, a sidewalk fronting Cheshire Road and Glenn Parkway would be constructed on the subject site extending to the western and northern property lines respectively that achieve compliance with minimum engineering requirements. This would connect the sidewalks to the Braumiller Woods subdivision to the north along Glenn Parkway.
- **SITE CONFIGURATION:** The proposed 9,149 square foot building is designed with four sided architecture of high quality and would be oriented on a 45 degree angle facing the Cheshire Road/Glenn Road roundabout. The 12 space public parking lot located in the front of the building would be accessed by the full movement curb cut on Cheshire Road. The Cheshire Road curb cut would also access the south overhead doors on the building and would connect to the Glenn Parkway curb cut. The Glenn Parkway full movement curb cut would access the north overhead doors. A trash and recyclables area concrete pad would be located on the south elevation screened by a 6 foot high fiber cement fence painted to match the building. Because the fire station would use tip carts, a dumpster would not be required and a fence screening the tip carts would be sufficient. A retention basin would be located north of the building along Glenn Parkway. The site is well buffered by from the residential properties to the north and west by the existing tree line. The City is exploring the option of potentially installing ground mounted solar panels which would be located in the grass area between the building and the two internal access roads fronting Cheshire Road (see attached exhibit). If the City determines this option is feasible, there would be a maximum of 260 ground mounted solar panels installed in the aforementioned area.
- **BUILDING DESIGN:** As mentioned above, the building would have four sided architecture with the main entrance on the east elevation facing the parking lot and the Cheshire Road/Glenn Parkway roundabout. The east elevation is single story in height with a main entrance on the northern half of the elevation with two columns wrapped in limestone anchoring the porch. The entrance and secondary gable has a round architectural vent accent feature. The northern portion of the elevation would be limestone and the southern portion of the elevation would have a limestone wainscoting with monarch red face brick rounding out the elevation. The roof would be pitched with asphalt shingles. Finally a cupola would complete the elevation. There would be a single three bay window, two-two bay windows and a single window on this elevation. The rear (west) elevation would have a limestone wainscoting with monarch red face brick above with a pitched roof with asphalt shingles. Five small windows and a man door are located on the rear elevation. The north elevation facing Glenn Parkway would have a limestone wainscoting the entire length of the elevation with a monarch red face brick rounding out the elevation with a pitch roof with asphalt shingles. The northern portion of the elevation would have two white overhead doors while the southern elevation would have two individual windows and a six window bay. The south elevation fronting Cheshire Road would have a limestone wainscoting extending the length of elevation with monarch red face brick rounding out the elevation with a pitched roof with asphalt shingles. The northern portion of the elevation would have two white overhead doors while the southern elevation would have four individual windows with a man door. Staff requires that the limestone on the building be Delaware blue vein or equivalent. All building appurtenances (coping, downspouts, etc.) appear to be painted to match the adjacent building colors.
- **TREE REMOVAL & REPLACEMENT:** Technically because trees and forest products are allowed uses (including their removal obviously), the A-1 zoning district allows for the removal trees without replacing but if staff incorporated a PMU (Planned Mixed Use Overlay District) zoning designation with its own removal and replanting schedule or any other straight letter zoning district the tree preservation regulations would be activated. The applicant is removing three deciduous trees that equal 66 caliper inches and five evergreen trees that equal 66 feet high (evergreen conversion to caliper inches is 1 inch for every 2 feet in height) which

yields 99 caliper inches being removed for the development. However, the applicant is planting twenty five 8 foot tall evergreen trees (a minimum 8 foot tall at installation) along the western property line in a soldier course alignment to supplement the screening to the resident to the west as well as replacing caliper inches of trees. The twenty five 8 foot tall evergreen trees would convert to 100 caliper inches of trees to meet the tree replacement requirements in Chapter 1165 regardless. Also, the heavily treed area to the north and northwest of the building would be preserved which equals approximately 49 trees that yields 816 caliper inches preserved. Therefore, the subject development would more than achieve compliance with Chapter 1165 even if the site was zoned with a PMU zoning designation or any other non A-1 straight letter zoning district.

- **LANDSCAPING & SCREENING:** The required landscaping would be separated into internal landscaping, landscaping along the two street frontages (Cheshire Road and Glenn Parkway) and perimeter landscaping along the western property line. The internal landscaping appears to achieve compliance in the parking lot and around the foundation of the building. The trees required along the street frontages would be 2 along Cheshire Road and 5 trees along Glenn Parkway. There are existing street trees along Glenn Parkway and two street trees are being planted along Cheshire Road. Also, the site would require 15 front yard trees and the applicant requested that the trees be located throughout the site instead of the front yard to enhance the visibility of the fire station to the public for safety reasons. In addition, the 25 evergreen trees a minimum 8 foot high would be planted along the western property line to screen the resident to the west. With the preservation of wooded areas to the north and west and the planting of evergreen trees along the western property line, the residential properties to the north and west would be significantly screened.
- **SIGNS:** The applicant is proposing building and ground signage. The building sign would be on the north elevation facing Glenn Parkway. The building sign is non-illuminated individual letters and the fire logo mounted to the building. The ground sign would be located just southeast of the parking lot fronting the roundabout. The sign area would encompass approximately 38 square feet on a limestone base. The overall height of the sign is 6.66 feet high with a limestone base that is approximately 1.5 feet high. The aluminum panel would be Delaware Blue with white vinyl letters with a Delaware logo. Also, the limestone base shall be constructed of Delaware blue vein limestone or equivalent. Overall, this sign is in conformance with the Gateway & Corridor Plan and Zoning Code requirements for Public Purpose / Safety Signs. The signage achieves compliance with the City's branding and wayfinding plans and regulations.
- **LIGHTING:** The applicant is proposing 7 light poles throughout the parking lot and access drives and 8 wall packs to illuminate the site. The light poles shall be black and shall not exceed 25 feet in height and the fixtures shall be cut-off style. The lighting plans would have to achieve compliance with the minimum zoning requirements and would have to be approved by the Chief Building Official.
- **CONDITIONAL USE:** As noted, a fire station is considered a public safety and service facility which requires approval of a Conditions Use Permit in the A-1 zoning district. The proposal achieves compliance with the standards and the two regulations for public safety and service facilities which are:
 - 1 Facilities shall be limited to structures that are essential for the distribution of services to the local area.
 2. Structures, storage areas and parking of fleet vehicles shall be suitably screened from the view of adjacent public streets and residential uses. This may be accomplished through the use of fences, walls, evergreen landscaping, landscaped berms or any combination thereof, as approved by the Planning Commission.

Overall Staff has reviewed these criteria and finds that all applicable criteria are met for approval of the Conditional Use Permit.

STAFF RECOMMENDATION (2017-2359 – REZONING)

Staff recommends approval of a request by the City of Delaware of a Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

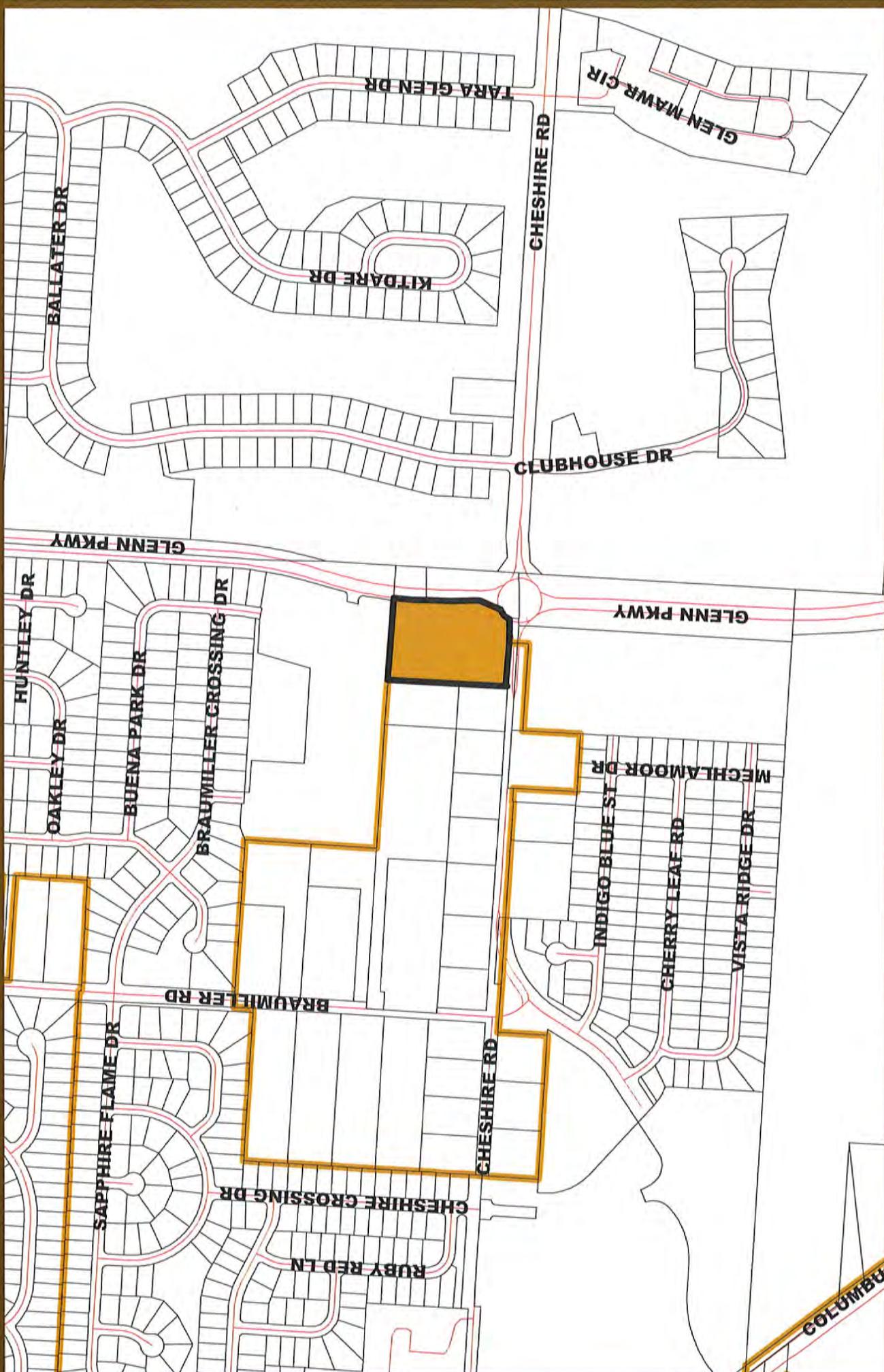
STAFF RECOMMENDATION (2017-2360 – CONDITIONAL USE PERMIT)

Staff recommends approval of a request by the City of Delaware of a Conditional Use Request for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

STAFF RECOMMENDATION (2017-2361 – COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN)

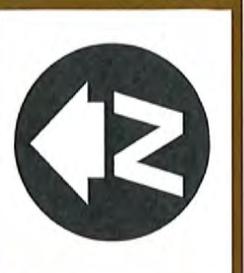
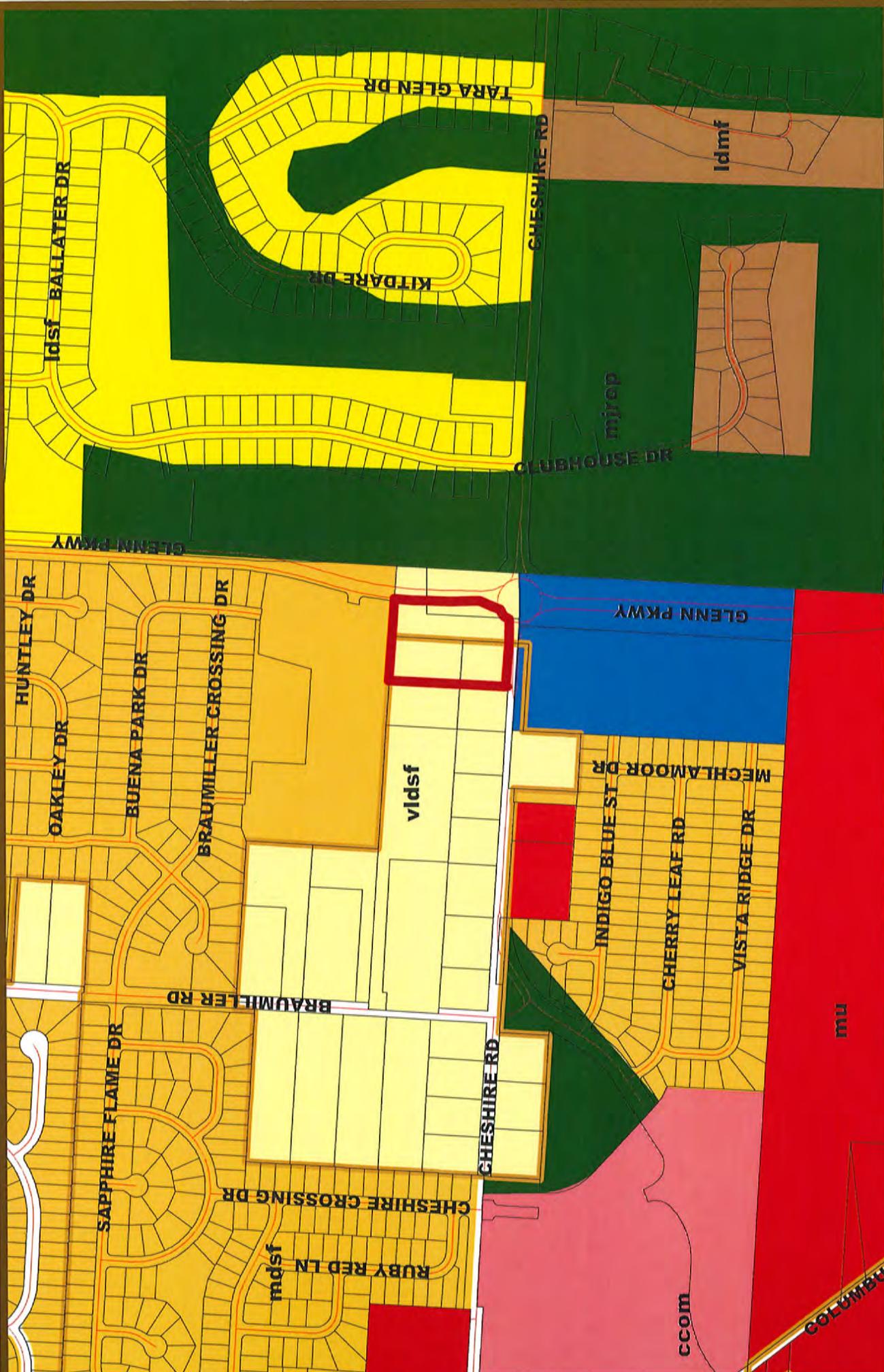
Staff recommends approval of a request by the City of Delaware of a Combined Preliminary and Final Development Plan for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway and with the following conditions that:

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. Twenty five evergreen trees a minimum 8 feet tall at installation shall be planted along the western property line in a soldier course alignment.
3. The Shade Tree Commission shall review and approve all landscape plans.
4. The limestone on the building and sign base shall be Delaware blue vein limestone or equivalent as approved by staff.
5. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
6. The Applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval.
7. The lighting plan shall be reviewed and approved by the Chief Building Official and all lighting must meet the requirements of the Planning & Zoning Code.
8. The current four parcels shall be consolidated into a single parcel prior to final certificate of occupancy.
9. The signage plan shall conform to the City's branding, gateway and corridor plan and facility signage requirements.



2017-2359-2361
 Rezoning Amendment, Conditional Use Permit &
 Combined Preliminary and Final Development Plan
 Firestation 304 - Cheshire Road
 Location Map





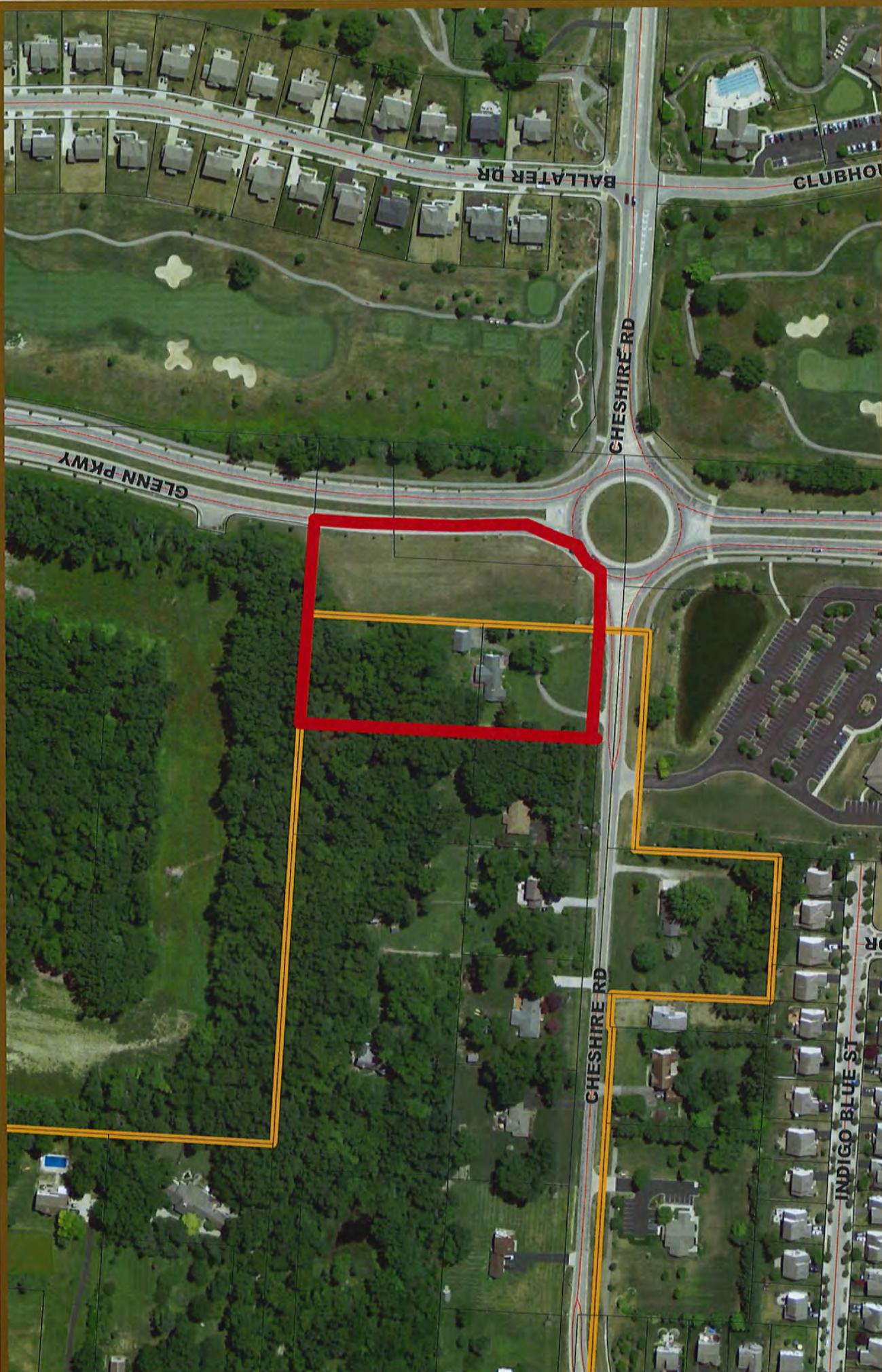
2017-2359-2361
 Rezoning Amendment, Conditional Use Permit &
 Combined Preliminary and Final Development Plan
 Firestation 304 - Cheshire Road
 Comprehensive Land Use Plan Map





2017-2359-2361
Rezoning Amendment, Conditional Use Permit &
Combined Preliminary and Final Development Plan
Firestation 304 - Cheshire Road
Zoning Map

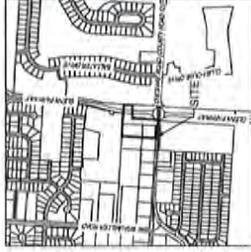




2017-2359-2361
 Rezoning Amendment, Conditional Use Permit &
 Combined Preliminary and Final Development Plan
 Firestation 304 - Cheshire Road
 Aerial (2016)



FINAL DEVELOPMENT PLAN FOR: DELAWARE FIRE STATION #304 CITY OF DELAWARE, DELAWARE COUNTY, OHIO



DESCRIPTION

THE PROPOSED FIRE STATION IS LOCATED AT THE NORTHWEST INTERSECTION AT CHEWSEBROUGH ROAD AND GLEN PARKWAY IN THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO. THE PROPOSED PROJECT WILL CONSIST OF A NEW FIRE STATION BUILDING INCLUDING STORM SEWERS, SANITARY SERVICES, AND OTHER ASSOCIATED UTILITIES.

PROJECT BENCHMARK

ALL ELEVATIONS ARE INDICATED BASED ON THIS POINT ARE BASED ON THE NORTH INTERSECTION VERTICAL CURVE OF 1999 (141+00).
 1. POINT BENCHMARK: CURVE INLET ON THE SOUTH SIDE OF CHEWSEBROUGH RD EAST OF SULLY POINT BRIDGE.
 ELEV: 461.57
 2. POINT BENCHMARK: WEST CORNER OF CONCRETE BASE OF LIGHT POLE AT THE NORTHWEST CORNER OF CHEWSEBROUGH ROAD AND GLEN PARKWAY.
 ELEV: 461.51
 3. POINT BENCHMARK: SOUTH-SOUTHWEST CORNER OF CONCRETE BASE OF FIFTH LIGHT POLE NORTH OF ROUNDABOUT IN GLEN PARKWAY MEDIAN.
 ELEV: 462.11

FLOOD DESCRIPTION

PROPOSED SITE IS LOCATED IN ZONE X ON FIRM MAP NUMBER 5004122201L DATED FEBRUARY 11, 2016.

SITE DATA

SITE AREA	6.95 ACRES	ACCESS (S&U)	1 ACCESS
PROPOSED SITE AREA	4.10 ACRES	4.9% OF TOTAL AREA	
BUILDING AREA	0.18 ACRES	2.6% OF TOTAL AREA	
STREET FRONTAGE	0.27 ACRES	3.9% OF TOTAL AREA	
CREWSPAWN SPACE	2.80 ACRES	40.5% OF TOTAL AREA	
BUILDING INFORMATION			
HEIGHT	2 STOREYS		
BUILDING AREA	187 FLOOR SQUARE FEET		
TOTAL	5,149 SQUARE FEET		
SOIL TYPES			
BAY 1: BUREAU OF SOIL CONSERVATION 0 TO 1 PERCENT SLOPES (MSB 27)			
PARK FRONT BAY 1: BUREAU OF SOIL CONSERVATION 1 TO 2 PERCENT SLOPES (MSB 25)			
PROPOSED DEVELOPMENT COEFFICIENT	0.45		
PROPOSED DEVELOPMENT DENSITY	0.45		



SHEET INDEX

- 1 - TITLE SHEET
- 2 - CONSULTATION PLAN
- 3 - SITE PLAN
- 4 - LANDSCAPE PLAN
- 5 - LANDSCAPE DETAILS

OWNER

CITY OF DELAWARE
 89 SOUTH LIBERTY STREET
 DELAWARE, OHIO 43015
 EMAIL: CONNALE@DELAWARCOHIO.NET
 CONTACT: JOHN CONNOR

ENGINEER

TLC ENGINEERS
 300 WESTINGTON ROAD, SUITE B
 WESTERVILLE, OHIO 43081
 CONTACT: BRIGIDAN.FLEMING@TLCENGINEERS.COM
 EMAIL: BRIGIDAN.FLEMING@TLCENGINEERS.COM

ARCHITECT

MILL & WOOD ARCHITECTS
 4225 REDMOND AVENUE
 COLUMBUS, OHIO 43224
 CONTACT: JOE WEITZMANN
 EMAIL: JOE@MILLANDWOODARCHITECTS.COM

APPROVED BY:
 CITY OF DELAWARE, OHIO

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT	DATE
DIRECTOR OF ENGINEERING SERVICES	DATE
ASSISTANT CITY ENGINEER	DATE
DIRECTOR OF PUBLIC WORKS	DATE
DIRECTOR OF PUBLIC UTILITIES	DATE
NON-RESIDENT	DATE

APPROVAL OF THESE PLANS DOES NOT CONSTITUTE ASSURANCE TO THE CITY OF DELAWARE FOR THE ACCURACY OR RESPONSIBILITY FOR THE ACTIVITY OF THE PLANS.

DELAWARE FIRE STATION #304
 DELAWARE COUNTY
 DELAWARE, OH

PROJECT NO: 100741300
 DATE: 08-28-2017

AS SHOWN

FINAL DEVELOPMENT PLAN
 TITLE SHEET

1/6

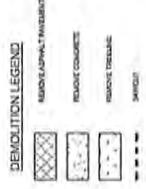




PROJECT NO: 150514.000
 DATE: 08-28-2017
 SCALE: 1" = 30'

DELAWARE FIRE STATION #304
 DELAWARE COUNTY
 DELAWARE, OH

FINAL DEVELOPMENT PLAN
DEMOLITION PLAN
 SHEET NO: 2/6



- DEMOLITION NOTES**
- CONTRACTOR SHALL REFER TO THE GEOTECHNICAL SOIL REPORT DATED JUNE 1, 2017, PERFORMED BY TERRACON FOR EXISTING FOUNDATION AND SITE INFORMATION.
 - ALL DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF DELAWARE, OH AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 - EXISTING BUILDINGS SHALL BE COMPLETELY REMOVED AND DEBRIS SHALL BE RELOCATED TO THE APPROPRIATE DISPOSAL FACILITY.
 - DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF DELAWARE, OH AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 - WATER WELLS AND/OR SEWER LINES MAY BE LOCATED ON THE EXISTING ADJACENT PROPERTY. CONTRACTOR SHALL VERIFY DEPTH TO CONSTRUCTION DEPTH AND SHALL BE RESPONSIBLE FOR PROTECTING THEM FROM THE DEMOLITION PROCESS.
 - ALL UTILITIES SHALL BE MARKED TO THE DEEPEST ZONE TO AVOID IN THE COURSE OF ANY DEMOLITION ACTIVITIES.
 - WHERE PROPOSED ADJACENT PROPERTY IS TO MATCH EXISTING ADJACENT PROPERTY, CONTRACTOR SHALL VERIFY DEPTH TO CONSTRUCTION DEPTH AND SHALL BE RESPONSIBLE FOR PROTECTING THEM FROM THE DEMOLITION PROCESS.

- CODED NOTES**
- REMOVE EXISTING FOUNDATION
 - REMOVE CONCRETE
 - REMOVE MASONRY
 - REMOVE METAL
 - REMOVE
 - REMOVE EXISTING FOUNDATION
 - REMOVE CONCRETE
 - REMOVE MASONRY
 - REMOVE METAL
 - REMOVE
 - REMOVE EXISTING FOUNDATION
 - REMOVE CONCRETE
 - REMOVE MASONRY
 - REMOVE METAL
 - REMOVE



150514.000
 08-28-2017
 1" = 30'
 DELAWARE FIRE STATION #304
 DELAWARE COUNTY
 DELAWARE, OH
 FINAL DEVELOPMENT PLAN
 DEMOLITION PLAN
 SHEET NO: 2/6



DELaware FIRE STATION #304
DELAWARE COUNTY
DELAWARE, OH

PROJECT NO: 130614-000
DATE: 09-28-2017

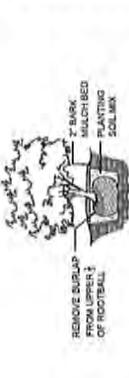
FINAL DEVELOPMENT PLAN LANDSCAPE DETAILS

SHEET NO: **6/6**

PLANTING SCHEDULE

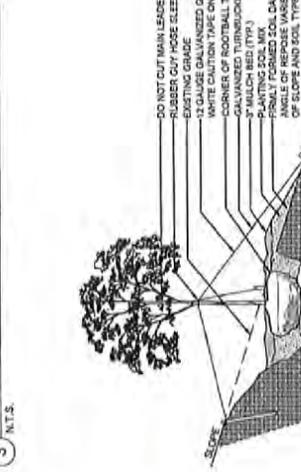
QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
TREES:						
3	ACE PINE	ACE PINE	AUTUMN BLAZE MAPLE	3" CAL.	B&S	
3	ACE SAC	ACE SAC	GREEN MOUNTAIN SUGAR MAPLE	3" CAL.	B&S	
4	BETING	BETULA NIGRA 'NINE STAR'	HERITAGE WHITE BIRCH	1 1/2" x 1 1/2"	B&S	MULTI-STEM
2	POPLAR	POPULUS ALBA 'DWARF'	BLOODGOOD LINDEN PLANT TREE	3" CAL.	B&S	
1	DOE BC	QUERCUS BICOLOR	SHAW WHITE OAK	3" CAL.	B&S	
2	DOE PAL	QUERCUS PALMATA	RED BELLIED WOODPECKER	3" CAL.	B&S	
2	DOE SHU	QUERCUS SHUMARII	SHUMARD OAK	3" CAL.	B&S	
ORNAMENTAL TREES:						
1	ABE OVA	AMELANCHIER X GONANOPLOUM	AUTUMN BRILLIANCE SERVICEBERRY	7 1/2" HT.	B&S	MULTI-STEM
SHRUBS:						
8	IBEA THU	BERBERIS THUNBERGII	ATROPURPUREA 'NAAN'	1 1/2" x 1 1/2"	CONT.	SPACE 2 O.C.
18	HYD MAC	HYDRANGEA MACROPHYLLA	ENDLESS SUMMER HYDRANGEA	2 1/2" x 2 1/2"	CONT.	SPACE 5 O.C.
27	IBIB ALP	IBIBIS ALBA	ALPINE CURRANT	2 1/2" x 2 1/2"	CONT.	SPACE 3 O.C.
7	ROSE PIN	ROSA PINK DRIFT	PINK DRIFT ROSE	1 1/2" x 1 1/2"	CONT.	SPACE 3 O.C.
3	5YR PAT	STRONGIA PATULA	MESS KIM LAZAC	2 1/2" x 2 1/2"	B&S	SPACE 8 O.C.
10	TAX MED	TAXUS MEDIA 'EVERLOW'	EVERLOW YEW	2 1/2" x 2 1/2"	B&S	SPACE 8 O.C.
PERENNIALS:						
5	HEM STE	HEMEROCALLIS	STELLA D'ORO	#2	CONT.	SPACE 2" O.C.

TURF SEEDS: REFER TO SPECIFICATIONS



LANDSCAPE ZONING REQUIREMENTS (DELAWARE, OH CODES)

STREET TREES (SECTION 118B.06)	REQUIRED	PROPOSED
STREET TREES	1.75" MIN. CALIPER TREES INSTALLED PER 40 LF OF FRONTAGE GLENNWAY 200 LF + 5 TREES CHESTER ROAD 80 LF + 2 TREES	GLENNWAY: EXISTING TREES TO REMAIN SPRINGFIELD: 1 TREES PROPOSED
FRONT YARD (SECTION 118B.07)	REQUIRED	PROPOSED
FRONT YARDS	1 SHADE TREE PER 50 LF OF FRONTAGE (7" MIN. CALIPER) + 1 SHRUB PER 10 LF OF FRONTAGE, NOT INCLUDING DRIVE ENTRANCES 718 LF = 15 TREES + 72 SHRUBS	15 TREES + 72 SHRUBS PROPOSED
BUFFER YARD (SECTION 118B.08)	REQUIRED	PROPOSED
SCREENING WHEN ADJACENT TO RESIDENTIAL PROPERTY	6' HEIGHT SOLID, CONTINUOUS SCREEN CONSISTING OF VEGETATION, BERRA, AND/OR FENCE	EXISTING VEGETATION TO REMAIN
PARKING LOT (SECTION 118B.09)	REQUIRED	PROPOSED
SCREENING	3' TALL HEDGE, BERRA, OR WALL LOCATED ALONG PERIMETER OF PARKING LOT	3' TALL HEDGES PROPOSED
TREE PRESERVATION (SECTION 118B.04)	REQUIRED	PROPOSED
TREE REPLACEMENT	REDUCE EXISTING TREE REMOVALS WITH A LOSS OF 70% GREATER WITH THE EQUAL CALIPER AND SPECIES. IF REMOVAL IS 1.75" MIN. CALIPER OR PAY INTO CITY'S TREE BANK FUND.	PAY INTO TREE BANK PROPOSED
	80% TOTAL CALIPER REMOVED = 80' CALIPER REPLACED	



NOT TO SCALE

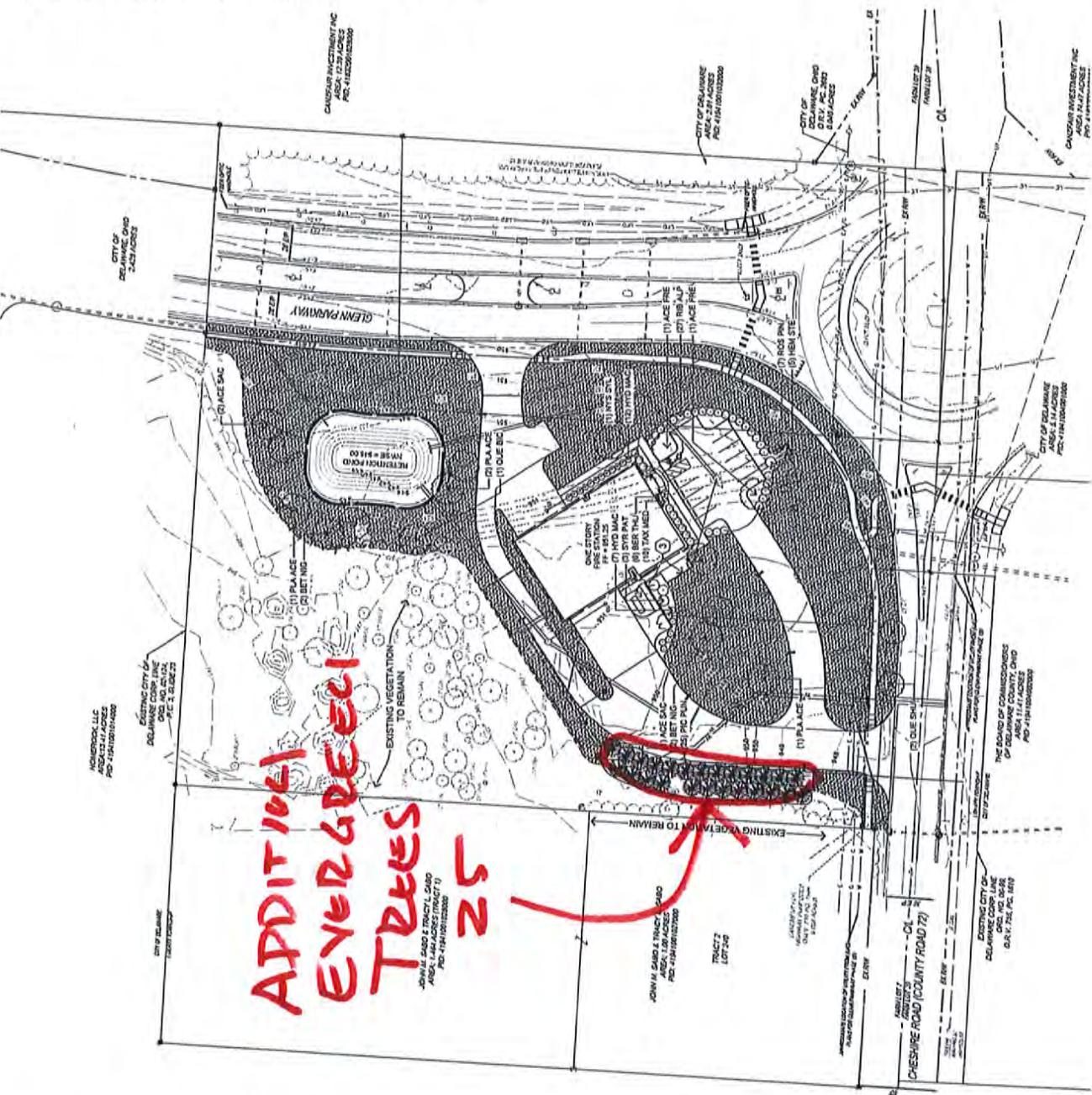


- PLANNING NOTES:**
1. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING UTILITIES.
 2. ALL SHRUB MASSSES TO BE INCORPORATED BY A CONTINUOUS MULCH BED TO APPLIED 5 INCH AND AS SPECIFIED. MULCH BEDS TO HAVE A NEAT, EDGED SUBSURFACE IMPROVEMENTS SHALL BE OBSERVED. THE CONTRACTOR SHALL CONTACT THE OHIO UTILITIES PROTECTION SERVICE (OUPS) 48 HOURS PRIOR TO ANY EXCAVATION WORK TO BE PERFORMED TO LOCATE AND MARK ALL UNDERGROUND UTILITIES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT SUCH UNDERGROUND UTILITIES.
 3. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE FINE GROUND AND SEEDED. THE CONTRACTOR SHALL ENSURE THAT ALL NEWLY PLANTED TREES ARE PERFECTLY ALIGNED AND SET PLUMS WITH PROPER RELATIONSHIP TO THE EXISTING PLANTING AND TO THE ADJACENT PLANTING.
 4. ALL PLANT MATERIAL SHALL BE OF THE SIZE AND TYPE SPECIFIED. IF SUBSTITUTIONS ARE APPROVED BY THE OWNER'S REPRESENTATIVE, THE SIZE AND GRADING STANDARDS SHALL CONFORM TO THOSE OF THE AMERICAN LANSCAPE ARCHITECTURE ASSOCIATION (L.A.A.) AND THE AMERICAN SOCIETY OF PLANTING ENGINEERS (ASPE).
 5. REFER TO SHEET 8 FOR PLANT DETAILS AND PLANT SCHEDULE.

- CONSTRUCTION NOTES:**
1. FLAGPOLE, REFER TO ARCHITECTURAL PLANS
 2. SIGN, REFER TO ARCHITECTURAL PLANS
 3. SCREEN FENCE, REFER TO ARCHITECTURAL PLANS

- LEGEND:**
- EXISTING TREES TO REMAIN, PROTECT IN PLACE
 - DECIDUOUS TREE, TYP.
 - SHRUBS & PERENNIALS, TYP.
 - TURF

CHANDLER ARCHITECTURE INC
AREA: 12.29 ACRES
PID: 1182209102000



DELAWARE FIRE STATION #304
DELAWARE COUNTY
DELAWARE, OH

PROJECT NO: 1000000000
DATE: 08-24-2017

SCALE: 1" = 20'

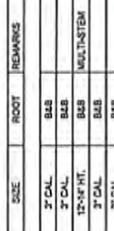
FINAL DEVELOPMENT PLAN LANDSCAPE PLAN

5/6

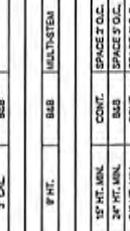




1 PLANTING BED TRENCH DETAIL
N.T.S.



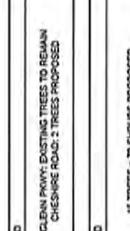
2 SHRUB PLANTING
N.T.S.



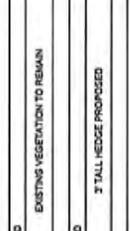
3 DECIDUOUS TREE PLANTING
N.T.S.



4 PERENNIAL / GROUNDCOVER PLANTING
N.T.S.



5 DECIDUOUS TREE PLANTING ON A SLOPE
NOT TO SCALE



PLANTING SCHEDULE

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
TREES:						
2	ACE FRIE	ACER X CREMATA 'JEFFERSON'	AUTUMN BLAZE MAPLE	3" CAL	BBB	
3	ACE SAC	ACER SACCHARIN 'GREEN MOUNTAIN'	GREEN MOUNTAIN SUGAR MAPLE	3" CAL	BBB	
4	BET NEG	BETULA NEGRA 'HERITAGE'	HERITAGE RIVER BIRCH	12"X4 HT.	BBB	MULTI-STEM
1	NYL SYL	NYSSA SYLVATICA	BLACK GUM	3" CAL	BBB	
4	PLA ICE	PLATANUS ACERIFOLIA 'BLOODGOOD'	BLOODGOOD LONDON PLANETREE	3" CAL	BBB	
1	DUE BIG	QUERCUS BICOLOR	SWAMP WHITE OAK	3" CAL	BBB	
2	DUE SMU	QUERCUS SUMMERS	SUMMERS OAK	3" CAL	BBB	
EVERGREEN TREES:						
25	PEE PAN	PIREA PUNGENS 'SAUCY'	COLORADO BLUE SPRUCE	8" HT.	BBB	MULTI-STEM
SHRUBS:						
8	BET THU	BESSEYIA THUNBERGII 'PROPAGERA NANA'	CRIMSON PINE BERRY	15" HT. MIN.	CONT.	SPACE 7' O.C.
19	HYD JAC	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	ENDLESS SUMMER HYDRANGEA	35" HT. MIN.	CONT.	SPACE 3' O.C.
23	RIB ALP	RIBES ALPIMUM	ALPINE CURRANT	35" HT. MIN.	CONT.	SPACE 3' O.C.
7	ROSE PIN	ROSA 'PINK DRIFT'	PINK DRIFT ROSE	35" HT. MIN.	CONT.	SPACE 3' O.C.
3	STYR PAT	STYRACIA PATULA 'WISS KUM'	MISS KUM LILAC	35" HT. MIN.	BBB	SPACE 6' O.C.
15	TAX MED	TAXUS X MEDIA 'EVERLOW'	EVERLOW YEW	35" HT. MIN.	BBB	SPACE 6' O.C.
PERENNIALS:						
5	HEM STE	HEMIPERCALLIS STELLA 'DORO'	STELLA D'ORO DAVILLY	#2	CONT.	SPACE 24" O.C.

LANDSCAPE ZONING REQUIREMENTS (DELAWARE, OH CODE)

SECTION	REQUIREMENT	PROPOSED
STREET TREES (SECTION 1198.02)	1.3" MIN. CALIPER TREES INSTALLED PER 40 LF OF FRONTAGE	GLENN PINEY 200 LF + 5 TREES CHESHIRE ROAD IN LF + 5 TREES
FRONT YARD (SECTION 1198.07)	REQUIRED	PROPOSED
FRONT YARD	1 SHADE TREE PER 50 LF OF FRONTAGE (2" MIN. CALIPER) + 1 SHRUB PER 10 LF OF FRONTAGE, NOT INCLUDING DRIVE ENTRANCES	15 TREES + 75 SHRUBS PROPOSED
BUFFER YARD (SECTION 1198.08)	REQUIRED	PROPOSED
SCREENING WHEN ADJACENT TO RESIDENTIAL PROPERTY	8' HEIGHT SOLID, CONTINUOUS SCREEN CONSISTING OF VEGETATION, BERN. AND/OR FENCE	EXISTING VEGETATION TO REMAIN
PARKING LOT (SECTION 1198.09)	REQUIRED	PROPOSED
SCREENING	3' TALL HEDGE, BERN. OR WALL LOCATED ALONG PERIMETER OF PARKING LOT	3' TALL HEDGE PROPOSED
TREE PRESERVATION (SECTION 1198.04)	REQUIRED	PROPOSED
TREE REPLACEMENT	REPLACE EACH TREE REMOVED WITH A TREE OF 8" OR GREATER WITH TRUNKS EQUAL TO THE TOTAL CALIPER OF THE REMOVED TREE (11.75" MIN. CALIPER) OR PAY INTO CITY'S TREE BANK FUND (8" TOTAL CALIPER REMOVED = 8" CALIPER REPLACED)	PAY INTO TREE FUND PROPOSED

DELAWARE FIRE STATION #304
DELAWARE COUNTY
DELAWARE, OH

PROJECT NO: 15091VA329
DATE: 04-06-2017

SCALE: 1"=10'

PROJECT NAME: **FINAL DEVELOPMENT PLAN LANDSCAPE DETAILS**

DRAWING: **6/6**



mull & weithman architects, inc.

September 6, 2017

Delaware Fire Station #304

Preliminary Material Selection Finish Schedule

Project No. 1713

Exterior Finishes

Roof: Certainteed Landmark Premium - Weathered Wood to match Fire Station 303.
(Sample of Certainteed Grand Manor provided for color reference)

Fascia, Frieze, Trim, Fiberglass Columns: Paint: Sherwin Williams, Alabaster SW7008

Walls:

Siding: Paint: Sherwin Williams, Navajo White SW6126

Brick: Monarch – Jewel Clear Range A 11-09 Sugarcreek Plant 8 (Modular sample provided for color reference. Texture to match Fire Station 303.)

Mortar: Cemex Richcolor 58-H Limestone

Stone: Field Stone – See sample

Windows: Match Fire Station 303
Window Cladding – PR7843 Vanilla Cream

Entrance Door, and Storefront System: Bone White

Exterior Louvers: Colonial White M-18138

Exterior Exposed Flashing:

Roof Valley Flashing:	Terra Bronze
Roof Drip Edge:	White – Match Gutters & Downspouts
Gutters & Downspouts:	White
Stepped Masonry Counterflashing:	Terra Bronze
Cupola Apron Flashing	Terra Bronze

Exterior H.M. Doors & Frames: Paint to Match Window Color

Sectional Overhead Doors: White

Station Signs

Ground Sign – City of Delaware Standard Aluminum Panel Sign – See Sheet G1.1

Black: CMYK 50, 50, 25, 100

Blue: CMYK 90, 70, 30, 10

Red: CMYK 0, 90, 90, 33

Beige: CMYK 0, 2, 10, 5

Building Signage

Color Graphic: City of Delaware Fire Department Patch

Dimensional Letters: Powder Coated Aluminum Letters – White.



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



Project # _____ Case # _____

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

Subdivision/Project Name DELAWARE FIRE STATION #304 Address NW CORNER CHESHIRE RD / GLENN PKWY
 Acreage 4.102 Square Footage _____ Number of Lots 1 Number of Units N/A
 Zoning District/Land Use N/A Proposed Zoning/Land Use TBD Parcel # TBD

Applicant Name CITY OF DELAWARE Contact Person MR. JERRY WARNER

Applicant Address 1 SOUTH SANDUSKY STREET, DELAWARE, OHIO 43015

Phone 740-203-1000 Fax _____ E-mail JWARNER@DELAWAREOHIO.NET

Owner Name SAME AS APPLICANT Contact Person _____

Owner Address _____

Phone _____ Fax _____ E-mail _____

Engineer/Architect/Attorney THE KLEINGERS GROUP Contact Person MR. BRENDAN M. FLEMING, PE

Address 350 WORTHINGTON ROAD, SUITE B, WESTERVILLE, OH43062

Phone 614-882-4311 Fax _____ E-mail BRENDAN.FLEMING@KLEINGERS.COM

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

Owner Signature

Owner Printed Name

Agent Signature

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: 13

DATE: 10/23/2017

ORDINANCE NO: 17-67

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
October 23, 2017 at 7:45 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

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 7-0 on October 4, 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. 17-67

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

WHEREAS, the Planning Commission at its meeting on October 4, 2017 recommended approval of a Conditional Use Permit for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway (2017-2360).

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

SECTION 1. That the Conditional Use Permit for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway, 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: 14

DATE: 10/23/2017

ORDINANCE NO: 17-68

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

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 7-0 on October 4, 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. 17-68

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

WHEREAS, the Planning Commission at its meeting on October 4, 2017 recommended approval of a Combined Preliminary and Final Development Plan for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway (2017-2361).

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

SECTION 1. That the Combined Preliminary and Final Development Plan for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway 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. Twenty five evergreen trees a minimum 8 feet tall at installation shall be planted along the western property line in a soldier course alignment.
3. The Shade Tree Commission shall review and approve all landscape plans.
4. The limestone on the building and sign base shall be Delaware blue vein limestone or equivalent as approved by staff.
5. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
6. The Applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval.
7. The lighting plan shall be reviewed and approved by the Chief Building Official and all lighting must meet the requirements of the Planning & Zoning Code.

8. The current four parcels shall be consolidated into a single parcel prior to final certificate of occupancy.
9. The signage plan shall conform to the City's branding, gateway and corridor plan and facility signage requirements.

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: 15

DATE: 10/23/2017

ORDINANCE NO:

RESOLUTION NO: 17-57

READING: THIRD

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

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) FOR DOWNTOWN DELAWARE AND ENACTING REGULATIONS.

BACKGROUND:

Effective 4/30/17, the City of Delaware is eligible to create a DORA under Ohio Revised Code 4301.82. The City can only have one district and it cannot exceed 150 contiguous acres. This application must have the following elements:

1. Map/survey of the area
2. General statement of the nature and types of establishments that will be located in the area
3. A statement that the area will have at least 4 qualified liquor permit holders
4. Evidence that the uses of land in the area are in accordance with the zoning plan.
5. Proposed requirements for ensuring public health and safety in the area, which includes:
 - a. Signage designating the area, hours of operation
 - b. Personnel needed to ensure public safety
 - c. Sanitation plan
 - d. Requirement that alcohol only be sold in plastic bottles or containers.

At Council's request, staff has drafted an application which includes the required elements.

REASON WHY LEGISLATION IS NEEDED:

Legislation is required pursuant to the process established in the Ohio Revised Code for creating a DORA.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Based on Council's decision to limit the DORA to special events, the fiscal impact will be lower than if the DORA was established all of the time. Potential impacts include the cost of signage, cups/stickers, and increased staffing for refuse and police.

POLICY CHANGES:

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

ATTACHMENT(S)

DORA Application
Main Street Delaware Letter
Public Notice Affidavit
Public Input Received

RESOLUTION NO. 17-57

A RESOLUTION CREATING A DESIGNATED
OUTDOOR REFRESHMENT AREA (DORA) FOR
DOWNTOWN DELAWARE AND ENACTING
REGULATIONS.

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand is permitted to create a designated outdoor refreshment area (“DORA”) pursuant to the provisions of Ohio Revised Code §4301.82; and

WHEREAS, on September 25, 2017 at Council’s request, the City Manager submitted an application to City Council for approval of a DORA in a specified section of Downtown Delaware (the “DORA Application”); and

WHEREAS, pursuant to §4301.82(C), notice of the filing of the DORA Application and the date of a public hearing thereon was published in a newspaper of general circulation in the City on September 25, 2017 and October 2, 2017; and

WHEREAS, the public testimony on the application was held on October 9, 2017 during which public testimony was held; and

WHEREAS, §4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area; and

WHEREAS, the DORA Application as submitted and attached to this resolution as Exhibit A, meets the requirements of §4301.82(B)(1-5), it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed in the application; and

WHEREAS, approval of the Designated Outdoor Refreshment Area will enhance the experience of patrons of business establishments during special events within the Downtown Delaware area.

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

SECTION 1. City Council approves the DORA Application as having met the requirements of ORC §4301.82(B)(1-5) and approves the establishment of a Downtown Delaware Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit “A”, attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at



Executive Summary

Designated Outdoor Refreshment Areas “DORA”

- In April of 2017, the ORC allowed municipalities under a population of 35,000 to apply to the State to create a DORA.
- At the City Council meeting on May 22, 2017, Council directed staff to complete a DORA application per Section 4301.82 of the ORC.
- The filing of the application must be advertised once per week for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days after the initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

Therefore, staff has proposed the following conditions for the DORA application:

- 1) The boundaries for the DORA would be Sandusky Street from Spring Street to Central Avenue and on William and Winter Streets from Franklin Street to Union Street.
- 2) It can only be implemented during a properly permitted Special Event which would include:
 - a. Specific times for the DORA to be in effect not to exceed the application limitations
 - b. City ratified public safety and sanitation plans, which will be event specific
 - i. This includes costs that will be passed onto the event hosts, based on necessity
- 3) Specially marked cups will be used by the qualifying liquor permit holders
 - a. The design of these cups will be determined by the City
 - b. Only wine and beer may be served in the cups to leave the establishment
 - c. Participation in the DORA program is optional to the liquor permit holders
- 4) Each special event host organization will have the option to participate in the DORA. The decision of whether or not to participate will be made at the time of completing the Special Events Application.
 - a. The City of Delaware staff may consider approval of additional events on a continual basis. Additional events will be subject to local permitting processes and regulated by the approved boundaries and hours of operation established by the DORA application.
- 5) Alcohol service must take place in the liquor permit holders establishment. If a host organizer decides to include a beer truck or any conveyance of that fashion, then the host must follow the regulations as it pertains to that conveyance (i.e. proper fencing)



**APPLICATION TO THE DELAWARE CITY
COUNCIL:
DOWNTOWN DELAWARE DESIGNATED
OUTDOOR REFRESHMENT AREA**

O.R.C. 4301.82



The Office of the City Manager of the City of Delaware, Ohio, respectfully submits the following application to the Delaware City Council to approve and enact the Downtown Delaware Designated Outdoor Refreshment Area, in accordance to O.R.C. 4301.82.

Submitted

By: _____

R. Thomas Homan, City Manager

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I. INTRODUCTION AND SUBMITTAL OF APPLICATION

Effective April 30, 2017, Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or “DORA’s”. In order to consider creation of DORA, the City Manager must file an application with the City of Delaware City Council which meet certain statutory requirements. The application filing must be advertised once per week for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days after the initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

At its meeting on May 22, 2017, members of City Council directed staff to prepare the application for a DORA for downtown Delaware that includes Sandusky Street from Spring Street to Central Avenue and on William and Winter Streets from Franklin Street to Union Street that it could be brought before City Council for formal action.

Therefore, the following application is being respectfully submitted to City Council for their consideration. The application is for special events only. Host entities of the various Special Events in the downtown will have to apply for a permit to hold an event downtown and then their plan for the DORA, Health and Safety will be reviewed and approved by staff.

The application includes the following:

- Section II.** A creation of a DORA on Sandusky Street from Spring Street to Central Avenue and on William and Winter Streets from Franklin Street to Union Street.
- Section III.** A comprehensive list of all first floor businesses located in the proposed DORA district and a general description of their business
- Section IV.** A list of all liquor permit holders in the proposed DORA district. The ORC requires a minimum of four. Staff has identified 21 in the proposed DORA district.
- Section V.** A land use and zoning map of the proposed DORA district.
- Section VI.** The Public Health and Safety Plan that will be implemented in the DORA district.
- Section VII.** A list of Special Events that have taken place in the proposed DORA district that are to be considered by City Council to determine if the DORA district will be permitted to be used by the host entities.
- Section VIII.** A preliminary design of the signs that will be placed at the DORA district boundaries during times the DORA is enacted.

III. NATURE OF ESTABLISHMENTS

In accordance with O.R.C. 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are listed below.

The types of establishments located within or adjacent to the DORA district are primarily businesses in the retail, dining, entertainment or services sectors.

Examples of businesses on the first floor include:

Establishment Name	Address
Retail	
Olivina Taproom	44 S. Sandusky St.
Real Big Puppy	28B S. Sandusky St.
Roys Toys	26 S. Sandusky St.
The Stash House	24 S. Sandusky St.
Breakaway Cycling	17 W. William St.
Sherwin Williams	27 W. William St.
DPS Antiques	17 N. Sandusky St.
Edwin Loy Home/Stone & Sparrow Apparel	27 N. Sandusky St.
The Beauty Lab	37 N. Sandusky St.
Pat's Endangered Species Records	11 W. Winter St.
Pure-n-Simple	23 W. Winter St.
Gibson the Florist	19 W. Winter St.
Fundamentals	25 W. Winter St.
Secret Identity Comics	34 N. Franklin St.
Neuhart Carts & Sports Collectibles	26 W. Winter St.
Coffeeology	43 N. Sandusky St.
Delaware Diamonds	49 N. Sandusky St.
Gameplay Unlimited & More	77 N. Sandusky St.
BP	17 E. William St.
Virgin/Boost Mobile	46 E. Winter St.
Woodland Cigar Company	46 N. Sandusky St.
Sandusky Street Antiques	30 N. Sandusky St.
Second Sole Athletic Shoes	28 N. Sandusky St.
Delaware Antique Mall	18 N. Sandusky St.
The Greater Gouda	12 N. Sandusky St.
The Bare Bowl	6 N. Sandusky St.
Toujours	8 N. Sandusky St.
Choffey's Coffee & Confections	17 W. Winter St.
Dining and Adult Beverages	
Vito's Wine Bar	30 S. Sandusky St.
Clancey's	40 S. Sandusky St.
Opa Pub & Grill	18 S. Sandusky St.
Flying Pig Alehouse	12 S. Sandusky St.

Subway	16 S. Sandusky St.
The Backstretch	14 S. Sandusky St.
Amato's Woodfired Pizza	6 S. Sandusky St.
12 West	12 W. William St.
Barley Hopsters	1 N. Sandusky St.
J. Gumbo's	9 N. Sandusky St.
Mohio Pizza	23 N. Sandusky St.
Whit's Frozen Custard	31 N. Sandusky St.
Staas Brewing Company	31 W. Winter St.
Son of Thurman	5 N. Sandusky St.
Restoration Brew Worx	25 N. Sandusky St.
Bun's	14 W. Winter St.
Jimmy John's	47 N. Sandusky St.
Chelley Belly	59 N. Sandusky St.
Roops Brothers Bar	17 N. Union St.
1808 American Bistro	29 E. Winter St.
Mi Cerrito	19 E. Winter St.
Veritas	15 E. Winter St.
Old Bag of Nails	66 N. Sandusky St.
Fresh Start Café & Bakery	24 N. Sandusky St.
Hamburger Inn	16 N. Sandusky St.
Typhoon Asian Fusion Bistro	10 N. Sandusky St.
Solar Saloon*	2 N. Sandusky St.
Home Slice's Bakery & Café	2 N. Sandusky St.
Services	
Ace Cash Express	19 S. Sandusky St.
Sandusky Street Barber	28 S. Sandusky St. #A
The Upper Cut Barber Shop	9 E. William St.
Woody's Head Shed	10 S. Sandusky St.
1820 Collective	18 W. William St.
Lawrence Law Office	24 W. William St.
St. Mark's Lutheran Church	28 E. William St.
RE/MAX Allegiance	11 N. Sandusky St.
Workman Law Firm	35 N. Sandusky St.
Delaware General Health District	3 W. Winter St.
Periwinkle Photography	15 ½ W. Winter St.
Firestone Brehm Hanson Wolf Real Estate Attorneys	15 W. Winter St.
Edward Jones Investments	15 N. Sandusky St.
Title First Agency	13 N. Sandusky St.
Delaware County Board of Realtors	21 N. Sandusky St.
The Hair Studio	33 N. Sandusky St.
The Law Office of Brian Jones	35 N. Sandusky St.
Workman Law Firm	35 N. Sandusky St.

First Commonwealth Bank	41 N. Sandusky St.
Cross Strings	11 ½ W. Winter St.
Back Door Hair Designs	11 W. Winter St.
Robinson Funeral Home	32 W. Winter St.
Martin Shoe Repair	28 W. Winter St.
Allstate Insurance	51 N. Sandusky St.
Chase Bank	61 N. Sandusky St.
iforce Staffing	67 N. Sandusky St.
Emergency Bail Bonds	73 N. Sandusky St.
Kendrick Law Office	79 N. Sandusky St.
Fifth Third Securities	15 W. Central Ave. #105
Vatsures & Vatsures Attorneys at Law	15 W. Central Ave. #205
McCoy Law	25 W. Central Ave.
Gordon Law Office	82 N. Franklin St.
Northpoint Financial	4 W. Winter St.
Evolve Bank & Trust	51 N. Sandusky St.
Smudz Insurance Group	55 N. Sandusky St.
Razor's Edge Barber Shop	71 N. Sandusky St.
Jontaar Creative Studios LLC	81 N. Sandusky St.
Equity Resources	15 W. Central Ave. #101
PVS Corporation	15 W. Central Ave. #203
Delaware Counseling Services	21 W. Central Ave.
Barnes & Co. Certified Public Accountants	15 W. Central Ave. #201
Massage Therapy Innovation, LLC	58 N. Franklin St.
Spa retreat	56 N. Franklin St.
Law Office of Douglas W. Warnock Co.	20 E. Central Ave.
Law office of Agee, Clymer, Mitchell & Laret	20 E. Central Ave.
Leroy's Service Center	40 E. Central Ave.
Tiger Lee's Martial Arts Studio	53 N. Union St.
Amanda Plumbing Sewer & Drain	39 E. William St.
Adecco Staffing	45 E. Winter St.
American Family Insurance	44 E. Winter St.
Dumbaugh Insurance	13 E. Winter St.
State Farm Insurance	7 E. Winter St.
PNC Bank	40 N. Sandusky St.
Pyramid Health Services	9 E. Winter St.
Hilborn Insurance	42 N. Sandusky St.
OneMain Financial	44 N. Sandusky St.
Owens Law Office	46 N. Sandusky St.
Manos, Martin & Pergram Co., LPA	50 N. Sandusky St.
Howard Hanna	52 N Sandusky St.
Fidelity Federal Savings & Loan	60 N. Sandusky St.

Price Realty	68 N. Sandusky St.
Delaware Vision Care	34 N. Sandusky St.
Green Door Salon	4 N. Sandusky St.
Entertainment	
The Strand Theatre	28 E. Winter St.
Other	
Delaware City Hall	1 S. Sandusky St.
Colony House	21 S. Sandusky St.
Delaware County Convention & Visitors Bureau	34 S. Sandusky St.
Delaware Area Chamber of Commerce	32 S. Sandusky St.
William Street Methodist Church	28 W. William St.
Sunrise Dwellings II Inc.	30 N. Franklin St.
Knights of Pythias	9 W. Winter St.
Creative Foundations	57 N. Sandusky St.
Delaware Moose Lodge 1167	80 N. Sandusky St.
Central Ohio Symphony	24 E. Winter St.
Gallery 22	22 E. Winter St.
Main Street Delaware, Inc.	20 E. Winter St.
Delaware County Republican Headquarters	48 N. Sandusky St.
St. Mark's Evangelical Lutheran Church	28 E. William St.

*The Solar Saloon is the only second floor establishment listed because it has a liquor permit

IV. QUALIFYING PERMIT HOLDERS

In accordance to O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders.

Delaware has identified 21 qualified permit holders that will likely be included in the DORA:

Permit Number	Business Name	DBA	Class	Street Address
04510260001	BARLEY HOPSTERS LLC	Barley Hopsters & Patio	D5	1 N. Sandusky St.
9133496	TYPHOON ASIAN FUSION BISTRO INC	Typhoon Asian Bistro	D5, D6	10 N. Sandusky St. Unit 100 BSMT & Patio
2791900	FLYING PIG ALE HOUSE LLC	The Flying Pig Alehouse	D5	12 S. Sandusky St.
0264226	ARKASA INC	Bun's Restaurant & Bakery	D5, D6	12-14 W. Winter St. & Patio
6272704	MEYERS STRETCH INC	The Backstretch and Patio	D1, D2, D3, D3A	14 S. Sandusky St.
3746533	EVA LLC	Vina Veritas Tavern	D5, D6	15 E. Winter St.
5531553	MARIA FOOD SERVICE LLC	Opa Pub & Grill	D1, D2, D3	18 S. Sandusky St.
4949246	LA CABANA MEXICAN RESTAURANT LLC	Mi Cerrito Mexican Restaurant	D5, D6 (pending)	19 E. Winter St. 1st FLR ONLY
9115185	12 WEST LLC	12 West	D5, D6	12 W. William St.
8837576	DONALD C TEMPLE	Solar Saloon	D5, D6 (Pending)	2 1/2 N. Sandusky St.
6082470	MOHIO PIZZA CO LLC	Mohio Pizza	D5	23 N. Sandusky St.
2847816	FOUR FAT BS LLC	Restoration Brew Worx	A1A, A1C, D6	25 N. Sandusky St. & Patio
8633304	STRAND THEATRE & CULTURAL ARTS ASSN INC	Strand Theatre	D1, D3	26-28 E. Winter St.

1890265	DELSTEAK LLC	1808 American Bistro & Patio	D1, D2, D3, D3A, D6	29 E. Winter St. 1 st FL & BSMT
9289273	VITOS WINE BAR LLC	Vito's Wine Bar, LLC	D1, D2, D3	30 S. Sandusky St.
8371348	SOLZA INC	Clancy's Pub		40 S. Sandusky St.
6539109	OLIVINA TAPROOM LLC	Olivina Taproom	C2, D6 (pending)	44 S. Sandusky St.
2111192	DEVOL HOLDINGS LLC	Son of Thurman	D1, D2, D3, D6 (pending)	5 N. Sandusky St.
71155910020	MICHAEL R PURDUM	Old Bag of Nails	D5, D6	66 N. Sandusky St. & Patio
8003650	740 GROUP LLC	Amato's Woodfired Pizza	D1, D2, D3, D6 (pending)	6-8 S. Sandusky St. 1 st FL & Patio ONLY
52849751167	LOOM LODGE1167 DELAWARE	Moose Lodge	D4, D6	80 N. Sandusky St.

In accordance with O.R.C. 4301.82(F)(1)©, the hours of operation for the DORA district are:

Day	Start Time	End Time
Monday	9:00 a.m.	10:00 p.m.
Tuesday	9:00 a.m.	10:00 p.m.
Wednesday	9:00 a.m.	10:00 p.m.
Thursday	9:00 a.m.	10:00 p.m.
Friday	9:00 a.m.	11:00 p.m.
Saturday	9:00 a.m.	11:00 p.m.
Sunday	Noon	10:00 p.m.

V. LAND USE & ZONING

In accordance to O.R.C. 4301.82(B)(4), the uses of land within DORA are zoned B-2 (Central Business District) or B-3 (Community Business District) and are in accord with the City of Delaware’s master zoning plan:

Zoning Districts

	R-3 One-Family Residential District
	R-4 Medium Density Residential District
	R-5 Multi-Family Residential District
	R-6 Multi-Family Residential District
	R-7 Multi-Family Residential District
	R-8 Multi-Family Residential District
	PO/I Planned Office / Institutional District
	O Office District
	B-1 Neighborhood Business District
	B-2 Central Business District
	B-3 Community Business District
	B-4 General Business District
	B-5 Commercial Recreational District
	B-6 Motorists Service District



VI. PUBLIC HEALTH & SAFETY

The City of Delaware seeks to use a DORA district in its historic downtown for special events only. All host entities for special events are required to develop and submit for approval a public health and safety plan along with their special event application. The proposed plan is reviewed by City staff and others with interest along with the host entity. Only once the plan is agreed upon and all stipulations met, will a permit be issued.

City staff will ensure that adequate sanitation, signage and public safety requirements are met for each unique event. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police fire and emergency ingress and egress, crowd control, DORA boundary management and sanitation management will be addressed. Event organizers will be required to pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate health, public and safety requirements.

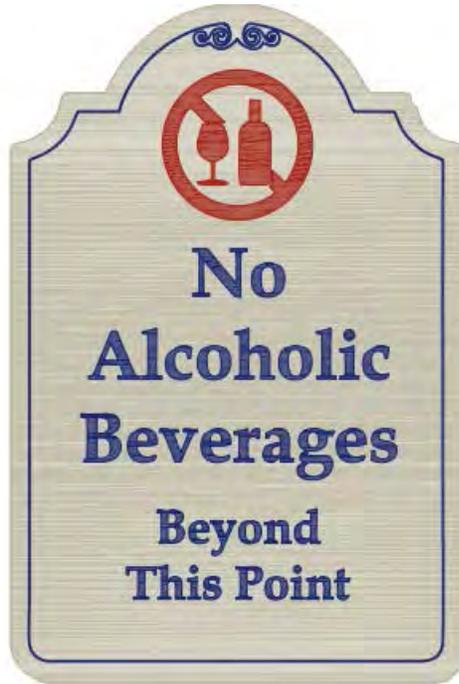
It is the City's intent that only wine and beer may be carried through a DORA quadrant.

The Chief of Police will dictate at DORA events the need for additional police officers, at the expense of the host entity and what containers and their markings will be for anyone serving during a DORA event.

VII. SIGNAGE

In order to clearly mark the boundaries of the DORA district, signs similar to the design below will be placed at the boundaries for the special event. The location and number of signs will be determined by the City Staff through the Special Events permitting process.

Signage Example:



VIII. QUALIFYING SPECIAL EVENTS

DORA district Special Events may include, but are not limited to the following:

Special Event	Date	Host	Host Response
New Moon Half Marathon	May	Greenswell	Yes
Classic Car Show	July	Performance Auto	Maybe in 2018

*Inclusion as an eligible DORA event does not necessitate participation. Each host organization will have the opportunity to decide if the event will participate in the DORA process. The decision of whether or not to participate will be made at the time of completing the Special Events Application.

The City of Delaware staff may consider approval of additional events on a continual basis. Additional events will be subject to local permitting processes and regulated by the approved boundaries and hours of operation established in this ordinance.

Susie Bibler

Executive Director

director@mainstreetdelaware.com

O: 740-362-6050

Mainstreetdelaware.com

September 22, 2017

BOARD MEMBERS

Chip Gregory, Chair

Aaron Cook, Vice Chair

Barb Walters, Treasurer

Jason Allison

Joe Diamond

Judy Domire

Nicole Fowles

Cole Hatcher

Sean Hughes

Jenna Jackson

Roger Koch

Elaine McCloskey

Kathleen Miller

Susie Stromberg

Dear Council Members,

Main Street Delaware appreciates its strong partnership with the City of Delaware in our combined efforts to preserve, promote, and protect the historic downtown.

In a recent survey of our membership, we discovered that a majority of the downtown businesses favored a DORA during certain special events. Additionally, in an open poll to the community that is currently ongoing, 57% of responses say they would attend an event that utilized DORA and was sponsored by Main Street Delaware.

Main Street Delaware is still exploring how and when we may use the DORA, but we support the City's proactive effort to enact an event-specific DORA to provide this opportunity to qualified community groups.

Much appreciation,

The Main Street Board of Directors

-Giving People a Vibrant Downtown Experience-

AFFP

Public Hearing Notice City of

Affidavit of Publication

STATE OF OHIO }
COUNTY OF DELAWARE } SS

Public Hearing Notice

City of Delaware

A Designated Outdoor Refreshment Area (DORA) application was submitted to the Delaware City Council for consideration. A public hearing regarding the application will be held on October 9, 2017 at 7:30 p.m., located at City Hall, 1 S. Sandusky St. Delaware, Ohio. A copy of the application is on file in the office of the City Clerk and is available for inspection during regular business hours and the application can be viewed on the City's website at: <http://www.delawareohio.net/>

J. Rader, being duly sworn, says:

That he is Ad Clerk of the Delaware Gazette, a daily newspaper of general circulation, printed and published in Delaware, Delaware County, Ohio; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

September 25, October 2 2017 2T
41024740

September 25, 2017

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Ad Clerk

Subscribed to and sworn to me this 25th day of September 2017.


Diana J DeWeese, Notary Public, Delaware County, Ohio

DIANA J. DEWEESE
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
August 20, 2019
Recorded in
Delaware County

My commission expires: August 20, 2019

\$ 55.75

40017428 41024740

CITY OF DELAWARE
ONE S SANDUSKY ST
DELAWARE , OH 43015

AFFP

Affidavit of Publication

Public Hearing Notice City of Delaware

STATE OF OHIO } SS
COUNTY OF DELAWARE }

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Diana J. Deweese, being duly sworn, says:

September 25, October 2 2017 2T
41024740

That she is Customer Service Rep of the DELAWARE GAZETTE, a daily newspaper of general circulation, printed and published in DELAWARE, DELAWARE County, OHIO; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

Oct 2, 2017

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Diana J. Deweese

Subscribed to and sworn to me this 2nd day of Oct 2017

Diana J. Deweese

Diana J. Deweese, DELAWARE County, OHIO

My commission expires: August 20, 2019

\$ 53.25

40017428 90000997 740-203-1000

CITY OF DELAWARE
ONE S SANDUSKY ST
DELAWARE, OH 43015

Notary Public
for the State of Ohio
My Commission Expires
August 20, 2019
Diana J. Deweese



DIANA J. DEWEESE
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
August 20, 2019
Recorded in
Delaware County

Public Hearing Notice

City of Delaware

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September 25, October 2 2017 2T
41024740

CLERK
CITY OF DELAWARE
CITY HALL
1 S. SANDUSKY ST.
DELAWARE, OHIO 43015

From: [Kim Gepper](#) on behalf of [R Thomas Homan](#)
To: [Elaine McCloskey](#)
Subject: FW: PanDORA's box?
Date: Monday, June 26, 2017 11:01:03 AM

Kim Gepper

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

From: George Hellinger
Sent: Wednesday, June 21, 2017 11:37 AM
To: R Thomas Homan <rthoman@delawareohio.net>
Subject: Fwd: PanDORA's box?

Begin forwarded message:

From: Deborah Guebert <math.tutor.delaware@gmail.com>
Subject: PanDORA's box?
Date: June 17, 2017 at 7:43:45 AM EDT
To: George Hellinger <GHellinger@delawareohio.net>, Chris Jones <CJones@delawareohio.net>, Lisa Keller <LKeller@delawareohio.net>, "Jim Browning" <jbrowning@delawareohio.net>, Kyle Rohrer <krohrer@delawareohio.net>, Carolyn Riggle <CRiggle@delawareohio.net>, "Kent Shafer" <KShafer@delawareohio.net>

Dear Members of the Delaware City Council,

Please find below a letter that I have just sent to the Gazette. I think this is a decision not to be taken lightly, and hope that my thoughts will add something to your discussion on the question of allowing a moveable bar scene to intrude into our hometown atmosphere.

Sincerely,
Deborah K. Guebert

To the Editor of the Delaware Gazette:

Should we be opening a PanDORA's box? (DORA is the acronym chosen to describe the downtown area open drinking concept - Designated Outdoor Refreshment Area.)

Ohio is in the grip of an enormous opioid addiction crisis - but our city council is considering opening our downtown doors (literally) wider to another often abused and potentially addictive substance. As is clear from the police report section, our local officers are already regularly called upon to deal with public intoxication or underage drinking.

For one thing, we are a college town. A friend with two young daughters, who lives near the university on Spring Street, one of the proposed boundaries for this open drinking zone, is already distressed with street drunkenness outside her home.

Whatever the supposed benefits to the businesses who anticipate making more money by pushing their clientele out the door more quickly, the further damage to a unique hometown atmosphere makes that profit hard to justify. We have already given up significant sidewalk space to enclosed outdoor seating areas where alcoholic beverages can be consumed. Even this generosity with public space could be questioned, when one considers what this emphasis on alcohol could look like to a child passing by with his/her family.

The next meeting of our Delaware City Council members is on Monday June 26th from 6.30pm. at City Hall. I hope to see many of you there to express your concerns about opening this PanDORA's box.

George A. Hellinger
At-Large Council Representative
City of Delaware, Ohio
740-972-1750
ghellinger@delawareohio.net
www.delawareohio.net

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AUG 14 2017

August 10, 2017

Delaware City Council

Subject: DORA consideration.

We have followed the discussions of this DORA (should this not be DODA for Designated Open Drinking Areas?) proposal with interest since first hearing of it through the Delaware Gazette. We attended the last two meetings where the matter was discussed and since it continues to be a matter the council is considering adopting we wish to express our views on the matter. As relatively new residents of Delaware we have generally looked with favor on the revitalization of our downtown area. It is a pleasure to go downtown and see families from our communities truly enjoying everything from a dinner out, to a wine tasting, to a Whit's ice cream. The council should take pride in their contributions over the years in encouraging this growth. However, as with most matters that address the objective of improving both the economical vitality of our town's many businesses as well as providing a vibrant "family friendly" environment for our citizens there always seems to be a propensity to take more and more actions to improve on something but going beyond what is necessary and introducing negative outcomes. We believe this may be a potential example where no further action is required. Sometimes doing more of the same will not continue to produce the same positive results! We believe that is the distinct likelihood with respect to DORA.

We all want our businesses (both bars and restaurants as well as the many diverse ones in our town) to thrive but not at the potential expense of our communities family atmosphere and values. As many have pointed out, at recent counsel meetings, we have mostly families, and likely predominantly local residents gathering in the downtown area most evenings especially in the summer. The Friday evening program has to some extent expanded that attendance to out of towners but that is also important to help local business grow. We certainly want to share the vibrancy of our city with others. However, as the restaurants and bars in our community have grown in number the potential for seeing a change in the type of audience, from families, to a more party environment clearly increases. That is only natural, but at the present, it appears the mix is a fairly good one with all our merchants being responsible and all guests enjoying their visit downtown. People who desire alcoholic beverages have full freedom to engage as long as they are doing so on the premises of one or more of the many downtown facilities. However, once you allow folks to carry their alcohol on the streets from place to place you open a Pandora's box in our judgment. It invites far less supervision by the restaurants and bars in town as well as other authorities simply because it is no longer contained and under direct control and supervision. We are facing serious problems with drugs and alcohol in all our communities. Does that mean we ban alcohol and drugs? No, first because that is almost impossible in today's environment, but it does seem that we might give very careful consideration to proposals that have even a modest potential for aggravating the situation.

We have many young people in our town, many because of the college, however freedom to drink on the streets will, in our judgment, be a definite draw to other teens local and otherwise to join the party in downtown Delaware, bringing your own six packs in the car avoiding even the need to buy it at the local establishments. Because we all were young once we understand that kids want a party, however in many ways it is unfair to assume it will only be young folk who will present the potential problem. If you have been to Bourbon Street in New Orleans, or similar locals the potential for adverse consequences can be attributed to all age groups, especially when they are not local resident. Some

argued at a recent meeting that people sways say there is going to be a problem with alcohol but there never is. One sited the introduction of alcohol at Ohio State games which he says produced nothing adverse. I confess never having been at such a game but I recall, when living in Baltimore, Maryland I had to cease taking my young kids to Orioles games because of the obnoxious and foul behavior and language of the many irresponsible drinkers who could not be easily monitored, and I assume it is likely the same at Ohio State. Maybe not.

We urge the Council to give very serious consideration to this proposal and its potential adverse impact on our town. We would urge erring on the side of what some might call a very cautious and protective approach. In any event we thank you for consideration of our thoughts on this important matter.

Sincerely,

Philip & Marion Jos
24 Spencer Street
Delaware, Ohio 43015

From: [Jackie Walker](#)
To: [Flaine McCloskey](#)
Subject: Comments on DORA for Council
Date: Monday, October 02, 2017 11:23:41 AM

Hello Council-member Jones,

I am writing to express my concern over DORA. I feel that the open-container law will make our town less family-friendly and is insensitive to those who suffer from alcoholism, as well as being generally unnecessary.

As a family who enjoys exploring downtown, including during festivals and First Fridays, I think that the practice of open containers will make the environment less amenable to my young family and I. It's no secret that those who consume alcohol often lose a bit of their social filter, leading to choices in language and behavior that would make my children confused and my family uncomfortable. It would deter us from going downtown, I am sure.

Additionally, I think that we need to consider that a larger presence of alcohol at these events only encourages drinking. And while drinking, in itself, is not a "bad" thing, it does create problems for those who suffer from alcoholism. Let us support those among us who suffer from alcoholism by keeping this small barrier between downtown activities and consuming alcohol by limiting drinking to restaurants and bars. This will give those who want to stay away from it a clear boundary to observe.

Finally, given the abundance of restaurants and bars that serve alcohol downtown, I do not feel that we need to provide more places for people to drink alcohol. Out of curiosity, what is the number of already existing places serving alcohol in (or in close proximity) to the DORA area? Using a Google Map to look at the downtown area, I counted 17 establishments that serve alcohol, with multiple places existing on one block. If this is correct, then we already provide plenty of opportunities for people to drink alcohol in the downtown area; we do not need more.

So, I ask you, as my council representative, to oppose DORA in support of my family and our neighbors. Let's keep Delaware's family-friendly status in tact!

Please keep me posted on how you intend to vote.

Regards,
Stacy Blankenship,
resident, 943 Executive Blvd

Jacqueline M Walker
Assistant City Manager
City of Delaware
740-203-1010
jwalker@delawareohio.net



CITY OF DELAWARE
LIVING WELL
Power Your Health, Power For Life

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From: [Kim Gepper](#)
To: [City Council Email](#)
Cc: [R Thomas Homan](#); [Jackie Walker](#); [Dean Stelzer](#); [David M. Efland](#); [Darren Shulman](#)
Subject: FW: DORA FB Message
Date: Friday, September 29, 2017 10:10:00 AM

All:

Please see the message regarding the DORA that Kelsey found on facebook this morning.

Good morning CMO!

Hope you're enjoying your morning. Since I'm playing Lee for the week, I wanted to pass along a message we got from who I'm assuming is a resident regarding DORA. I promised her I'd send it to you!



Kathi Snyder Paullin[View Profile](#)

[Actions](#)

WED 10:20AM



DORA is NOT a good idea. For one thing, policing it to enforce times and boundaries is impossible. (i.e., keeping cyclists off downtown sidewalks is not working). But MORE important is the example it sets for our children! The only ones who benefit from DORA are those who sell liquor. People will attend these big events without needing a drink in hand! PLEASE consider the message DORA sends to our youth!!!!

THU 7:04PM

City of Delaware, Ohio - Government

Hi Kathi, we appreciate your message. We will be sure to pass along your comment to the City Manager's office as well as City Council. Have a great evening!

Sent by [Kelsey Miller Scott](#)



Please do!!!! Thank you!

Have a fabulous Friday,

Kelsey

Kelsey Scott
Economic Development Specialist
and Business Concierge
City of Delaware

www.delawaremeansbusiness.com

740-203-1018

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FACT SHEET

AGENDA ITEM NO: 16

DATE: 10/23/2017

ORDINANCE NO: 17-62

RESOLUTION NO:

READING: THIRD

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Mayor Carolyn Kay Riggle

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER.

BACKGROUND:

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Increase included in the 2017 Budget

POLICY CHANGES:

N/A

PRESENTER(S):

Mayor Carolyn Kay Riggle

RECOMMENDATION:

ATTACHMENT(S)

Draft agreement

EMPLOYMENT AGREEMENT

The Council of the City of Delaware, Ohio, hereinafter referred to as "City" or "City Council" has offered the position of City Manager to R. Thomas Homan, and Mr. Homan, hereinafter referred to as "Manager" or "Mr. Homan" has accepted the offer of employment under the following terms agreeable to both parties.

1. Beginning with the date of employment, the City will compensated Mr. Homan as City Manager of Delaware and Mr. Homan will execute all the duties and responsibilities of City Manager set forth in the Delaware City Charter, Code of Ordinances and requirements of the City Council.
2. The Manager's salary will be at the hourly rate of ~~\$66.22~~ **\$68.20** effective February 2, ~~2016~~ **2017**. This represents an increase of approximately ~~2~~ **3**% over the ~~2015~~ **2016** salary.
3. The Council and Mr. Homan will establish annual performance goals and objectives. Any pay increases during Mr. Homan's tenure with the City will be based upon performance evaluations. Evaluations are anticipated every six months following Mr. Homan's date of employment. One six-month evaluation may be primarily for discussion of the City Manager's past performance and performance planning, while the alternate evaluation may be concerned primarily with matters of compensation for the City Manager. The method of evaluation will be formulated by the Council and Mr. Homan and conducted by the Council.
4. Mr. Homan will serve as City Manager at the will of the City Council and nothing herein will be taken to suggest or imply guaranteed tenure.
5. In the event the City terminates the services of Mr. Homan or requests his resignation at any time without cause, the City will pay to Mr. Homan a lump sum severance payment equal to ninety (90) days base salary and benefits, payable not later than the next regular pay date. No such lump sum severance payment will be paid upon a termination for cause. All accrued vacation, holiday, compensatory time, one-half the value of sick leave, other accrued benefits, retirement and group health insurance benefits will be paid to Mr. Homan at the same time, calculated at the rate of pay or benefit in effect upon notice of termination. The Manager will provide the City not less than 30 days written notice of his intent to resign his position wholly voluntarily, whereupon the Manager understands that he will not receive the lump sum severance payment equal to ninety (90) days base salary and benefits described above. All accrued vacation, holiday, compensatory time, one-half the value of sick leave, other accrued benefits, retirement and group health insurance

benefits will be paid to the date of termination and calculated at the rate of pay or benefit in effect upon notice of termination.

6. The Manager will remain a resident of the City during employment.
7. The City will pay to the Manager an automobile allowance of \$600.00 per month for the use of the Manager's personal vehicle for City business, without requiring mileage records or expense receipts. In the event the City Manager uses a city vehicle for travel, the automobile allowance for the following month will be prorated based on the number of days a city vehicle is used. It is the City Manager's responsibility to track this information. The allowance will be paid on the same schedule as payroll for other City employees. Mileage may be reimbursed to the Manager for travel on behalf of the City beyond a 100-mile radius of Delaware. The City manager may elect to convert the automobile allowance into the base pay in a cost neutral manner.
8. The City will pay the expense of a mobile telephone for the Manager.
9. The City will provide the Manager paid coverage for health, dental and prescription benefits in terms and amounts provided other employees of the City generally, effective upon the first day of the month following his date of employment.
10. The City will provide the Manager paid annual vacation earned at the rate of 25 working days per year. Any use of vacation leave credits by the Manager will be following written notice to the Council. The City will pay for all accrued and unused vacation days to Mr. Homan upon separation from the City employment, for any reason, at his then current rate of pay.
11. The Manager will be permitted to engage in occasional teaching, writing, speaking or consulting performed on his time off, even if outside compensation is provided for such services, provided that, in no case, is any activity permitted which would present a conflict of interest with the City of Delaware. In the event that over night travel is required for such non-City business, the City Council will be notified in advance.
12. The City will provide Mr. Homan four (4) personal days per anniversary year for personal business, credited at the beginning of each subsequent year. Upon termination from the City for any reason, accrued personal days will not be compensated.
13. The City will provide Mr. Homan paid sick leave in the amounts earned at a rate of 4.6 hours for each completed 80 hours of service. The City will pay for one-half the value of unused sick leave to Mr. Homan upon

separation from the City employment for any reason, at his then current rate of pay.

14. The City will provide fully paid coverage for Mr. Homan of workers compensation and unemployment compensation insurance from his first date of employment.
15. The City will afford Mr. Homan paid funeral leave in the amounts provided for all other City employees generally, upon his attendance at the funeral or memorial observance of any member of his family in the first degree of sanguinity, and of his spouse and parents-in-law.
16. The City will provide Mr. Homan group life insurance from his date of employment in the amount of \$125,000 with double indemnity for accidental death or dismemberment.
17. The City will pay Mr. Homan the monthly amount of \$131.67 toward the premium expense for long term disability insurance.
18. The City will provide Mr. Homan paid holiday leave on the same annual schedule as that provided for other City employees generally.
19. The City will pay the expense of Mr. Homan's membership in ICMA and OCMA and for his attendance at national and state conferences, within an amount budgeted each year.
20. The City will anticipate a recommendation from Mr. Homan for inclusion in each annual budget amounts to be used at Mr. Homan's discretion for:
 - a. Educational courses, conferences and workshops directly related to Mr. Homan's work as City Manager, including expenses directly related to his attendance at such educational programs.
 - b. Membership dues and subscriptions for Mr. Homan's involvement in professional organizations that are directly in the interest of the City and Mr. Homan's performance on behalf of the City.
 - c. Routine business expenses of the City Manager directly related to his performance of official duties. The City Manager's membership in Rotary requires him to purchase lunches at meetings, and his salary has been increased (already reflected in wages) to reflect that expense.
21. Effective December 21, 2011, the City increased Mr. Homan's base salary by 7.3% to reflect the fact that the City no longer pays the City Manager's share of the PERS premium.

22. On the pay period that includes February 2, 201~~6~~7, the City will contribute the sum of 5.5% of the base salary earned from February 2, 201~~5~~6 to February 2, 201~~6~~7, the City will contribute the sum of 5.5% of Mr. Homan's base salary earned during the prior year (February 2, 201~~5~~6 to February 2, 201~~6~~7) to the ICMA-RC investment program. In the event the City Manager separates from service before the year is complete, this contribution will be prorated to reflect the period of employment of the City Manager and made upon separation.
23. The City will indemnify and hold harmless Mr. Homan from liability for any claims, demands or judgments arising out of an act or omission occurring in the lawful performance of his duties as City Manager. The City will pay the cost of any fidelity or other bonds required of Mr. Homan by the City Charter, City Ordinances or Ohio statutes.
24. All other provisions of City ordinances, regulations or rules relating to personnel matters of non-union employees of the City and terms of the Management Pay Plan, not contrary to the terms listed in this memorandum or to the City Charter, will also apply to Mr. Homan during his employment as City Manager.
25. Mr. Homan's initial date of employment is February 2, 1999. **Starting with 2018, the effective date for Mr. Homan's compensation will coincide with the effective date of the Management Pay Plan.**
26. Any portion of this memorandum in conflict with the City Charter or any State, or Federal law, will be considered null and void. The remaining provisions of this agreement will remain in full force and effect. The law of the State of Ohio will govern the interpretation of this agreement.
27. The City and Mr. Homan agree that this Agreement accurately reflects the terms of employment for the City Manager position offered by the City and accepted by Mr. Homan.
28. Unless otherwise stated, the terms of this Agreement shall be retroactive to February 2, 201~~6~~7.

The parties have evidenced their agreement by affixing their signatures below this _____ day of ____, 2017**6**.

Council of the City of Delaware, Ohio

City Manager

Carolyn Kay Riggle, Mayor

R. Thomas Homan

Approved as to form:

Darren Shulman
City Attorney



FACT SHEET

AGENDA ITEM NO: 17

DATE: 10/23/2017

ORDINANCE NO:

RESOLUTION NO: 17-60

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN JOINT LITIGATION TO CHALLENGE PROVISIONS OF STATE LAW WHICH VIOLATE HOME RULE AUTHORITY GRANTED TO CITIES BY THE OHIO CONSTITUTION.

BACKGROUND:

Council previously authorized funding for the City to participate in a group effort to challenge enacted provisions of state law which eroded the City's home rule authority (SB 331). The group of cities participating in that lawsuit has asked for additional funding to continue to participate in the litigation. While that suit is pending, the State has enacted another provision that strips home rule authority from the City House Bill 49 alters the net profit tax by facilitating the centralized filing and administration of the net profit portion of the municipal income tax paid from a business or profession conducted both within and without the boundaries of the a municipal corporation. Taxpayers, other than individuals may now opt in and file their net profit municipal income tax returns solely through the State of Ohio Department of Taxation. The City has been asked to participate in a new challenge to this new law.

REASON WHY LEGISLATION IS NEEDED:

This resolution will allow for the City to be a part of coalition of municipalities to initiate litigation to challenge the constitutionality of amendments to chapter

718 of the Ohio Revised Code relating to Municipal Income Tax and to continue to fund the challenge to SB 331 regarding small cell towers.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

\$9000. The City of Delaware share of the new litigation would be \$6,000. An additional \$3000 has been requested to continue the SB 331 legislation.

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager

RECOMMENDATION:

ATTACHMENT(S)

Memorandum Frost Brown Todd pertaining to HB 49

RESOLUTION NO. 17-60

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN JOINT LITIGATION TO CHALLENGE PROVISIONS OF STATE LAW WHICH VIOLATE HOME RULE AUTHORITY GRANTED TO CITIES BY THE OHIO CONSTITUTION.

WHEREAS, State of Ohio House Bill 49, the biennial budget bill contained provisions relating to centralized collection of municipal net profits taxes by the Ohio Department of Taxation; and

WHEREAS, the City of Delaware relies on revenue from effective income tax administration and collection to provide services that maintain the health, safety, and welfare of the city; and

WHEREAS, preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and

WHEREAS, the State of Ohio has previously enacted Substitute Senate Bill 331, which purports to remove the City's authority to regulate and control placement of these facilities in City right-of-way and requires cities to make available at nominal cost, access to city-owned poles and other structures in the right-of-way; and

WHEREAS, the City of Delaware desires to assert its home rule authority to govern in the best interests of its citizens; and

WHEREAS, the City of Delaware supports united efforts by Ohio municipalities to challenge state laws (House Bill 49 and Senate Bill 331) that violate home rule provisions of the Ohio Constitution.

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

SECTION 1: The City will cooperate with other Ohio municipalities to challenge the provisions of House Bill 49 as a violation of municipal home rule authority and other such claims as may be appropriate.

SECTION 2: The City is authorized to expend up to \$6,000 in legal fees in support of a joint litigation effort to challenge House Bill 49, as indicated on the enclosed cost share allocation calculation provided by the Central Ohio Mayors & Managers Association.



Eugene L Hollins
Member
614.559.7243 (t)
614.464.1737 (f)
ghollins@fbtlaw.com

September 19, 2017

Interested Municipal Coalition Members

Re: Municipal Coalition to Challenge Centralized Collection and Other Provisions of Ohio Revised Code Chapter 718 Regarding Municipal Income Tax

Dear Mayors, Councilmembers,
and Other Municipal Representatives:

Once again, municipalities in Ohio are faced with an impending deadline to make state-mandated changes to their municipal income tax code. H.B. 49 (the biennial budget bill) contained numerous additional provisions relating to centralized collection of municipal net profits taxes by the Ohio Department of Taxation. According to the bill, if a municipality does not adopt these new provisions by January 2018, that city or village risks losing its authority to collect any income taxes at all.

While municipalities adopted new income tax ordinances in 2015 rather than file litigation to challenge the General Assembly's authority to dictate a uniform municipal income tax code, most if not all ordinances were careful to reserve the right to argue in the future that home rule prohibits the state preempting local income tax ordinances or threatening to invalidate our income tax authority. Given the latest foray by the legislature into our taxing authority, a number of municipalities have decided that we have no option but to challenge the constitutionality of the recent amendments to Chapter 718.

I am enclosing a memorandum regarding Potential Constitutional Challenges to House Bill 49 for your information and consideration. I am also enclosing a draft ordinance in the event that your municipality desires to join the effort, together with a potential cost sharing proposal. Please do not hesitate to contact me if you have any questions or if I can provide you with any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene L. Hollins".

Eugene L Hollins

Enclosures

SCHEDULE OF COST SHARING FOR HB49 LITIGATION

Recent litigation by a coalition of municipalities with regard to small cells and public right of way (HB 331) has provided a potential cost sharing template for use by municipalities interested in challenging the recent municipal income tax code amendments. This template is based on population of cities and villages, and is set forth in the table below.

Population		Contribution
Village	Under 5,000	\$1,000
5,000	10,000	\$2,000
10,000	25,000	\$4,000
25,000	50,000	\$6,000
50,000	75,000	\$8,000
Over 75,000		\$10,000

*Please note that a municipality can choose to either (1) make a contribution without joining the litigation as a named plaintiff, or (2) become a party to the action. To become a party, it will be necessary for FBT to send the municipality an engagement letter and run a conflict check. Certainly, this process is not unduly burdensome and could be completed within the timeframe necessary to include such municipality on the pleadings. For those municipalities desiring to simply make a contribution to the coalition, we will be establishing a municipality to be the holder of deposited funds.

If the litigation successfully concludes with funds still remaining, refunds of the retainer amounts will be made on a pro rata basis.

Thank you for your consideration and please do not hesitate to contact me with any questions.

MEMORANDUM

To: Interested Municipal Coalition Members
From: Gene Hollins and FBT Government Services Practice Group
Date: September 27, 2017
Re: Potential Constitutional Challenges to House Bill 49

I. Background

House Bill 49 alters the net profit tax by facilitating the centralized filing and administration of the net profit portion of the municipal income tax paid from a business or profession conducted both within and without the boundaries of a municipal corporation. Taxpayers, other than individuals, may now “opt in” and file their net profit municipal income tax returns solely through the State of Ohio Department of Taxation under R.C. 718.80(A).

House Bill 49 also eliminated the “nexus to nowhere” sales provision which established a taxable situs in a municipal corporation if the “property [wa]s shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.”

Several Ohio municipalities are considering the formation of a coalition to file a mandamus action in the Ohio Supreme Court, or an injunctive and/or declaratory judgment action in a Court of Common Pleas, against the municipal income tax provisions as set forth in HB 49, as well as the original legislation comprehensively rewriting the municipal income tax statute, HB 5 (enacted in 2014).

II. Potential Challenges

A. Violation of the Home Rule Amendment

- Municipal power over matters of local self-government is derived from the Constitution. *Gesler v. Worthington Income Tax Bd. of Appeals*, 138 Ohio St.3d 76, 2013-Ohio-4986, ¶17. The Home Rule Amendment to the Ohio Constitution, Article XVII, Section 3 provides that “Municipalities shall have authority to exercise all powers of local self-government * * *.”

- With regard to taxing power, “[i]t is well established that ‘[t]he municipal taxing power is one of the ‘powers of local self-government’ expressly delegated by the people of the state to the people of municipalities,” *Id.* at ¶18, citing *Cincinnati Bell Tel. Co. v. Cincinnati*, 81 Ohio St.3d 599, 605, 693 N.E.2d 212 (1998), and as such is not tested by the well-known home rule “conflict analysis” that is applicable when a municipality exercises its police power.
- Rather, any General Assembly restrictions on local income tax authority must be based on the specific constitutional authority granted the state in two other sections of the Ohio Constitution: Article XIII, Section 6 provides that the General Assembly “shall provide for the organization of cities, and incorporated villages, by general laws, and restrict their power of taxation * * so as to prevent the abuse of such power.” Second, under Article XVIII, Section 13, “[l]aws may be passed to limit the power of municipalities to levy taxes and incur debts for local purposes * * *.” *Panther II Transp., Inc. v. Seville Bd. of Income Tax Rev.*, 138 Ohio St.3d 495, 497, 2014-Ohio-1011, ¶ 11 (2014).
- The Ohio Supreme Court has consistently held that “[t]he taxing authority of a municipality may be preempted or otherwise prohibited . . . by an express act of the General Assembly.” *Cincinnati Bell*, 81 Ohio St.3d at 605 (syllabus). The Ohio Supreme Court has interpreted the requirement of “an express act of restriction” to mean only that the state “does not preempt local taxes merely by enacting a similar tax of its own.” *Panther II Transp., Inc.*, 138 Ohio St.3d at 500. “[M]unicipal governments have a plenary power to tax, but the General Assembly has authority to impose specific limits on that power.” *Panther II*, 138 Ohio St.3d at ¶ 11 (citing *Cincinnati Bell* at 602; *Gesler*, 138 Ohio St.3d 76 at ¶ 17, 21).
- Telling statement in uncodified Section 6 of HB 5: “*In order to ensure a fair, stable, and efficient system of local taxation, and to prevent any abuse of power by municipal corporations, the General Assembly hereby exercises its authority under those Articles to restrict the taxing powers of municipal corporations by requiring that any income tax or withholding tax levied by a municipal corporation must be levied in accordance with this act and any provisions of Chapter 718. of the Revised Code that remain unchanged by this act.*”
- What if the General Assembly itself chose not to impose a tax (as with income taxation of corporate entities) and therefore did not justify its preemption on a concern about “double taxation” by municipalities? What if the General Assembly attempted instead to simply legislate a rigid template for the exercise by a municipality of its powers of local self-government?

- General Assembly reached beyond its authority to limit or restrict the municipal taxing authority by dictating a code to the municipalities and by authorizing centralized collection of corporate net profits tax.

B. Other Potential Challenges

- Single Subject Rule - Section 15(D), Article II of the Ohio Constitution provides: “No bill shall contain more than one subject, which shall be clearly expressed in its title.” Dublin v. State involved a challenge to a rider in the biennial appropriation bill relating to municipal control over public utility use of the right of way. The Court in Dublin stated: “[T]he very fact that such a budgetary need justifies inclusion of many diverse appropriations in an appropriations bill increases the need to exercise caution to avoid violating the single-subject rule by adding still more diverse items to the bill that are not so necessarily connected to creating a budget. With so many diverse items already included in the bill, it becomes increasingly incredible that non-appropriation items can be added to the bill without violating the single-subject rule.”
- Equal Protection/Uniform Application of Tax - *Youngstown Sheet & Tube Co. v. City of Youngstown*, 91 Ohio App. 431, 108 N.E.2d 571 (Mahoning County 1951), found that the Youngstown income tax was “a denial of equal protection because the tax was imposed on individuals at one rate and on corporations at a substantially higher rate.” Under HB 49, taxpayers may now “opt out” complying with the net profits provisions of Chapter 718 administered by the municipal corporation and “opt in” to new Sections 718.80 through 718.95 whereby the state tax commissioner is the sole administrator of each municipal income tax for which the taxpayer is liable. Applying different tax codes to similarly situated taxpayers in a municipality could be challenged, on its face, as violating equal protection.
- Lack of statutory authority – Oddly, the state has no authority to administer the new centralized collection of net profits tax unless it is granted such authority by each and every municipality. Uncodified Section 803.100(B) of HB 49 provides: “In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation shall adopt, by ordinance or resolution, the provisions of sections 718.80 [through] 718.95 of the Revised Code on or before January 31, 2018. Such resolution or ordinance shall specify that the enactment of those provisions applies to taxable years beginning on or after January 1, 2018.” The State admits that it has no authority, but forces each municipality to grant it the authority or risk losing its authority to collect income taxes at all. These new provisions are not self-executing.

III. Writ of Mandamus

Certainly, with respect to statutes of great public interest and widespread impact, there is precedent for an action to be filed directly with the Ohio Supreme Court to determine what are largely questions of law. In *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451, 1999-Ohio-123 (1999), the Supreme Court considered the constitutionality of the Tort Reform Act. The Supreme Court stated, “This court has previously held that a mandamus action may test the constitutionality of a statute....Moreover, where this court has found a statute unconstitutional it may direct the public bodies or officials to follow a constitutional course in completing their duties.” This is especially true where a declaratory judgment action or mandatory injunction in a Court of Common Pleas would not be “complete in its nature, beneficial and speedy.”

Given that H.B. 49 imposes deadlines on municipalities to adopt changes as described above within an unreasonable timeline, it is arguable that no remedy other than a writ of mandamus from the Ohio Supreme Court will be effective to provide municipalities relief from an unconstitutional statute. Pending further research, we would recommend filing a mandamus action directly with the Ohio Supreme Court.



FACT SHEET

AGENDA ITEM NO: 18

DATE: 10/23/2017

ORDINANCE NO: 17-69

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT-ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

BACKGROUND:

The Public Works Department – Division of Traffic & Engineering Services – utilizes engineering consulting firms to supplement in-house staff efforts to provide plan review and construction inspection services for land development projects. The majority of the cost to provide these services is reimbursed through a flat fee invoiced before the services are provided.

REASON WHY LEGISLATION IS NEEDED:

The Land Development activity in the City of Delaware currently remains at record levels. The original 2017 appropriation of \$500,000 was expended by August. Ordinance 17-50 provided a supplemental appropriation of \$400,000 for these services, however, it is estimated these funds will run out at the end of the 3rd quarter. The past 90 days has provided exceptional weather for construction activities and it is anticipated the need for contract services to continue well into the 4th quarter.

COMMITTEE RECOMMENDATION:

None

FISCAL IMPACT(S):

The engineering fees invoiced thus far in 2017 for professional plan review and construction inspection services total \$1,679,860. The estimated total 2017 expense for contract services is \$1,559,443, which includes \$390,000 in partial cost recovery for in-house staff directly involved in land development activity. An additional \$350,000 is requested to cover 4th quarter plan review and inspection services.

POLICY CHANGES:

None

PRESENTER(S):

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

RECOMMENDATION:

Approval at Second Reading

ATTACHMENT(S)

Public Works – Land Development Cost/Revenue Tracking Sheets (2)

ORDINANCE NO. 17-69

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT-ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware and its agents, provide both plan review and construction inspection services through the Public Works Department – Division of Traffic & Engineering Services, for infrastructure elements of development projects; and

WHEREAS, the provision of plan review and construction inspection services is an integral part in assuring the quality of new infrastructure constructed within and dedicated to the City; and

WHEREAS, the cost to the City of providing these services is charged to and reimbursed back to the City by the individual developers; and

WHEREAS, the amount included in the 2017 Budget to pay for these services is not sufficient based on current and projected development activity this year; and

WHEREAS, a supplemental appropriation will be necessary to continue to perform plan reviews and provide construction inspection on new development in 2017.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the General Fund \$350,000 increasing the following account:

Engineering Department
Professional Services–Development (101-0065-5231) \$350,000

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

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public

peace, safety, health and welfare of the City and for the further reason to provide for the timely review of development plans and for the continued utilization of construction inspection services, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

2017 Land Development & ROW Professional Service Expense Summary

(PROJECTIONS IN RED)

Professional Services - Expenses Acct: 101.0065.5231

1st Quarter (January-March)

	<u>January</u>	<u>February</u>	<u>March</u>		
Quality Control Inspection**	\$32,205.59	\$25,608.52	\$25,524.08		\$83,338.19
Pomeroy & Associates	\$9,687.62	\$11,805.31	\$8,441.55		\$29,934.48
City of Columbus	\$118.00	\$0.00	\$472.00		\$590.00
				Total	\$113,862.67

2nd Quarter (April-June)

	<u>April</u>	<u>May</u>	<u>June</u>		
Quality Control Inspection**	\$46,475.69	\$51,314.99	\$76,452.18		\$174,242.86
Pomeroy & Associates	\$17,699.19	\$8,868.61	\$3,372.53		\$29,940.33
City of Columbus	\$2,596.00	\$354.00	\$1,283.25		\$4,233.25
				Total	\$208,416.44

3rd Quarter (July-September)

	<u>July</u>	<u>August</u>	<u>September</u>		
Quality Control Inspection**	\$105,916.57	\$99,630.23	\$123,904.16		\$329,450.96
Resource International	\$0.00	\$0.00	\$17,843.00		\$17,843.00
Pomeroy & Associates	\$9,690.53	\$10,000.00	\$12,999.28		\$32,689.81
City of Columbus	\$3,944.15	\$236.00	\$0.00		\$4,180.15
				Total	\$384,163.92

4th Quarter (October-December)

	<u>October</u>	<u>November</u>	<u>December</u>		
Quality Control Inspection**	\$115,000.00	\$115,000.00	\$70,000.00		\$300,000.00
Resource International	\$40,000.00	\$40,000.00	\$40,000.00		\$120,000.00
Pomeroy & Associates	\$12,000.00	\$12,000.00	\$12,000.00		\$36,000.00
City of Columbus	\$1,253.75	\$2,500.00	\$1,500.00		\$5,253.75
				Total	\$461,253.75

Projected Year End Vendor Totals

Quality Control Inspection		\$887,032.01
Resource International		\$137,843.00
Pomeroy & Associates		\$128,564.62
City of Columbus		\$14,257.15
	Total	\$1,167,696.78

** Includes ROW expenses

<u>City Staffing</u>	<u>Annual Cost</u>	<u>Utility</u>	<u>Total</u>
Deputy Engineer	\$130,000.00	40%	\$52,000.00
Project Engineer II	\$115,000.00	90%	\$103,500.00
Project Engineer I	\$115,000.00	90%	\$103,500.00
Construction Manager	\$95,000.00	90%	\$85,500.00
Engineering Technician	\$92,000.00	50%	\$46,000.00
	\$547,000.00		\$390,500.00

Total Estimated Expense \$1,558,196.78

<u>2017 Available Funds</u>	<u>Date</u>	<u>Amount</u>
2017 Appropriation	1/1/2017	\$500,000.00
2017 Supp No. 1	7/24/2017	\$400,000.00
	Total YTD	\$900,000.00

2017 Land Development & ROW Revenue Summary

(Based on amount Invoiced - not amount collected)

Professional Services - Revenue

Project	Plan Review	Inspection	Total
Enclave @ Glenross (Revision)	\$250.00		\$250.00
Communities of Glenross 8 & 10	\$14,700.00	\$99,527.29	\$114,227.29
Delaware Golf Course	\$3,500.00		\$3,500.00
Klema-Delaware Development (Coughlin's Crossing-- Traffic Study (Complex); SWMP-Level II)	\$7,000.00		\$7,000.00
Communities of Glenross offsite water	\$5,600.00	\$25,153.51	\$30,753.51
Communities of Glenross offsite san	\$2,450.00	\$12,363.18	\$14,813.18
Communities of Glenross pool house	\$5,600.00	\$7,272.15	\$12,872.15
Heatherton Sec. 6	\$9,450.00	\$59,650.55	\$69,100.55
Ravines at Olentangy Sec. 1 revision (March 2017)	\$250.00		\$250.00
Lantern Chase 2-6 part 1		\$92,560.43	\$92,560.43
Enclave @ Adalee (willowbrooke west)	\$14,000.00		\$14,000.00
Communities of Glenross offsite water Rev 1 2.17.17	\$250.00		\$250.00
Communities of Glenross Section 11	\$21,850.00	\$138,044.76	\$159,894.76
OWU Honors Housing 81 Oakhill	\$1,400.00		\$1,400.00
OWU SLU Phase 3	\$1,400.00		\$1,400.00
Speedway north revision 1	\$250.00		\$250.00
Communities of Glenross Cheshire Widening	\$25,900.00	\$114,207.68	\$140,107.68
Stratford Church Office	\$1,050.00		\$1,050.00
Braumiller Woods 3	\$17,150.00		\$17,150.00
Heatherton Sec. 6 (revision 1)	\$250.00		\$250.00
Stockdale Farms Ph. 1 Re-Design	\$32,350.00		\$32,350.00
Speedway North Revisions (#2) two revisions	\$500.00		\$500.00
Speedway North Revisions (4.5.17 hillsmiller hydrant)	\$250.00		\$250.00
Terra Alta - Offsite		\$126,683.63	\$126,683.63
Terra Alta - Plan Revision - Water Main	\$250.00		\$250.00
Braumiller Woods 3		\$50,364.18	\$50,364.18
Old Colony 2		\$100,888.95	\$100,888.95
Enclaves at Adalee		\$35,631.06	\$35,631.06
DACC South - Turn Lane		\$5,363.71	\$5,363.71
Enclave at Adalee (subsequent Submission)	\$1,050.00		\$1,050.00
Curtis Farms 4		\$22,451.70	\$22,451.70
Ravines at Olentangy		\$184,917.42	\$184,917.42
Terra Alta Onsite - Section 1, Part 1		\$182,103.47	\$182,103.47
Lantern Chase 2-6 part 1 - Plan Revision 2 (field tile outlet rev/structure revisio	\$250.00		\$250.00
Preserve at Quail Pass 2B		\$4,675.68	\$4,675.68
Lantern Chase 2-6 part 1 - Plan Revision 3 (Revision to storm run between struc	\$250.00		\$250.00
Lantern Chase 2-6 part 1 - Plan Revision 4 (Sanitary Revisions for lateral service	\$250.00		\$250.00
Belmont Place 4 & 5 Plan Review - Belmont 4 Construction Inspection	\$11,900.00	\$55,053.78	\$66,953.78
Klema-Coughlin's Crossing (Site Engineering Plan)	\$22,950.00		\$22,950.00
Klema-Coughlin's Crossing (US 23 Improvements Engineering Plan)	\$24,500.00		\$24,500.00
Communities of Glenross - Section 11 (Correction)		-\$9,863.37	-\$9,863.37
Lantern Chase 2-6 part 1 - Plan Revision 4 (Side yard storm)	\$250.00		\$250.00
Colatruglio - River St Business Park	\$5,600.00		\$5,600.00
Ravines at Olentangy, Plan Revision 2 (monument boxes, side yard storm, wate	\$250.00		\$250.00
Terra Alta - Section 1, Parts 1 & 2 - Sanitary (Revision 1: MH 3 to 32)	\$250.00		\$250.00
Communities of Glenross - Plan Revision 01 (Water Main Crossings)	\$250.00		\$250.00
Midway Pipe & Supply	\$8,350.00		\$8,350.00
McDonald's Rebuild US 23 North	\$4,200.00		\$4,200.00
Lantern Chase 2-6 Part 1 - Revision 5 (field tile tie-in to storm system)	\$250.00		\$250.00
Lantern Chase 2-6 Part 1 - Sanitary Revision 2 (Additional revisions to sanitary I	\$250.00		\$250.00
Terra Alta - Section 1 Part 2	\$88,077.41		\$88,077.41
Lantern Chase 2-6 Part 3	\$37,782.83		\$37,782.83
Old Colony 2 (Revision 1)	\$250.00		\$250.00
Old Colony 2 (Revision 2)	\$250.00		\$250.00
			\$0.00
Current	\$372,810.24	\$1,307,049.76	\$1,679,860.00

Indicates fee not paid

last verified with Finance/Rob Alger: 8/28/2017

Right of Way Revenues

Columbia Gas	\$25,381.74
WOW Cable	\$30,479.00
Total	\$55,860.74

Total Estimated Revenue \$1,735,720.74



FACT SHEET

AGENDA ITEM NO: 19

DATE: 10/23/2017

ORDINANCE NO: 17-70

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Brad Stanton, Public Utilities Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR VARIOUS WATER PLANT LINE ITEMS ACCOUNTS, AND DECLARING AN EMERGENCY.

BACKGROUND:

The usage of electric and chemicals increased in 2017 more than anticipated in part because of the poor water quality from the Olentangy River which is the City's main raw water source. Poor river water quality which results in higher turbidity requires additional chemicals, mainly aluminum chlorohydrate, to remove sediments from the treatment process. The plant has also seen an increase in pumpage during the summer months, from 3.5 MGD to 5.5 MGD, which required additional treatment processes be put on-line. The water plant Ultrafiltration and Nanofiltration membranes treatment processes required additional electrical and chemical usage to clean the membranes of raw water pollutants that are removed by the membranes to meet regulatory requirements for drinking water.

REASON WHY LEGISLATION IS NEEDED:

Supplemental appropriation is required to fund the electric, and chemicals costs for the 4th quarter of 2017 for the treatment of potable water.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The supplemental appropriations will require additional funds for the water plant operations by \$190,000. The 2018 appropriations will reflect the additional funding for the water plant operations to meet all drinking water regulatory requirements.

530-5320-5211 \$110,000

530-5320-5333 \$80,000

POLICY CHANGES:

N/A

PRESENTER(S):

Brad Stanton, Public Utilities Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

ORDINANCE NO. 17-70

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR VARIOUS WATER PLANT LINE ITEM ACCOUNTS, AND DECLARING AN EMERGENCY.

WHEREAS, the 2017 Operating Budget included appropriations to fund electric, and chemicals for the treatment of potable water for the City; and

WHEREAS, the water treatment electric, and chemicals line items will be exceeded during the 4th quarter 2017; and

WHEREAS, the total cost of these line items will result in a shortage of funds for electric, and chemicals necessary for the treatment of potable water; and

WHEREAS, supplemental appropriations are necessary to fund the cost of these line items in 2017.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Water Fund \$190,000 increasing the following accounts:

Water Treatment Electric	(530-5320-5211)	\$110,000
Water Treatment Chemical Supply	(530-5320-5333)	\$80,000

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

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City and for the further reason to provide for the timely purchase and funding of these potable water treatment services, and as such will be in full force and be in effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 20

DATE: 10/23/2017

ORDINANCE NO: 17-71

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jackie Walker, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR ADMINISTRATIVE SERVICES WAGES LINE ITEM.

BACKGROUND: The Department of Administrative Services has the responsibility of administering to City employees all aspects of their human resources needs. In 2017, a tenured employee resigned from the department and caused the anticipated wage line item budget to be exceeded due to paying for the accrued time by the employee. Also, the DAS staff needed to engage the assistance of seasonal help in the interim. DAS would also like to complete a digitizing project prior to the end of the year.

REASON WHY LEGISLATION IS NEEDED: In lieu of hiring an outside firm to digitize personnel records, staff has identified that a seasonal staff member could make significant progress in this project before the end of 2017. Further, the unexpected departure of a tenured employee and her subsequent accrued time pay out, has left a deficit in the wages line item. A supplemental appropriation to the 2017 budget will be necessary to pay a seasonal employee to work on this project through the end of 2017 and to address the wages deficit.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S): The \$15,000 is being requested from the General Fund Balance.

POLICY CHANGES:

N/A

PRESENTER(S):

Jessica Feller, Human Resource Manager and Workers Compensation Coordinator

RECOMMENDATION:

Approval at Second Reading

ATTACHMENT(S)

N/A

ORDINANCE NO. 17-71

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR ADMINISTRATIVE SERVICES WAGE LINE ITEM.

WHEREAS, the City of Delaware appropriates funding for wages for all staff; and

WHEREAS, the Department of Administrative Services identified a need to digitize all personnel files of current and past employees to enhance the effectiveness and efficiency of using these records; and

WHEREAS, in lieu of hiring an outside firm to make the transition, staff has identified that a seasonal staff member could make significant progress in this project before the end of 2017; and

WHEREAS, the unexpected departure of a tenured employee and her subsequent accrued time pay out, has left a deficit in the wages line item; and

WHEREAS, a supplemental appropriation to the 2017 budget will be necessary to pay a seasonal employee to work on this project through the end of 2017 and to address the wages deficit.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the General Fund of \$15,000.00 increasing the following account:

Wages (101-0013-5100) \$15,000.00

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

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2017

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



AUGUST FINANCE REPORT

TO: Members of City Council
FROM: Dean Stelzer, Finance Director
DATE: October 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 2017 to 2016 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 year-to-date are 4.23% above 2016 levels. The budget projected an 6.5% increase. If the collection rate holds through the remainder of the year the General Fund tax collections will be \$300,000 below the budget estimate.
- * Engineering Fee reimbursements in the General Fund are up \$624k over last year's amount. An additional appropriation was approved to increase the expenditures associated with this reimbursement.
- * Other development related revenues, impact fees, capacity fees are down 14% compared to 2016.
- * Most expenditures are in line with mid-year budget estimates.
- * Health Insurance net costs are up 8.1% over 2016.

YTD 2017 Budget Supplementals

17-17	\$9,333 - General Fund - Refund fire insurance bond
17-31	\$14,000 - Project Trust Fund - Springfield Trail/Howald
17-36	\$60,000 - General Bond Retirement Fund, \$36,000 Water Fund, \$10,000 Sewer Bond Fund - Bond issuance costs.
17-37	\$175,000 - General Fund - Comprehensive Plan
17-39	\$5,000 - General Fund - AEP industrial park sign replacement
17-40	\$50,000 - General Fund - Engineering Wages
17-50	\$400,000 - General Fund - Engineering services
17-59	\$131,840 - Airport Grant Fund
17-60	\$165,000 - Storm Sewer Fund, \$235,000 Rec Levy Fund - Houk Rd Settlement

FINANCE DIRECTOR'S REPORT
REVENUES BY SOURCE
September 30, 2017

	Revenues @ 9/30/17	Revenues @ 9/30/16	% Change
TAXES			
Income Tax	\$ 20,178,664	\$ 19,358,660	4.24%
Property Tax	1,828,336	1,802,187	1.45%
Local Government Fund	449,229	454,476	-1.15%
Hotel/Motel Tax	61,812	58,667	5.36%
Gasoline Taxes	859,107	848,876	1.21%
License Plate Tax	503,250	489,569	2.79%
FEES			
Franchise Fee (cable tv)	\$ 276,887	\$ 265,931	4.12%
Parking Meter & Lot Fees	64,382	68,885	-6.54%
Fines/Forfeitures/Court Diversion Fees	104,744	109,932	-4.72%
Impact Fees	390,859	633,697	-38.32%
Airport - Fuel	404,877	276,899	46.22%
Cemetery	126,104	107,382	17.43%
Golf Course	153,739	152,233	0.99%
REIMBURSEMENTS			
Engineering Fees	\$ 1,544,619	\$ 920,830	67.74%
Fire/EMS Reimbursement	835,087	219,940	279.69%
Prosecutor Reimbursements	216,420	197,382	9.65%
Building Permits and Fees	544,230	658,661	-17.37%
UTILITY CHARGES			
Water - Meter Charges	\$ 4,022,871	\$ 3,858,154	4.27%
- Capacity Fees	1,084,518	1,195,879	-9.31%
Sewer - Meter Charges	4,819,207	4,753,141	1.39%
- Capacity Fees	1,057,310	1,131,819	-6.58%
Refuse	2,621,495	2,565,392	2.19%
Storm Sewer	624,429	632,438	-1.27%
MUNICIPAL COURT REVENUES	\$ 2,470,573	\$ 2,357,352	4.80%

FINANCE DIRECTOR'S REPORT
GENERAL FUND REVENUES
September 30, 2017

August 75.0% of year	Revenues 9/30/2017	2017 Budget	Revenues As % of Budget	Comparative Revenues 9/31/2016	% Change YTD
GENERAL FUND					
Property Tax	1,412,305	1,522,000	92.79%	1,387,414	1.79%
City Income Tax	10,914,110	14,391,065	75.84%	10,476,308	4.18%
Other Taxes	1,050	0	0.00%	2,816	(62.71%)
Local Government Fund	449,229	617,500	72.75%	454,476	(1.15%)
Fines and Forfeitures	104,744	145,000	72.24%	109,932	(4.72%)
Engineering Fees	1,544,619	810,000	190.69%	920,830	67.74%
Prosecutor Contracts	216,420	260,000	83.24%	197,382	9.65%
Parking Meters	26,933	37,000	72.79%	28,430	(5.27%)
Other Fees and Contracts	21,406	0	0.00%	24,010	(10.85%)
Liquor Permits	39,488	45,000	87.75%	39,548	(0.15%)
Franchise Fees	276,887	355,000	78.00%	265,931	4.12%
Licenses & Permits	544,230	725,000	75.07%	658,661	(17.37%)
Investment Income	226,747	175,000	129.57%	88,294	156.81%
Miscellaneous	51,228	150,000	34.15%	83,253	(38.47%)
Reimbursements	117,316	168,000	69.83%	80,021	46.61%
Transfers	1,430,634	1,920,000	74.51%	1,391,238	2.83%
TOTAL	17,377,346	21,320,565	81.51%	16,208,544	7.21%

GENERAL FUND EXPENDITURES

	Expenses 9/30/2017	2017 Budget	Expenses As % of Budget	Comparative Expenses 9/31/2016	% Change YTD
GENERAL FUND					
City Council	98,405	151,797	64.83%	64,671	52.16%
City Manager	519,579	684,160	75.94%	515,848	0.72%
Human Resources	248,972	349,298	71.28%	195,614	27.28%
Economic Development	282,749	388,834	72.72%	240,822	17.41%
Legal Affairs/Prosecution	586,183	797,760	73.48%	573,636	2.19%
Finance	1,096,551	1,551,135	70.69%	1,059,007	3.55%
Income Tax Refunds	402,919	360,000	111.92%	340,545	18.32%
General Administration	4,171,719	5,684,387	73.39%	3,554,616	17.36%
Risk Management	245,263	332,900	73.67%	254,254	(3.54%)
Police	6,000,917	8,173,369	73.42%	5,644,400	6.32%
Planning	776,828	1,136,486	68.35%	751,566	3.36%
Engineering	1,279,192	1,485,329	86.12%	1,056,025	21.13%
City Buildings	313,602	478,763	65.50%	311,154	0.79%
TOTAL	16,022,879	21,574,218	74.27%	14,562,158	10.03%

General Fund Beginning Balance January 1, 2017	4,382,218
2017 General Fund Revenues	17,377,346
2017 General Fund Expenditures	(16,022,879)
Advances to Other Funds	-
Outstanding Encumbrances 9/30/17	(390,985)
General Fund Ending Fund Balance Sept. 30, 2017	<u>5,345,700</u>

FINANCE DIRECTOR'S REPORT
OTHER OPERATING FUNDS
September 30, 2017

REVENUES

	Revenues 9/30/2017	2017 Budget	Revenues As % of Budget	Comparative Revenues 9/30/2016	% Change YTD
STREET MAINTENANCE & REPAIR	2,116,726	2,806,691	75.42%	1,803,355	17.38%
STORM SEWER	626,009	852,000	73.48%	565,805	10.64%
PARKS AND RECREATION	1,097,698	1,427,500	76.90%	852,032	28.83%
CEMETERY	182,354	212,500	85.81%	121,830	49.68%
AIRPORT OPERATIONS	544,505	711,218	76.56%	348,747	56.13%
FIRE/EMS INCOME TAX	12,177,237	14,940,746	81.50%	7,012,114	73.66%
MUNICIPAL COURT	2,516,537	2,736,750	91.95%	1,619,913	55.35%
GOLF COURSE	153,739	173,700	88.51%	136,783	12.40%
WATER	4,421,404	5,650,132	78.25%	3,586,550	23.28%
SEWER	5,154,608	7,180,000	71.79%	4,407,744	16.94%
REFUSE	2,662,711	3,588,500	74.20%	2,313,194	15.11%
GARAGE ROTARY	484,080	645,440	75.00%	301,553	60.53%
INFORMATION TECH. ROTARY	789,637	1,052,850	75.00%	468,465	68.56%
TOTAL	32,927,245	41,978,027	78.44%	23,538,085	39.89%

EXPENDITURES

	Expenditures 9/30/2017	2017 Budget	Expenses As % of Budget	Comparative Expenses 9/30/2016	% Change YTD
STREET MAINTENANCE & REPAIR	1,983,225	2,924,173	67.82%	2,027,486	(2.18%)
STORM SEWER	1,129,263	1,542,458	73.21%	633,284	78.32%
PARKS AND RECREATION	1,007,815	1,393,719	72.31%	949,824	6.11%
CEMETERY	196,469	411,281	47.77%	137,379	43.01%
AIRPORT OPERATIONS	529,132	801,551	66.01%	406,427	30.19%
FIRE/EMS INCOME TAX	6,815,929	14,111,551	48.30%	7,750,751	(12.06%)
MUNICIPAL COURT	1,885,570	2,641,901	71.37%	1,809,257	4.22%
GOLF COURSE	135,973	200,014	67.98%	152,233	(10.68%)
WATER OPERATIONS	4,097,691	5,939,211	68.99%	4,054,461	1.07%
SEWER OPERATIONS	4,391,897	7,391,675	59.42%	5,006,765	(12.28%)
REFUSE	2,450,003	5,370,832	45.62%	2,606,236	(5.99%)
GARAGE ROTARY	438,098	643,633	68.07%	452,330	(3.15%)
INFORMATION TECH. ROTARY	643,456	1,053,120	61.10%	702,598	(8.42%)
TOTAL	25,704,521	44,425,119	57.86%	26,689,031	(3.69%)

FUND BALANCES

	Fund Balance 1/1/2017	Revenues 9/30/2017	Expenditures 9/30/2017	Outstanding Encumb.	Fund Balance 9/30/2017
STREET MAINTENANCE & REPAIR	442,970	2,116,726	1,983,225	256,546	319,925
STORM SEWER	1,921,698	626,009	1,129,263	135,639	1,282,805
PARKS AND RECREATION	232,381	1,097,698	1,007,815	72,014	250,250
CEMETERY	299,378	182,354	196,469	8,627	276,636
AIRPORT OPERATIONS	232,295	544,505	529,132	28,582	219,086
FIRE/EMS INCOME TAX	5,637,179	12,177,237	6,815,929	3,686,589	7,311,898
MUNICIPAL COURT	1,881,840	2,516,537	1,885,570	11,359	2,501,448
GOLF COURSE	69,962	153,739	135,973	9,140	78,588
WATER OPERATIONS	1,421,338	4,421,404	4,097,691	131,179	1,613,872
SEWER OPERATIONS	2,661,859	5,154,608	4,391,897	172,125	3,252,445
REFUSE	2,185,719	2,662,711	2,450,003	329,598	2,068,829
GARAGE ROTARY	273,429	484,080	438,098	53,313	266,098
INFORMATION TECH. ROTARY	561,103	789,637	643,456	67,943	639,341
TOTAL	17,821,151	32,927,245	25,704,521	4,962,654	20,081,221

FINANCE DIRECTOR'S REPORT
OTHER FUND REVENUES/EXPENSES/FUND BALANCE
September 30, 2017

	Beginning Fund Balance	Revenues 9/30/2017	Expenses 9/30/2017	Outstanding Encumbrances	Ending Fund Balance
STATE HIGHWAY IMPROVEMENT	106,060	79,707	0	5,500	180,267
LICENSE FEE	223,448	314,434	12,994	434,871	90,017
TREE FUND	211,030	93,266	50,000	28,000	226,296
AIRPORT 2000 T-HANGAR	143,529	70,837	40,188	0	174,178
RECREATION FACILITIES TAX	3,530,990	1,660,086	1,064,862	356,698	3,769,516
AIRPORT TIF	57,415	25,001	0	0	82,416
GLENN RD BRIDGE TIF	1,463,310	792,959	56,122	191,188	2,008,959
SKY CLIMBER/V&P TIF	0	40,049	40,049	0	0
MILL RUN TIF	0	132,229	132,229	0	0
COURT IDIAM	18,784	13,815	22,632	0	9,967
DRUG ENFORCEMENT	54,013	4,250	242	0	58,021
COURT ALCOHOL TREATMENT	516,519	54,804	26,953	0	544,370
OMVI ENFORCEMENT/EDUCATION	4,036	1,527	0	0	5,563
POLICE JUDGEMENT	114,881	38,791	23,884	9,243	120,545
PARK DEVELOPMENT	205,177	26,808	0	91,500	140,485
COMPUTER LEGAL RESEARCH	486,966	252,650	140,085	5,476	594,055
COURT SPECIAL PROJECTS	865,397	255,127	299,122	10,721	810,681
PROBATION SERVICES	451,587	216,937	233,436	5,718	429,370
POLICE/FIRE DISABILITY	0	416,030	416,030	0	0
COMMUNITY PROMOTION FUND	45,497	71,937	89,099	12,335	16,000
CDBG GRANT	2,530	0	968	70,000	(68,438)
ED REVOLVING LOAN	478,274	81,968	35,817	108,023	416,402
HOUSING GRANT PROGRAM INCOME	27,018	0	27,018	0	0
CHIP GRANT	(62,267)	166,636	144,933	3,034	(43,598)
GENERAL BOND RETIREMENT	72,367	1,753,193	1,494,669	0	330,891
PARK IMPROV BONDS FUND	107,796	973,383	376,451	0	704,728
SE HIGHLAND SEWER BOND FUND	83,023	749,183	295,386	0	536,820
CAPITAL IMPROVEMENT	1,408,850	1,730,584	1,335,521	1,147,948	655,965
FAA AIRPORT GRANT	(374,800)	362,892	19,485	296,174	(327,567)
FAA AIRPORT AIP GRANT	(406,370)	428,897	25,000	270,075	(272,548)
EQUIPMENT REPLACEMENT	199,822	455,000	515,943	51,826	87,053
PARK IMPACT FEE	1,082,919	236,676	101,389	272,313	945,893
POLICE IMPACT FEE	334,055	32,975	18,901	524	347,605
FIRE IMPACT FEE	330,732	62,696	19,921	529	372,978
MUNICIPAL SERVICES IMPACT FEE	535,122	73,449	33,421	529	574,621
GLENN ROAD CONSTRUCTION FUNDS	3,486,736	11,249,067	11,392,784	9,165	3,333,854
PARKING LOTS	28,666	37,369	19,441	11,755	34,839
WATER CIP	9,903,611	4,400,822	5,063,336	153,794	9,087,303
SEWER CIP	6,835,942	4,418,198	5,031,958	109,793	6,112,389
SELF INSURANCE	2,216,317	3,742,009	3,919,941	18,435	2,019,950
WORKERS COMP RESERVE	1,973,888	598,522	163,233	7,083	2,402,094
FIRE DONATION	5,765	580	0	0	6,345
PARK DONATION	25,000	0	0	0	25,000
POLICE DONATION	7,809	1,540	26	1,500	7,823
MAYOR'S DONATION	1,958	1,500	2,281	0	1,177
PROJECT TRUST	560,120	8,339	22,237	2,291	543,931
UNCLAIMED FUNDS	68,119	6,632	128	0	74,623
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	158,458	149,314	50,686	(9,115)
CEMETERY PERPETUAL CARE FUND	36,063	224	879	0	35,408
STATE PATROL TRANSFER	252	52,574	52,826	0	0
STATE BUILDING PERMIT FEES	474	5,045	4,923	0	596
PERFORMANCE BOND FUND	164,146	0	0	0	164,146
TOTAL	39,485,212	36,349,655	32,916,057	3,736,727	39,182,083

City of Delaware
Employee Health Insurance Plan
September 30, 2017

Account	September 2017	YTD 2017	2017 Budget	% of Budget	YTD 2016	% Change 2016-17
Life Insurance	\$ 2,363	\$ 20,904	\$ 29,000	72.1%	\$ 20,418	2.4%
Insurance Opt-Out	1,895	21,455	30,500	70.3%	20,455	4.9%
Preventative Care	1,631	22,821	45,000	50.7%	26,610	-14.2%
Vision Coverage	-	10,923	13,600	80.3%	-	0.0%
Administrative Fees						
Excise Tax	-	1,724	40,000	0.0%	1,632	0.0%
TPA Fees	7,765	71,245	86,000	82.8%	60,841	17.1%
PPO Fees	3,752	33,068	46,000	71.9%	31,696	4.3%
Broker Fees	-	-	7,000	0.0%	4,528	-100.0%
Total Admin	11,517	106,037	179,000	59.2%	98,697	7.4%
Stop Loss Insurance	54,013	479,908	620,000	77.4%	383,958	25.0%
Claims						
Medical	174,674	2,462,062	3,400,000	72.4%	2,257,258	9.1%
Dental	20,097	193,816	300,000	64.6%	225,782	-14.2%
Prescription	71,993	602,014	715,000	84.2%	463,597	29.9%
Total Claims	266,764	3,257,892	4,415,000	73.8%	2,946,637	10.6%
Total Costs	338,183	3,919,940	5,332,100	73.5%	3,496,775	12.1%
Employee Payment	34,174	631,240	820,000	77.0%	505,543	
Reimbursements	23,670	196,476	300,000	65.5%	130,069	
NET PLAN COSTS	\$ 280,339	\$ 3,092,224	\$ 4,212,100	73.4%	\$ 2,861,163	8.1%

**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	
APRIL	1,299,084	2,094,760	670,933	4,064,777		1,481,257	2,185,373	575,354	4,241,984		1,786,686	2,352,889	1,092,340	5,231,915	
MAY	1,283,212	133,840	38,214	1,455,266		1,390,669	153,006	33,392	1,577,067		1,388,195	185,269	50,869	1,624,333	
JUNE	1,255,611	146,124	199,120	1,600,855		1,267,769	426,520	238,738	1,933,027		1,284,197	481,309	167,392	1,932,898	
JULY	1,426,574	318,033	55,623	1,800,230		1,426,206	146,332	33,356	1,605,894		1,680,268	158,901	62,961	1,902,130	
AUGUST	1,379,035	213,566	22,758	1,615,359		1,470,975	140,043	25,584	1,636,602		1,395,822	124,025	26,462	1,546,309	
SEPTEMBER	1,219,497	194,176	224,009	1,637,682		1,167,550	523,048	257,476	1,948,074		1,303,188	421,650	287,996	2,012,834	
SUBTOTAL	11,746,777	4,343,127	1,539,052	17,628,956	77.14%	13,036,242	4,834,036	1,488,382	19,358,660	77.51%	13,112,856	4,882,167	2,183,641	20,178,664	75.82%
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%	13,112,856	4,882,167	2,183,641	20,178,664	75.82%

BUDGETED 22,378,779 23,993,421 26,614,811
Budgeted Increase % 6.56%

	Total Receipts	Jan-Sept Receipts	% of Annual Collections	Projection based on ten year trend JAN-SEPTEMBER 2017 RECEIPTS =	
2007	12,865,504	10,047,673	78.10%	\$20,178,664	
2008	14,159,170	10,910,974	77.06%	HIGH =	77.06%
2009	14,719,896	11,399,742	77.44%	LOW =	78.10%
2010	15,185,348	11,848,076	78.02%		
2011	17,765,717	13,800,049	77.68%	LAST 3 YR	
2012	19,658,101	15,159,887	77.12%	AVG =	77.26%
2013	20,557,766	15,854,987	77.12%		
2014	21,537,420	16,610,480	77.12%	*2017 BUDGETED RECEIPTS	\$26,614,811
2015	22,852,743	17,629,446	77.14%		
2016	24,975,316	19,359,107	77.51%		
	10 Year Avg.		77.43%		

**FINANCE DIRECTOR'S REPORT
RECREATION LEVY
September 30, 2017**

Account #	Description	2014 Expended	2015 Expended	2016 Expended	2017 Expended	2017 Encumbered	2017 Remaining Budget	Total 2014 - 2017
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- 5501	Houk Rd. Site Improvements	0	0	0	0	235,000	0	235,000
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	54,893	102,688	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	18,532	6,468	67,715
5531	Veterans Park Parking Lot Addition	337,203	0	0	0	0	0	337,203
5532	Wayfinding and Signage	0	0	0	21,160	2,590	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	12,791	45,683	-58,474	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	33,951	356,698	384,682	4,103,139
	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	33,951	356,698	384,682	4,103,139
	Phase 2 Reimbursements		212,722					212,722
	TOTAL PHASE 2 COSTS	926,843	1,367,286	820,957	33,951	356,698	384,682	3,890,417
	TOTAL ALL PHASES							23,817,493

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: October 19, 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**

October 5

* Transportation Academy

October 9

* City Council

October 11

* First Commonwealth Ground Breaking

October 16

* Rotary

October 19

* Andrews House

* SWCI Open House

October

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2 Council CIP Work Session -6	3 Council CIP Work Session if needed- 6 Public Works- cancelled	4 Civil Service Commission 3 Planning 7	5	6	7
8	9 Council 7	10 Sister City 6	11 BZA 7-cancelled	12	13	14
15	16	17 Parks & Rec Bd 7	18	19 Airport Commission 7- cancelled	20	21
22	23 Council 7	24 Shade Tree 7	25 HPC 7	26	27	28
29	30	31				

2017

CONTRACT APPROVAL – October 23, 2017

VENDOR	EXPLANATION OF AGREEMENT	2017 AMOUNT	DEPARTMENT
Governmentjobs.cob, DBA Neogov, Inc.	Neogov Insight – Applicant Tracking System	\$22,956.36	DAS
Consolidated Electric Cooperative	Service Order Agreement, Cologix Rack Space & Power	\$200/month	IT