

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

AGENDA

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

REGULAR MEETING

February 25, 2019

1. ROLL CALL
2. INVOCATION – Reverend Tracey Sumner, Sr.
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on February 11, 2019, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Resolution No. 19-07, a resolution authorizing the City Manager to enter into a Recreational Trail Grant Agreement between the Delaware County Board of Commissioners and the City of Delaware/Liberty Township Board of Trustees.
 - B. Establish March 25, 2019 at 7:30 p.m. as a date and time for a public hearing and third reading for Ordinance No. 19-07, an ordinance amending Chapter 1121 and 1143 of the Planning and Zoning Code of the Codified Ordinances of the City of Delaware. (Massage Establishment Regulations)
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. CONSIDERATION OF NEW LIQUOR PERMIT
 - A. Huy Tran, 820 Sunbury Rd, #604, Delaware, Ohio 43015. Permit Class: D3

9. SECOND READING of Resolution No. 19-06, a resolution supporting the approval of the Delaware, Knox, Marion, Morrow (DKMM) Solid Waste Management District Plan Update, dated November 14, 2018.
10. 7:30 P.M. PUBLIC HEARING and SECOND READING of Ordinance No. 19-02, an ordinance amending Chapter 529 of the General Offenses Code of the City of Delaware.
11. SECOND READING of Ordinance No. 19-06, an ordinance for Carrols Corporation approving a Final Development Plan for Burger King on approximately 1.14 acres on property zoned B-3 PUD (General Business District with a Planned Unit Development Overlay District) and located at 1034 West Central Avenue (US 37).
12. CONSIDERATION of Resolution No. 19-08, a resolution indicating what services the City of Delaware will provide to 100.648± acres of land, more or less, description and map are attached hereto for the annexation known as the Grden LLC Annexation by Michael R. Shade, Agent for the Petitioners.
13. CONSIDERATION of Resolution No. 19-09, a resolution authorizing the City Manager to sign and enter into an intergovernmental agreement with the Ohio Attorney General for the purpose of the collection of delinquent debt.
14. CONSIDERATION of Ordinance No. 19-07, an ordinance amending Chapter 1121 and 1143 of the Planning and Zoning Code of the Codified Ordinances of the City of Delaware. (Massage Establishment Regulations)
15. DISCUSSION of Special Events Policy - Jackie Walker, Assistant City Manager
16. STAFF UPDATE
 - A. Jessica Feller, Human Resource Manager
17. FINANCE DIRECTOR'S REPORT
18. CITY MANAGER'S REPORT
19. COUNCIL COMMENTS
20. ADJOURNMENT

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Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8294 FORM NO. 10148

Held February 11 20 19

6:30 EXECUTIVE SESSION: Mr. Rohrer motioned to enter into executive session at 6:30 p.m. This motion was seconded by Vice-Mayor Shafer and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Vice-Mayor Kent Shafer. Absent from the discussion was Mayor Carolyn Kay Riggle. Following the discussion at 6:51 p.m., it was moved by Mrs. Keller that Council move into Open session, seconded by Mr. Browning and approved by a 6-0 vote.

The regular meeting of Council held February 11, 2019 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, and Vice-Mayor Kent Shafer who presided. Absent from the meeting was Mayor Carolyn Kay Riggle. The invocation was given by Pastor Scott Tiede with Delaware Bible Church, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Lee Yoakum, Community Affairs Coordinator, Blake Jordan, Public Utilities Director, Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

Motion to Excuse: Mrs. Keller motion to excuse Mayor Riggle, seconded by Mr. Jones. Motion approved by a 6-0.

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on January 14, 2019, as recorded and transcribed. .

APPROVAL of the Motion Summary of the regular meeting of Council held on January 28, 2019, as recorded and transcribed.

APPROVAL of the Motion Summary of the joint meeting of Council and the Delaware City School Board meeting held on January 28, 2019, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summaries of the regular meeting of Council held January 14, 2019, the regular meeting of Council held on January 28, 2019, and the joint meeting of Council and the Delaware City School Board held on January 28, 2019, as recorded and transcribed, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on January 16, 2019, as recorded and transcribed.
- B. Resolution No. 19-05, a resolution appointing members to various boards/commissions, and/or committees, and specifying the term

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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- of the appointment.
- C. Establish February 25, 2019 at 7:30 p.m. as a date and time for a public hearing and second reading of Ordinance No. 19-02, an ordinance amending Chapter 529 of the General Offenses Code of the City of Delaware.

Motion: Mrs. Keller motioned to approve the Consent Agenda, seconded by Mr. Browning. Motion approved by a 5-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORT

Vice-Mayor Shafer informed Council that he will be attending a meeting with MORPC on February 14, 2019.

ITEM 8: PRESENTATIONS

- A. Presentation of Flag to Delaware Police Department from Delaware Bible Church
- B. West Hull Drive Traffic Management Presentation and Discussion – William L. Ferrigno, P.E., Director of Public Works/City Engineer

Mr. Ferrigno provided a presentation of upcoming road improvements to US 23 and the surrounding area. He presented information on traffic volume and speed for West Hull Drive compared to other streets in the City.

PUBLIC COMMENT:

Jim Bauer
President of Ravines of Stratford Home Owners Association
176 Hull Court
Delaware, Ohio

Mr. Bauer voiced the concern of the high volume of traffic in their neighborhood.

Dustin Nanna
206 Silver Maple Drive
Delaware, Ohio

Mr. Nanna voiced a concern over potential redirection of traffic to another street and that the problem will of volume will just change from one street to another.

Mr. Ferrigno discussed having additional time to research passive traffic calming measures and determine what potential impact to the City a policy of calming measures could have. He discussed the different options of calming measures, such as, striping and narrowing the lanes and the use of Dynamic Speed Feedback Sign. Mrs. Keller voiced a concern that these calming measures are to assist with speed and accidents, not volume. Vice-Mayor Shafer requested that Mr. Ferrigno report back to Council in approximately 60 days.

ITEM 9: CONSIDERATION OF A LIQUOR PERMIT TREX

- A. Food Truck Depot LLC, 59 Potter Street, Delaware, Ohio 43015.
Permit Classes: D5

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APPLICANT:

Paul Rockwell
7491 Calhoun Road
Ostrander, Ohio

Motion: Mrs. Keller motioned to approve the TREX and not request a hearing before the Liquor Commission, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 19-01 [Second Reading]

AN ORDINANCE FOR OHIO HEALTH FOR APPROVAL OF A FINAL DEVELOPMENT PLAN FOR A MEDICAL OFFICE BUILDING ON APPROXIMATELY 3.31 ACRES ON PROPERTY ZONED B-4 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNITE DEVELOPMENT OVERLAY DISTRICT) AND LOCATED AT 2295 WEST WILLIAM STREET (US 36).

The Clerk read the ordinance for the second time.

APPLICANT:

Mike MacKay
3535 Olentangy River Road
Delaware, Ohio

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 19-01, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 19-01, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 11: RESOLUTION NO. 19-06 [First Reading]

A RESOLUTION SUPPORTING THE APPROVAL OF THE DELAWARE, KNOX, MARION, MORROW (DKMM) SOLID WASTE MANAGEMENT DISTRICT PLAN UPDATE, DATED NOVEMBER 14, 2018.

The Clerk read the resolution for the first time. Council to take Resolution No. 19-06 to a second reading.

PRESENTOR:

Jenna Hicks
DKMM District Director
117 East High Street, Suite 257
Mt. Vernon, Ohio

Doug Sams
DKMM Policy Committee Chair
Delaware General Health District Representative
3159 Berlin Station Road
Delaware, Ohio

ITEM 12: ORDINANCE NO. 19-02 [First Reading]

AN ORDINANCE AMENDING CHAPTER 529 OF THE GENERAL OFFENSES CODE OF THE CITY OF DELAWARE.

The Clerk read the ordinance for the first time. A public hearing is

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scheduled for February 25, 2019 at 7:30 p.m.

ITEM 13: ORDINANCE NO. 19-03 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO CONSTRUCT AND INSTALL A MEMORIAL STATUE TO RUTHERFORD B. HAYES DOWNTOWN AT THE SOUTHWEST CORNER OF SANDUSKY AND WILLIAM STREET, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 19-03, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to enact the emergency clause for Ordinance No. 19-03, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 19-03, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 19-04 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR THE FUNDING, INSTALLATION AND OPERATION OF AN ELECTRIC VEHICLE CHARGING STATION, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Ferrigno discussed the location for the pilot program. Mr. Hellinger voiced a concern over the location of two spots in a high use parking lot area. He recommended moving the spots farther out. Mr. Ferrigno discussed that the recommended location is in the least expensive spot for the pilot program and that will provide with good visibility to determine the use the program.

Motion: Mr. Browning motioned to suspend the rules for Ordinance No. 19-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Browning motioned to enact the emergency clause for Ordinance No. 19-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Browning motioned to adopt Ordinance No. 19-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 15: ORDINANCE NO. 19-05 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPLE AMOUNT OF \$8,000,000, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the first time.

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Motion: Mr. Hellinger motioned to suspend the rules for Ordinance No. 19-05, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Mr. Hellinger motioned to enact the emergency clause for Ordinance No. 19-05, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Mr. Hellinger motioned to adopt Ordinance No. 19-05, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 16: ORDINANCE NO. 19-06 [First Reading]

AN ORDINANCE FOR CARROLS CORPORATION APPROVING A FINAL DEVELOPMENT PLAN FOR BURGER KING ON APPROXIMATELY 1.14 ACRES ON PROPERTY ZONED B-3 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) AND LOCATED AT 1034 WEST CENTRAL AVENUE (US 37).

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-06 to a second reading.

APPLICANT:

Amanda Aldridge
917 Harbor View
Memphis, TN

PUBLIC COMMENT:

Dustin Nanna
206 Silver Maple Drive
Delaware, Ohio

Mr. Nanna voiced support of the project and requested information on how many jobs are expected be created with the project. Ms. Aldridge informed Council that they are expecting to employ around 40 employees.

Jay Edwards
141 Crestview Drive
Delaware, Ohio

Mr. Edwards voiced concerns over the increase in noise, lighting, and smells. He voiced concerns that his front yard will be right next to the building. Ms. Aldridge discussed the tree line on the west side and plans to preserve trees and plant hedges to reduce lights. She discussed that Burger King has less volume than the neighboring building Panera and that during peak hours they have less than half the volume compared to competitors. She discussed working with the trash pickup on appropriate hours.

Dan Rand
131 Crestview Drive
Delaware, Ohio

Mr. Rand voiced concerns over the location of the building and the proximity to his front yard. He voiced concerns over the increase of traffic on Central Avenue. Mr. Ferrigno discussed the turn lane that will

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be added on West Central Avenue to improve safety.

Matthew Remlinger
145 Crestview Drive
Delaware, Ohio

Mr. Remlinger voiced a concern with the traffic on West Central Avenue and discussed the difficulty getting out of their street currently and how the traffic will be impacted with Burger King.

Lucinda Waltenbaugh
135 Crestview Drive
Delaware, Ohio

Ms. Waltenbaugh voiced a concern over the traffic on West Central Avenue and the potential smell and noise.

ITEM 17: DISCUSSION AND RECOMMENDATION:

A. Park's No Smoking Draft Legislation

Council discussed the draft legislation which includes a 50 ft. smoking ban from recreational facilities and sports fields. A discussion was held regarding the ability to enforce the ban. Mr. Browning discussed his preference to have a complete ban in parks, but that he supports the compromise. Mr. Hellinger discussed his preference to have a complete ban or to leave it currently as it is. Mrs. Keller voiced concerns if the ordinance would be enforceable. Mr. Shulman discussed that the law would be enforceable and that it would be complaint driven. Council was in agreement to move forward with the draft legislation.

B. Massage Establishment Draft Legislation

Mr. Jones informed Council that he had received concerns from constituents that the draft legislation is not retroactive to a current business. Council was in agreement to move forward with the draft legislation.

C. Proposal by Main Street Delaware

PUBLIC COMMENT:

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

Zach Price
Main Street Delaware, Board Member
17 North Sandusky Street
Delaware, Ohio

Ms. Bibler discussed that Main Street is currently growing as an organization and that there is limited room in their current office space. She discussed that the use of the building would be to help create visibility and provide a welcome center and bathroom facilities to the public during office hours.

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Mr. Homan discussed the potential benefits to the proposal but did recommend that the City not sell the property. Council discussed they would be open to explore the proposal in more depth.

ITEM 18: CITY MANAGER'S REPORT

Mr. Homan discussed the Pre-Hospital Care Admissions program work by Chief Donahue in which the Delaware County Commissions took action regarding the consideration of a countywide board. He reminded Council that there will be a retreat on March 16. He reminded Council of the upcoming Community Day at Ohio Wesleyan University. He discussed the recent meeting with Sustainable Delaware and Liberty Castings. He informed Council that they will be receiving information regarding changes to street lighting mandated by AEP.

ITEM 19: COUNCIL COMMENTS

Mrs. Keller informed Council that she attended the first session of the Citizen's Academy last week.

ITEM 20: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 9:18 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM A DATE: 02/25/2019

ORDINANCE NO: 19-07 RESOLUTION NO:

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Ted Miller, Parks and Natural Resources Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RECREATIONAL TRAIL GRANT AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE CITY OF DELAWARE/LIBERTY TOWNSHIP BOARD OF TRUSTEES.

BACKGROUND:

The existing multi-use trail along Cheshire Road is missing a segment across three lots. One lot is in Liberty Twp. and the remaining two are in the City of Delaware. The previous lot owner did not support the construction of the missing segment and therefore it was omitted when the original trails were built. Since then, a new owner has purchased the lot and has requested the segment be built. Currently all three lot owners are in support of the trail. We have applied and were awarded a grant from Delaware County to construct this segment of trail. The estimate for construction is \$49,995.00 and the grant awarded the maximum, 50% of the project, \$24,997.50. The grant requires the project to be completed by the end of 2019.

The 2019 budget has appropriated \$50,000 to cover the entire cost of the trail. The City of Delaware will be reimbursed \$24,997.00.

The trail segment is approximately 445 LF and would connect to existing trails at each end. The portion of the trail in Liberty Twp. is 265 LF and they are in support of the trail but are unable to allocate funds at this time.

REASON WHY LEGISLATION IS NEEDED:

The grant requires an agreement to be executed between the three local governments (City, County, and Township) involved in the project to ensure that the project is completed.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

Ted Miller, Parks and Natural Resources Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Cheshire Road Trail exhibit
Multi-Use Trail Assistance Application
Recreational Trail Grant Agreement

**RECREATIONAL TRAIL GRANT AGREEMENT BETWEEN
THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND
THE CITY OF DELAWARE/LIBERTY TOWNSHIP BOARD OF TRUSTEES**

I. GRANT OFFER

The Delaware County Board of Commissioners (the "Board"), acting pursuant to sections 9.482, 301.26, 307.15, and 307.281 of the Revised Code, hereby offers to the City of Delaware/Liberty Township Board of Trustees (hereinafter collectively referred to as the "Grantee"), grant assistance subject to the terms, conditions, and limitations as set forth herein.

The maximum amount of grant assistance hereby offered is \$24,997.50.

The term of work by the Grantee under this grant agreement shall begin _____ and is to be completed by December 31, 2018, unless extended upon written agreement of all parties.

The Board will provide funds for the Grantee's eligible expenses in accordance with the attached Conditions.

II. GRANT TERMS

The Board and the Grantee agree as follows:

1. The Grantee shall implement or continue the activities within the projected budget and time frame (the "Grant Term") and in accordance with any special terms and conditions for funding more specifically described and stated in "Exhibit A", which is attached and incorporated herein by reference.

2. The Grantee shall:

a. Expend all funds in accordance with the requirements pertaining to eligible project costs for the Delaware County Trail Assistance Program.

b. Comply with all the requirements now or hereafter in effect for the Delaware County Trail Assistance Program, including, but not limited to, the assurances and certifications contained in this Agreement.

c. Comply with such further statutory, regulatory, and contractual requirement(s) now or hereafter in effect as may be applicable to the receipt and expenditure of funds authorized herein.

d. Utilize grant funds for the approved activities (excluding administration) by the end of the Grant Term. Funds not committed and/or expended by the end of the Grant Term shall be returned to the Board.

3. The effective date of this Agreement is _____. Unless otherwise extended, suspended, or terminated by the Board, this Agreement shall remain in effect until such time as the Grantee has expended or returned to the Board the funds authorized hereunder and met all terms and conditions for the receipt of funds pursuant to this Agreement.

4. Disbursement of Funds. The Grantee agrees that disbursement(s) under this Agreement shall be made in accordance with Board established schedules and procedures. The Grantee further agrees that in the event no funds are disbursed within six (6) months of the effective starting date as stated in Paragraph 3 above, the funds authorized pursuant to this Agreement shall be subject to recapture by the Board. Further, in no event will a disbursement or further disbursements be made after a notice by the Board of a violation of this Agreement, which violation has not been corrected to the satisfaction of the Board.

5. Advancement of Funds. If an advance of funds is made pursuant to this Agreement for a specific purpose and is not used by the Grantee for that purpose or another purpose permitted under this Agreement and approved by the Board, or if the Grantee decides not to use the money, upon such disbursement or upon such decision, the Grantee shall immediately return to the Board the funds advanced.

6. Availability of Funds. All Board funding is subject to the availability of funds, subject to appropriation by the Board. Therefore, it is possible grants could be reduced accordingly on a unilateral basis.

7. Increase of Funds. The Grantee agrees that the Board may, at its own discretion and with the written concurrence of the Grantee, increase the amount of funds available to the Grantee under this Agreement by amending the program description, program budget, and special conditions contained in Exhibit A. The Grantee further agrees that any such increases shall be governed by the terms of this Agreement and such other statutory, regulatory, or contractual requirements now or hereafter in effect for the receipt and expenditure the funds.

8. Monitoring. The Grantee agrees that the Board may, at the Board's discretion, audit the Grantee for compliance with the terms and conditions of this Agreement. The Grantee further agrees to provide any books, records, or other documentation in such form and at such place as the Board may request.

9. Records Retention Period. The Grantee shall retain all financial records, supporting documents, statistical records, and all other pertinent records for a period of four (4) years. The retention period shall commence from the date that the Grantee's final audit and report are approved by the Board.

10. Reporting Schedule. The Grantee shall prepare and submit reports and documents relating to and supportive of the activities described in Exhibit A as the Board may require.

11. All reports, correspondence, and documents required under this Agreement shall be submitted to:

Jenna Jackson
Economic Development Coordinator
Delaware County, Ohio
101 North Sandusky Street
Delaware, Ohio 43015
jmjackson@co.delaware.oh.us

12. Procurement. The Grantee shall ensure that all procurement transactions shall be conducted in a manner that comports with all competitive bidding laws applicable to the Grantee or, if no such laws apply to Grantee, provides for maximum open and free competition.

13. Reasonable Costs. The Grantee hereby agrees that payment for services, supplies or materials shall not exceed the amount ordinarily paid for such services, supplies or materials in the area where the services are rendered or the supplies or materials are furnished.

14. Cost Overruns. All cost overruns shall be the responsibility of the Grantee.

15. General Compliance. All aspects of the Grantee's plan for the use of funds authorized pursuant to the terms and conditions of this Agreement, including, but not limited to, all supporting documents, site plans, design plans and specifications, shall be subject to review and approval by Board staff to ensure compliance with Board, state and federal guidelines, standards and criteria and shall not be altered without prior written approval from the Board.

16. Records Review. The Grantee hereby agrees that all aspects of the activities described in Exhibit A and all documents relating to and supportive of said activities, including, but not limited to, specifications and reports of funds expended, shall be freely available to the Board or its authorized representatives for review by the Board to ensure conformity with the terms of this Agreement.

17. Contractors and Subcontractors. The Grantee, all contractors and subcontractors shall ensure that any construction implemented pursuant to the terms and conditions of this Agreement will be sufficient to effect decent, safe and sanitary conditions and meet all applicable local codes.

18. The Grantee, all contractors and subcontractors shall ensure that all precautions are exercised at all times for the protection of persons and property, and shall observe the safety provisions of all applicable laws and building and construction codes.

19. The Grantee, all contractors and subcontractors shall secure all necessary certificates and permits from municipal or other public authorities as may be required in connection with the performance of this Agreement.

20. The Grantee, all contractors and subcontractors shall maintain during the term of this Agreement public liability, property damage, and worker's compensation insurance insuring the interests of all parties to this Agreement against any and all claims which may arise out of the Grantee's or contractor's or subcontractor's operations under this Agreement.

21. Discrimination. The Grantee agrees that all activities assisted pursuant to the terms and conditions of this Agreement shall be open to all regardless of age, sex, race, religion, disability, color, national origin, or creed and that all contractors, subcontractors, and lending institutions involved shall assure equal opportunity in all areas of employment and borrowing. This section shall be implemented in a manner consistent with state and federal law.

22. Conflict of Interest. If any member of the Grantee's governing body or staff has an identity of interest with any of the persons or businesses providing supplies or services for which funds are being advanced under this Agreement, the Grantee shall make written disclosure of the nature and extent of the relationship to the Board prior to contracting with such persons and/or businesses. The Grantee further agrees not to enter into any contractual relation with any of the persons or entities listed above unless it has received written approval from the Board.

23. Liability. Delaware County and the Board, and their officers, agents, and employees shall not, in any manner, be liable for any loss or damage connected to or resulting from activities implemented under this Agreement; nor, or for any injury or damages to any person whether an employee of the Grantee or otherwise, or for damage to any materials, equipment, or other property that may be used or employed in connection herewith.

24. Hold Harmless.

a. All liability to third parties, loss or damage as a result of claims, demands, costs, or judgments arising out of activities, such as direct service delivery, to be carried out by the Grantee in the performance of this agreement shall be the responsibility of the Grantee, and not the responsibility of the Board, if the liability, loss, or damage is caused by, or arises out of, the actions or failure to act on the part of the Grantee, any subcontractor, anyone directly or indirectly employed by the Grantee, provided that nothing herein shall be construed as a waiver of any governmental immunity that has been provided to the Grantee or its employees by statute or court decisions.

b. If Grantee is a private entity, Grantee shall indemnify and hold free and harmless Delaware County and its officials and employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the proportionate extent caused by any negligent acts, errors or omissions of the Grantee, its employees, agents, contractors, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

c. If Grantee is an Ohio governmental entity, Grantee shall require that any contractor or subcontractor performing work subject to funding under this Agreement shall indemnify and hold free and harmless Delaware County and its officials and employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the proportionate extent caused by any negligent acts, errors or omissions of the contractor or subcontractor, or their employees, agents, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

25. Violations of Grant Agreement. The Board reserves the right to pursue all remedies available to it to cure any violation of this Agreement. In the event the Grantee violates any of the provisions of this Agreement, the Board shall notify the Grantee and give a 30-day period for the Grantee to correct the violation. In the event the violation is not corrected to the satisfaction of the Board, within the time prescribed herein, this Agreement may be terminated forthwith by the Board.

26. Suspension of Grant. If the Grantee has failed to comply with this Agreement, or in the event that funds are no longer available, on reasonable notice to the Grantee, the Board may suspend the grant and prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee, resumption of funding, or a decision to terminate in accordance with this Agreement. The Board shall reimburse the Grantee for all necessary and proper costs which the Grantee could not reasonably avoid during the period of suspension.

27. Termination for Cause. The Board may terminate this Agreement, in whole or in part, at any time before the date of completion, if the Board determines that the Grantee has failed to comply with the conditions of this Agreement or in the event that funds are no longer available. The Board shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date.

28. Termination for Convenience. The Board or the Grantee may terminate this Agreement in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Board shall pay from available Grant funds; the Grantee's share of the non-cancelable obligations, properly incurred by the Grantee prior to termination.

29. Remedies. The Grantee hereby agrees that the election of the Board to pursue any of the remedies set forth herein shall not be construed to preclude or be a waiver of the right to pursue any of the other remedies.

30. Severability. The parties hereby agree that the invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining portions thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

CITY OF DELAWARE, OHIO

Date: _____

By: _____

LIBERTY TOWNSHIP BOARD OF TRUSTEES

Date: _____

By: _____

BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, OHIO

Date: _____

By: _____
Commissioner Gary Merrell, President of the Board
Pursuant to Resolution No. 11-137 and
Resolution No. 18-_____

Approved as to Form:

Prosecuting Attorney
Delaware County, Ohio

AUDITOR'S CERTIFICATION

The Delaware County Auditor hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the County treasury or in the process of collection, free from any other encumbrances. The Delaware County Auditor also certifies that it has confirmed with the Ohio Auditor of State that neither the City of Delaware nor the Liberty Township Board of Trustees has unresolved findings for recovery issued against it by the State of Ohio.

Date: _____ 20_____

George Kaitsa
Auditor, Delaware County, Ohio



- LEGEND**
-  MUNICIPAL/TOWNSHIP BOUNDARY
 -  EXISTING TRAIL
 -  PROPOSED TRAIL
 -  RIGHT OF WAY

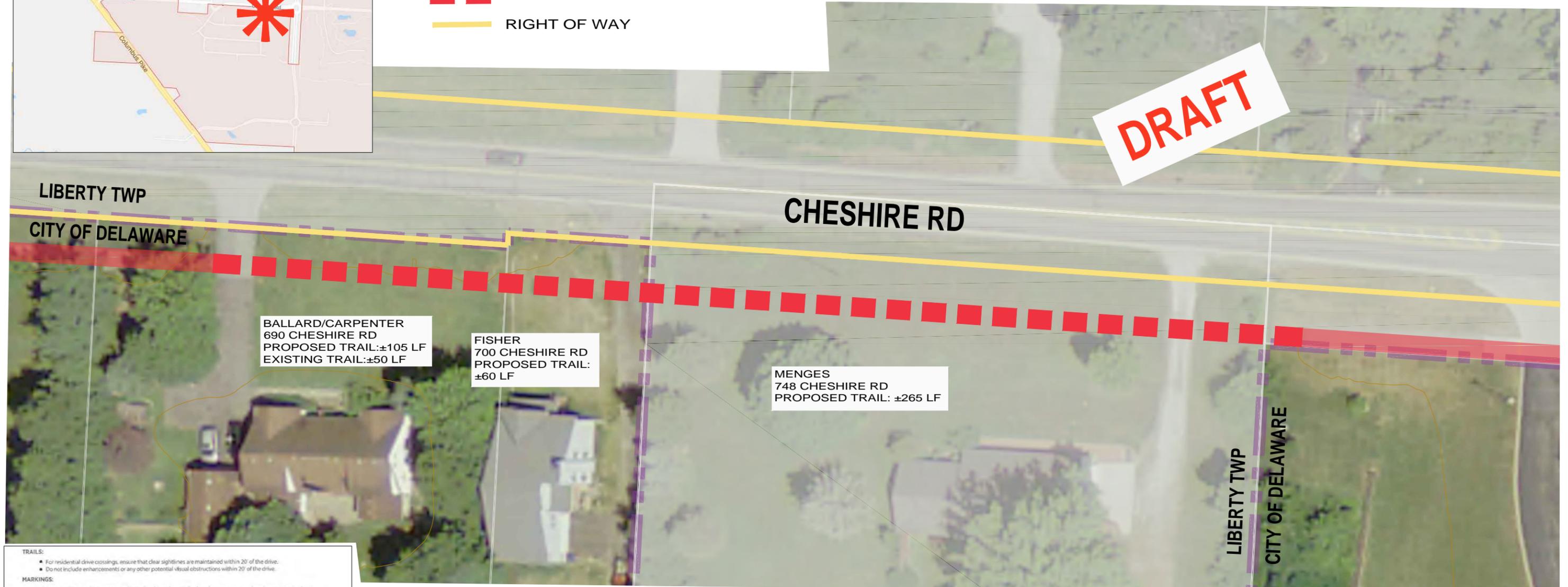
CHESHIRE ROAD TRAIL



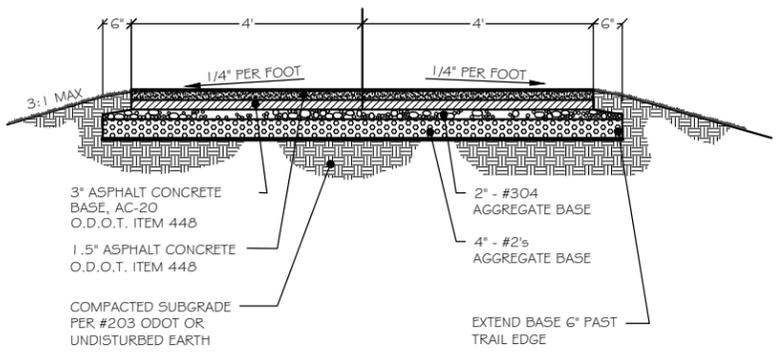
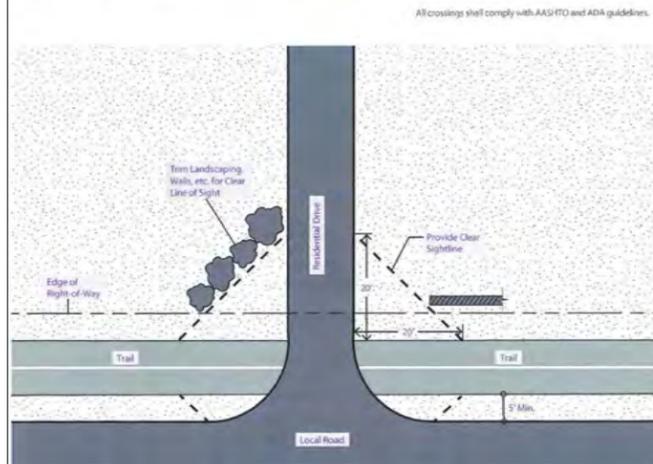
DATE: JUNE 28, 2018
SHEET SIZE: 11 x 17



DRAFT



- TRAILS:**
- For residential drive crossings, ensure that clear sightlines are maintained within 20' of the drive.
 - Do not include enhancements or any other potential visual obstructions within 20' of the drive.
- MARKINGS:**
- Warning signs and pavement markings should not be used unless there are extenuating circumstances where their use is mandated.



ASPHALT PATH SECTION
SCALE: NTS*

NOTE: AGGREGATE BASE MAY SUBSTITUTE 6" OF #304 BASE MATERIAL IF AREA REMAINS DRY

**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

9027845		NEW		HUY TRAN 820 SUNBURY RD 604 DELAWARE OH 43015
PERMIT NUMBER		TYPE		
ISSUE DATE				
01 28 2019				
FILING DATE				
D3				
PERMIT CLASSES				
21	022	B	C26415	
TAX DISTRICT			RECEIPT NO.	

FROM **02/12/2019**

PERMIT NUMBER		TYPE		RECEIVED FEB 13 2019
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED **02/12/2019**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **03/15/2019**

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 NEW 9027845**

(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-19-02		Investigating Officer Det. Sean Franks	
Applicant (Primary Shareholder) Huy D. Tran		Company Name: DBA: Perfect 10 Nails & Spa	
Common Name Perfect 10 Nails & Spa		Address 820 Sunbury Road Suite 604 Delaware, Ohio 43015	
Applicant Phone Number 614-973-1601		Applicant E-Mail Address: dannylynn168@gmail.com	
<input checked="" type="checkbox"/> Existing Business	Type of Business Nail salon	Notification Type:	Date of Report 02/19/2019
<input type="checkbox"/> New Business (Supplement Attached)			
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 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 checked="" type="checkbox"/> Other D3 spirituous liquor for on premises consumption only until 1:00 am.			

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: 0	Number of Police Reports in past 12 months: 0
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	
Applicant has an active warrant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Record located for Liquor Law Violation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Local Record on file <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criminal History Checked by Dept. of Commerce <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Problem History with DPD <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Contact made with Applicant <input checked="" type="checkbox"/> Yes <input 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)
--



**Delaware Police Department
Liquor Permit Report
Supplement**

Supplement Type

- New Business Description
- Police Department Objection
- Community Objection
- Other: Existing Business Plans

This liquor background investigation is in regard to a new Liquor Permit #9027845, to be held by Huy Duc Tran (aka: "Danny"). Tran intends on utilizing the D3 permit at Perfect 10 Nails & Spa, 820 Sunbury Road Suite 604 Delaware, Ohio. Perfect 10 is a professional nail salon that offers manicures and pedicures. Tran resides in Delaware County and lived in Westerville and Lewis Center previously. Neither the Delaware Police Department, Delaware County Sheriff's Office nor the Westerville Police Department has any history with Tran. The Delaware Police Department also has had no concerning history with the business, having only responded there once for a lost property report in the past few years. Perfect 10 Nails & Spa is an existing business that has been in existence for approximately 8 years. I was able to meet with Tran on 02/19/2019. Tran was an employee of the business when he was a student at Columbus State Community College, but seized an opportunity to buy the business from the previous owner approximately six years ago.

Perfect 10 Nails & Spa is the only business that Tran owns and is the first business that he has owned. Tran has never held a liquor permit previously. Perfect 10 Nails & Spa currently has 5 employees, but is currently expanding. The business acquired half of the suite to the west of it, and construction is underway to add additional manicure and pedicure stations. Tran will also be hiring four new employees to include a bartender.

Tran intends to offer wine and beer for customers while they are receiving their manicures and pedicures. The business will also offer light foods such as soups. Tran stated much of the local salon industry is moving in this direction and many customers would like to enjoy an alcoholic beverage while receiving services. Perfect 10 Nails & Spa gets considerable business for weddings and group events and Tran took on the expansion and applying for this permit to continue to draw and accommodate these customers.

Perfect 10 Nails & Spa is currently open Monday – Sunday, 10 am – 7 pm, Sunday 12 – 6 pm. There will be no changes to those hours. The business has a website, www.perfect10nailsnspa.com, which currently advertises them as hiring full time and part time nail technicians. The business has no social media footprint. I found the atmosphere of the business to be clean and professional. The new manicure and pedicure stations and a bar have already arrived, but set up has not yet been completed.

While conducting this investigation, I reviewed the permit requirements and suspected Tran may have applied for the wrong permit. I contacted Tran and informed him that the D3 permit will only allow him to sell spirituous liquors, not beer and wine. After consulting with the Ohio Division of Liquor Control, I informed Tran that if he still wished to offer beer and wine, he would need to acquire D1 and D2 permits. I emailed Tran information about the different types of permits and provided him contact information for the Ohio Division of Liquor Control.

At this time, I see no concerns for this liquor permit application.

Det. Dan Fuchs 2/19/19
Investigating Officer Signature Date

[Signature] _____
Supervisor Signature Date



FACT SHEET

AGENDA ITEM NO: 9

DATE: 02/25/2019

ORDINANCE NO:

RESOLUTION NO: 19-06

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION SUPPORTING THE APPROVAL OF THE DELAWARE, KNOX, MARION, MORROW (DKMM) SOLID WASTE MANAGEMENT DISTRICT PLAN UPDATE, DATED NOVEMBER 14, 2018.

BACKGROUND:

This plan, which is required by the Ohio Revised Code to be updated every 5 years, sets forth recommendations, benchmarks, and goals regarding how the Solid Waste District will manage solid waste/recycling. A link to the plan is here <https://www.dkmm.org/dkmm-plan> and an executive summary is included as well. District Director Jenna Hicks will be at the City Council meeting to give a short presentation and answer questions.

REASON WHY LEGISLATION IS NEEDED:

Required by the Ohio Revised Code.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

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

RECOMMENDATION:

This resolution is required to be adopted by March 11, 2019. Staff recommends approval at the second reading.

ATTACHMENT(S)

Executive Summary

RESOLUTION NO. 19-06

A RESOLUTION SUPPORTING THE APPROVAL OF THE DELAWARE, KNOX, MARION, MORROW (DKMM) SOLID WASTE MANAGEMENT DISTRICT PLAN UPDATE, DATED NOVEMBER 14, 2018.

WHEREAS, the City of Delaware is situated within the jurisdiction of the Delaware, Knox, Marion, Morrow (DKMM) Solid Waste Management District; and

WHEREAS, City Council approved an amended Plan in September, 2012; and

WHEREAS, the Delaware, Knox, Marion, Morrow (DKMM) Solid Waste Management District Policy Committee adopted the Delaware, Knox, Marion, Morrow Solid Waste Management District Plan Update on November 14, 2018;

WHEREAS, the City of Delaware has received a copy of the District Plan Update and has had an opportunity review it;

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

SECTION 1. that the Delaware, Knox, Marion, Morrow (DKMM) Solid Waste Management District Plan Update be ratified and approved; and

SECTION 2. that a copy of this resolution be mailed by the Clerk of Council to the Delaware, Knox, Marion, Morrow (DKMM) Solid Waste Management District Policy Committee at the District's offices in Marion, Ohio.

SECTION 3. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _____, 2019

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR



Delaware-Knox-Marion-Morrow Solid Waste Management District

Solid Waste Management Plan Summary

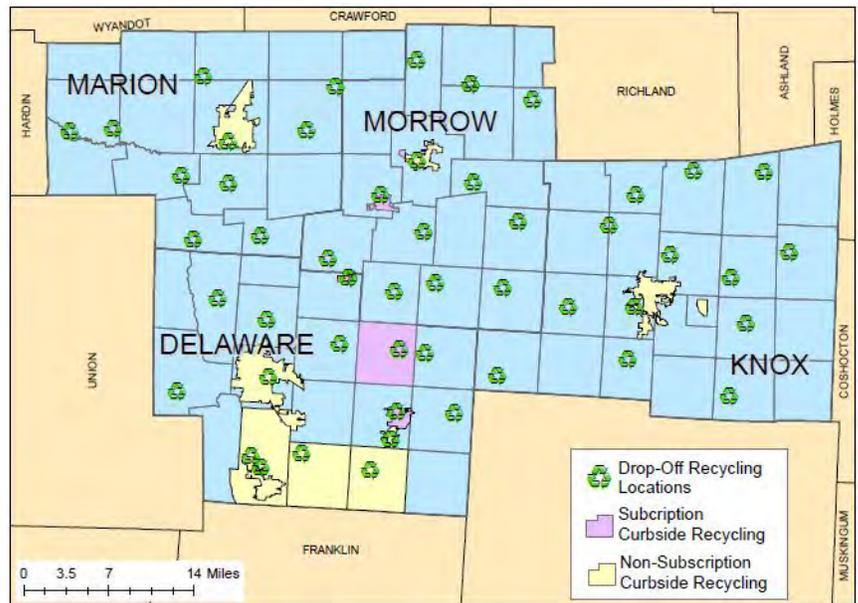
Introduction

The Delaware-Knox-Marion-Morrow Joint Solid Waste Management District (District) will submit its updated Solid Waste Management Plan to all cities, villages and townships in Delaware, Knox, Marion, and Morrow counties for approval. This approval process, also known as ratification, is the final step before the District seeks final approval from Ohio EPA to implement this new Plan.

The following executive summary of the solid waste plan has been created for the elected officials within the four counties to demonstrate how the District's solid waste plan benefits each community. The District offers a wide variety of programs and initiatives that offer real value to its counties and communities.

Recycling Programs

Within the District there are numerous recycling collection programs designed to divert as much solid waste from landfills as possible: The programs include:



- 20 Curbside Recycling Programs – **8,712 tons recycled**
- 55 Drop-off Recycling Programs – **3,483 tons recycled**
- 10 Yard Waste Management Program – **16,308 tons composted**
- Scrap Tire Recycling – **2,648 tons recycled**
- Commercial/Industrial Recycling – **153,837 tons recycled**
- Private Recyclers, Scrap Yards, and End-Use – **66,090 tons recycled**

Other Programs Offered

- Curbside Recycling Program
- Drop-Off Recycling Program
- Yard Waste Management Program
- Household Hazardous Waste (HHW) Management Program
- Scrap Tire Collection Program
- Lead Acid Battery Collection Program
- School Recycling Program
- Education and Awareness Program
- Commercial Technical Assistance
- Industrial Technical Assistance
- Waste Audit Manual
- Data Collection and Database of Recycling Processors
- Natural Disaster Management Program
- General Plan Implementation



Solid Waste Disposal Capacity

This demonstration is one of the fundamental requirements of the solid waste plan. The District conducted a regional capacity analysis that has demonstrated that there is enough disposal capacity for all of the solid waste generated by residents and businesses for the entire planning period.

Goals

The District meets or exceeds all of the State Solid Waste Management Plan goals as required by Ohio EPA. The District has demonstrated that over 90% of each county has access to recycling such as curbside and drop-off programs.

Residential/Commercial/Industrial Grant Programs

- Ohio EPA Market Development Grants
- Ohio EPA Community Development Grants
- Recycling Program Grants*
- Health Department Grants – Solid Waste Inspections & Monitoring

*Grants will be offered to curbside recycling communities to improve their performance and access to residents.



Financing the Plan

The District primarily funds Plan programs and current operations through contract fees, recycling revenue, reimbursements, and miscellaneous sources. As of December 12, 2018, a contract fee of \$6.00 per ton was charged to all solid waste facilities that were designated by the District to receive District solid waste. This contract fee has remained unchanged since September 30, 2008. Contract fees are anticipated to remain unchanged during the first five years of the plan. The contract fee has the potential to increase to \$7.00 per ton in 2026 then remain flat for the remainder of the planning period (2032). This fee increase will be discussed during the next plan update in five years.

Your Community's Responsibility



Each community in Delaware, Knox, Marion, & Morrow County will be asked to approve the solid waste plan in 2019. The process requires each community to:

- Review a copy of the plan
- Act on the plan within 90 days (**December 12, 2018 –March 11, 2019**) and
- Submit a copy of the resolution or legislation to the District.

Failure to act on the plan is considered by the State of Ohio to be a negative vote.

What if the Plan is Not Ratified?

If local ratification does not occur, the Director of Ohio EPA is required, by state statute, to prepare a plan for the District and order the District to implement the state's plan. This could negatively affect the District because local control of our plan would be relinquished to Ohio EPA.

The plan you will vote on was developed through a local planning process and contains the recommendations, programs and initiatives from the District's Policy Committee. These programs and initiatives will provide for a cost effective and environmentally safe solid waste system for the District and will expand recycling opportunities and increase recycling participation. The District urges communities to learn more about this plan in order to make an informed decision.

For more information, contact the District at (740) 393-4600 or visit online at www.dkmm.org

The link below is where you will find the entire solid waste plan and all appendices under "2019 - 2033 DKMM Draft Plan":

<https://www.dkmm.org/dkmm-plan>



FACT SHEET

AGENDA ITEM NO: 10

DATE: 02/25/2019

ORDINANCE NO: 19-02

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
February 25, 2019 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING CHAPTER 529 OF THE GENERAL OFFENSES CODE OF THE CITY OF DELAWARE.

BACKGROUND:

UPDATE 02/25/2019: Based on feedback provided by Council at the February 11 meeting, the attached draft provides an alternative approach for Council to consider. The second option (included in bold in the draft in this packet) would repeal Section 529.13 in its entirety. The logic behind the second option is the fact that the ordinance is an outdated regulation which has not been used for enforcement in many years. Based on the outcome of the public hearing and council discussion, staff will provide a final draft reflecting the desired approach for consideration at the third reading.

02/11/2019: The City's tenant in the former Gazette Building/City Hall Annex has indicated that it would like to provide alcohol in its space. The City Manager, having reviewed the tenant's proposal, does not object to the alcohol plan and is inclined to grant permission under the lease.

REASON WHY LEGISLATION IS NEEDED:

While there is no Delaware ordinance prohibiting alcohol in a municipal building, there are two code sections that prohibit the practice of providing alcohol proposed by the tenant. While these sections have been in place for

many years (possibly as far back as 1967), staff believes the sections are rarely, if ever enforced and have the impact of criminalizing legitimate activity. The proposed language would therefore clean up the code and remove an obstacle to the tenant's alcohol proposal.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Approval after second reading

ATTACHMENT(S)

None

ORDINANCE NO. 19-02

AN ORDINANCE AMENDING CHAPTER 529 OF THE
GENERAL OFFENSES CODE OF THE CITY OF
DELAWARE.

WHEREAS, the City of Delaware has both the duty and authority to enact ordinances to protect the health, safety, and welfare of those within its borders, including the regulation of the sale of alcohol.

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

SECTION 1. Section 529.05 of the General Offenses Code is hereby amended.

529.05 – Permit required.

(a) No person personally or by the person's clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, ~~furnish or~~ sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Municipality for delivery, use or sale, unless the person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Division of Liquor Control and in force at the time. (ORC 4303.25)

(b) Whoever violates this section is guilty of a minor misdemeanor.

SECTION 2. Section 529.13 of the General Offenses Code is hereby Amended

529.13—Storage of intoxicating liquor for consumption on premises.

(a) No person, club, organization, association or company shall:

(1) Keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of providing a storage area wherein members, their guests or other persons are allowed to keep and maintain, for the purpose of consumption therein, intoxicating liquor; **or**

(2) Occupy any place, structure, building or conveyance for the purpose of providing a storage area wherein members, guests or

other persons are allowed to keep and maintain, for the purpose of consumption therein, intoxicating liquor;

~~(3) Receive, or offer or agree to receive, any person into any place, structure, building or conveyance for the purpose of allowing such person to consume or store liquors therein, or permit any person to remain there for such purpose; or~~

~~(4) Reside in, enter or remain in any place, structure or building or enter or remain in any conveyance for the purpose of storing or consuming intoxicating liquor therein.~~

- (b) This section shall not apply to any premises being operated under the authority of a license issued by the Ohio Department of Liquor Control, nor shall it apply to a private home.
- (c) Nothing in this section shall be construed to affect the right to possess intoxicating liquor in a bona fide private residence or to serve the same to guests therein.
- (d) Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION 2 (ALTERNATE): Section 529.13 is hereby repealed in its entirety.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2019

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 11

DATE: 02/25/2019

ORDINANCE NO: 19-06

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 CARROLS CORPORATION APPROVING A FINAL DEVELOPMENT PLAN FOR BURGER KING ON APPROXIMATELY 1.14 ACRES ON PROPERTY ZONED B-3 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) AND LOCATED AT 1034 WEST CENTRAL AVENUE (US 37).

BACKGROUND:

See attached report

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.05 Final Development Plan requirements of the zoning code and the approved PUD Zoning text for the site.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 7-0 on February 6, 2019.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 19-06

AN ORDINANCE FOR CARROLS CORPORATION APPROVING A FINAL DEVELOPMENT PLAN FOR BURGER KING ON APPROXIMATELY 1.14 ACRES ON PROPERTY ZONED B-3 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) AND LOCATED AT 1034 WEST CENTRAL AVENUE (US 37).

WHEREAS, the Planning Commission at its meeting on February 6, 2019 recommended approval of a Final Development Plan for Carrols Corporation for Burger King on approximately 1.14 acres on property zoned B-3 PUD (General Business District with a Planned Unit Development Overlay District) and located at 1034 West Central Avenue (US 37) (PC Case 2019-0023).

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

SECTION 1. That the a Final Development Plan for Carrols Corporation for Burger King on approximately 1.14 acres on property zoned B-3 PUD (General Business District with a Planned Unit Development Overlay District) and located at 1034 West Central Avenue (US 37), is hereby confirmed, approved, and accepted with the following condition 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. The handicap access sidewalk to the site shall be from the private drive to the east which shall require a sidewalk to be extended from West Central Avenue north along the west side of the private drive and then extended west in line with the main entrance door of the east elevation of Burger King.
3. The limestone on the building shall be Delaware blue limestone or equivalent as approved by City Staff.
4. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
5. All roof top mechanical equipment shall be screened by a parapet wall or approved screening device.

6. The Applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval.
7. A continuous row of shrubs shall be planted adjacent to the southern parking spaces along West Central Avenue.
8. The applicant shall replace the removed qualifying trees inch per caliper inch and/or a payment in lieu of planting of \$100 per caliper inch (40 x \$100 = \$4,000) or a combination of both to achieve compliance with Chapter 1168 Tree Preservation Regulations.
9. The Shade Tree Commission shall approve all landscaping plans.
10. The applicant shall submit a temporary window signage plan for review and approval prior to building permit approval.
11. All signage shall achieve compliance with the approved development text and current zoning code.
12. The lighting plan shall be reviewed and approved by the City and all lighting must meet the requirements of the Planning & Zoning Code.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, 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: _____, 2019

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



CASE NUMBER: 2019-0023
REQUEST: Final Development Plan
PROJECT: Burger King
MEETING DATE: February 6, 2019

APPLICANT/OWNER

Carrols Corporation
968 James Street
Syracuse, New York 13203

REQUEST

2019-0023: A request by Carrols Corporation for approval of a Final Development Plan for a Burger King on approximately 1.14 acres on property zoned B-3 PUD (General Business District with a Planned Unit Development Overlay District) and located at 1034 West Central Avenue (US 37).

PROPERTY LOCATION & DESCRIPTION

The approximate 1.14 acre property is located on the north side of West Central Avenue just west of the private access drive to Ace Hardware and the First Commonwealth Bank in the recently approved Jackson Retail development. The subject site is zoned B-3 PUD (Community Business District with a Planned Unit Development Overlay). The properties to the north and east are zoned B-3 PUD while the properties to the south across West Central Avenue is zoned R-6 (Multi-Family Residential District). The single-family residentially zoned properties to the west are in Delaware Township.

BACKGROUND/PROPOSAL

Buehler's Food Market received a Rezoning Amendment and Final Development Plan approval by City Council in August 2013 to construct up to three buildings fronting West Central Avenue with associated site improvements. In 2014, City Council approved Panera Bread and in 2017 approved the Jackson Retail Development which includes the First Commonwealth Bank.

Now Burger King is proposing to develop an approximate 2,981 square foot building with a drive thru and a 40 space parking lot for the last out lot in this development. The existing house would be demolished in the proposal.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The subject site is located in the Delaware Run Subarea of the Comprehensive Plan with a land use designation of "Commercial." The proposed restaurant is consistent with land use plan and zoning for the site.
- **ZONING:** As previously mentioned, the zoning for the subject site is B-3 PUD. Under the current zoning, the proposed restaurant use with a drive thru is a permitted use. The drive thru would not require Conditional Use Permit approval because the approved PUD development text allows a drive thru as of right on this property.
- **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 would be accessed by a full movement curb cut on the Ace Hardware private access from West Central Avenue. Also, the applicant is widening at West Central Avenue (US 37) to allow for an east bound turn lane into the private drive per the City Engineer as required in the original approval of the Rezoning Amendment and Preliminary Development to Buehler's in 2013 (Ordinances 13-50 & 51 respectively). This is consistent with past actions approved for Jackson Retail, a commercial TIF District and the Buehler development amendments.
- **PEDESTRIAN CONNECTIVITY:** There is an existing sidewalk along West Central Avenue (US 37) that would have to be maintained. Also, handicap access to the site shall be from the private drive which requires a sidewalk to be extended from West Central Avenue north along the private drive and extended west in line with the main entrance door into the Burger King.

- **SITE CONFIGURATION:** The 1.14 acre site would yield an approximate 2,981 square foot Burger King with a double drive thru after the existing house and appurtenances are demolished. The aforementioned curb cut would access a 40 space parking lot (40 parking spaces are required by code) with a counter clockwise oriented double drive thru with an escape lane just north and west of the building. The parking on the west side of the building is angled (45 degree) parking with a one way drive aisle while the parking on the east side of the building is 90 degree parking with a typical two way drive aisle. The double drive thru would have a minimum 12 stacking spaces from the pick-up window which maximizes the on-site stacking spaces that achieves compliance with the zoning code. A dumpster enclosure that is constructed of brick to match the building with composite doors is located on the north side of the building. The retention basin located just north of the site sized for the entire development (Ace Hardware, Buehler's Retail Building, Jackson Retail Development and Panera Bread).
- **BUILDING DESIGN:** The one story approximate 24 foot high (at the maximum) restaurant with a flat roof would have its main entrance would on the east elevation facing the private drive and a secondary entrance on the south elevation facing West Central Avenue. The building would be comprised of face brick color old Irvington with Sandusky share limestone columns located at the entrances and drive thru windows. A custom clear-anodized metal canopy is located above the secondary entrance and windows on the south elevation facing West Central Avenue, The south, east and west elevations would have typical aluminum storefront windows. The rear (north) elevation would just have a service door painted to match the brick. All building appurtenances (coping, downspouts, etc.) should be painted to match the adjacent building color. A parapet roof would screen any mechanical equipment.
- **TREE REMOVAL & REPLACEMENT:** Per the submitted demolition plans, there are four qualifying trees (6 inches in caliper or larger) that would be removed that totals 40 caliper inches with this project. The removed qualifying trees would have to be replaced per caliper inch and/or a payment in lieu of \$100 per caliper inch (40 x \$100 = \$4,000) that would be required to achieved compliance with Chapter 1168 Tree Preservation Regulations.
- **LANDSCAPING & SCREENING:** The typical landscaping requirements would include street trees, front yard landscaping, parking lot and foundation landscaping. The landscaping along West Central Avenue shall match the landscaping to the east in front of Panera and Jackson Retail Development per the approved landscape plan (trees, shrubs and limestone columns – see attached plan per Ordinance 13-51). The street trees on the west side of the private drive where planted by Buehler's. The proposed landscape plan appears to achieve compliance with the minimum zoning code requirements except for a continuous row of shrubs would be required along the south (West Central Avenue) parking lot. The Shade Tree Commission would have to review and approve the landscaping plans.
- **SIGNS:** The applicant is requesting building and drive thru signage. The building signage would include an approximate 28.3 square foot radial illuminated logo box sign on the south, east and west elevations. Also, an approximate 27.6 square foot non-illuminated channel letter sign would be located on the east elevation above the main entrance door. This proposed 112.5 square feet of signage on three elevations is below the 150 square feet allowed by code.

The double drive thru would have a typical menu board and base and appurtenances that would be located north of the building. Also, staff recommends a temporary window signage plan be submitted and approved by staff identifying the location of future rotating temporary signs. No ground signage is proposed in this application. However, the entire development (former Buehler Food Market) is permitted two large ground signs to advertise the development per the approved Amended PUD Development Text, which could include tenant panels for this use. One of the signs is constructed at the intersection of West Central Avenue and Buehler Drive and the other sign was planned for the intersection of West Central Avenue and the private drive just east of the subject site.
- **LIGHTING:** The owner is proposing four 24 feet high light poles throughout the parking lot that would have cut off style light fixtures. Also there are two building wall mounted lights on the rear of the building. All lighting must meet the requirements of the Planning & Zoning Code.

STAFF RECOMMENDATION (2019-0023 FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Carrols Corporation for a Final Development Plan for a Burger King on approximately 1.14 acres on property zoned B-3 PUD (General Business District with a Planned Unit Development Overlay District) and located at 1034 West Central Avenue (US 37), 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. The handicap access sidewalk to the site shall be from the private drive to the east which shall require a sidewalk to be extended from West Central Avenue north along the west side of the private drive and then extended west in the line with the main entrance door of the east elevation of Burger King.
3. The limestone on the building shall be Delaware blue limestone or equivalent as approved by City Staff.
4. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
5. All roof top mechanical equipment shall be screened by a parapet wall or approved screening device.
6. The Applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval.
7. A continuous row of shrubs shall be planted adjacent to the southern parking spaces along West Central Avenue.
8. The applicant shall replace the removed qualifying trees per caliper inch and/or a payment in lieu of \$100 per caliper inch (40 x \$100 = \$4,000) or a combination of both to achieve compliance with Chapter 1168 Tree Preservation Regulations.
9. The Shade Tree Commission shall approve all landscaping plans.
10. The applicant shall submit a temporary window signage plan for review and approval prior to building permit approval.
11. All signage shall achieve compliance with the approved development text and current zoning code.
12. The lighting plan shall be reviewed and approved by the City and all lighting must meet the requirements of the Planning & Zoning Code.

COMMISSION NOTES:

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

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: 2/1/19
REVISED:



January 2, 2019

Burger King
Carrols Corporation
Combined Preliminary and Final Development Plan
1034 State Route 37
Delaware, OH

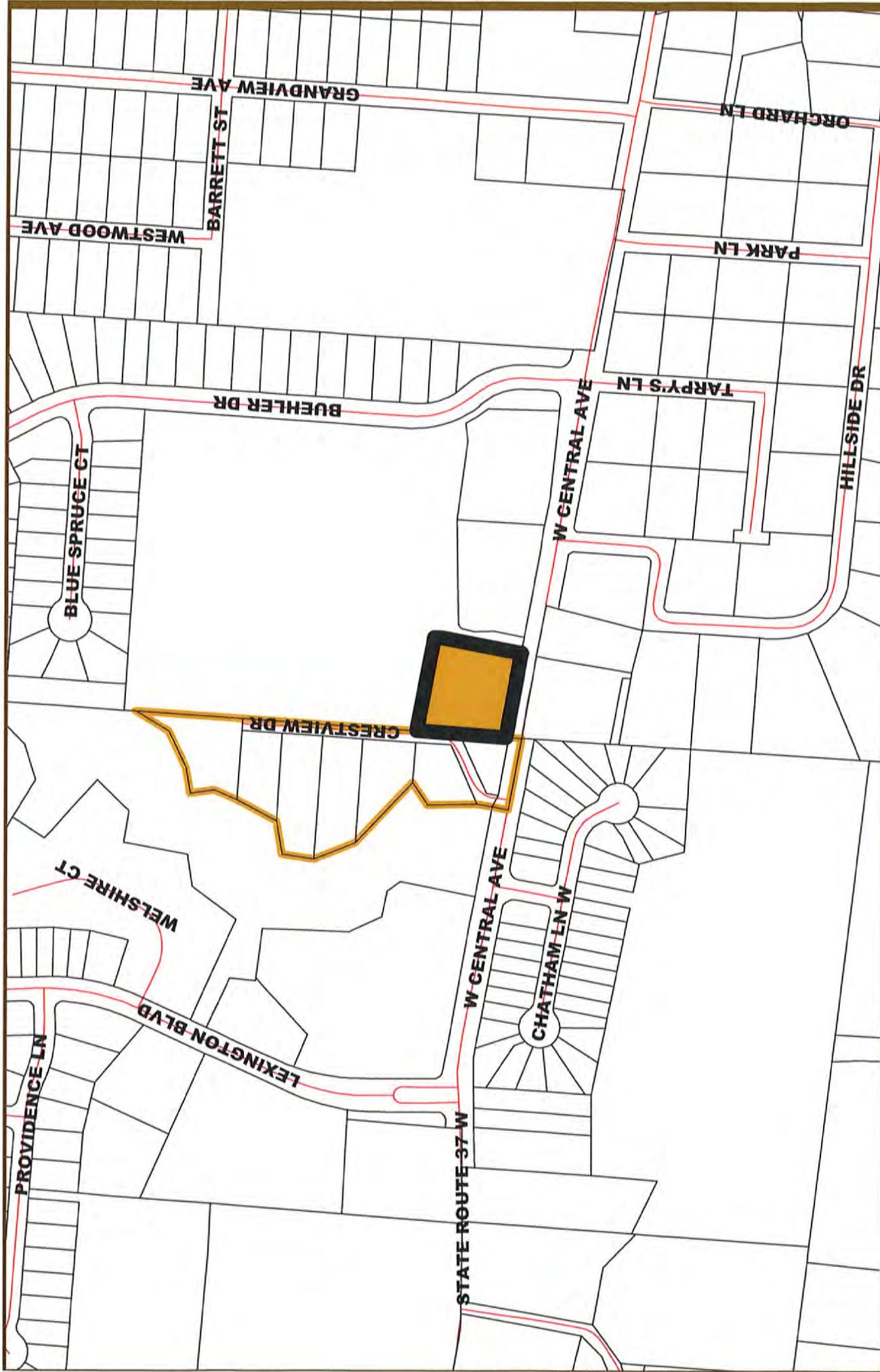
Carrols Corporation is planning to develop a new Burger King restaurant on Lot 11013 of the Resubdivision of Part of Lot 5152 of Buehler's Subdivision, also known as 1034 State Route 37. The site improvements include demolition of the existing residential structure, construction of the new restaurant and associated drives, parking, utilities, and landscape improvements. Additionally, this project includes the widening of State Route 37 to allow for an east-bound left turn lane into the Private Drive just east of the proposed Burger King.

The proposed Burger King will have a Double Drive Thru and allow for adequate zoning required stacking spaces. The site also includes parking above the minimum required by zoning code. Drainage improvements will include the installation of onsite storm which outlets to the regional basin just north of the site. Utility service extensions will be added and/or upgraded as necessary, and appropriate parking lot lighting will be installed. Zoning required lighting cutoffs will be maintained along the property line.

The proposed Finished Floor Elevation of the restaurant will be approximately equal to that of the existing residential building. The existing swale west of the Private Drive along the eastern edge of the property will be removed and water will be directed to the proposed storm system.

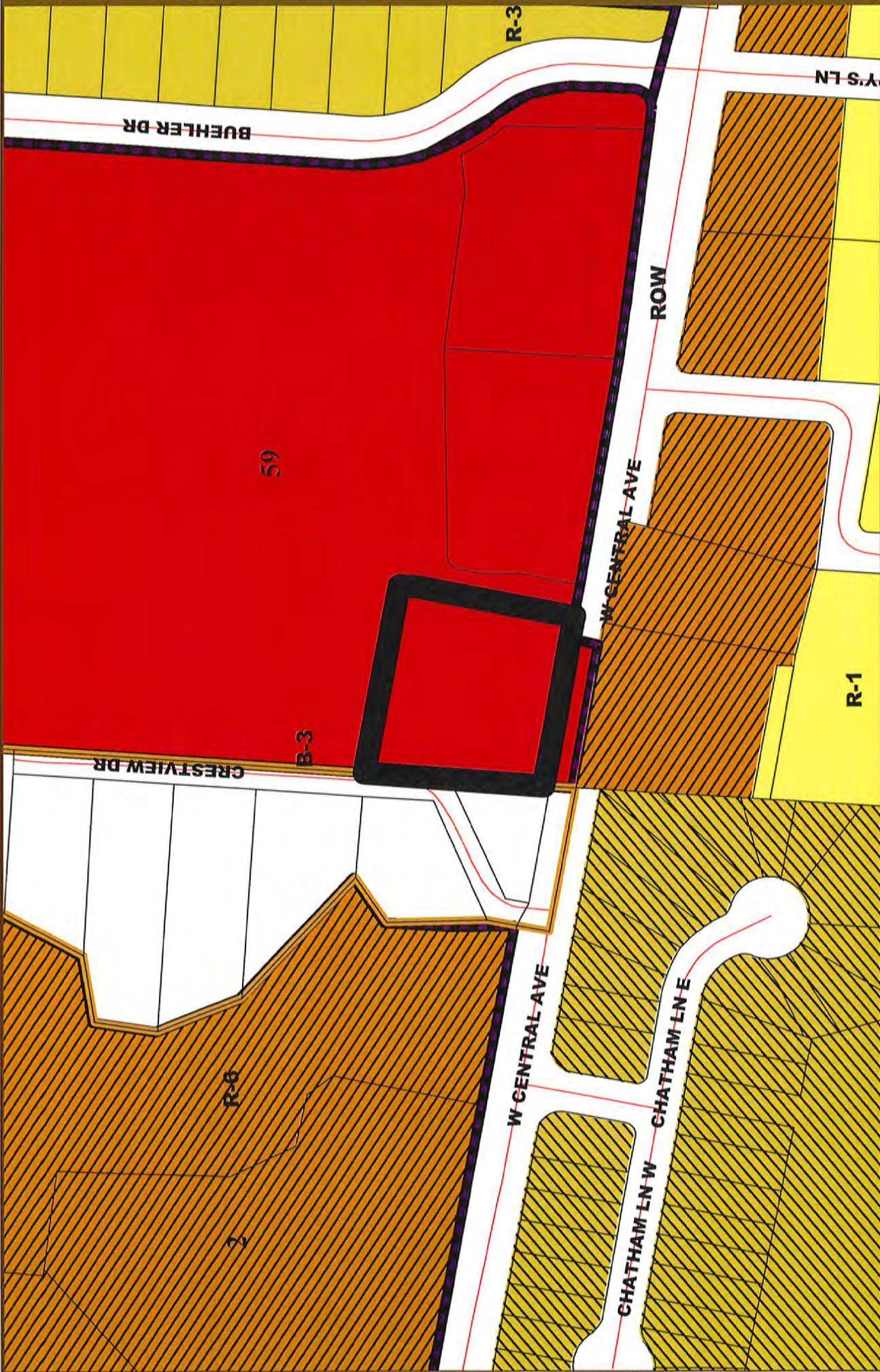
The landscape plan reflects required street trees and screening of headlights, as well as tree replacement required as noted on the Existing Conditions and Demolition Plan.

State Route 37 widening is proposed as required by the development of this final outlot of the Buehler's Subdivision. Road improvements include pavement planing and overlay of the existing surface of State Route 37 within the work limits in addition to double sided widening to allow for 11.5' wide through lanes and an 11' wide left turn lane.



2019-0023
 Final Development Plan
 Burger King - 1034 West Central Avenue (US 37)
 Location Map





2019-0023
 Final Development Plan
 Burger King - 1034 West Central Avenue (US 37)
 Zoning Map





2019-0023
Final Development Plan
Burger King - 1034 West Central Avenue (US 37)
Aerial (2016) Map





WINDOW DECAL
SCALE: 1/8" = 1'-0"

ISSUE
1/23/19
LAU & ASSOCIATES ARCHITECTS

BURGER KING
1034 W CENTRAL AVE
DELAWARE, OHIO 43015

CARROLS, LLC
SYRACUSE, NEW YORK

EXTERIOR ELEVATIONS

LAU & ASSOCIATES ARCHITECTS
4680 RIDGE LANE ROAD
SUFFERN, N.Y. 10280
(716) 837-0823

Office: 1020000
Drawn by: CAP
Checked by: RM
Project No.: 1805

Drawing No. **A-2.1**



1 MAIN ENTRANCE ELEVATION
SCALE: 1/8" = 1'-0"



3 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: ALL FINISHES AND MATERIALS AS PER GARDEN GRILL FINISH SCHEDULE; REFER TO DESIGNWITHBK.COM

ITEM #	QTY	DESCRIPTION	LOCATION	MANUFACTURER	FINISH	NOTES	DATE	REVISIONS
1010	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1015	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1020	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1025	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1030	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1035	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
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1065	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1070	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
1075	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE
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1200	1	EXTERIOR WALL PANEL	GENERAL	CONCRETE	CONCRETE	1/2" ON VERTICAL PANEL BENT	1/2" ON HORIZONTAL PANEL	SEE FINISH SCHEDULE

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LAUER-MANGIUSO & ASSOCIATES ARCHITECTS
 4800 RIDGE LEE ROAD
 BUFFALO, N.Y. 14228
 (716) 837-0833

Date: 12/20/2018
 Drawing No.: A-2.3
 Drawn By: CJP
 Checked By: PM
 Job Number: 1808

EXTERIOR FINISH SCHEDULE

CARROLLS, LLC
 SYRACUSE, NEW YORK

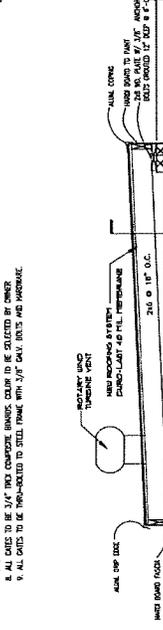
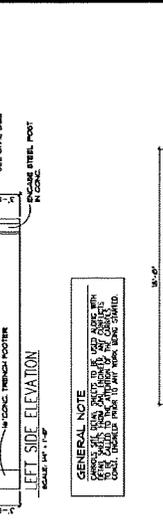
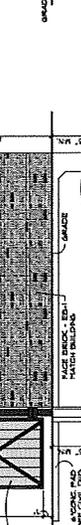
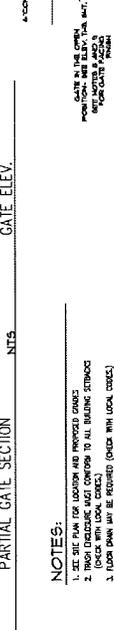
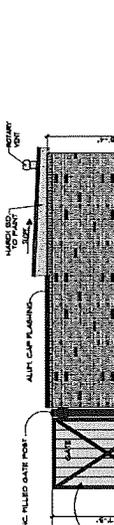
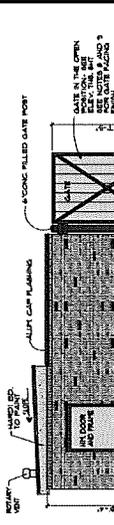
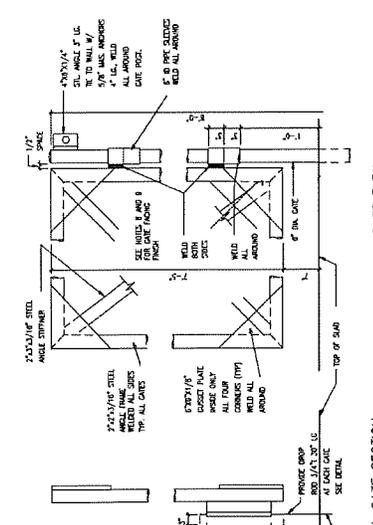
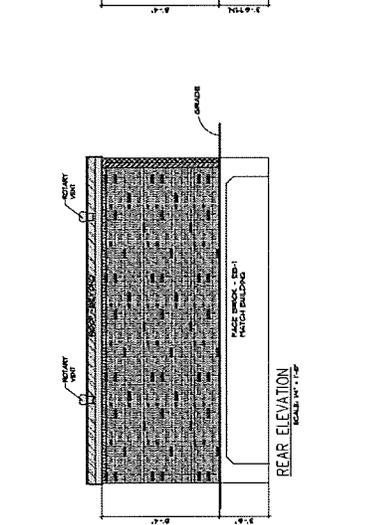
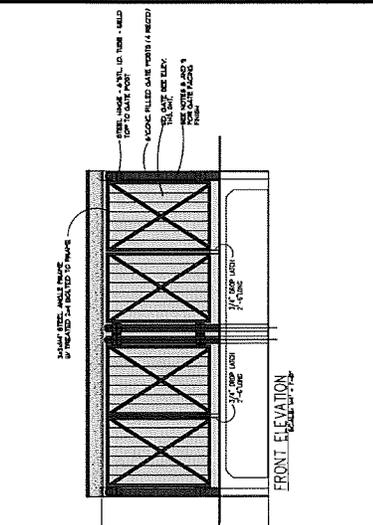
BURGER KING
 1034 W CENTRAL AVE
 DELAWARE, OHIO 43015

REVISIONS

No.	Description	Date
1	ISSUED FOR PLANNING REVIEW	12/21/18
2	ISSUED FOR PLANNING REVIEW	12/21/18

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<p>ISSUE 12/31/18 ACCOUNTED ARCHITECTURE</p>	<p>BURGER KING 1034 W CENTRAL AVE DELAWARE, OHIO 43015</p> <p>CARRIOLS, LLC SYRACUSE, NEW YORK</p> <p>TRASH ENCLOSURE DETAILS</p>	<p>LAUER-MANGUSO & ASSOCIATES ARCHITECTS 4000 RIDGES LANE ROSS BETHLEHEM, PA 18020 (717) 651-1833</p>	<p>Drawing No. A-12 Date: 12/31/18 Checked by: CAP Job Number: 1805</p>
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NOTES:

1. SET SILE PLAN FOR LOCATION AND PROPOSED CONCRETE
2. ALL CONCRETE SHALL BE CAST TO ALL BUILDING STRUCTURES (CHECK WITH LOCAL CODES)
3. FLOOR FINISH SHALL BE FINISHED (CHECK WITH LOCAL CODES)
4. CLAD TO CLAD ALL FROM BACK TO FRONT FOR FINISHES. IF FLOOR FINISH IS TO BE FINISHED, CLAD TO CLAD THE ENTIRE PERIMETER OF WALL.
5. CLAD TO EXPOSED ACCESS SO THAT IT IS EASY ACCESSIBLE FROM SHIP
6. FINISHES OF THE CONCRETE CONSTRUCTION ARE ALSO ACCEPTABLE.
7. ALL STEEL FINISHES TO BE FINISHED TO MATCH ACTUAL OR RELIABLE. SEE FINISH SCHEDULE.
8. ALL GATES TO BE 3/4\"/>

GENERAL NOTE:
GENERAL CONTRACTOR SHALL VERIFY ALL LOCAL CODES AND REGULATIONS TO BE OBSERVED. LOCAL REGULATIONS MAY VARY FROM STATE REGULATIONS.

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DUMPSTER ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"

Catalog # :	Project :
Prepared By :	Date :



Slice Medium - SLM Outdoor LED Area Light

The Slice's sleek design makes it perfectly-suited for Commercial & Industrial applications, while its cost-effective die-cast aluminum housing makes its acquisition cost very competitive. The Slice offers high performance silicone optics, die cast aluminum housing, 42,000+ lumens and is available with integral Airlink Synapse controls.

Features & Specifications

Optical System

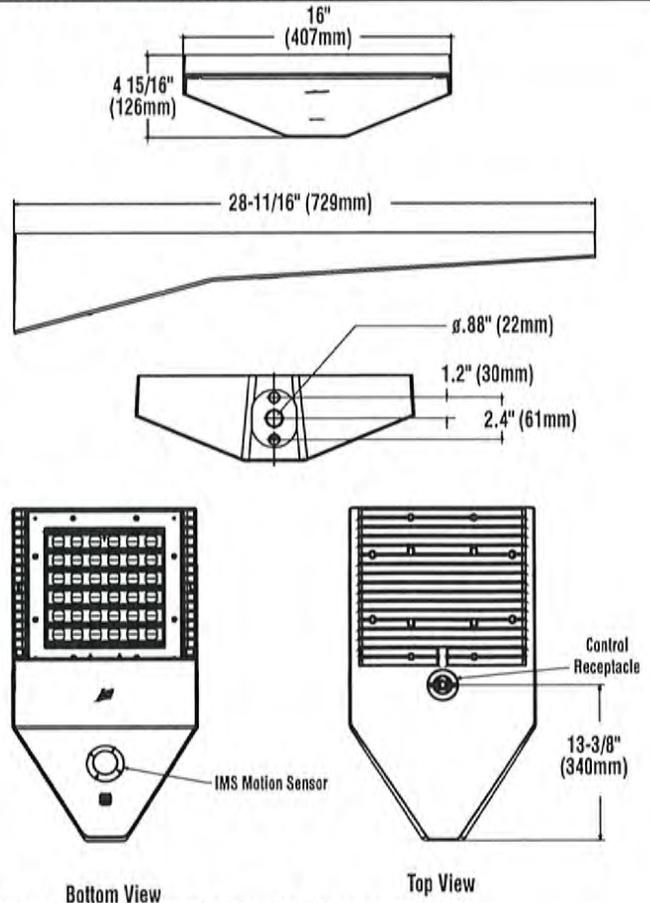
- State-of-the-Art one piece silicone optic sheet delivers industry leading optical control with an integrated gasket to provide IP66 rated sealed optical chamber in 1 component.
- Proprietary silicone refractor optics provide exceptional coverage and uniformity in IES Types 2, 3, 5W, FT and FTA.
- Silicone optical material does not yellow or crack with age and provides a typical light transmittance of 93%.
- Zero uplight.
- Available in 5000K, 4000K, 3000K, and 2700K color temperatures per ANSI C78.377. Also Available in Phosphor Converted Amber with Peak intensity at 610nm.
- Minimum CRI of 70. Optional 80 CRI available, consult factory for lead time.
- Integral Louver (IL) option available for improved back-light control without sacrificing street side performance. See page 5 for more details.

Electrical

- High-performance driver features over-voltage, under-voltage, short-circuit and over temperature protection.
- 0-10V dimming (10% - 100%) standard.
- Standard Universal Voltage (120-277 Vac) Input 50/60 Hz or optional High Voltage (347-480 Vac).
- L80 Calculated Life: >100k Hours (See Lumen Maintenance on Page 3)
- Total harmonic distortion: <20%
- Operating temperature: -40°C to +50°C (-40°F to +122°F). 42L lumen package rated to +40°C.
- Power factor: >.90
- Input power stays constant over life.
- Field replaceable surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).
- High-efficacy LEDs mounted to metal-core circuit board to maximize heat dissipation
- Terminal block provided accepts up to 10ga wire.
- Components are fully encased in potting material for moisture resistance. Driver complies with FCC standards. Driver and key electronic components can easily be accessed.



Product Dimensions





Slice Medium - SLM Outdoor LED Area Light

Features & Specifications (Cont.)

Construction

- Rugged die-cast aluminum housing contains factory prewired driver and optical unit. Cast aluminum wiring access door located underneath.
- Designed to mount to square poles.
- Luminaire is proudly manufactured in the U.S. of U.S. and imported parts.
- IP66 rated luminaire protects integral components from harsh environments.
- 3G rated for ANSI C136.31 high vibration applications
- Fixtures are finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling. Other standard LSI finishes available. Consult factory.
- Shipping weight: 30 lbs in carton.

Controls

Wireless Controls System

To make this fixture AirLink ready, simply order one of the following options:

- The integrated [Wireless Lighting Controller](#): ALSC or ALSCH (see ordering guide) as the controls option, or
- Integrated Wireless Controller option (above) with integrated motion sensor: ALSCS (ordering guide for mounting heights) or
- The 7-Pin Photoelectric Control Receptacle: CR7P as the controls option; and either the [5-Pin](#) or [7-Pin Twist Lock Controller](#): ALSC UNV TL5 or ALSC UNV TL7 as an accessory

To see how the components of AirLink system work together, reference the diagram in the controls section of this specsheet. For more information on our AirLink products, visit our website: www.lsi-airlink.com/airlink-synapse/

Stand-Alone Controls

- The integral passive infrared motion sensor (IMS) activates switching of luminaire light levels (see the controls section for more details).
- The 7-pin ANSI C136.41-2013 photocontrol receptacle option (CR7P) is available for twist lock photocontrols or wireless control modules.
- The Button Type Photocells (PCI) are capable of switching luminaires ON/OFF in response to the amount of available daylight.

Installation

- A single fastener secures the hinged door, underneath the housing and provides quick & easy access to the electrical compartment for installing/servicing.
- Included terminal block provides quick and easy on-site wiring.
- Utilizes LSI's traditional 3" drill pattern for easy fastening of LSI products. (See drawing on page 1)

Warranty

- LSI LED Fixtures carry a 5-year warranty.

Listings

- Listed to UL 1598 and UL 8750.
- RoHS Compliant.
- American Recovery and Reinvestment Act Funding Compliant.
- IDA compliant; with 3000K color temperature selection.
- Title 24 Compliant; see local ordinance for qualification information.
- Suitable For wet Locations.
- IP66 rated Luminaire. IP66 rated optical chamber.
- 3G rated for ANSI C136.31 high vibration applications

Performance

ELECTRICAL DATA (AMPS)*							
Lumens	Watts	120V	208V	240V	277V	347V	480V
9L	68.2	0.6A	0.3A	0.3A	0.2A	0.2A	0.1A
12L	93.1	0.8A	0.4A	0.4A	0.3A	0.3A	0.2A
18L	148.5	1.2A	0.7A	0.6A	0.5A	0.4A	0.3A
24L	188.8	1.6A	0.9A	0.8A	0.7A	0.5A	0.4A
30L	248.6	2.1A	1.2A	1.0A	0.9A	0.7A	0.5A
36L	317.8	2.6A	1.5A	1.3A	1.1A	0.9A	0.7A
42L	393.4	3.3A	1.9A	1.6A	1.4A	1.1A	0.8A

*Electrical data at 25C (77F). Actual wattage may differ by +/-10%

ELECTRICAL DATA - PHOSPHOR CONVERTED AMBER (AMPS)*							
Lumens	Watts	120V	208V	240V	277V	347V	480V
9L	74.3	0.6A	0.4A	0.3A	0.3A	0.2A	0.2A
12L	102.9	0.9A	0.5A	0.4A	0.4A	0.3A	0.2A

*Electrical data at 25C (77F). Actual wattage may differ by +/-10%

RECOMMENDED LUMEN MAINTENANCE ¹ (24-42L)					
Ambient	Initial ²	25 hr ²	50 hr ²	75 hr ²	100 hr ²
0-40 C	100%	100%	97%	94%	92%

RECOMMENDED LUMEN MAINTENANCE ¹ (9-18L)					
Ambient	Initial ²	25 hr ²	50 hr ²	75 hr ²	100 hr ²
0-50 C	100%	96%	91%	87%	83%

- 1- Lumen maintenance values at 25C are calculated per TM-21 based on LM-80 data and in-situ testing.
- 2- In accordance with IESNA TM-21-11, Projected Values represent interpolated value based on time durations that are within six times the IESNA LM-80-08 total test duration for the device under testing.
- 3- In accordance with IESNA TM-21-11, Calculated Values represent time durations that exceed six times the IESNA LM-80-08 total test duration for the device under testing

DELIVERED LUMENS*					
Lumen Package	Distribution	Phosphor Converted Amber (Peak 610nm)			Wattage
		Delivered Lumens	Efficacy	BUG Rating	
9L	2	5958	80	B2-U0-G1	74
	2 IL	3735	50	B0-U0-G1	
	3	6196	83	B1-U0-G1	
	3 IL	4205	56	B0-U0-G1	
	5W	5528	74	B3-U0-G1	
	FT	5922	79	B1-U0-G2	
	FT IL	3712	50	B0-U0-G1	
	FTA	5997	80	B2-U0-G2	
	FTA IL	4254	57	B0-U0-G1	
12L	2	7559	73	B2-U0-G2	103
	2 IL	4738	46	B0-U0-G1	
	3	7860	76	B2-U0-G2	
	3 IL	5335	52	B0-U0-G1	
	5W	7013	68	B3-U0-G2	
	FT	7513	73	B2-U0-G2	
	FT IL	4709	46	B0-U0-G2	
	FTA	7608	74	B2-U0-G2	
	FTA IL	5397	52	B0-U0-G1	

*LED Chips are frequently updated therefore values are nominal

LUMINAIRE EPA CHART - SLM									
Tilt Degree		0°	30°	45°	Tilt Degree		0°	30°	45°
Single	0.5	2.1	2.6	T90°	1.2	2.9	3.6		
D180°	1.1	2.1	2.6	TN120°	1.3	4.4	5.4		
D90°	0.9	2.5	3.1	Q90°	1.2	2.9	3.6		

Specifications and dimensions subject to change without notice.



Slice Medium - SLM Outdoor LED Area Light

DELIVERED LUMENS*															
Lumen Package	Distribution	CRI	2700K CCT			3000K CCT			4000K CCT			5000K CCT			Wattage
			Delivered Lumens	Efficacy	BUG Rating										
9L	2	70	8349	122	B2-U0-G2	8576	125	B2-U0-G2	9396	137	B2-U0-G2	9784	143	B2-U0-G2	69
	2 IL	70	5185	76	B0-U0-G1	5326	78	B0-U0-G1	5835	85	B0-U0-G1	6076	89	B0-U0-G1	
	3	70	8571	125	B1-U0-G2	8804	129	B1-U0-G2	9646	141	B2-U0-G2	10044	147	B2-U0-G2	
	3 IL	70	6283	92	B0-U0-G2	6454	94	B0-U0-G2	7071	103	B0-U0-G2	7363	107	B0-U0-G2	
	5W	70	8158	119	B3-U0-G2	8380	122	B3-U0-G2	9181	134	B3-U0-G2	9560	140	B4-U0-G2	
	FT	70	8337	122	B2-U0-G2	8563	125	B2-U0-G2	9382	137	B2-U0-G2	9769	143	B2-U0-G2	
	FT IL	70	5393	79	B0-U0-G2	5540	81	B0-U0-G2	6069	89	B0-U0-G2	6320	92	B0-U0-G2	
	FTA	70	8459	123	B2-U0-G2	8689	127	B2-U0-G2	9520	139	B2-U0-G2	9913	145	B2-U0-G2	
FTA IL	70	6200	91	B1-U0-G1	6369	93	B1-U0-G1	6978	102	B1-U0-G1	7266	106	B1-U0-G1		
12L	2	70	11157	119	B2-U0-G2	11461	122	B2-U0-G2	12556	134	B3-U0-G2	13075	139	B3-U0-G2	94
	2 IL	70	6929	74	B1-U0-G1	7117	76	B1-U0-G2	7798	83	B1-U0-G2	8119	86	B1-U0-G2	
	3	70	11454	122	B2-U0-G2	11766	125	B2-U0-G2	12890	137	B2-U0-G2	13423	143	B2-U0-G2	
	3 IL	70	8396	89	B0-U0-G2	8625	92	B0-U0-G2	9449	101	B0-U0-G2	9839	105	B0-U0-G2	
	5W	70	10902	116	B4-U0-G2	11199	119	B4-U0-G2	12269	131	B4-U0-G2	12775	136	B4-U0-G2	
	FT	70	11141	119	B2-U0-G2	11444	122	B2-U0-G2	12538	133	B2-U0-G3	13055	139	B2-U0-G3	
	FT IL	70	7207	77	B0-U0-G2	7403	79	B0-U0-G2	8110	86	B0-U0-G2	8445	90	B0-U0-G2	
	FTA	70	11304	120	B2-U0-G2	11612	124	B2-U0-G2	12722	135	B2-U0-G2	13247	141	B2-U0-G2	
FTA IL	70	8286	88	B1-U0-G1	8511	91	B1-U0-G1	9325	99	B1-U0-G1	9710	103	B1-U0-G1		
18L	2	70	16714	112	B3-U0-G3	17168	115	B3-U0-G3	18809	126	B3-U0-G3	19586	131	B3-U0-G3	150
	2 IL	70	10379	69	B1-U0-G2	10662	71	B1-U0-G2	11681	78	B1-U0-G2	12163	81	B1-U0-G2	
	3	70	17158	115	B2-U0-G3	17625	118	B2-U0-G3	19310	129	B3-U0-G3	20107	134	B3-U0-G3	
	3 IL	70	12578	84	B1-U0-G3	12920	86	B1-U0-G3	14155	95	B1-U0-G3	14739	99	B1-U0-G3	
	5W	70	16331	109	B4-U0-G2	16776	112	B4-U0-G2	18379	123	B4-U0-G2	19138	128	B5-U0-G3	
	FT	70	16689	112	B3-U0-G3	17143	115	B3-U0-G3	18781	126	B3-U0-G4	19557	131	B3-U0-G4	
	FT IL	70	10795	72	B1-U0-G2	11089	74	B1-U0-G2	12149	81	B1-U0-G3	12651	85	B1-U0-G3	
	FTA	70	16934	113	B3-U0-G3	17395	116	B3-U0-G3	19058	127	B3-U0-G3	19844	133	B3-U0-G3	
FTA IL	70	12412	83	B1-U0-G1	12750	85	B1-U0-G2	13969	93	B1-U0-G2	14546	97	B1-U0-G2		
24L	2	70	20880	112	B3-U0-G3	22701	121	B4-U0-G3	24276	130	B4-U0-G3	24784	133	B4-U0-G3	187
	2 IL	70	13100	70	B1-U0-G2	14243	76	B1-U0-G2	15231	81	B1-U0-G2	15550	83	B1-U0-G2	
	3	70	21739	116	B3-U0-G3	23636	126	B3-U0-G4	25275	135	B3-U0-G4	25804	138	B3-U0-G4	
	3 IL	70	15828	85	B1-U0-G3	17209	92	B1-U0-G3	18403	98	B1-U0-G4	18788	100	B1-U0-G4	
	5W	70	20632	110	B5-U0-G3	22432	120	B5-U0-G3	23988	128	B5-U0-G3	24480	131	B5-U0-G3	
	FT	70	21611	116	B3-U0-G4	23496	126	B3-U0-G4	25126	134	B3-U0-G4	25652	137	B3-U0-G4	
	FT IL	70	13692	73	B1-U0-G3	14886	80	B1-U0-G3	15919	85	B1-U0-G3	16252	87	B1-U0-G3	
	FTA	70	21496	115	B3-U0-G3	23371	125	B3-U0-G3	24992	134	B3-U0-G3	25515	136	B3-U0-G3	
FTA IL	70	15226	81	B1-U0-G2	16555	89	B1-U0-G2	17703	95	B2-U0-G2	18073	97	B2-U0-G2		
30L	2	70	26581	108	B4-U0-G3	28900	117	B4-U0-G3	30905	125	B4-U0-G3	31551	128	B4-U0-G3	247
	2 IL	70	16677	68	B1-U0-G2	18132	73	B1-U0-G2	19390	79	B1-U0-G2	19796	80	B1-U0-G2	
	3	70	27675	112	B3-U0-G4	30089	122	B3-U0-G4	32176	130	B3-U0-G4	32850	133	B3-U0-G4	
	3 IL	70	20150	82	B1-U0-G4	21908	89	B1-U0-G4	23428	95	B1-U0-G4	23918	97	B1-U0-G4	
	5W	70	26266	106	B5-U0-G3	28557	116	B5-U0-G3	30538	124	B5-U0-G4	31177	126	B5-U0-G4	
	FT	70	27512	111	B3-U0-G4	29912	121	B3-U0-G4	31987	130	B3-U0-G4	32656	132	B3-U0-G5	
	FT IL	70	17430	71	B1-U0-G3	18951	77	B1-U0-G4	20265	82	B1-U0-G4	20680	84	B1-U0-G4	
	FTA	70	27365	111	B3-U0-G3	29752	120	B4-U0-G3	31816	129	B4-U0-G3	32482	132	B4-U0-G3	
FTA IL	70	19384	78	B2-U0-G2	21075	85	B2-U0-G2	22537	91	B2-U0-G2	23008	93	B2-U0-G2		
36L	2	70	32214	102	B4-U0-G3	35025	111	B4-U0-G3	37454	118	B4-U0-G3	38238	121	B4-U0-G4	317
	2 IL	70	20212	64	B1-U0-G2	21975	69	B1-U0-G3	23499	74	B2-U0-G3	23991	76	B2-U0-G3	
	3	70	33540	106	B3-U0-G4	36466	115	B3-U0-G5	38996	123	B3-U0-G5	39912	126	B3-U0-G5	
	3 IL	70	24421	77	B1-U0-G4	26551	84	B1-U0-G4	28393	90	B1-U0-G4	28987	92	B1-U0-G5	
	5W	70	31832	101	B5-U0-G4	34609	109	B5-U0-G4	37010	117	B5-U0-G4	37785	119	B5-U0-G4	
	FT	70	33342	105	B3-U0-G5	36251	114	B3-U0-G5	38766	122	B4-U0-G5	39577	125	B4-U0-G5	
	FT IL	70	21125	67	B1-U0-G4	22968	73	B1-U0-G4	24561	78	B1-U0-G4	25075	79	B1-U0-G4	
	FTA	70	33164	105	B4-U0-G3	36058	114	B4-U0-G4	38559	122	B4-U0-G4	39366	124	B4-U0-G3	
FTA IL	70	23492	74	B2-U0-G2	25541	81	B2-U0-G2	27313	86	B2-U0-G2	27885	88	B2-U0-G2		
42L	2	70	36785	94	B4-U0-G3	39994	103	B5-U0-G4	42768	110	B5-U0-G4	43663	112	B5-U0-G4	390
	2 IL	70	23079	59	B1-U0-G3	25093	64	B2-U0-G3	26833	69	B2-U0-G3	27395	70	B2-U0-G3	
	3	70	38299	98	B3-U0-G5	41640	107	B4-U0-G5	44528	114	B4-U0-G5	45480	117	B4-U0-G5	
	3 IL	70	27886	72	B1-U0-G4	30319	78	B1-U0-G5	32422	83	B1-U0-G5	33100	85	B1-U0-G5	
	5W	70	36349	93	B5-U0-G4	39520	101	B5-U0-G4	42261	108	B5-U0-G4	43145	111	B5-U0-G4	
	FT	70	38073	98	B4-U0-G5	41395	106	B4-U0-G5	44266	114	B4-U0-G5	45192	116	B4-U0-G5	
	FT IL	70	24122	62	B1-U0-G4	26226	67	B1-U0-G4	28045	72	B1-U0-G4	28632	73	B1-U0-G4	
	FTA	70	37870	97	B4-U0-G4	41174	106	B4-U0-G4	44030	113	B4-U0-G4	44951	115	B4-U0-G4	
FTA IL	70	26825	69	B2-U0-G2	29165	75	B2-U0-G2	31188	80	B2-U0-G2	31841	82	B2-U0-G2		

*LED Chips are frequently updated therefore values are nominal

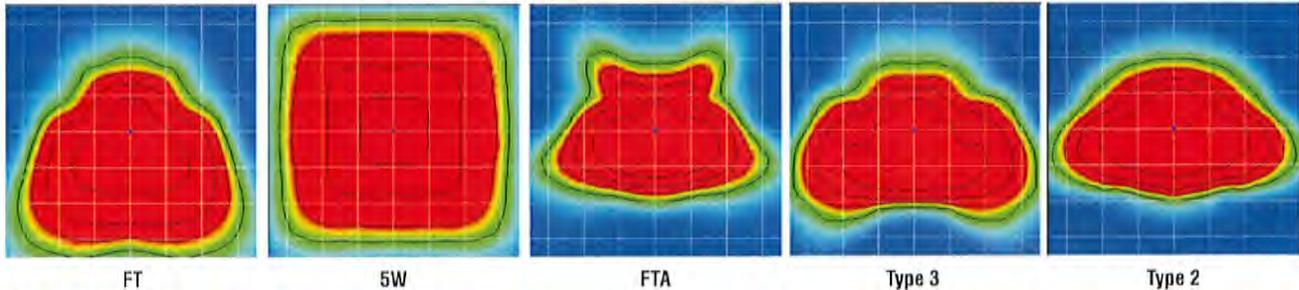
Specifications and dimensions subject to change without notice.



Slice Medium - SLM Outdoor LED Area Light

Performance (Cont.)

All published luminaire photometric testing performed to IESNA LM-79 standards. ISO footcandle plots below demonstrate the Slice (SLM) light patterns only. Not for total fixture output. For complete specifications and IES files, see website.



Ordering Guide

TYPICAL ORDER EXAMPLE: **SLM LED 36L SIL FTA UNV DIM 50 70CRI ALSCS04 BRZ IL**

Luminaire Prefix	Light Source	Lumen Package*	Light Output	Distribution	Orientation ¹	Voltage	Driver
SLM Slice Medium	LED	9L - 9,000 lms 12L - 12,000 lms 18L - 18,000 lms 24L - 24,000 lms 30L - 30,000 lms 36L - 36,000 lms 42L - 42,000 lms *Consult factory for programmable wattages and lumen packages	SIL - Silicone	2 - Type 2 3 - Type 3 5W - Type 5 Wide FT - Forward Throw FTA - Forward Throw Automotive	(Blank) - standard L - Optics rotated left 90 R - Optics rotated right 90	UNV - Universal Voltage (120-277V) HV - High Voltage (347-480V)	DIM - 0-10V Dimming (0-10%)

Color Temp	Color Rendering	Controls (Choose One)	Finish	Options
50 - 5,000 CCT 40 - 4,000 CCT 30 - 3,000 CCT ² 27 - 2,700 CCT ² AMB - Phosphor Converted Amber ^{2,3}	70CRI - 70 CRI 80CRI - 80 CRI ²	<p>(Blank) - None</p> <p><u>Wireless Controls System</u></p> <p>ALSC - AirLink Synapse Control System⁴</p> <p>ALSCH - AirLink Synapse Control System Host / Satellite^{4,5}</p> <p>ALSCS01 - AirLink Synapse Control System with 8-12' Motion Sensor⁴</p> <p>ALSCHS01 - AirLink Synapse Control System Host / Satellite with 8-12' Motion Sensor^{4,5}</p> <p>ALSCS02 - AirLink Synapse Control System with 12-20' Motion Sensor⁴</p> <p>ALSCHS02 - AirLink Synapse Control System Host / Satellite with 12-20' Motion Sensor^{4,5}</p> <p>ALSCS04 - AirLink Synapse Control System with 20-40' Motion Sensor⁴</p> <p>ALSCHS04 - AirLink Synapse Control System Host / Satellite with 20-40' Motion Sensor^{4,5}</p> <p><u>Stand-Alone Controls</u></p> <p>EXT - 0-10v Dimming (from external signal)</p> <p>IMS0M1 - Integral Motion Sensor 8-12' 120-277V^{4,6}</p> <p>IMS0M2 - Integral Motion Sensor 12-20' 120-277V^{4,6}</p> <p>IMS0M4 - Integral Motion Sensor 20-40' 120-277V^{4,6}</p> <p>IMS0M1HV - Integral Motion Sensor 8-12' 347-480V⁶</p> <p>IMS0M2HV - Integral Motion Sensor 12-20' 347-480V⁶</p> <p>IMS0M4HV - Integral Motion Sensor 20-40' 347-480V⁶</p> <p>CR7P - 7 Pin Control Receptacle ANSI C136.41⁷</p> <p><u>Button Type Photocells</u></p> <p>PCI120 - 120V</p> <p>PCI208-277 - 208 - 277V</p> <p>PCI347 - 347V</p>	BRZ - Bronze BLK - Black GPT - Graphite MSV - Metallic Silver WHT - White PLP - Platinum Plus SVG - Satin Verde Green	(Blank) - None IL - Integral Louver HSS ¹



Slice Medium - SLM Outdoor LED Area Light

Accessory Ordering Information⁸

Description	Order Number	Description	Order Number
PC120 Photocell for use with CR7P option (120V) ⁹	122514	DFK208, 240 Double Fusing (208V, 240V)	DFK240
PC208-277 Photocell for use with CR7P option (208V, 240V, 277V) ⁹	122515	DFK480 Double Fusing (480V)	DFK480
PC347 Photocell for use with CR7P option (347V) ⁹	122516	DFK347 Double Fusing (347V)	DFK347
PC480 Photocell for use with CR7P option (480V) ⁹	1225180	X5RPP - Round Pole Adapter for 5" Poles ¹⁰	379969CLR
ALSC UNV TL5 - Airlink 5Pin Twist Lock Controller ¹	661409	IL - Integral Louver HSS	684812
ALSC UNV TL7 - Airlink 7Pin Twist Lock Controller ¹	661410	Universal Mounting Bracket (UMB) ¹⁰	684616CLR
PMOS24 - 24V Pole-Mount Occupancy Sensor (ALSC/NI Compatible) ¹⁰	663284CLR	Adjustable Slip Fitter (ASF) ¹⁰	688138CLR
IMS/PC Remote Configurator Tool	584929	Pole Quick Mount Bracket - Square Pole ¹⁰	687073CLR
X3RPP - Round Pole Adapter for 3" Round Tapered Poles ¹⁰	408273CLR	Pole Quick Mount Bracket - 4-5" Round Pole ¹⁰	689903CLR
X4RPP - Round Pole Adapter for 4" Poles ¹⁰	379967CLR	15° Tilt Pole Quick Mount Bracket - Square Pole ¹⁰	688003CLR
FK120 Single Fusing (120V)	FK120	15° Tilt Pole Quick Mount Bracket - 4-5" Round Pole ¹⁰	689905CLR
FK277 Single Fusing (277V)	FK277	BKS X80 WM * CLR Wall Mount Bracket ¹⁰	382132CLR

FOOTNOTES:

- 1 - Not available on "Type V" distribution.
- 2 - Consult Factory for availability.
- 3 - Only available in 9L and 12L Lumen Packages
- 4 - Not available in HV.
- 5 - Consult Factory for Site Layout
- 6 - IMS is field adjustable, via a hand held Remote Configurator Tool, which must be ordered separately. See Accessory Ordering Information.

7 - Control device must be ordered separately. 7 pin standard. See Accessory Ordering Information.

8 - Accessories are shipped separately and field installed.

9 - Factory installed CR7P option required. See Options.

10 - "CLR" denotes finish. See Finish options.

Accessories/Options

Integral Louver (IL)

Accessory Integral Louver available for improved back-light control without sacrificing street side performance. LSI's Integral Louver (IL) option delivers backlight control that significantly reduces light spill behind the pole for applications with pole locations close to adjacent properties. The integrated louvers' design maximizes forward-reflected light while - reducing glare, maintaining the optical distribution selected, and most importantly, eliminating light trespass. The Integral louver rotates with the optical distribution.

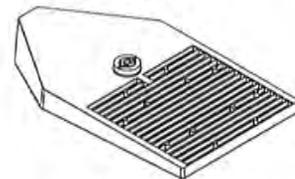
Luminaire Shown with Integral Louver (IL)



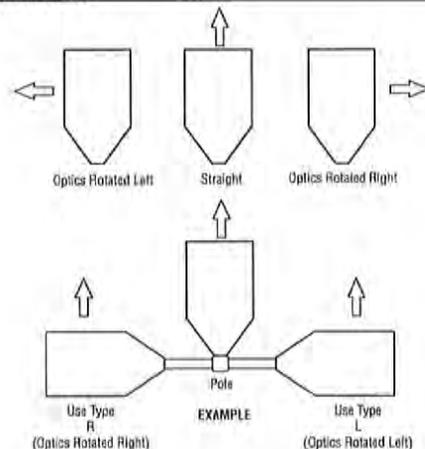
7 Pin Photoelectric Control

7-pin ANSI C136.41-2013 control receptacle option available for twist lock photocontrols or wireless control modules. Control accessories sold separately. Dimming leads from the receptacle will be connected to the driver dimming leads (Consult factory for alternate wiring).

Fixture Shown with CR7P



Optics Rotation





Slice Medium - SLM Outdoor LED Area Light

Stand-alone Controls: Occupancy Sensor (IMS)

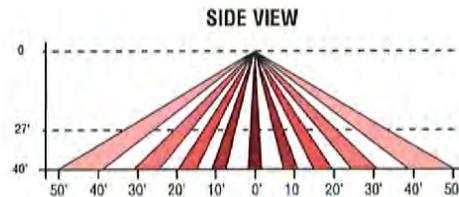
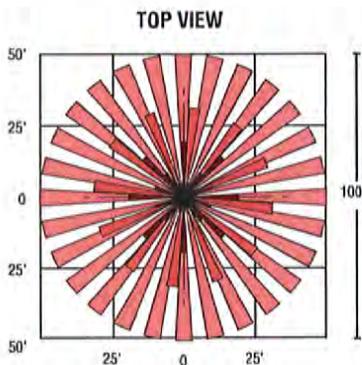
The integral passive infrared motion sensor activates switching of luminaire light levels. Standard Factory settings: High level light is activated and increased to full bright upon detection of motion. Lowlight level (10% maximum drive current) is activated when target zone is absent of motion activity for ~5 minutes. See coverage diagram for detection cone.

The Remote Configurator Tool allows for easy and safe programming of each luminaire from ground level. See the [Remote Configurator User Guide](#) for programming instructions.

When ordering the Stand-alone Occupancy Sensor on the fixture, you must include IMS (see ordering guide for mounting height options) as the controls option in the fixture nomenclature.

To order as a motion sensor with the AirLink Wireless Control System, see ordering guide under "Wireless Controls System" and select the ALSCS controls option with the desired mounting height.

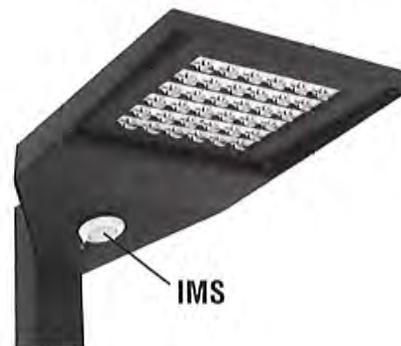
IMS Coverage Diagrams



Remote Configurator Tool



Luminaire Shown with IMS





Slice Medium - SLM Outdoor LED Area Light



The AirLink enabled by Synapse Wireless Lighting Control System is the perfect solution for commercial, industrial and municipal applications, such as: auto dealerships, parking lots, garages, shopping complexes and warehouses.

AirLink utilizes robust wireless communication via 2.4 GHz Self-Healing Mesh Network which not only increases reliability and accuracy of system, but also eliminates single point of failure.

The flexibility of the system make it perfect for new construction and retrofit projects. The user-friendly AirLink web application is accessible through any device with an internet connection and allows for complete customization of the system's features.

Some capabilities of the system include: occupancy/vacancy sensing, daylight harvesting, scheduling, high-end trim, dimming, zone control, BMS integration and energy monitoring.

The AirLink System

Wireless controls & sensors



Centralized control & integration



Site Manager Controller



Gateway Module



WiFi, Cellular or Ethernet Connection

Simple-to-use software



AirLink Site Manger: Lighting control web app

Contact LSI Controls



Sales
controls.sales@lsi-industries.com



Support
controls.support@lsi-industries.com
1 (800) 436-7800 (support, option 8)



More information
For more information on AirLink, visit our website at www.lsi-airlink.com



Slice Medium - SLM Outdoor LED Area Light

poles & Brackets



LSI offers a full line of poles and brackets to complete your lighting assembly. Our USA manufacturing facility has the same high quality standards for our poles and brackets as we do our lighting fixtures.



BAK UMB CLR

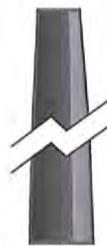
The 3G rated Universal Mounting Bracket (UMB) allows for seamless integration of LSI Luminaires onto existing or new construction poles. The UMB bracket was designed specifically for square or round (tapered/straight) poles with (2) mounting hole spaces between 3.5"-5".



Square Pole
14'-39'



Round Pole
10'-30'



Tapered Pole
20'-39'



BAK ASF CLR

The adjustable Slip Fitter is a 3G rated rugged die cast aluminum adapter to mount LSI luminaires onto a 2" (51mm) IP, 2.375" (60mm) O.D. tenon. The Adjustable Slip Fitter can be rotated 180° allowing for tilting LSI luminaires up to 45° and 90° when using a vertical tenon.



BKS PQMH CLR

The Pole Quick Mount Bracket allows for lightning fast installation of LSI luminaires onto existing and new construction poles with LSI's 3" or 5" standard bolt patterns.



BKS PQM15 CLR

The Pole Quick Mount Bracket allows for preset 15° uptilt of LSI luminaires for greater throw of light and increased vertical illumination as well as fast installation onto poles with LSI's 3" or 5" bolt pattern.

LED PATRIOT® WALL SCNCE (XPWS3)



US patent 7828456, 8002428 and CAN 2736757 & 2736757 and MX patent 29631 and ISRL 49679 and AUS 2008312668 and US & Int'l. patents pending

SMARTTEC™ -LSI drivers feature integral sensor which reduces drive current, when ambient temperatures exceed rated temperature

ENERGY SAVING CONTROL OPTIONS - DIM- 0-10 volt dimming enabled with controls by others.

OPTIONAL INTEGRAL MOTION SENSOR - Passive infrared motion sensor activates switching of luminaire light levels. High level light is activated when passersby enter target zone and increased to full bright in 1-2 seconds. Low light level (30% of maximum drive current) is activated when target zone is absent of motion activity for 5 minutes and is gradually ramped down (10 seconds) to low level. Sensor detection range 110° horizontal x 93° vertical x 10 meters maximum distance.

EXPECTED LIFE - Minimum 60,000 hours to 100,000 hours depending upon the ambient temperature of the installation location. See LSI web site for specific guidance.

LEDS - Available with 28 or 48 select high-brightness LEDs in Cool White (5000K) or Neutral White (4000K) color temperature, 70 CRI.

OPTICS/DISTRIBUTIONS - Ultra-high efficiency reflectors provide three distributions. Choose from Wide Throw (WT), Forward Throw (FT) or Wall Wash (WW).

HOUSING - One-piece die-cast aluminum housing is smoothly contoured rectangular shape. Mounting hardware is stainless steel or electro-zinc plated steel. Housing and optical unit are sealed with extruded silicone gasket; supply conductors with molded EPDM bushing.

OPTICAL UNIT - Clear tempered optical-grade flat glass lens sealed to the aluminum optic housing creates an IP65 rated unit. Pressure stabilizing breather allows super-tight protection while preventing cycling from building up internal pressures and vacuums that can stress optical unit seals.

WALL MOUNTING - Galvanized-steel universal wall mounting plate easily mounts directly to 4" octagonal or square junction box. EPDM gasket is supplied to be installed between mounting plate and junction box, sealing junction box from entrance of water. Universal plate permits fixture to be mounted in uplighting (indoor only) or downlighting position.

POLE MOUNTING - XPMA (for square) or XPMAR (for round) allows mounting to poles in single and D180 configurations. Use with 3" reduced drilling pattern.

ELECTRICAL - Two-stage surge protection (including separate surge protection built into electronic driver) meets IEEE C62.41.2-2002, Location Category C. Available with universal voltage power supply 120-277VAC (50/60Hz input) or 347-480VAC.

DRIVER - Available in 350mA and 450mA drive currents (Drive currents are factory programmed). Components are fully encased in potting material for IP65 moisture resistance. Driver complies with IEC and FCC standards. Driver can be easily accessed.

EMERGENCY OPTIONS - Optional integral emergency battery-back-up options are available. BB option operates in 0°C to 60°C ambient temperature and CWBB operates in -20°C to 60°C ambient temperature. When primary AC power failure occurs, both options operate 10 LEDs for minimum of 90 minutes.

OPERATING TEMPERATURE - -40°C to +50°C (-40°F to +122°F)

FINISH - Fixtures are finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling.

WARRANTY - LSI LED fixtures carry a limited 5-year warranty.

PHOTOMETRICS - Please visit our web site at www.lsi-industries.com for detailed photometric data.

SHIPPING WEIGHT (in carton) - 30 lbs./13.6Kg

LISTING - ETL listed to ANSI/UL1598, UL8750 and other U.S. and international safety standards. Suitable for wet locations in downlight position. Optional Class 1 Division 2 (groups A, B, C & D) hazardous location rating is available (Select HL option). For a list of the specific products in this series that are DLC listed, please consult the LED Lighting section of our website or the Design Lights website at www.designlights.org.

DOE LIGHTING FACTS

Department of Energy has verified representative product test data and results in accordance with its Lighting Facts Program. Visit www.lightingfacts.com for specific catalog strings.

		Distribution/Lumens (Nominal)				
		Type FT	Type WT	Type WW	Watts	
Cool White 450 mA	28	3100	3000	3200	34	
	48	5100	5100	5200	55	
	28	3700	3600	3800	44	
	48	6200	6100	6300	72	
Neutral White 350 mA	28	2900	2900	3100	34	
	48	4900	4800	4900	55	
	28	3500	3500	3700	44	
	48	5800	5700	5800	72	

LED Chips are frequently updated therefore values may increase.

Also available in traditional light sources

This product, or selected versions of this product, meet the standards listed below. Please consult factory for your specific requirements.



Project Name _____ Fixture Type _____

Catalog # _____

07/28/16

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LSI INDUSTRIES INC.

LED PATRIOT® WALL SCNCE (XPWS3)

LUMINAIRE ORDERING INFORMATION

TYPICAL ORDER EXAMPLE: **XPWS3 FT LED 48 450 CW UE WHT BB**

Prefix	Distribution	Light Source	# of LEDs	Drive Current	Color Temperature	Input Voltage	Finish	Optional Controls	Optional Sensor/Options
XPWS3 - LED Patriot Wall Sconce	WT - Wide Throw FT - Forward Throw WW - Wall Wash	LED	28 48	350 - 350mA 450 - 450mA	CW - Cool White (5000K) NW - Neutral White (4000K)	UE - Universal Voltage (120-277) 347-480	BLK - Black BRZ - Bronze GPT - Graphite MSV - Metallic Silver PLP - Platinum Plus SVG - Satin Verde Green WHT - White	Wireless Control System ^{1,2} (blank) - None PCM - Platinum Control System PCM/H - Host/Satellite Platinum Control System GCM - Gold Control System GCM/H - Host/Satellite Gold Control System DIM - 0-10 volt dimming (required for satellite fixtures) Stand-Alone Control (blank) - None DIM - 0-10 volt dimming ³ (from external signal)	Sensor IMS - Integral Motion Sensor ⁴ PCI120 - 120V Button-Type Photocell ⁵ PCI208 - 208V Button-Type Photocell ⁵ PCI240 - 240V Button-Type Photocell ⁵ PCI277 - 277V Button-Type Photocell ⁵ PCI347 - 347V Button-Type Photocell ⁵ Options BB - Battery Back-up ⁶ CWBB - Cold Weather Battery Back-up ⁶ EMR2 - Two Emergency 12V Circuit Provisions with (2) 35 Watt Halogen Lamps ⁷ HL - Class 1, Division 2 Hazardous Location Rating, ETL Listed to UL844 ⁸ XPGA - Pole Mounting Adaptor w/ Fixture Back Plate for Use with Square Poles ⁹ XPMAR4 - Pole Mounting Adaptor w/ Fixture Back Plate for Use with 4" O.D. Round Poles ⁹ XPMAR5 - Pole Mounting Adaptor w/ Fixture Back Plate for Use with 5" O.D. Round Poles ⁹

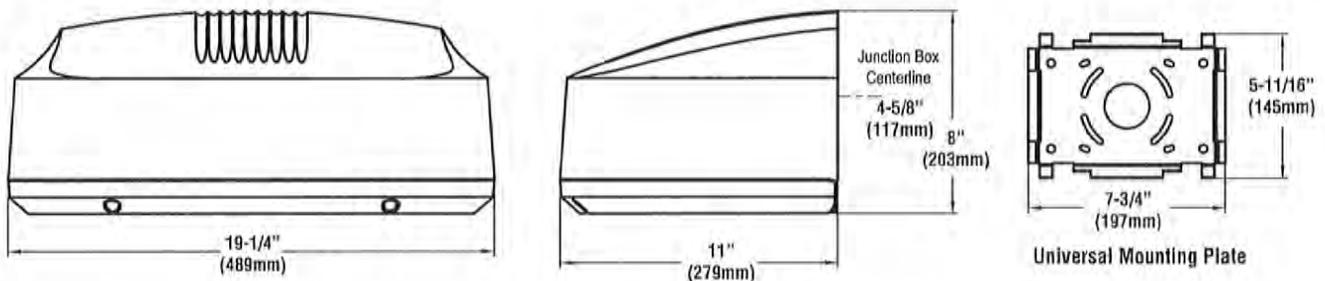
ACCESSORY ORDERING INFORMATION¹ (Accessories are field installed)

Description	Order Number	Description	Order Number
XPWS3 Polycarbonate Shield	244657	DFK208, 240 - Double Fusing	DFK208,240 ¹⁰
XPWS3 SW BLK - Surface Wiring Box (Available in black only)	356915BLK	DFK480 - Double Fusing	DFK480 ¹⁰
FK120 - Single Fusing	FK120 ¹⁰	FK347 - Single Fusing	FK347 ¹⁰
FK277 - Single Fusing	FK277 ¹⁰		

FOOTNOTES:

- For wireless controls information and accessories, see Controls section.
- Requires a SiteManager and override switch. Not compatible with battery back-up, IMS, EMR2 or HL Option.
- Not compatible with IMS option.
- Not compatible with wireless controls system or DIM.
- Not compatible with EMR2 or HL option.
- Available with UE voltage only. Not compatible with wireless controls system, EMR2 or HL option.
- Utilizes GZ4 sockets. 12 volt separate circuits required. Not available with wireless controls system, battery back-up, photocell, HL, XPGA or XPMAR option.
- Not available with wireless controls system, battery back-up, photocell or EMR2 option.
- Not available with EMR2 option. Designed for 3" reduced drilling pattern. For S or D180 mounting configuration only.
- Fusing to be installed in a compatible junction box supplied by contractor.

DIMENSIONS



Shown with IMS Option



Project Name _____ Fixture Type _____
Catalog # _____

07/28/16

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BUG LISTING

XPWS3 - Type FT

Drive Current	Color Temp.*	Lumens	Watts	LER	BUG Rating
350	CW	3055	34	90	B1-U0-G1
		5094	55	93	B1-U0-G1
	NW	2919	34	86	B1-U0-G1
		4863	55	88	B1-U0-G1
450	CW	3730	44	85	B1-U0-G1
		6159	72	86	B2-U0-G1
	NW	3529	44	80	B1-U0-G1
		5775	72	80	B1-U0-G1

XPWS3 - Type WT

Drive Current	Color Temp.*	Lumens	Watts	LER	BUG Rating
350	CW	2977	34	88	B1-U0-G1
		5095	55	93	B2-U0-G1
	NW	2873	34	86	B1-U0-G1
		4791	55	87	B1-U0-G1
450	CW	3636	44	83	B1-U0-G1
		6144	72	85	B2-U0-G1
	NW	3465	44	79	B1-U0-G1
		5678	72	79	B2-U0-G1

XPWS3 - Type WW

Drive Current	Color Temp.*	Lumens	Watts	LER	BUG Rating
350	CW	3161	34	93	B2-U0-G0
		5209	55	95	B2-U0-G0
	NW	3074	34	90	B1-U0-G0
		4881	55	89	B2-U0-G0
450	CW	3844	44	87	B2-U0-G0
		6315	72	88	B2-U0-G0
	NW	3708	44	84	B2-U0-G0
		5751	71	81	B2-U0-G0

* Color Temperature: NW-4000K, CW-5000K



Project Name _____ Fixture Type _____
 Catalog # _____

07/28/16
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 LSI INDUSTRIES INC.



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

Subdivision/Project Name Burger King Address 1034 State Route 37
 Acreage 1.14 Building Square Footage 2,981 Number of Lots 1 Number of Units _____
 Zoning District/Land Use B-3 Proposed Zoning/Land Use B-3 Parcel # 519-342-03-019-001

Applicant Name Carrols Corporation Contact Person Amanda Aldridge
 Applicant Address 968 James Street, Syracuse, NY 13203
 Phone 901-515-6865 Fax _____ E-mail aaldrige@carrols.com

Owner Name Buehler Food Markets Inc Contact Person _____
 Owner Address 1401 Old Mansfield Road, Wooster, OH 44691
 Phone _____ Fax _____ E-mail _____

Engineer Architect/Attorney The Mannik & Smith Group, Inc. Contact Person Steve Fox, Melissa Miller
 Address 1160 Dublin Road, Suite 100, Columbus, OH 43215
 Phone 614-441-4222 Fax _____ E-mail sfox@manniksmithgroup.com,
mamiller@manniksmithgroup.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.

Scott C. Buehler Owner Signature Scott C. Buehler Owner Printed Name

 Signature Agent Printed Name

Sworn to before me and subscribed to by me this 21 day of December, 2018
 My Commission Expires April 11, 2020



Trula J. Lycans
 Notary Public, State of Ohio
 My Commission Expires
April 11, 2020

Trula J. Lycans
 Notary Public



FACT SHEET

AGENDA ITEM NO: 12

DATE: 02/25/2019

ORDINANCE NO:

RESOLUTION NO: 19-08

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dave Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 100.648± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE GRDEN LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

BACKGROUND:

Staff has discussed this annexation over a period of more than a year with the applicant. The property is within the City's long established utility boundary in this area and thus would need to connect to city sanitary sewer and water services. There are important transportation connections needed as well. The landowner is now moving forward with the Ohio Revised Code dictated annexation process. This process involves several steps and actions by the County and City in order for an annexation to ultimately be accepted by the City. This is the first City step in the process that requires the City to express its ability and intention to provide services to the property. This does not mean that the City will be paying for or constructing any, ultimately, required services or infrastructure, but rather simply that we have the ability to serve it. City Council will have the opportunity during the next and final city step in the process to accept, accept with conditions, or reject the final annexation. The intention of the Applicant is to work with the city during the period between the resolution of services and the ORC dictated period of final annexation review to bring forward a zoning, preliminary plan and preliminary plat for the property. This

method will allow both the applicant and city to fully understand the parameters of the proposal and to review both (essentially) simultaneously.

The property (known as the Grden Property) is composed of several pre-existing lots of record totaling about 100 acres. It is primarily farmland and contains a pre-existing single-family house. The Applicant recently brought forward a concept review before Planning Commission for a residential, mixed-use subdivision containing a variety of single-family detached lots. Due to the mixture of lots, amenities, and infrastructure, Staff and the applicant have discussed a Planned Mixed Use Overlay Zoning as a result. Staff would anticipate bringing this forward with a future rezoning of the property as discussed with the applicant which should begin as the annexation process continues through the ORC required steps. The Comprehensive Plan Future Land Use map indicates this property for Low Density Single Family Development (2-3.25 dwelling units per acre) which is what the recent concept plan anticipated. There are other components of the Comprehensive Plan which would be fulfilled by inclusion of this property within the city and which could be consistent with the Cheshire Sub Area Component of the Plan.

At this time, there is no objection from Staff as to the Resolution of Services. Staff would anticipate conceptually recommending that any final annexation be conditioned upon the following:

1. The applicant shall include the property in the Delaware South New Community Authority.
2. A \$1,000 per dwelling unit additional transportation fee shall be required similar to other properties in the area to ensure needed transportation improvements in the area.
3. The property is within the South East Highland trunk sewer district requiring an additional sewer capacity charge of \$3,200 per dwelling unit in addition to the standard and customary capacity fees of the city in effect at the time of permitting.
4. The extension of any needed infrastructure for water, sewer, or roadways shall be at the cost to the development and as required by the City through the normal and customary development review process.
5. Transportation considerations to be determined in final form through the zoning and development review process:
 - a. East-west road connectivity shall be required to adjacent property and to connect to the existing Belmont Place Subdivision.
 - b. A connection shall be required to the existing and planned Winterbourne Rd. (Communities at Glenross) as an unloaded residential collector with an improved intersection on Peachblow Rd. (to be coordinated with the Delaware County Engineer).

REASON WHY LEGISLATION IS NEEDED:

The Ohio Revised Code provides the process that annexations must follow throughout Ohio. This is the first city step in that process requiring passage of

a resolution indicating what services the city will provide to the subject site. Based on the timelines established in the Ohio Revised Code, this resolution must be passed at this meeting, after which it will be sent to the County for the next step in the annexation process. While this resolution moves the annexation forward, this is not the final legislation Council will consider in order to accept the annexation. 60 days after the County approves the annexation, it will be presented at the first regular session of Council, and must be approved or rejected within 120 days from the date of the annexation being placed on the agenda.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Dave Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Petition for Annexation
Map

RESOLUTION NO. 19-08

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 100.648± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE GRDEN LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

WHEREAS, Michael R. Shade, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 100.648 acres of land, more or less, the description and map are attached hereto; and

WHEREAS, Michael R. Shade, as agent for the petitioners on February 11, 2019 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its Clerk on February 7, 2019; and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation.

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

SECTION 1. That upon annexation to the City of Delaware of 100.648± acres more or less as delineated on the attached Exhibits, the City will provide the following services by the approximate date indicated as to each, provided all necessary lines, hydrants, and other apparatus are installed by the property owner as required by the City and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Delaware:

- (a) Water - upon acceptance of annexation
- (b) Sanitary Sewer - upon acceptance of annexation
- (c) Refuse - upon acceptance of annexation
- (d) Fire - upon acceptance of annexation
- (e) Police - upon acceptance of annexation
- (f) Road maintenance-upon acceptance of annexation

SECTION 2. That the Council of the City of Delaware, pursuant to Ohio

Revised Code Section 709.023(D), hereby consents to the annexation.

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

SECTION 4. That the Clerk of Council shall prepare and furnish to the agent for the petitioners a certified copy of this resolution and file with the Delaware County Board of County Commissioners on or before 20 days from the filing of the annexation petition.

SECTION 5. That if the territory is annexed and becomes subject to zoning by the City of Delaware and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the Council of the City of Delaware will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed and the adjacent land remaining within the township for purposes of this ordinance, buffer includes open space, landscaping, fences, walls, and other structured elements; streets and street rights of way; and bicycle and pedestrian paths and sidewalks.

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

PASSED: _____, 2019

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

RECEIVED
FEB 11 2019

February 7, 2019

Elaine McCloskey
Clerk of City Council
City of Delaware, Ohio
City Hall
1 S. Sandusky Street
Delaware, Ohio 43015

Claudia Smith
Fiscal Officer of Berlin Township
3271 Cheshire Rd.
Delaware, OH 43015-9621

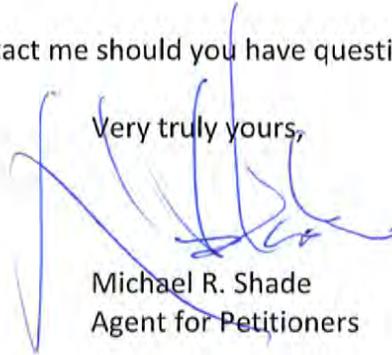
**Re: PETITION FOR GRDEN LLC ANNEXATION TO THE CITY OF DELAWARE, OHIO
FROM THE TOWNSHIP OF BERLIN CONSISTING OF 100.648 ACRES: EXPEDITED TYPE 2
ANNEXATION**

Pursuant to the requirements of Chapter 709 and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation (Petition herein), a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on February 7, 2019 at approximately 8:16 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from the township. As you can see from the "Map of the Territory to be Annexed to the City of Delaware" attached to the Petition, the Petitioners are seeking annexation of 100.648 acres. This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on March 7, 2017 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015

A duplicate original of this letter is being mailed to each of you by certified mail, return receipt requested, number 7014 2870 0001 0090 5141 as to the Clerk of the Council of the City of Delaware and number 7014 2870 0001 0090 5158 as to the Fiscal Officer of Berlin Township.

Please do not hesitate to contact me should you have questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Michael R. Shade', is written over the typed name and title.

Michael R. Shade
Agent for Petitioners

Enclosure

BOARD OF COUNTY COMMISSIONERS OF
DELAWARE COUNTY, OHIO

**PETITION FOR
GRDEN, LLC
ANNEXATION
TO THE
CITY OF DELAWARE, OHIO
FROM THE
TOWNSHIP OF BERLIN
CONSISTING OF
100.648 ACRES:
EXPEDITED TYPE 2 ANNEXATION**

Petitioner

Grden LLC
Robert L. Grden, Designated Manager
1059 Wellington Blvd
Powell, OH 43065

Agent for Petitioners

Michael R. Shade
Attorney at Law
1 West Winter Street, Suite 410
Delaware, Ohio 43015
Phone: (740) 363-9232
Fax: (740)363-0146
Email : mrs@ss-dta.com

2019 FEB -7 AM 8:17
COMMISSIONERS
DELAWARE COUNTY

PETITION FOR GRDEN LLC ANNEXATION
TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF BERLIN
CONSISTING OF 100.648 ACRES: EXPEDITED TYPE 2 ANNEXATION

To: **The Board of County Commissioners of Delaware County, Ohio**

1. The undersigned petitioner ("the Petitioner" herein), being all of the owners of real estate in the following described territory consisting of 100.648 acres situated in the Township of Berlin, County of Delaware, which area is contiguous with, adjacent to, and/or surrounded by the City of Delaware in part, to wit: see the legal description attached hereto as Exhibit A and the attached map, both of which are incorporated by reference herein ("described territory"), respectfully petition that the described territory be annexed to the City of Delaware, Ohio.

The description of the described territory ("the description" herein) and map were prepared by Mark Alan Smith, P.S., Professional Surveyor No. 8232, CEC Civil & Environmental Consultants, Inc., for annexation purposes, from information of record in the Delaware County Courthouse. All record references, unless otherwise noted, are to public records on file at the Delaware County Recorder's Office; all statutory references, unless otherwise noted, are to the Ohio Revised Code.

2. In support of this Petition, the petitioners state that there are within the described territory sought to be annexed one (1) owner of the real estate. The real estate within area to be annexed and included in the description is owned as indicated on the following table:

Name of Petitioner	Address	Acreage Information	Deed Reference	Parcel ID No.
Grden LLC	1059 Wellington Blvd. Powell, OH 43065	Land Owned 101.968 ac. Lands of Owner in the ROW is 1.32 acres, more or less Total Lands of this Petitioner to be Annexed is 100.648 Acres	Official Record Vol. 951, Page 2796;	418-330-01-018-000 418-330-01-018-001 418-330-01-019-000 418-320-01-038-000
	Total Lands to be Annexed	100.648 Acres		

All public road rights of way abutting any part of the described territory are not being annexed into and will not be in the City of Delaware, Ohio except where the annexation is over lands on both sides of any roadway.

3. Michael R. Shade is hereby appointed Agent for the undersigned Petitioner ("the Agent" herein), as required by § 709.02 and the Agent's address is 1 West Winter Street, Suite 410, P.O. Box 438, Delaware, Ohio 43015. The agent is hereby authorized to make any amendment and/or decision which in his absolute and complete discretion is necessary or proper under the circumstances then existing and is specifically authorized to make any such amendment in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition and Plat. Any such amendment shall be made by the presentation of an amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

4. An accurate map marked "Map of Territory to be Annexed to the City of Delaware" is attached hereto and made part of this petition.

5. A list containing the required information concerning all tracts, lots and parcels adjacent to or across the road from the area sought to be annexed is being filed by the Agent at the time of the filing of this Petition.

6. No island of unincorporated area is being created by this annexation.

7. This petition is filed as an Expedited II annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of annexation proceedings and is being submitted pursuant the provisions of § 709.021 when owners unanimously request annexation and § 709.023 when the area being annexed is not to be excluded from the township. The area sought to be annexed shall not upon the annexation be excluded from Berlin Township, Delaware County, Ohio in conformity with the provisions of § 709.023.

8. The City of Delaware, Ohio will pass and submit to the Board of County Commissioners of Delaware County, Ohio a resolution of services within twenty (20) days of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

9. The current zoning in the Township of Berlin, Delaware County, Ohio is presently Farm Residential District (FR-1). The comprehensive plan duly adopted by the City of Delaware, Ohio anticipates that any future use would be for Mixed Use and Low and Medium Density Residential Uses. This proposed use may somewhat be an incompatible land use to the Farm Residential District in the Township of Berlin, Delaware County, Ohio but may not be incompatible to the long-term use plan for the area. The City of Delaware, Ohio will pass a resolution requiring that any buffering necessary as provided in Section 702.023 of the Ohio Revised Code shall be complied with and will follow the buffering requirements of the City of Delaware, Ohio Zoning Ordinances. Said resolution of services and buffering will be passed and submitted to the Board of County Commissioners of Delaware County, Ohio by the City of Delaware, Ohio within twenty (20) day of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioner:

GRDEN LLC



Robert L. Grden, Designated Manager

Dated: February 4, 2019

**DESCRIPTION OF A PROPOSED ANNEXATION OF
A 100.648 ACRE TRACT
TO THE CITY OF DELAWARE
DELAWARE COUNTY, OHIO**

Situated in the State of Ohio, County of Delaware, Township of Berlin, located in Farm Lots 28 and 29, Section 3, Township 4, Range 18, of the United States Military Lands, and part of 45.968 acres, 5.001 acres, 36.502 acres and 14.542 acres as described in deed to Grden LLC, of record in Official Record 951, Page 2796, all being of record in the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

BEGINNING, at a common corner of said 45.968 acres and a 90.584 acres as described in deed to Pulte Homes of Ohio LLC, of record in Official Record 1327, Page 1465, and said corner being an angle point in the existing City of Delaware Corporation Line as established by Ordinance Number 06-67 and of record in Official Record 718, Page 2150;

Thence South $00^{\circ}58'45''$ West, with the west line of a 44.049 acre tract as described in deed to Evans Farm Delaware LLC, of record in Official Record 1334, Page 2672, a distance of 1908.62 feet, to a point on the north right of way line of Peachblow Road (Co. Rd. 98, 60 foot right of way);

Thence North $88^{\circ}00'00''$ West, with the north right of way line of Peachblow Road, a distance of 1806.56 feet, to a point on the east line of a 5.000 acre tract described in deed to John Gundling and Toni Tiburzio, of record in Official Record 560, Page 167;

Thence North $01^{\circ}03'26''$ East, with the east line of said 5.000 acres, a distance of 696.00 feet, to a point at the northeast corner of said 5.000 acre tract;

Thence North $88^{\circ}00'00''$ West, with the north line of said 5.000 acres, a distance of 300.04 feet, to a point at the northwest corner of said 5.000 acre tract;

Thence South $01^{\circ}03'26''$ West, with the west line of said 5.000 acres, a distance of 696.00 feet, to a point on the north right of way line of Peachblow Road;

Thence North $88^{\circ}00'00''$ West, with the north right of way line of Peachblow Road, a distance of 120.02 feet, to a point on the east line of a 105.278 acre tract as described in deed to Grady Memorial Hospital, of record in Official Record 594, Page 212 and an angle point in the existing City of Delaware Corporation Line as established by Ordinance Number 05-15, of record in Official Record 740, Page 394;

Thence North $01^{\circ}03'26''$ East, with the west line of said 36.502 acres and said 14.542 acres and the east line of the said 105.278 acre tract and the said existing City of Delaware Corporation Line, a distance of 2232.71 feet, to a point on the south line of a said 90.584 acre tract and the said existing City of Delaware Corporation Line.

Thence with said 90.584 acres and the existing City of Delaware Corporation line the following course:

South $87^{\circ}40'25''$ East, a distance of 1084.42 feet, to a point;

South $00^{\circ}58'45''$ West, a distance of 314.78 feet, to a point;

South $87^{\circ}50'50''$ East, a distance of 1137.39 feet, to a point at a common corner of said 45.968 acres and a 90.584 acres, containing 100.648 acres, more or less, being approximately 21.272 acres in Farm Lot 28 and approximately 79.376 acres in Farm Lot 29.

4769.09 lineal feet of perimeter is contiguous with the existing corporation line of the City of Delaware.

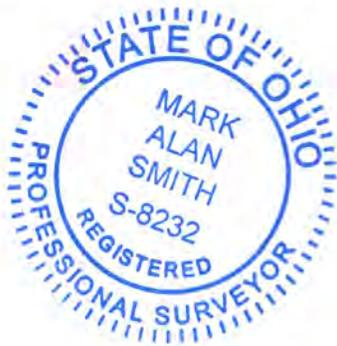
A total of 10296.52 lineal feet of annexed perimeter.

46.3% of the perimeter of the annexed area is contiguous to the existing city of Delaware Corporation Line.

Being an Expedited II annexation.

No island of unincorporated area is being created with this annexation.

All bearings and distances shown on this survey are per deed of record and not the result of an actual boundary survey.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith 8/05/2017

Mark Alan Smith, P.S.

Date

Registered Surveyor No. 8232

**County Engineer
Delaware County, Ohio**
I hereby certify the within to be a true copy
of the document that is on file in the Map
Department.
CHRIS E. BAUSERMAN, P.E., P.S.
County Engineer
By *Chris E. Bauserman*, Date 8/7/17

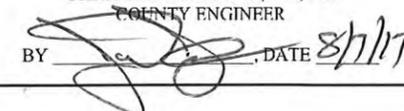
MAP OF TERRITORY TO BE ANNEXED TO CITY OF DELAWARE

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF BERLIN
PART OF FARM LOTS 28 & 29, TOWNSHIP 4, SECTION 3, RANGE 18 OF THE UNITED STATES MILITARY LANDS

COUNTY ENGINEER
DELAWARE COUNTY, OHIO

I HEREBY CERTIFY THE WITHIN TO BE A TRUE COPY OF THE DOCUMENT THAT IS ON FILE IN THE MAP DEPARTMENT.

CHRIS E. BAUSERMAN, P.E., P.S.
COUNTY ENGINEER

BY:  DATE 8/1/17

GRADY MEMORIAL HOSPITAL
PARCEL - 41832001031000
105.278 ACRES
O.R. 594 PG. 212

PID: 41832001035000
80.02'
S 87°40'25" E 1084.42'

PULTE HOMES OF OHIO LLC
PID: 41832001040000
90.584 ACRES
O.R. 1327, PG. 1465

EXISTING CORPORATION LINE
ORDINANCE NO. 05-15
RECORDED 09/28/2006
O.R. 740 PG. 394

GRDEN LLC.
PID: 41832001038000
14.534 ACRES
O.R. 951 PG. 2796

S 00°58'45" W 314.78'
EXISTING CORPORATION LINE
ORDINANCE NO. 06-67
RECORDED 06/22/2006
O.R. 718 PG. 2150

S 87°50'50" E 1137.39'

POB

FARM LOT 37
FARM LOT 36

(21.291 ACRES) FARM LOT 28
(79.394 ACRES) FARM LOT 29

FARM LOT 28
FARM LOT 29

FARM LOT 21
FARM LOT 20

100.648 ACRES

GLENN ROAD CAPITAL LLC
PARCEL - 41833001032000
68.04 ACRES
O.R. 560 PG. 167

GRDEN LLC.
PID: 41833001019000
36.465 ACRES (TO C/L R/W)
O.R. 951 PG. 2796
(50.469 ACRES)

GRDEN LLC.
PID: 41833001018000
45.968 ACRES (TO C/L R/W)
O.R. 951 PG. 2796
(45.385 ACRES)

EVANS FARM DELAWARE, LLC
PID: 41833001010000
44.049 ACRES
O.R. 1334, PG. 2672



N 01°03'26" E 2232.71'

S 01°03'26" W 696.00'

JOHN GUNDLING & TONI TIBURZIO
PID: 41833001024000
5.000 ACRES
O.R. 560 PG. 167

N 01°03'26" E 696.00'

(4.794 ACRES)
GRDEN LLC.
PID: 41833001018001
5.001 ACRES (TO C/L R/W)
O.R. 951 PG. 2796

S 00°58'45" W 1908.62'

N 88°00'00" W 300.04'

PROPOSED CORPORATION LINE

PROPOSED CORPORATION LINE

EXISTING CORPORATION LINE
ORDINANCE NO. 05-15
RECORDED 09/28/2006
O.R. 740 PG. 394

F.L. 35
F.L. 30
80.01' N 88°00'00" W 120.02'

N 88°00'00" W 1806.56'
PEACHBLOW ROAD (CO. RD. 98 - 60' R/W)

FARM LOT 29
FARM LOT 30

SURVEYOR'S NOTE:

ALL BEARINGS AND DISTANCES SHOWN ON THIS EXHIBIT ARE PER DEED FOR GRDEN LLC, OF RECORD IN OFFICIAL RECORD 951, PAGE 2796, AND NOT THE RESULT OF AN ACTUAL BOUNDARY SURVEY.

THERE IS 0 FEET OF COUNTY AND/OR TOWNSHIP ROADWAYS LOCATED WITHIN THE AREA TO BE ANNEXED.

CONTIGUITY CALCULATION

4,769.09 LINEAL FEET OF PERIMETER IS CONTIGUOUS WITH THE EXISTING CORPORATION LINE OF THE CITY OF DELAWARE.

A TOTAL OF 10,296.52 LINEAL FEET OF ANNEXED PERIMETER.

46.3% OF THE PERIMETER OF THE ANNEXED AREA IS CONTIGUOUS TO THE EXISTING CITY OF DELAWARE CORPORATION LINE.

EXPEDITED II ANNEXATION

NO ISLAND OF UNINCORPORATED AREA IS BEING CREATED WITH THIS ANNEXATION.

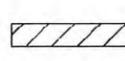
THIS ANNEXATION PLAT IS A GENERAL DESCRIPTION OF THE LOCATION OF PROPERTY TO BE ANNEXED AND IS NOT A BOUNDARY SURVEY AS DEFINED IN THE O.A.C. CHAPTER 4733-37.

ALL BEARINGS AND DISTANCES SHOWN ARE PER DEED OF RECORD IN OFFICIAL RECORD 951, PAGE 2796, OF RECORDS IN RECORDER'S OFFICE DELAWARE COUNTY, OHIO.





MARK ALAN SMITH, P.S.
PROFESSIONAL SURVEYOR 8232

-  EXISTING CORPORATION LINE
-  PROPOSED CORPORATION LINE
-  EXISTING RIGHT-OF-WAY
-  PROPOSED CORPORATION AREA



C&E
Civil & Environmental Consultants, Inc.
250 Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085
614-540-6633 · 888-598-6808
www.cecinc.com

PEACHBLOW ROAD
BERLIN TOWNSHIP
DELAWARE COUNTY, OHIO

ANNEXATION PLAT

DRAWN BY:	ALB	CHECKED BY:	JE	APPROVED BY:	MAS	DRAWING NO.:	
DATE:	AUGUST 2017	DWG SCALE:	1"=300'	PROJECT NO.:	172-299	ANNEX	

P:\2017\172-299\Survey\Draw\172299-SV01-ANNEX.dwg\LAYOUI1.LS(B/3/2017 - abenson) - LP: 8/1/2017 10:41 AM

West of Property to be Annexed

GRADY MEMORIAL HOSPITAL
801 OHIOHEALTH BLVD
DELAWARE OH 43015

102.258

41832001031000

TERRI W. MELDRUM, ESQ.
STATUTORY AGENT FOR
GRADY MEMORIAL HOSPITAL
180 EAST BROAD STREET
COLUMBUS, OH 43215

North of Property to be Annexed

PULTE HOMES OF OHIO LLC
475 METRO PLACE
DUBLIN OH 43017

70.635

41832001035000

86.819

41832001040000

CORPORATION SERVICE COMPANY
STATUTORY AGENT FOR
PULTE HOMES OF OHIO LLC
50 WEST BROAD STREET SUITE 1330
COLUMBUS, OH 43215

DELAWARE COUNTY MAP DEPARTMENT
COUNTY ADMINISTRATION BUILDING
140 N. SANDUSKY STREET
DELAWARE, OHIO
43015

CHRIS E. BAUSERMAN, P.E., P.S.
DELAWARE COUNTY ENGINEER

August 7, 2017

The Board of Delaware County Commissioners
101 North Sandusky Street
Delaware, Ohio 43015

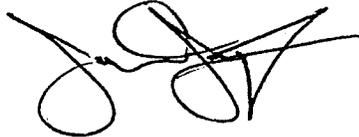
Re: Proposed 100.648 Acre Annexation in Berlin Township to the City of Delaware

Dear Honorable Board:

We have reviewed the attached Annexation Map and Written Description for the above referenced proposal. Said Map and Description are hereby approved in accordance with the Board of Delaware County Commissioner's Resolutions No. 02-862, dated July 1, 2002, which is entitled "Establishing General Orders for the Hearing of Annexation Petitions" and with those applicable sections of Ohio Revised Code Section 709.02. The actual petition document itself was not submitted to this department for review and therefore its content is not a part of this approval.

Respectfully Submitted,

Chris E. Bauserman, P.E., P.S.
Delaware County Engineer



Jack Jennings, P.S.
Supervisor

Enclosures (2 Sets)





FACT SHEET

AGENDA ITEM NO: 13

DATE: 02/25/2019

ORDINANCE NO:

RESOLUTION NO: 19-09

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dean Stelzer, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR THE PURPOSE OF THE COLLECTION OF DELINQUENT DEBT.

BACKGROUND:

The City of Delaware currently is responsible for collecting debt owed to the City. The City contracts with third party debt collectors in addition to the efforts of the prosecutor's office to prosecute failure to file and failure to pay tax cases. The Ohio Attorney General's Office offers an additional option to collect debts owed to the City. Staff believes the resources and expertise the Attorney General's office possesses will be a valuable supplement to the City's collection efforts.

REASON WHY LEGISLATION IS NEEDED:

A resolution is required to authorize an agreement with another governmental entity. The proposed MOU is attached.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The Attorney General's Office deducts a collection cost from amounts collected (10%). If the Attorney General assigns the collection to third party vendors, the fees are also deducted from amounts collected.

POLICY CHANGES:

PRESENTER(S):

Dean Stelzer, Finance Director

Lory Johnson, Income Tax Administrator

RECOMMENDATION:

Approval

ATTACHMENT(S)

Agreement

RESOLUTION NO. 19-09

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR THE PURPOSE OF THE COLLECTION OF DELINQUENT DEBT.

WHEREAS, The City of Delaware currently bears responsibility for collecting delinquent debt owed to the City; and

WHEREAS, the Ohio Attorney General offers a service in which the Attorney General undertakes the collection of delinquent debt owed to the City, pursuant to Ohio Revised Code 131.02.; and

WHEREAS, having the expertise and resources of the Attorney General at its disposal will enable to City to more effectively collect debt owed to the City; and

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

SECTION 1. The City Manager is hereby authorized to enter into an intergovernmental agreement with the City and the Ohio Attorney General.

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

PASSED: _____, 2019 YEAS___ NAYS___ ABSTAIN___

ATTEST: _____ CITY CLERK _____ MAYOR



**DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND**

I. PARTIES

1.1. THIS DELINQUENT DEBT COLLECTION AGREEMENT (this "Agreement") is between the Ohio Attorney General (hereinafter "Attorney General") and _____ ("Political Subdivision"), collectively referenced herein as the "Parties."

II. PURPOSE

2.1. The Political Subdivision has requested that the Attorney General undertake, and the Attorney General agrees to undertake, the collection of delinquent debt owed to the Political Subdivision, pursuant to Ohio Revised Code ("O.R.C.") § 131.02. This Agreement sets forth the rights, duties and obligations of the Parties and the amounts to be charged, collected and allocated between the Political Subdivision and Attorney General. This Agreement will become effective in ten business days once fully executed ("Effective Date").

III. CERTIFICATION OF DEBT

3.1. The Parties agree that this Agreement shall apply to amounts owed to Political Subdivision that meet the criteria specified on the attached Exhibit "A" (hereinafter the "Debt"). The Parties may, from time to time, change the categories of debt to be certified to the Attorney General by amending Exhibit "A" pursuant to the discretion of the Section Chief of the Collections Enforcement Section of the Attorney General and _____ of the Political Subdivision. Such changes to the categories of debt identified on Exhibit "A" shall not be construed as an amendment or termination of this Agreement.

3.2. Political Subdivision hereby warrants that all Debts certified to the Attorney General for collection pursuant to this Agreement are or will be legally due and owing to Political Subdivision at the time of certification.

3.3. Political Subdivision hereby warrants that it has complied or will comply with all conditions precedent to the legality of certifying the Debt for collection prior to certifying the Debt to Attorney General pursuant to this Agreement.

3.4. Political Subdivision hereby warrants that it has obtained the approval of any person or entity whose approval is required as a condition to entering into this Agreement. True and correct copies of any such approvals shall be attached hereto as Exhibit "B."

3.5. Political Subdivision shall identify and itemize the amounts owed in any bills or mailings issued to the debtors prior to certifying the Debt pursuant to this Agreement. Such itemization shall separately identify penalties, fees, costs and interest, if any, added to the principal balance of the amounts owed. For all Debt certified under this Agreement, Political Subdivision shall maintain account records documenting the principal balance of the amounts owed, as well as any penalties, fees, costs and interest, from the date such debt becomes due and owing to Political Subdivision until the debt is paid in full, resolved or written off as specified herein.

3.6. Political Subdivision shall make all account records related to the Debt fully available to specified Attorney General personnel in order for the Attorney General to actively identify and pursue collection activities. Political Subdivision shall retain account records related to the Debt so long as the Debt remains outstanding, or until the Debt is resolved or written off as specified herein.

3.7. Political Subdivision agrees and shall forward all payments received on certified Debt to the Attorney General. In the event that Political Subdivision accepts a debtor's payment on Debt certified to the Attorney General, Political Subdivision agrees to promptly notify the Attorney General of the details of the payment, including date, amount, remitter, check or instrument number and forward the payment to the Attorney General.

3.8. In the event that any debtor owing Debt certified to the Attorney General files bankruptcy or other insolvency proceeding, Political Subdivision shall immediately notify the Attorney General of such filing. The Attorney General shall cease all collection efforts with regard to such Debt. Political Subdivision remains exclusively and solely responsible for protecting its interest in bankruptcy & other insolvency proceedings. Upon notice that Debt certified to the Attorney General is subject to bankruptcy or other insolvency proceeding, the Attorney General shall close the affected accounts and such accounts shall no longer be considered to be certified to the Attorney General. Other insolvency proceeding may include but is not limited to receivership or foreclosure.

IV. ALLOCATION OF FEES AND COLLECTION COSTS

4.1 The client may choose for each account certified to the Attorney General to bear interest (hereinafter "AGI") at the annual rate established by the Tax Commissioner under O.R.C. § 5703.47. Upon recovery AGI is paid to Political Subdivision, not to Attorney General. AGI may be waived, either by Political Subdivision or the Attorney General. Political Subdivision also has discretion to request that AGI not be assessed as an additional obligation of debtors. If this request is indicated, the cost of AGI will not be added to the Debt. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision as to AGI. If no preference is indicated, Attorney General may waive AGI at its discretion, and the addition of AGI to the Debt will increase the debtors' obligation. The AGI is in place of any separate accruing interest of the Political Subdivision on the Debt once certified to the Attorney General.

4.2 Pursuant to O.R.C. § 131.02, the Attorney General is authorized to deduct the Attorney General's collection cost from all amounts collected, calculated upon all certified amounts recovered, plus interest and fees accruing from the date of certification to Attorney General. Attorney General collection costs may be waived, either by the Attorney General or jointly by the Political Subdivision and the Attorney General. The Parties agree that the Attorney General will pass all Attorney General collection costs on to the debtor as an additional obligation of debtor. The Attorney General collection cost is 10% pursuant to O.R.C. § 109.08.

4.3 Upon agreement, the Attorney General may also hire third party vendors to collect claims for Political Subdivision and to pay such third party vendors for their services ("TPV Fees") from funds collected by them. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision with respect to the assignment of Debt to TPVs. If no preference is indicated the Attorney General will assign Debt to TPVs in accordance with an established assignment strategy. TPV fees shall be paid at rates set by the Attorney General. The Parties agree that the Attorney General will pass all TPV Fees on to debtors as an additional obligation of the debtors.

4.4 Upon agreement the Attorney General may appoint special counsel to collect claims for Political Subdivision and to pay such special counsel for their services ("Special Counsel Fees") from funds collected by them. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision with respect to the assignment of Debt to Special Counsel. If no preference is indicated the Attorney General will assign Debt to Special Counsel in accordance with an established assignment strategy. Special Counsel Fees shall be paid at rates set by the Attorney General. The Parties agree that the Attorney General will pass all Special Counsel Fees on to debtors as an additional obligation of the debtors.

4.5 Political Subdivision may execute a different Service Level Agreement for each category of debt certified pursuant to this Agreement, and each Service Level Agreement shall be attached as additional pages of Exhibit "C."

4.6 Political Subdivision may change or terminate the Service Level Agreement(s) attached hereto as Exhibit "C" upon appropriate written notice as specified therein, and any change or termination of the Service Level Agreement(s) shall not be construed as an amendment or termination of this Agreement.

V. DISBURSEMENT PROCESS/PAYMENT OF COLLECTION COSTS

5.1 On a weekly basis the Attorney General shall disburse to the Political Subdivision the full amounts collected on the Debt minus any applicable collection costs or fees as outlined herein. The Political Subdivision and Attorney General shall have the authority to settle or compromise any account in the Debt which is agreed upon by the Political Subdivision and Attorney General as payment in full based on the best interests of the Parties. At the time of the Attorney General's disbursement to the Political Subdivision, the Political Subdivision will receive the amount collected minus the Attorney General's collection costs and any applicable TPV Fees or Special Counsel Fees pursuant to this Agreement.

5.2 The Parties agree that court cases and judgment liens shall not be dismissed or deemed satisfied without the Political Subdivision's consent that all the fees have been paid by the debtor liable for costs under the court case and/or judgment lien.

5.3 Disbursements to the Political Subdivision of amounts due hereunder may be made via state check or by Automated Clearing House ("ACH") deposit, at the Attorney General's discretion. Political Subdivision acknowledges that the Attorney General prefers to remit all payments by ACH deposit, and Political Subdivision agrees to execute an ACH payment authorization in accordance with the form attached hereto as Exhibit "D" within thirty (30) days after the Effective Date of this Agreement.

VI. CERTIFICATION AND CANCELLATION OF DEBT

6.1 Political Subdivision will certify only Debt to the Attorney General which is past due and final, in accordance with O.R.C. § 131.02(A). O.R.C. § 131.02 provides that the Attorney General and Political Subdivision may determine an appropriate time beyond the regular 45-day requirement to certify delinquent debt. Such exceptions may be made as the Attorney General and the Political Subdivision mutually agree are appropriate.

6.2 The Parties acknowledge and agree that O.R.C. §131.02 empowers the Attorney General to, with the consent of the chief officer of an entity reporting a debt, cancel the debt or cause the same to be canceled. O.R.C. § 131.02(F)(2) provides a general statute of limitations of forty (40) years from the date of certification to collect claims. O.R.C. § 131.02(F)(1) allows the Attorney General to cancel uncollectible claims earlier, with the approval of the Political Subdivision. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision. If no preference is indicated, the write off period will be fifteen (15) years after the date of certification. Exceptions revising the write off period for specified claims or categories of debt may be agreed to by the Attorney General and the Political Subdivision as amendments to the Service Level Agreement, and such amendments shall not be construed as an amendment or termination of this Agreement.

VII. CONFIDENTIALITY

7.1 Any confidential debtor information made available to Attorney General in the course of performance of this Agreement shall be used only for the purpose of carrying out the provisions of this Agreement pursuant to the Attorney General's statutory obligations. Additionally, the Attorney General shall not sell any debtor information to any third parties.

VIII. LIABILITY

8.1 Each Party shall be responsible for its own acts and omissions and those of its officers, employees and agents.

IX. CHOICE OF LAW

9.1. This Agreement is made and entered into in the State of Ohio and shall be governed and construed in accordance with the laws of Ohio. Any legal action or proceeding related to this Agreement shall be brought in Franklin County, Ohio, and the Parties irrevocably consent to jurisdiction and venue in Franklin County, Ohio.

X. COMPLIANCE WITH LAW

10.1. The Parties, in the execution of their respective duties and obligations under this Agreement, agree to comply with all applicable federal, Ohio and local laws, rules, regulations and ordinances.

XI. RELATIONSHIP OF THE PARTIES

11.1. It is fully understood and agreed that a Party's personnel shall not at any time, or for any purpose, be considered as agents, servants, or employees of the other Party.

11.2. Except as expressly provided herein, neither Party shall have the right to bind or obligate the other Party in any manner without the other Party's prior written consent.

XII. MODIFICATION

12.1. This Agreement constitutes the entire agreement between the Parties, and any changes or modifications to this Agreement shall be made and agreed to by the Parties in writing.

XIII. TERMINATION/EXPIRATION

13.1. Either party may terminate this Agreement for any reason by giving written notice, at least forty-five (45) days in advance of the date of termination, to the other Party via e-mail, facsimile transmission, mail, certified mail or personal delivery to the other Party's signatory to this Agreement.

13.2. If there is pending litigation in connection with any Debt, termination shall not be effective until the Attorney General terminates the legal representation in the litigation matter. The Attorney General shall be compensated for Debt collected and received prior to termination. The Parties agree to cooperate so as to effectuate a speedy and efficient transfer of the work to Political Subdivision.

XIV. SIGNATURES

14.1. The Parties may submit their signatures to the Agreement in counterparts, which taken together will constitute a valid enforceable Agreement. Facsimile or copied signatures shall be considered valid and enforceable.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed, as of the day and year last written below.

ACCEPTED AND APPROVED:

Date

OHIO ATTORNEY GENERAL
DAVE YOST

By:

Lisa J. Iannotta
Section Chief

Date

**DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND**

EXHIBIT "A"

The Parties agree that the following categories of debt may be certified to the Attorney General. All debt must be final with a minimum principal amount of \$100.00.

Examples of Categories of Debt to be certified:

- (a) Statutory fees as assessed by a Political Subdivision;
- (b) Civil court costs; and
- (c) Criminal court costs so long as the defendant is not incarcerated on the date the debt is certified.
- (d) Debt must be declared final with no chance of appeal or no future changes to the amount of the debt sent to the Attorney General for collection purposes.
- (e) Debt from a school system must be as a result of a contractual agreement.

Examples of Categories of Debt NOT to be certified:

- (a) Debt that is against a juvenile.
- (b) Debt against a presently incarcerated individual.
- (c) Debt that is involved in a bankruptcy, rental or foreclosure action.
- (d) Debt from any type of utility.
- (e) Debt resulting from code enforcement violations.
- (f) Debt that results from a red light camera violation/citation.

**PLEASE NOTE: THE ATTORNEY GENERAL'S OFFICE RESERVES THE RIGHT TO
DECLINE ACCEPTANCE OF ACCOUNTS BASED ON QUANTITY, VALUE, OR DEBT TYPE**

**PLEASE LIST THE TYPE OF DEBTS YOU WILL BE CERTIFYING TO THE
ATTORNEY GENERAL'S OFFICE:**

A large, empty rectangular box with a thin black border, intended for listing the types of debts to be certified to the Attorney General's Office.

**DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND**

EXHIBIT "B"

The Delinquent Debt Collection Agreement Between the Ohio Attorney General and

, executed by _____,

, on _____, is hereby ratified and approved.

POLITICAL SUBDIVISION AUTHORITY (I.E. COUNTY COMMISSIONERS, COUNCIL)

_____, _____,
Date

_____, _____,
Date

_____, _____,
Date

POLITICAL SUBDIVISION LEGAL AUTHORITY (I.E. PROSECUTOR, LAW DIRECTOR)

_____, _____,
Date

IN WITNESS WHEREOF, the Parties hereto have caused this Service Level Agreement to be executed, as of the day and year last written below.

ACCEPTED AND APPROVED:

Date

OHIO ATTORNEY GENERAL
DAVE YOST

By: _____
Lisa J. Iannotta
Section Chief

Date



FACT SHEET

AGENDA ITEM NO: 14

DATE: 02/25/2019

ORDINANCE NO: 19-07

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
March 25, 2019 at 7:30 p.m. @
Third Reading

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 CHAPTER 1121 AND 1143 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE.

BACKGROUND:

Pursuant to R.C. 715.61, the City of Delaware can regulate massage establishments. Various municipalities in Ohio have adopted regulatory frameworks of various levels of complexity, as detailed in the memorandum prepared by staff and disseminated to Council on September 7, 2018. Following Council's directive to explore regulatory options via the City's zoning code, staff has developed the following ordinance. "Licensed massage establishments" are specifically defined at a permitted use within the B-1 Limited Business, B-2 Central Business, B-3 Community Business, and B-4 General Business districts in 1143.02 of the Planning and Zoning code. This is where they previously were a permitted use as "health and allied services," and does not expand or contract the districts where they are permitted. To receive the necessary certificate of zoning compliance from the City's planning and community development department to commence this use under Ordinance 1127.02, an applicant must certify that massage treatments will be provided by an individual licensed by the State Medical Board of Ohio to practice "massage therapy" or under the supervision of such a licensee. This new ordinance specifically excepts massage treatments that may be provided incidentally to medical or chiropractic treatment, so as not to over-regulate unrelated businesses.

REASON WHY LEGISLATION IS NEEDED:

While most massage establishments are legitimate businesses, massage establishments can unfortunately provide a convenient “front” for illegal activities and human-trafficking. By requiring that new massage establishments provide proof of State licensure to practice massage therapy, before being issued a certificate of zoning compliance, this ordinance adds an extra layer of scrutiny to deter illegal activity, within an established regulatory framework.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Staff recommends that Council take action after the fourth reading as the public hearing is scheduled to occur at the third reading on March 25, 2019 at 7:30 p.m.

ATTACHMENT(S)

ORDINANCE NO. 19-07

AN ORDINANCE AMENDING CHAPTER 1121 AND 1143 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE.

WHEREAS, the City of Delaware has both the duty and authority to enact ordinances to protect the health, safety, and welfare of those within its borders; and

WHEREAS, massage services are offered independently or as part of medical or cosmetological services which require appropriate regulations to insure the health, safety, and welfare of citizens and avoid nuisances; and

WHEREAS, pursuant to R.C. 715.61, “Any municipal corporation may regulate and license...all persons engaged in the trade, business, or profession of ... massaging”; and

WHEREAS, Council has determined it to be in the best interest of the health, safety, and welfare of the community to ensure that businesses that offer massage services are operated by individuals who have undergone State licensure; and

WHEREAS, multiple divisions of the State of Ohio already provide comprehensive health and safety requirements as part of occupational licenses that are relevant to massage services, including (but not limited to) the state medical board’s licensing and regulation of massage therapy in accordance with R.C. 4731.15 and related sanctions.

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

SECTION 1. That Chapter 1121.02 of the Planning and Zoning Code is amended as follows.

1121.02 – Definitions.

(b)(96.1) MASSAGE means the use of any method on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, pressing, compressing, percussing, stretching, rotating, heating, cooling, or stimulating of, the external soft parts of a living human body, which may be performed with direct or indirect human contact, or with the aid of an apparatus, appliance, or other tool or object.

(b)(96.2) MASSAGE TREATMENT means providing for a fee or any consideration whatsoever any of the following services:

(1) Massage;

(2) The application of liniments, antiseptics, oils, powders, creams, lotions, ointments, hot or cold liquids or solid objects, or other similar treatments.

(b)(96.3) LICENSED MASSAGE ESTABLISHMENT means any establishment having a fixed place of business where a person or entity advertises the availability of, offers, provides, or permits to be carried on, massage treatments. Prior to issuance of a certificate of zoning compliance for a licensed massage establishment, the applicant must certify to the City that all massage treatments shall be provided by individuals licensed by the State Medical Board of Ohio pursuant to R.C. 4731.15 to practice “massage therapy” or individuals under the supervision of those so licensed pursuant to R.C. 4731.15.

(A) A “Massage establishment” does not include any establishment where massage treatment is provided as a portion of services provided by individuals licensed by, or under the supervision of individuals licensed by, any of the following:

(1) The Ohio State Cosmetology and Barber Board or its predecessors pursuant to R.C. 4709 or 4713;

(2) The State of Ohio Board of Nursing pursuant to R.C. 4723;

(3) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board pursuant to R.C. 4755;

(4) The Ohio State Chiropractic Board pursuant to R.C. 4734;

(5) The State Medical Board of Ohio pursuant to R.C. 4730 or R.C. 4762; except those licensed pursuant to R.C. 4731.15 to practice “massage therapy.”

SECTION 2. That the permitted use schedule of Chapter 1143.02 of the Planning and Zoning Code is amended as follows.

(b) Office and Professional Services	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business
(1) Offices—administrative, business and professional	P	P	P	P
(2) Financial institutions, banks	P	P	P	P
(3) Medical and dental offices, health and allied services	P	P	P	P
(4) LICENSED MASSAGE ESTABLISHMENTS	P(a)	P(a)	P(a)	P(a)
P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted				
(a) SUBJECT TO CERTIFICATE OF ZONING COMPLIANCE REQUIREMENTS ENUMERATED IN 1121.02(b)(96.3)				

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
 ABSTAIN ___

PASSED: _____, 2019

YEAS ___ NAYS ___
 ABSTAIN ___

ATTEST: _____
 CITY CLERK

 MAYOR



MEMORANDUM

To: Mayor Riggle and Members of City Council
From: Jackie Walker, Assistant City Manager
Date: February 19, 2019
Subject: Special Events Policy

The Special Events Committee is seeking a policy determination from City Council with regard to the costs of special events that take place in the City of Delaware. Last year alone there were over 40 special Events that took place with a cost of nearly \$162,000.00. A total of \$3,500 was collected in 2018 from hosts and all other costs were deferred.

Due to the numerous successful events in the City, the Committee recognizes the importance of the events for the promotion and benefits to the City and its citizens. However, we firmly believe that the hosts and the Committee need to follow a set policy when determining the baring of the expenses for these events.

Therefore, the Committee makes the following recommendations and provides City Council with some viable options:

DORA Policy

- 1) DORA event ONLY hosts no longer are required to cover the City as an additional insured. Staff feels comfortable that liability as it relates to a DORA event is solidly on the individual and the liquor establishments. As long as there are no street closures, there is no need for the additional insurance.

Event Cost Policy Options

- 1) As long as the host is a 501C3 organization or is benefiting a Delaware County 501C3 entity, the host will pay 50% or \$5,000 (whichever is less) toward the City costs of the event including but not limited to police, fire and public works. MainStreet events are exempt as MainStreet is a partner with the City of Delaware and is funded partially by the City of Delaware. The City of Delaware will bear the entire cost of all parades as long as they are a stand-alone parade. Ironman is the only exempted activity as there is a separate agreement between the City of Delaware and Ironman that specifically outlines the costs.
- 2) A non 501C3 entity collecting funds or charging admittance to an event must commit a minimum of 75% of their profits to a Delaware County 501C3. In that case, the host entity will pay 75% or \$7,500 (whichever is less) toward the City costs of the event including but not limited to police, fire and public works. MainStreet events are exempt as MainStreet is a partner with the City of Delaware and is funded partially by the City of Delaware. The City of Delaware will bear the entire cost of all parades as long as they are a stand-alone parade. Ironman is the only exempted activity as there is a separate agreement between the City of Delaware and Ironman that specifically outlines the costs.

Finally, the Special Event Season is in full swing. The Committee would like Council to consider not imposing these changes until six months after the policy decision is made, with the exception of the DORA event insurance policy change.

Thank you in advance for your thoughtful consideration of this issue.

C: Tom Homan, City Manager
Special Events Committee Members

EST 1808

CITY OF

DELAWARE

OHIO

YEAR END
FINANCE
REPORT

2018



Dean P. Stelzer, CPA - Finance Director

2018
FINANCE DIRECTOR'S REPORT
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FINANCE DIRECTOR'S REPORT
GENERAL FUND
December 31, 2018

	2018 Revenues	2018 Budget	% of Budget	2017 Revenues	% Change 2017-18
REVENUES					
Property Tax	1,593,916	1,500,000	106.26%	1,413,490	12.76%
City Income Tax	15,048,475	14,787,387	101.77%	14,007,389	7.43%
Local Government Fund	609,739	610,000	99.96%	591,818	3.03%
Fines and Forfeitures	154,916	140,000	110.65%	139,539	11.02%
Engineering Fees	1,318,509	1,000,000	131.85%	1,826,791	(27.82%)
Prosecutor Contracts	254,300	285,000	89.23%	287,045	(11.41%)
Parking Meters	39,249	38,000	103.29%	32,748	19.85%
Liquor Permits	45,068	45,000	100.15%	42,049	7.18%
Franchise Fees	409,886	375,000	109.30%	373,236	9.82%
Licenses & Permits	1,134,609	725,000	156.50%	717,232	58.19%
Investment Income	796,562	402,000	198.15%	387,615	105.50%
Miscellaneous	238,132	100,000	238.13%	107,084	122.38%
Reimbursements	216,349	200,000	108.17%	167,370	29.26%
Transfers	1,940,662	1,920,000	101.08%	1,887,523	2.82%
TOTAL	23,800,372	22,127,387	107.56%	21,980,929	8.28%

	2018 Expenditures	2018 Budget	% of Budget	2017 Expenditures	% Change 2017-18
EXPENDITURES					
City Council	151,103	154,873	97.57%	133,656	13.05%
City Manager	683,835	686,556	99.60%	665,550	2.75%
Human Resources	298,547	327,781	91.08%	312,900	(4.59%)
Economic Development	369,198	391,299	94.35%	337,656	9.34%
Legal Affairs/Prosecutor	779,530	793,893	98.19%	764,928	1.91%
Finance	1,521,106	1,521,673	99.96%	1,486,475	2.33%
Income Tax Refunds	490,574	400,000	122.64%	457,836	7.15%
General Administration	7,112,145	5,303,700	134.10%	5,657,937	25.70%
Risk Management	334,175	343,000	97.43%	250,793	33.25%
Police	8,399,395	8,744,063	96.06%	7,952,097	5.62%
Planning	1,174,662	1,161,774	101.11%	1,041,484	12.79%
Engineering	1,813,889	1,763,921	102.83%	1,878,897	(3.46%)
City Buildings	489,504	509,690	96.04%	421,399	16.16%
TOTAL	23,617,663	22,102,223	106.86%	21,361,608	10.56%

General Fund Beginning Balance Jan. 1, 2018	5,001,541
2018 General Fund Revenues	23,800,372
2018 General Fund Expenditures	(23,617,663)
Outstanding Encumbrances Dec 31, 2018	(503,691)
Advance Due General Fund	1,236,286
General Fund Ending Balance Dec. 31, 2018	5,916,845

FINANCE DIRECTOR'S REPORT
OTHER OPERATING FUNDS
December 31, 2018

REVENUES

	2018 Revenues	2018 Budget	% of Budget	2017 Revenues	% Change 2017-2018
STREET MAINTENANCE & REPAIR	3,021,801	3,019,086	100.09%	2,815,325	7.33%
STORM SEWER	851,836	1,466,181	58.10%	833,388	2.21%
PARKS AND RECREATION	1,325,852	1,422,368	93.21%	1,375,436	(3.60%)
CEMETERY	224,107	327,957	68.33%	241,807	(7.32%)
AIRPORT OPERATIONS	814,791	791,739	102.91%	737,659	10.46%
FIRE/EMS INCOME TAX	11,626,108	11,999,000	96.89%	14,485,622	(19.74%)
MUNICIPAL COURT	2,935,597	2,791,646	105.16%	3,064,686	(4.21%)
GOLF COURSE	161,058	222,698	72.32%	168,994	(4.70%)
WATER	5,975,202	6,351,400	94.08%	5,756,378	3.80%
SEWER	7,127,856	6,998,699	101.85%	6,981,542	2.10%
REFUSE	3,562,787	5,300,142	67.22%	3,544,386	0.52%
GARAGE ROTARY	653,824	654,493	99.90%	645,440	1.30%
INFORMATION TECH. ROTARY	1,076,017	1,165,329	92.34%	1,052,850	2.20%
TOTAL	39,356,836	42,510,738	92.58%	41,703,513	(5.63%)

EXPENDITURES

	2018 Expenditures	2018 Budget	% of Budget	2017 Expenditures	% Change 2017-2018
STREET MAINTENANCE & REPAIR	3,076,399	2,429,214	126.64%	2,742,116	12.19%
STORM SEWER	465,944	712,400	65.40%	1,272,243	(63.38%)
PARKS AND RECREATION	1,403,373	1,077,811	130.21%	1,311,863	6.98%
CEMETERY	255,965	193,161	132.51%	243,557	5.09%
AIRPORT OPERATIONS	814,570	724,344	112.46%	697,981	16.70%
FIRE/EMS INCOME TAX	13,163,127	9,963,506	132.11%	9,553,968	37.78%
MUNICIPAL COURT	2,631,900	2,574,676	102.22%	2,505,246	5.06%
GOLF COURSE	189,794	158,065	120.07%	170,457	11.34%
WATER OPERATIONS	5,986,463	4,946,882	121.01%	5,946,869	0.67%
SEWER OPERATIONS	6,651,117	5,965,162	111.50%	6,985,622	(4.79%)
REFUSE	5,044,718	2,966,752	170.04%	3,338,540	51.11%
GARAGE ROTARY	608,502	490,701	124.01%	578,240	5.23%
INFORMATION TECH. ROTARY	936,213	807,013	116.01%	889,568	5.24%
TOTAL	41,228,085	33,009,687	124.90%	36,236,270	13.78%

FUND BALANCES

	Fund Balance 1/1/2018	2018 Revenue	2018 Expenditure	Outstanding Encumb.	Fund Balance 12/31/2018
STREET MAINTENANCE & REPAIR	516,178	3,021,801	3,076,399	74,534	387,046
STORM SEWER	1,482,843	851,836	465,944	183,567	1,685,168
PARKS AND RECREATION	295,953	1,325,852	1,403,373	23,473	194,959
CEMETERY	297,627	224,107	255,965	11,522	254,247
AIRPORT OPERATIONS	271,973	814,791	814,570	67,373	204,821
FIRE/EMS INCOME TAX	10,568,832	11,626,108	13,163,127	1,145,276	7,886,537
MUNICIPAL COURT	2,441,281	2,935,597	2,631,900	7,065	2,737,913
GOLF COURSE	68,498	161,058	189,794	1,551	38,211
WATER OPERATIONS	1,230,846	5,975,202	5,986,463	127,370	1,092,215
SEWER OPERATIONS	2,657,780	7,127,856	6,651,117	169,947	2,964,572
REFUSE	2,391,565	3,562,787	5,044,718	406,630	503,004
GARAGE ROTARY	340,629	653,824	608,502	21,945	364,006
INFORMATION TECH. ROTARY	724,385	1,076,017	936,213	84,368	779,821
TOTAL	23,288,390	39,356,836	41,228,085	2,324,621	19,092,520

FINANCE DIRECTOR'S REPORT
NON-OPERATING FUNDS
December 31, 2018

	Fund Balance 1/1/2018	Revenues 2018	Expenses 2018	Outstanding Encumb.	Fund Balance 12/31/2018
SPECIAL REVENUE FUNDS					
STATE HIGHWAY IMPROVEMENT	211,818	111,747	103,900	0	219,665
LICENSE FEE	222,085	438,546	422,547	66,871	171,213
TREE FUND	216,317	8,750	68,943	0	156,124
AIRPORT 2000 T-HANGAR	164,197	101,432	92,277	400	172,952
RECREATION FACILITIES TAX	4,002,841	2,340,701	1,760,314	282,400	4,300,828
AIRPORT TIF	82,416	27,069	0	0	109,485
GLENN RD BRIDGE TIF	2,000,561	1,173,854	296,130	163,890	2,714,395
SKY CLIMBER/V&P TIF	0	47,977	47,977	0	0
MILL RUN TIF	0	147,824	147,824	0	0
COURT IDIAM	22,433	27,054	19,167	5,636	24,684
DRUG ENFORCEMENT	58,800	3,106	4,647	13,561	43,698
COURT ALCOHOL TREATMENT	534,109	61,822	49,687	11,110	535,134
OMVI ENFORCEMENT/EDUCATION	5,904	1,441	877	3,488	2,980
POLICE JUDGMENT	121,505	57,966	58,460	8,183	112,828
PARK DEVELOPMENT	167,887	43,729	27,500	0	184,116
COMPUTER LEGAL RESEARCH	620,406	289,267	195,380	61,328	652,965
COURT SPECIAL PROJECTS	867,015	291,741	406,347	2,533	749,876
PROBATION SERVICES	498,020	317,706	243,171	2,424	570,131
POLICE/FIRE DISABILITY	0	475,580	475,580	0	0
COMMUNITY PROMOTION FUND	62,076	110,748	103,604	4,524	64,696
GRANT FUNDS					
CDBG GRANT	2,530	0	0	0	2,530
ED REVOLVING LOAN	197,662	108,392	35,868	98,365	171,821
CHIP GRANT	401	0	401	0	0
DEBT SERVICE FUNDS					
GENERAL BOND RETIREMENT	331,642	1,975,940	1,971,061	0	336,521
PARK IMPROV BONDS FUND	109,778	1,306,847	1,305,351	0	111,274
SE HIGHLAND SEWER BOND FUND	83,897	997,708	997,609	0	83,996
CAPITAL FUNDS					
CAPITAL IMPROVEMENT	1,333,336	4,490,691	3,786,401	1,368,250	669,376
POINT PROJECT FUND	0	963,886	398,549	100,000	465,337
FAA AIRPORT GRANT	0	48,413	0	0	48,413
FAA AIRPORT AIP GRANT	0	52,118	4,170	0	47,948
EQUIPMENT REPLACEMENT	141,958	300,000	283,407	2,937	155,614
PARK IMPACT FEE	1,120,156	660,729	325,739	168,601	1,286,545
POLICE IMPACT FEE	311,853	103,128	60,944	165	353,872
FIRE IMPACT FEE	305,460	193,548	101,302	169	397,537
MUNICIPAL SERVICES IMPACT FEE	556,778	285,898	480,678	152,765	209,233
GLENN ROAD CONSTRUCTION FUNDS	3,254,652	10,776,328	10,918,617	151,175	2,961,188
PARKING LOTS	42,270	43,768	40,095	15,416	30,527
WATER CIP	10,366,077	4,957,841	2,768,355	161,663	12,393,900
SEWER CIP	7,564,573	7,121,627	5,865,085	506,654	8,314,461
TRUST FUNDS					
SELF INSURANCE	1,918,599	6,137,516	6,547,917	770	1,507,428
WORKERS COMP RESERVE	2,352,623	548,438	272,274	0	2,628,787
FIRE DONATION	6,345	0	0	5,462	883
PARKS DONATION	6,810	12,000	2,400	9,600	6,810
POLICE DONATION	7,797	775	763	0	7,809
MAYOR'S DONATION	1,657	1,715	2,171	950	251
PROJECT TRUST	546,222	147,333	0	0	693,555
UNCLAIMED FUNDS	72,819	18,932	6,381	0	85,370
DEVELOPMENT RESERVE TRUST FUND	924,886	50,000	10,000	0	964,886
RESERVE ACCOUNT FUND	1,047,056	116,808	0	0	1,163,864
BERKSHIRE JEDD FUND	203,703	339,489	486,093	0	57,099
CEMETERY PERPETUAL CARE FIMD	34,982	657	1,448	0	34,191
STATE PATROL TRANSFER	0	59,355	49,656	0	9,699
STATE BUILDING PERMIT FEES	371	11,620	11,526	0	465
PERFORMANCE BOND FUND	185,077	486,309	4,148	3,513	663,725
TOTAL	42,705,283	48,395,869	41,262,741	3,372,803	46,650,685

FINANCE DIRECTOR'S REPORT
FUND BALANCES
COMPARISON TO PRIOR YEARS - MAJOR FUNDS
December 31, 2018

	2014	2015	2016	2017	2018
General Fund	\$ 3,121,818	\$ 3,408,165	\$ 4,122,821	\$ 4,570,274	\$ 5,916,845
Special Revenue Funds					
STREET MAINTENANCE & REPAIR	\$ 50,759	\$ 90,326	\$ 361,044	\$ 447,788	\$ 3,887,046
STORM SEWER	\$ 2,056,371	\$ 2,138,810	\$ 1,751,571	\$ 1,376,011	\$ 1,685,168
PARKS AND RECREATION	\$ 228,407	\$ 224,064	\$ 214,761	\$ 278,570	\$ 194,959
CEMETERY	\$ 272,493	\$ 263,510	\$ 252,959	\$ 252,648	\$ 254,247
AIRPORT OPERATIONS	\$ 179,861	\$ 230,150	\$ 226,670	\$ 266,229	\$ 204,821
FIRE/EMS INCOME TAX	\$ 3,660,489	\$ 5,342,783	\$ 5,377,907	\$ 7,036,895	\$ 7,886,537
MUNICIPAL COURT	\$ 1,274,082	\$ 1,490,802	\$ 1,865,402	\$ 2,436,023	\$ 2,737,913
Enterprise Funds					
GOLF COURSE	\$ 92,021	\$ 85,141	\$ 69,362	\$ 68,196	\$ 38,211
WATER	\$ 1,955,186	\$ 1,602,637	\$ 1,291,153	\$ 1,142,570	\$ 1,092,215
SEWER	\$ 2,595,776	\$ 2,401,351	\$ 2,535,571	\$ 2,516,818	\$ 2,964,572
REFUSE	\$ 1,662,611	\$ 1,698,435	\$ 2,045,048	\$ 491,244	\$ 503,004
Internal Service Funds					
GARAGE ROTARY	\$ 217,320	\$ 190,041	\$ 245,757	\$ 309,751	\$ 364,006
INFORMATION TECH. ROTARY	\$ 248,385	\$ 353,689	\$ 500,508	\$ 641,165	\$ 779,821
HEALTH INSURANCE FUND	\$ 2,801,212	\$ 2,396,651	\$ 2,214,259	\$ 1,909,922	\$ 1,507,428
WORKERS COMPENSATION FUND	\$ 1,692,832	\$ 1,945,286	\$ 1,969,888	\$ 2,351,455	\$ 2,628,787
Capital Improvement Funds					
GENERAL FUND CIP	\$ 1,548,223	\$ 1,433,888	\$ 785,524	\$ 831,508	\$ 669,376
EQUIPMENT REPLACEMENT	\$ 213,900	\$ 116,514	\$ 89,212	\$ 137,016	\$ 155,614
IMPACT FEE FUNDS	\$ 1,423,975	\$ 999,559	\$ 2,120,150	\$ 2,255,889	\$ 2,247,187
WATER CIP	\$ 7,172,232	\$ 7,319,155	\$ 7,373,464	\$ 8,050,992	\$ 10,393,900
SEWER CIP	\$ 5,587,869	\$ 5,912,280	\$ 4,135,973	\$ 5,420,603	\$ 6,314,461
Reserve Funds					
DEVELOPMENT RESERVE	\$ 875,000	\$ 861,500	\$ 807,886	\$ 924,886	\$ 964,886
GENERAL FUND RESERVE	\$ 873,323	\$ 425,871	\$ 1,012,323	\$ 1,047,056	\$ 1,163,864
WATER RESERVE FUND	\$ 1,870,439	\$ 1,870,439	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
SEWER RESERVE FUND	\$ 181,130	\$ 181,130	\$ 1,500,000	\$ 2,000,000	\$ 2,000,000
TOTAL	\$ 41,855,714	\$ 42,982,177	\$ 44,869,213	\$ 48,763,509	\$ 58,554,868
TOTAL ALL FUNDS	\$ 52,039,760	\$ 50,664,469	\$ 57,337,593	\$ 62,142,567	\$ 70,423,764

**FINANCE DIRECTOR'S REPORT
BUDGET VS. ACTUAL
OPERATING FUNDS
December 31, 2018**

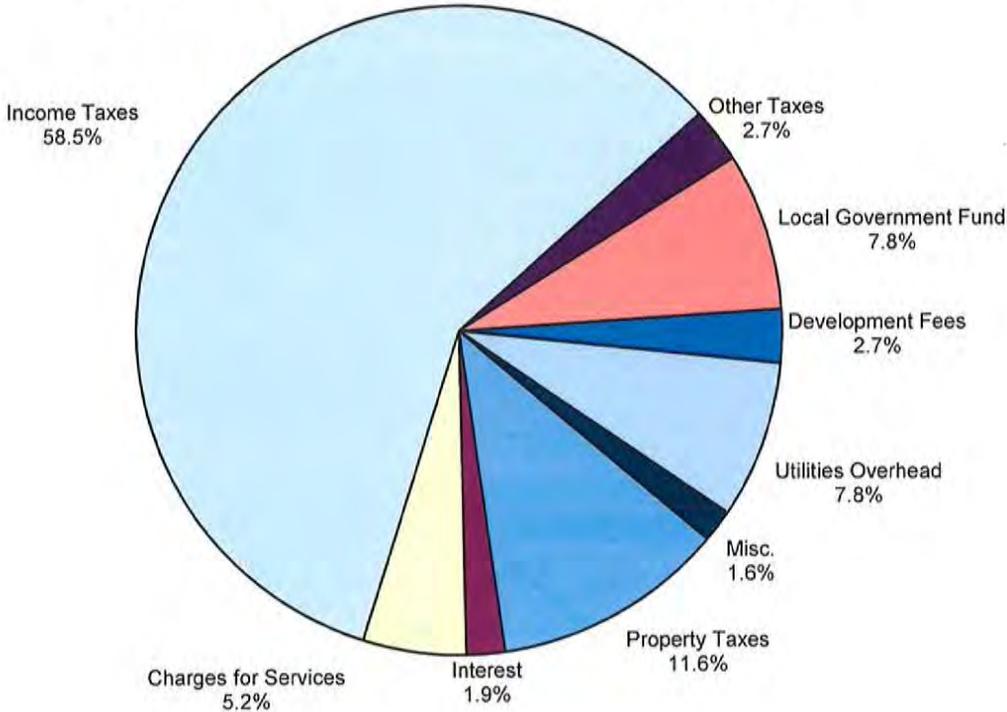
	Original 2018 Budget	2017 PO Carryover	Combined 2018 Budget	Actual 2018 Expenditures	2018 Year End Encumbrances	Variance Positive (Negative)	Supplemental Appropriations
GENERAL FUND							
City Council	154,873	3,352	158,225	151,103	245	6,877	4,250
City Manager	686,556	125	686,681	683,835	5,200	(2,354)	10,000
Administrative Services	327,781	3,368	331,149	298,547	32,044	558	5,100
Economic Development	391,299	26,990	418,289	369,198	32,968	16,123	6,250
Legal Affairs/Prosecutor	793,893	300	794,193	779,530	1,800	12,863	
Finance	1,521,673	20,714	1,542,387	1,521,106	22,480	(1,199)	25,000
Income Tax Refunds	400,000	0	400,000	490,574	0	(90,574)	100,000
General Administration	5,303,700	230,971	5,534,671	5,875,859	141,447	(482,635)	480,000
Risk Management	343,000	31,128	374,128	334,175	0	39,953	50,000
Police	8,744,063	61,062	8,805,125	8,399,395	54,221	351,509	22,000
Planning	1,161,774	31,133	1,192,907	1,174,661	14,609	3,637	42,050
Engineering	1,763,921	80,459	1,844,380	1,813,889	169,557	(139,066)	21,600
City Buildings	509,690	23,540	533,230	489,504	29,120	14,606	3,500
TOTAL GENERAL FUND	22,102,223	513,142	22,615,365	22,381,376	503,691	(269,702)	769,750
OTHER OPERATING FUNDS							
Street Maintenance Admin.	900,286	9,223	909,509	873,690	3,215	32,604	22,250
Street Maintenance Streets	1,396,252	57,254	1,453,506	1,499,087	21,594	(67,175)	107,500
Street Maintenance Traffic	722,548	1,913	724,461	703,622	49,725	(28,886)	43,500
Grounds and Facilities	1,223,669	17,383	1,241,052	1,204,571	23,473	13,008	6,000
Recreation	198,699	0	198,699	198,802	0	(103)	35,255
Cemetery	327,957	44,980	372,937	255,965	11,522	105,450	2,000
Fire/EMS	11,999,000	3,531,937	15,530,937	13,163,127	1,145,276	1,222,534	
Golf Course	222,698	302	223,000	189,794	1,551	31,655	
Airport	791,739	5,745	797,484	814,570	67,373	(84,459)	145,000
Storm Sewer	1,466,181	106,832	1,573,013	465,944	183,567	923,502	
Water Administration	3,343,237	36,104	3,379,341	3,199,247	35,569	144,525	120,000
Treatment	2,024,764	18,712	2,043,476	1,902,683	54,974	85,819	
Distribution	983,399	33,460	1,016,859	884,534	36,827	95,498	2,500
Sewer Administration	4,291,236	34,798	4,326,034	4,173,906	43,901	108,227	
Treatment	1,980,918	35,036	2,015,954	1,838,330	70,049	107,575	16,750
Collection	726,545	71,128	797,673	638,880	55,996	102,797	4,000
Refuse Administration	2,269,445	1,889,819	4,159,264	2,347,445	60,230	1,751,589	
Collection	2,426,054	438	2,426,492	2,090,904	339,768	(4,180)	54,000
Recycling	604,643	10,064	614,707	606,369	6,632	1,706	10,500
Garage Rotary	654,493	30,878	685,371	608,502	21,945	54,924	
IT Rotary	1,165,329	83,220	1,248,549	936,213	84,368	227,968	3,250
Court Administration	1,473,826	2,195	1,476,021	1,412,665	3,065	60,291	57,670
Clerk of Courts	1,317,820	3,064	1,320,884	1,219,234	4,000	97,650	
TOTAL OTHER FUNDS	42,510,738	6,024,485	48,535,223	41,228,084	2,324,620	4,982,519	630,175

GENERAL FUND REVENUES

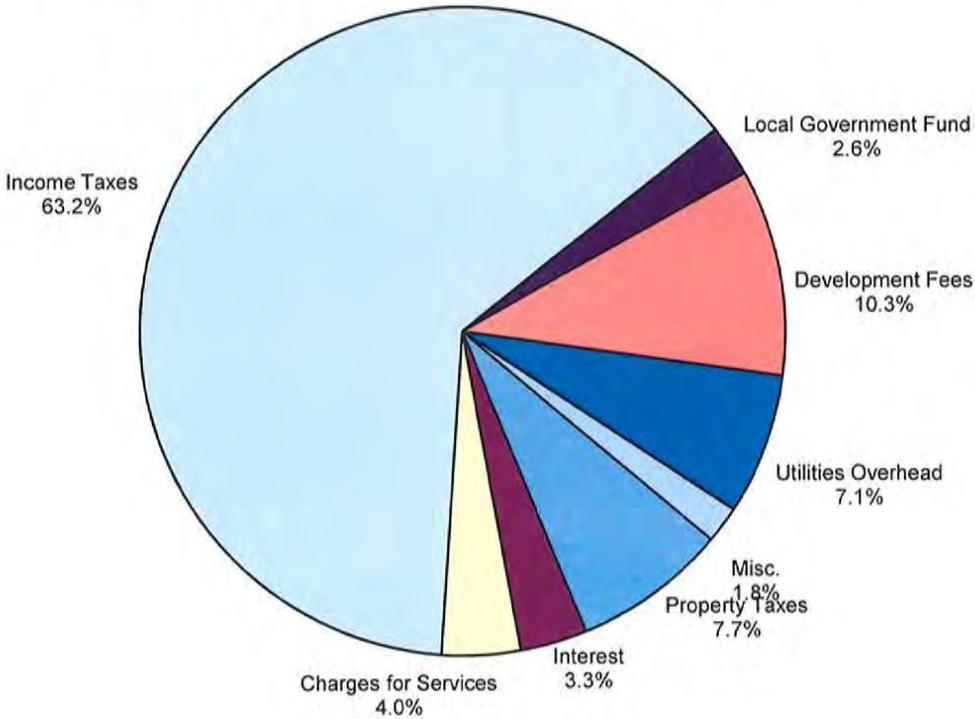
December 31, 2018

	2015	2016	2017	2018	% Change 2016 to 2017
Property Taxes					
Real Estate	1,437,990	1,506,546	1,445,141	1,635,414	13.17%
Personal Property	2,150	-	-	-	0.00%
Rollbacks/Homestead Credits	172,394	174,504	176,533	196,292	11.19%
Total Property Taxes	\$ 1,612,534	\$ 1,681,050	\$ 1,621,674	\$ 1,831,706	12.95%
Income Taxes					
1.0% General Operations	12,390,195	13,515,572	14,007,389	15,048,475	7.43%
Total Income Taxes	\$ 12,390,195	\$ 13,515,572	\$ 14,007,389	\$ 15,048,475	7.43%
Other Taxes					
Inheritance Tax	4,962	1,803	-	-	0.00%
State Shared Taxes (Local Gov't)	650,718	604,095	591,818	609,739	3.03%
Miscellaneous Taxes	1,088	1,013	1,075	975	-9.30%
Total Other Taxes	\$ 656,768	\$ 606,911	\$ 592,893	\$ 610,714	3.01%
Charges for Services					
Engineering Fees	475,415	1,109,269	1,826,791	1,318,509	-27.82%
Prosecutor Fees	220,241	266,810	287,045	254,300	-11.41%
Parking Meters	35,359	38,282	32,748	39,249	19.85%
Licenses and Permits	632,829	867,689	717,232	1,134,609	58.19%
Cable Franchise Fees	349,706	357,145	373,236	409,887	9.82%
City Court/Diversions Fines	142,089	139,971	139,540	154,916	11.02%
Miscellaneous Fees	71,071	72,892	71,210	84,928	19.26%
Total Charges for Services	\$ 1,926,710	\$ 2,852,058	\$ 3,447,802	\$ 3,396,398	-1.49%
Investment Income	\$ 45,637	\$ 144,144	\$ 387,615	\$ 796,562	105.50%
Utility Fund Overhead Transfers	\$ 1,551,756	\$ 1,575,032	\$ 1,679,339	\$ 1,678,500	-0.05%
Miscellaneous/Reimbursements	\$ 808,554	\$ 300,917	\$ 244,218	\$ 438,017	79.35%
TOTAL GENERAL FUND REVENUE	\$ 18,992,154	\$ 20,675,684	\$ 21,980,930	\$ 23,800,372	8.28%
Other General Government Revenue					
Fire Department	\$ 9,391,679	\$ 9,884,056	\$ 10,985,622	\$ 11,626,108	5.83%
Municipal Court	\$ 2,508,259	\$ 2,751,715	\$ 3,064,686	\$ 2,935,597	-4.21%
TOTAL GENERAL GOV'T REVENUE	\$ 30,892,092	\$ 33,311,455	\$ 36,031,238	\$ 38,362,077	6.47%

2008 General Fund Revenue



2018 General Fund Revenue

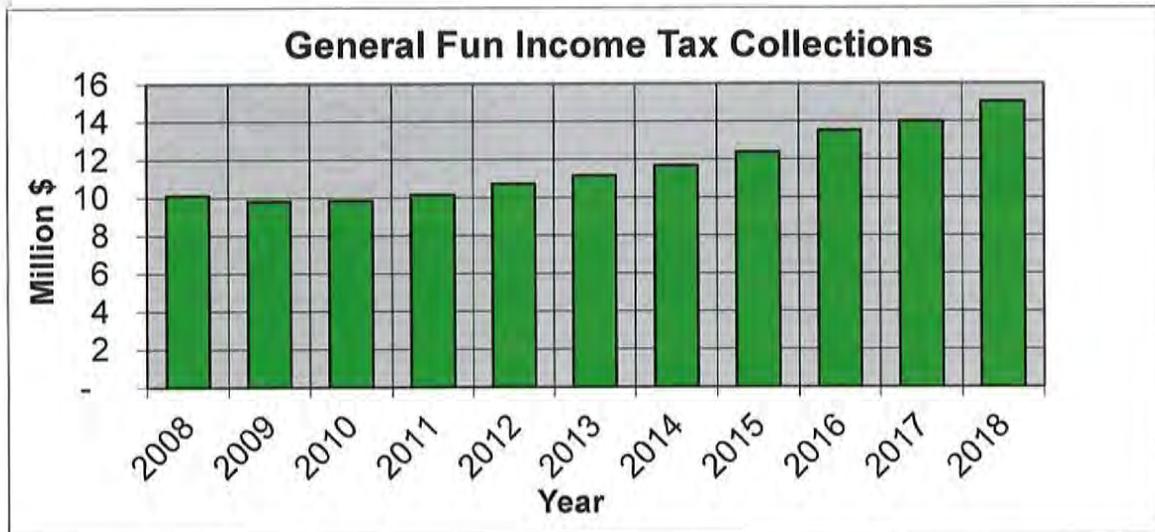


FINANCE DIRECTOR'S REPORT

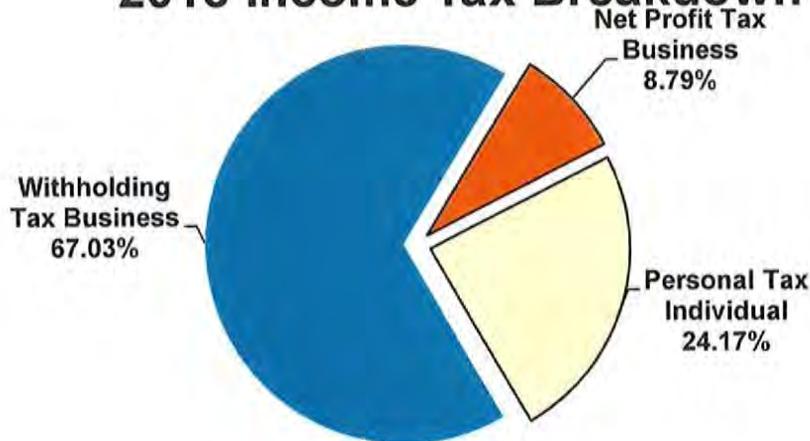
Year-End Report

Income Tax Collections

Year	1.00% General Fund	% Increase	0.40% Fire/EMS	0.15% Rec Facilities	TOTAL	Rate
2008	10,113,223	10.07%	4,045,010	-	14,158,233	1.40%
2009	9,799,798	-3.10%	3,922,611	994,437	14,716,846	1.55%
2010	9,835,301	0.36%	3,932,939	1,416,239	15,184,479	1.55%
2011	10,136,058	3.06%	6,147,283	1,482,349	17,765,690	1.85%
2012	10,717,681	5.74%	7,357,166	1,583,182	19,658,029	1.85%
2013	11,158,354	4.11%	7,743,266	1,656,146	20,557,766	1.85%
2014	11,671,156	4.60%	8,126,904	1,739,367	21,537,427	1.85%
2015	12,390,195	6.16%	8,612,636	1,849,904	22,852,735	1.85%
2016	13,515,572	9.08%	9,436,600	2,033,023	24,985,195	1.85%
2017	14,007,389	3.64%	9,791,640	2,099,160	25,898,189	1.85%
2018	15,048,475	7.43%	10,524,572	2,256,245	27,829,292	1.85%



2018 Income Tax Breakdown



FINANCE DIRECTOR'S REPORT

Year-End Report 2017

General Fund Expenditure History

	2000	% of Total	2005	% of Total	2010	% of Total	2016	% of Total	2017	% of Total	2018	% of Total
All Expenditures												
City Administration	954,994	8.3%	1,168,300	8.2%	1,109,593	7.1%	1,313,409	6.7%	1,449,762	7.0%	1,502,683	6.9%
Legal/Prosecutor	293,579	2.5%	503,172	3.6%	592,713	3.8%	748,838	3.8%	764,928	3.7%	779,530	3.6%
Finance	686,627	5.9%	959,941	6.8%	1,269,385	8.2%	1,386,977	7.1%	1,486,475	7.1%	1,521,106	6.9%
Police/911	3,845,687	33.3%	5,086,843	35.9%	6,465,943	41.6%	7,474,233	38.2%	7,952,097	38.2%	8,399,395	38.4%
General Administration	799,071	6.9%	1,142,369	8.1%	1,062,930	6.8%	1,448,981	7.4%	1,441,800	6.9%	1,647,034	7.5%
Capital Improvement	1,705,000	14.7%	1,000,000	7.1%	1,500,000	9.6%	2,250,000	11.5%	2,039,700	9.8%	2,237,500	10.2%
Planning/Engineering	1,525,961	13.2%	2,566,964	18.1%	1,783,502	11.5%	2,454,111	12.6%	2,920,381	14.0%	2,988,551	13.7%
Street Maintenance	995,000	8.6%	707,348	5.0%	719,640	4.6%	1,255,834	6.4%	1,361,754	6.5%	1,490,000	6.8%
Parks/Cemetery	700,000	6.1%	887,138	6.3%	995,000	6.4%	1,197,500	6.1%	1,375,000	6.6%	1,295,004	5.9%
Airport	55,000	0.5%	150,592	1.1%	50,000	0.3%	18,890	0.1%	30,000	0.1%	30,000	0.1%
Total	11,560,919		14,172,667		15,548,706		19,548,773		20,821,897		21,890,803	

Wages and Benefits

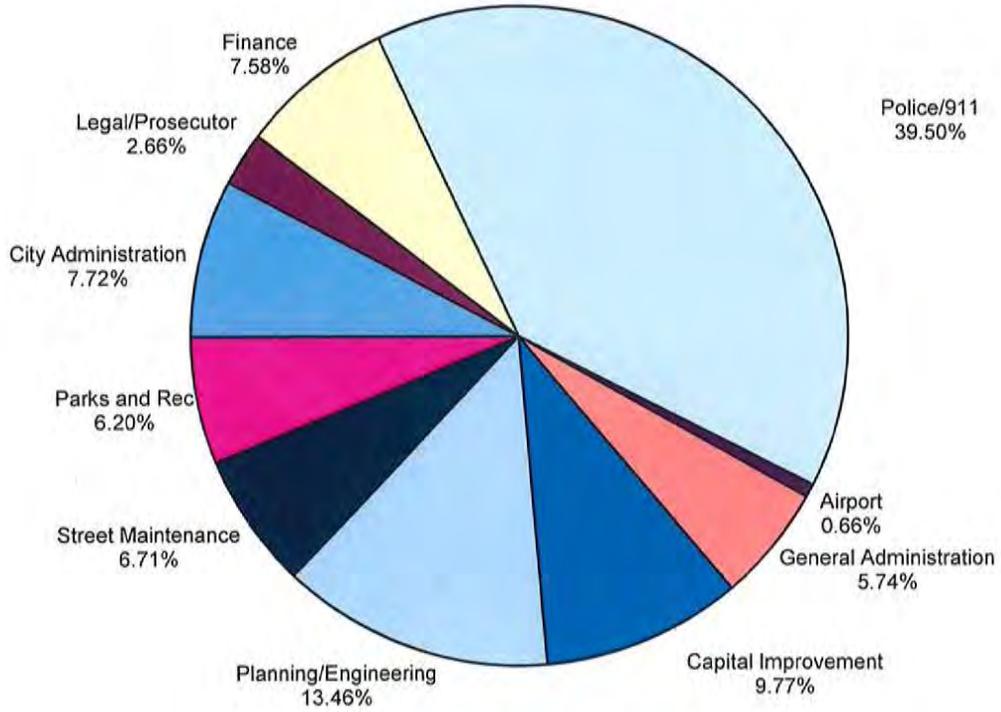
City Administration	714,082	11.9%	855,269	10.2%	874,555	8.7%	1,055,453	9.2%	1,136,098	9.4%	1,176,936	9.2%
Legal/Prosecutor	277,214	4.6%	469,239	5.6%	556,451	5.5%	692,484	6.1%	701,278	5.8%	727,271	5.7%
Finance	586,105	9.8%	832,214	9.9%	1,061,322	10.5%	1,122,559	9.8%	1,220,815	10.1%	1,226,462	9.5%
Police/911	3,386,148	56.4%	4,623,810	55.0%	5,930,940	58.9%	6,809,176	59.6%	7,218,017	59.6%	7,562,993	58.9%
Planning	483,681	8.1%	789,342	9.4%	702,674	7.0%	879,843	7.7%	911,711	7.5%	1,028,997	8.0%
Engineering	509,012	8.5%	765,043	9.1%	867,987	8.6%	730,131	6.4%	804,372	6.6%	972,600	7.6%
Other	51,767	0.9%	76,969	0.9%	72,937	0.7%	126,050	1.1%	121,359	1.0%	152,179	1.2%
Total	6,008,009		8,411,886		10,066,866		11,415,696		12,113,650		12,847,438	

General Fund Revenues 11,848,137 14,873,448 17,030,217 20,675,685 21,980,929 23,800,372

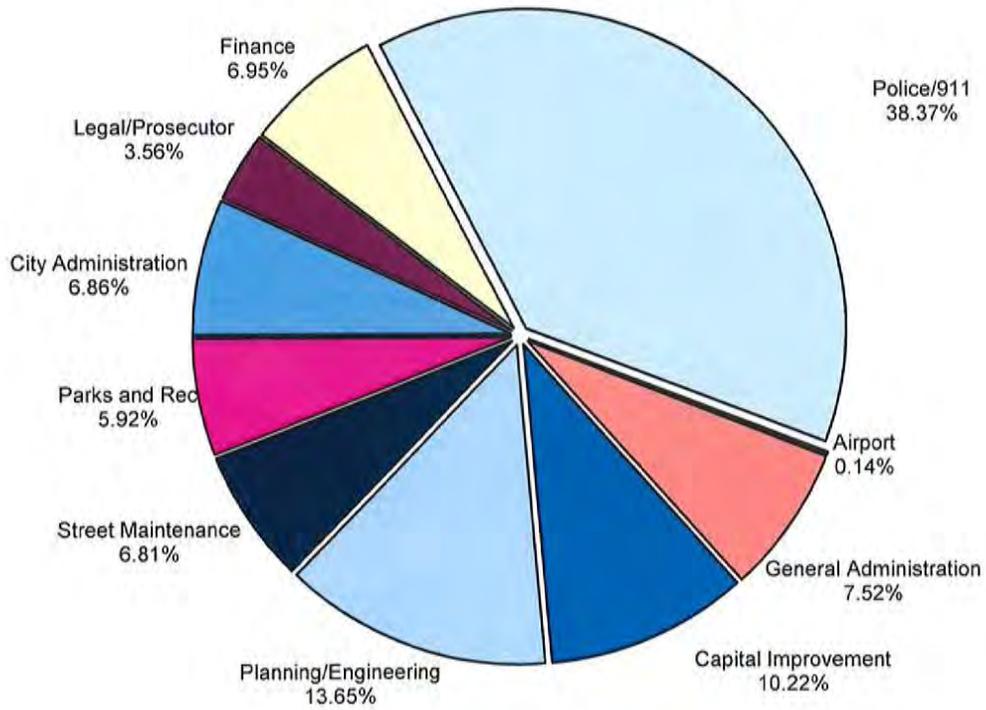
Wages as a % of
General Fund Revenue 50.7% 56.6% 59.1% 55.2% 55.1% 54.0%

CIP Transfer as a % of
General Fund Revenue 14.4% 6.7% 8.8% 10.9% 9.3% 9.4%

2008 General Fund Expenditures



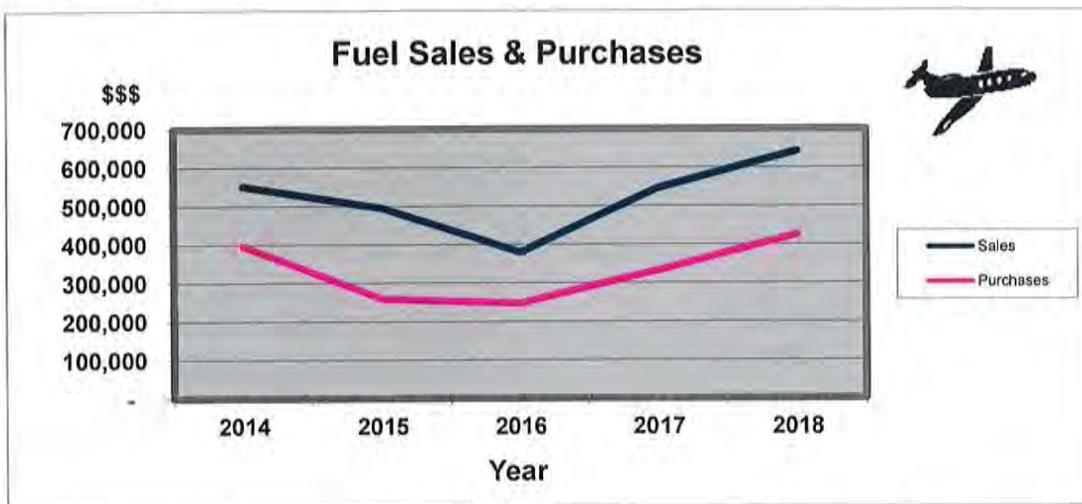
2018 General Fund Expenditures





CITY OF DELAWARE Airport Fund 2018 Year-End Report

	2014	2015	2016	2017	2018
REVENUES					
Hangar Rent	168,254	169,764	171,763	178,611	177,916
Tie Down Rent	2,065	2,702	2,474	1,873	2,385
Land Rent	8,268	9,224	11,464	11,767	11,892
Fuel Sales	551,280	494,567	378,371	545,634	642,394
Property Tax Reimbursement	37,087	37,187	36,326	46,653	30,573
Other Income	17,194	16,772	12,563	16,276	19,704
TOTAL REVENUE	\$ 784,148	\$ 730,216	\$ 612,961	\$ 800,814	\$ 884,864
OPERATING EXPENDITURES					
Wages and Benefits	149,317	155,064	154,411	162,457	190,086
Operating Expenses	97,010	93,557	88,496	104,009	108,667
Special Events/Promotions	-	-	-	445	195
Fuel Purchases	396,044	259,353	247,641	332,044	424,698
Facility Maintenance	33,299	21,568	23,989	32,176	24,958
Consulting/Professional Services	14,348	2,959	780	2,530	6,828
Equipment	6,914	4,000	2,543	-	-
Real Estate Taxes	73,530	73,735	72,021	83,656	82,155
TOTAL EXPENDITURES	\$ 770,462	\$ 610,236	\$ 589,881	\$ 717,317	\$ 837,587
OPERATING PROFIT/LOSS	\$ 13,686	\$ 119,980	\$ 23,080	\$ 83,497	\$ 47,277
General Fund Subsidy	10,000	18,890	18,890	30,000	30,000
Debt Service	(76,905)	(80,435)	(79,120)	(53,151)	(67,897)
NET CASH FLOW	\$ (53,219)	\$ 58,435	\$ (37,150)	\$ 60,346	\$ 9,380
FUND BALANCE	\$ 355,515	\$ 413,950	\$ 375,824	\$ 436,171	\$ 445,548
Amount Reserved for Debt	171,431	152,325	143,529	164,197	173,352
Encumbrances Outstanding	4,223	31,475	5,625	5,745	67,373
UNRESERVED FUND BALANCE	\$ 179,861	\$ 230,150	\$ 226,670	\$ 266,229	\$ 204,823
Airport Capital Improvements	\$ 462,474	\$ 399,963	\$ 4,661,061	\$ 524,575	\$ 4,170



	2014	2015	2016	2017	2018
Sales	551,280	494,567	378,371	545,634	642,394
Purchases	396,044	259,353	247,641	332,044	424,698
Gross Profit %	39.2%	90.7%	52.8%	64.3%	51.3%

FINANCE DIRECTOR'S REPORT
Year-end Report 2018
Cemetery Fund

	2014	2015	2016	2017	2018
REVENUES					
Pre-Need Space Sale	32,557	36,546	45,408	61,848	35,551
At-Need Space Sale	15,097	15,950	16,802	20,400	9,213
Interment Charges	65,550	72,275	60,723	64,920	63,195
Foundation Charges	17,548	19,024	14,472	17,877	19,969
Donations	234	175	1,625	650	225
Rental Income	900	900	900	900	900
Investment Income	331	456	469	-	-
Other Income	586	75	105	212	50
TOTAL REVENUE	\$ 132,803	\$ 145,401	\$ 140,504	\$ 166,807	\$ 129,103
OPERATING EXPENDITURES					
Wages and Benefits	144,051	140,433	164,191	165,965	184,017
Operating Expenses	51,518	46,111	47,818	32,332	33,375
Lot Repurchases and Refunds	1,944	3,015	5,150	2,500	5,100
Capital Improvements	-	-	-	42,760	21,779
Equipment Purchases	38,132	3,000	-	-	11,694
TOTAL EXPENDITURES	\$ 235,645	\$ 192,559	\$ 217,159	\$ 243,557	\$ 255,965
CASH FLOW OPERATIONS	\$ (102,842)	\$ (47,158)	\$ (76,655)	\$ (76,750)	\$ (126,862)
General Fund Transfer	\$ 40,000	\$ 38,175	\$ 75,000	\$ 75,000	\$ 95,000
Perpetual Care Funds		(37,522)	-	-	-
NET CASH FLOW Increase/(Decrease)	\$ (62,842)	\$ (46,505)	\$ (1,655)	\$ (1,750)	\$ (31,862)
SPECIAL CARE RESERVE	\$ 37,522	\$ 37,522	\$ 36,063	\$ 34,982	\$ 34,191
CEMETERY FUND RESERVE	\$ 308,716	\$ 301,032	\$ 299,377	\$ 297,627	\$ 265,769



FINANCE DIRECTOR'S REPORT
Year-end Report 2018
Golf Course Fund

	2014	2015	2016	2017	2018
REVENUES					
Memberships	14,892	16,475	16,200	17,749	16,841
Green Fees	84,052	91,388	92,187	89,474	83,521
Concessions/Merchandise Sales	7,700	9,281	9,725	8,424	8,633
Cart and Club Rental	21,807	23,735	28,017	28,109	28,247
Driving Range	11,814	13,028	13,506	15,005	13,733
League Fees	6,489	7,456	5,614	5,196	5,083
Rentals	1,700	182	1,700	2,250	-
Other Income	4,861	1,289	326	2,787	5,000
TOTAL REVENUE	\$ 153,315	\$ 162,834	\$ 167,275	\$ 168,994	\$ 161,058
OPERATING EXPENDITURES					
Wages and Benefits	128,239	126,920	135,561	126,486	138,899
Operating Expenses	32,427	39,084	40,357	32,009	41,697
Concession/Merchandise Supply	3,340	3,710	3,937	3,109	3,698
TOTAL EXPENDITURES	\$ 164,006	\$ 169,714	\$ 179,855	\$ 161,604	\$ 184,294
CASH FLOW OPERATIONS	\$ (10,691)	\$ (6,880)	\$ (12,580)	\$ 7,390	\$ (23,236)
Equipment Purchases	\$ 2,500	\$ -	\$ 2,600	8,853	5,500
NET CASH FLOW Increase/(Decrease)	\$ (13,191)	\$ (6,880)	\$ (15,180)	\$ (1,463)	\$ (28,736)
CASH RESERVES	\$ 92,022	\$ 85,142	\$ 69,962	\$ 68,499	\$ 39,763



FINANCE DIRECTOR'S REPORT
Year-end Report 2018
Water Fund Operations



OPERATIONS	2014	2015	2016	2017	2018
Revenues					
Meter Charges	5,054,526	5,108,989	5,314,306	5,467,317	5,592,719
Investment Income	8,885	15,880	46,397	110,972	227,655
Surcharges/Other Misc.	192,750	211,566	212,368	178,089	154,828
Total Revenue	\$ 5,256,161	\$ 5,336,435	\$ 5,573,071	\$ 5,756,378	\$ 5,975,202
Operating Expenses					
Treatment	1,382,315	1,770,657	1,780,002	1,984,704	1,902,683
Distribution	795,073	789,461	829,353	912,010	884,534
Administration	1,019,663	1,104,456	1,179,416	1,232,325	1,338,335
Total Operation	\$ 3,197,051	\$ 3,664,574	\$ 3,788,771	\$ 4,129,039	\$ 4,125,552
Revenues less Expenses	\$ 2,059,110	\$ 1,671,861	\$ 1,784,300	\$ 1,627,339	\$ 1,849,650
Debt Service - Maintenance	94,065	1,320,281	1,320,281	1,216,620	1,285,727
Capacity Debt Service Allocation	-	-	-	-	-
Available for Maintenance	\$ 1,965,045	\$ 351,580	\$ 464,019	\$ 410,719	\$ 563,923
Capital Improvements					
Repairs and Replacement					
Meters/Vaults	40,829	2,688	-	19,251	28,828
Existing Line Repairs	1,106,726	566,322	327,341	48,020	203,044
Equipment/Prof Services	32,617	10,690	974,725	116,812	74,933
Plant Repairs	87,846	157,451	90,858	171,864	91,659
Sludge Lagoon Cleaning	-	59,083	289,428	-	-
Total Repair	1,268,018	796,234	1,682,352	355,947	398,464
Cash Flow Operations	\$ 697,027	\$ (444,654)	\$ (1,218,333)	\$ 54,772	\$ 165,459
Water Rates					
0 to 3,000 cu. ft.	\$ 4.08	\$ 4.08	\$ 4.08	\$ 4.32	\$ 4.32
3,001 to 47,000 cu. ft.	\$ 2.86	\$ 2.86	\$ 2.86	\$ 3.03	\$ 3.03
Over 47,000 cu. ft.	\$ 1.98	\$ 1.98	\$ 1.98	\$ 2.10	\$ 2.10
Minimum Charge (Residential)	\$ 10.36	\$ 10.36	\$ 10.36	\$ 10.98	\$ 10.98
Avg. Charge (800 cu. ft.)	\$ 34.84	\$ 34.84	\$ 34.84	\$ 36.90	\$ 36.90
% Increase	0.0%	0.0%	0.0%	5.9%	0.0%
All Water Fund Balances					
Water Fund Operation Reserve	2,035,191	1,784,670	1,421,338	1,230,846	1,219,585
Water Maintenance CIP Reserve	3,156,187	3,163,217	1,904,487	2,146,541	2,323,261
Water Capacity Fee Fund Reserve	4,827,274	4,933,458	5,790,941	6,003,395	8,005,102
Water Utility Reserve Fund	1,870,439	1,870,439	2,000,000	2,000,000	2,000,000
Total Water Fund Reserves	\$ 11,889,091	\$ 11,751,784	\$ 11,116,766	\$ 11,380,782	\$ 13,547,948
Outstanding Encumbrances					\$ 289,033
Net Water Fund Reserves 12/31/18					\$ 13,258,915
Total Outstanding Debt 12/31/18					\$ 30,503,804

FINANCE DIRECTOR'S REPORT
Year-end Report 2018
Sewer Fund Operations



OPERATIONS	2014	2015	2016	2017	2018
Revenues					
Meter Charges	6,180,020	6,254,470	6,567,638	6,546,592	6,636,884
Investment Income	5,947	11,971	38,721	97,135	208,496
Septic Receiving Fees	152,850	148,234	158,962	166,855	163,521
Surcharges	247,372	165,534	121,438	100,041	97,959
Misc./Other	122,903	12,968	11,799	70,919	20,996
Total Revenue	\$ 6,709,092	\$ 6,593,177	\$ 6,898,558	\$ 6,981,542	\$ 7,127,856
Operating Expenses					
Treatment	1,727,853	1,669,450	1,738,990	1,781,705	1,838,330
Collection	541,875	566,204	544,014	584,601	638,880
Administration/Transfers	1,063,427	1,135,519	1,151,364	1,128,745	1,123,523
Total Operation	\$ 3,333,155	\$ 3,371,173	\$ 3,434,368	\$ 3,495,051	\$ 3,600,733
Revenues less Expenses	\$ 3,375,937	\$ 3,222,004	\$ 3,464,190	\$ 3,486,491	\$ 3,527,123
Debt Service - Maintenance	158,992	158,993	150,687	151,333	152,002
Capacity Debt Service Allocation	\$ 2,017,531	2,000,000	681,131	1,599,039	1,631,020
Available for Maintenance	\$ 1,199,414	\$ 1,063,011	\$ 2,632,372	\$ 1,736,119	\$ 1,744,101
Capital Improvements					
Repairs and Replacement					
Inflow/Infiltration	125,905	56,781	-	-	-
Meters/Manholes/Laterals	26,000	-	-	19,251	28,955
Existing Line Repairs	-	-	-	-	7,626
Equipment/Prof Services	32,617	-	640,223	450,005	100,426
Plant Repairs	175,455	176,044	768,930	792,155	1,843,757
Total Repair	359,977	232,825	1,409,153	1,261,411	1,980,764
Cash Flow Operations	\$ 839,437	\$ 830,186	\$ 1,223,219	\$ 474,708	\$ (236,663)
Sewer Rates					
1st 200 cu. ft.	\$ 6.72	\$ 6.72	\$ 6.72	\$ 6.72	\$ 6.72
Over 200 cu. ft.	\$ 5.52	\$ 5.52	\$ 5.52	\$ 5.52	\$ 5.52
Minimum Charge	\$ 13.44	\$ 13.44	\$ 13.44	\$ 13.44	\$ 13.44
Avg. Monthly Charge (800 cu. ft.)	\$ 46.56	\$ 46.56	\$ 46.56	\$ 46.56	\$ 46.56
% Increase	0.0%	0.0%	0.0%	0.0%	0.0%
All Sewer Fund Balances					
Sewer Fund Operation Reserve	2,651,185	2,561,917	2,661,859	2,657,780	3,134,518
Sewer Maintenance CIP Reserve	2,759,772	3,679,226	3,483,634	3,462,422	2,749,019
Sewer Capacity Fee Fund Reserve	2,641,456	2,518,370	1,755,328	1,940,990	3,802,018
Sewer Utility Reserve Fund	181,130	181,130	1,500,000	2,000,000	2,000,000
SE Highland Sewer Fund	178,594	27,976	96,980	161,159	270,078
Total Sewer Fund Reserves	\$ 8,412,137	\$ 8,968,619	\$ 9,497,801	\$ 10,222,351	\$ 11,955,633
Outstanding Encumbrances					\$ 676,600
Net Sewer Fund Reserves 12/31/18					\$ 11,279,033
Total Outstanding Debt 12/31/18					\$ 27,001,518

FINANCE DIRECTOR'S REPORT

Year-end Report 2018

Refuse Fund

	2014	2015	2016	2017	2018
Revenues					
Collection Charges	3,309,877	3,372,646	3,430,310	3,493,122	3,482,445
Grant Income	-	18,000	22,000	-	-
Bulk Waste	-	-	-	9,130	13,847
Bag Tags/Cleanup Income	5,327	5,194	5,929	6,187	7,570
Toter Fees	10,257	11,065	13,588	13,715	25,133
Investment Income	1,301	2,901	9,283	15,124	-
Other Income	104,834	5,606	2,058	7,108	33,792
TOTAL REVENUE	\$ 3,431,596	\$ 3,415,412	\$ 3,483,168	\$ 3,544,386	\$ 3,562,787
Operating Expenses					
Refuse Collection	840,612	803,259	833,835	903,871	987,589
Tipping Fees	853,679	836,398	883,645	916,026	890,284
Recycling Collection	493,050	532,619	536,999	526,892	588,953
Vehicle Purchase/Lease	292,395	82,367	392,651	494,047	185,784
Tip-Cart/Dumpster Purchases	77,967	82,221	77,214	41,635	44,663
Closed Landfill Costs	141,007	456,951	245,108	94,098	77,984
Debt Service	56,775	59,675	57,338	-	-
Other Indirect Costs	323,757	327,391	332,758	342,781	353,085
TOTAL EXPENDITURES	\$ 3,079,242	\$ 3,180,881	\$ 3,359,548	\$ 3,319,350	\$ 3,128,342
Cash Flow Operations	\$ 352,354	\$ 234,531	\$ 123,620	\$ 225,036	\$ 434,445
Building Improvements	-	7,029	7,250	19,190	1,916,376
Total Cash Flow	\$ 352,354	\$ 227,502	\$ 116,370	\$ 205,846	\$ (1,481,931)
Cash Reserve	\$ 1,841,848	\$ 2,069,350	\$ 2,185,720	\$ 2,391,566	\$ 909,635
Outstanding Encumbrances					\$ 406,630
Net Reserve December 31, 2018					\$ 503,005
Refuse Rates					
Residential	\$ 19.73	\$ 19.73	\$ 19.73	\$ 20.60	\$ 20.60
Discounted Residential	\$ 9.87	\$ 9.87	\$ 9.87	\$ 10.30	\$ 10.30
Commercial 2 cu. yds.	\$ 100.27	\$ 100.27	\$ 100.27	\$ 85.37	\$ 85.37
Commercial 4 cu. yds.	\$ 123.35	\$ 123.35	\$ 123.35	\$ 103.58	\$ 103.58
Commercial 6 cu. yds.	\$ 143.98	\$ 143.98	\$ 143.98	\$ 121.80	\$ 121.80
% Increase	0.0%	0.0%	0.0%	-0.16%	0.00%



FINANCE DIRECTOR'S REPORT
 Year-end Report 2018
Storm Sewer Fund



	2014	2015	2016	2017	2018
Revenues					
Storm Sewer Fees	804,371	821,561	834,161	831,618	850,672
Grant Revenue	-	98,876	-	-	-
Miscellaneous	13,397	2,123	916	1,770	1,164
Total Revenue	\$ 817,768	\$ 922,560	\$ 835,077	\$ 833,388	\$ 851,836
Operating Expenses					
Wages and Benefits	201,922	215,272	226,360	215,612	220,129
Professional Services	145,998	101,222	92,958	122,081	89,278
Materials and Supplies	57,718	41,261	61,734	42,970	61,612
Capital Outlay	7,323	4,109	16,230	17,610	6,923
Total Operation	\$ 412,961	\$ 361,864	\$ 397,282	\$ 398,273	\$ 377,942
Revenues less Expenses	\$ 404,807	\$ 560,696	\$ 437,795	\$ 435,115	\$ 473,894
Debt Service	\$ -				
Available for Maintenance	\$ 404,807	\$ 560,696	\$ 437,795	\$ 435,115	\$ 473,894
Capital Improvements					
Repairs and Replacement					
Inflow/Infiltration	56,770	27,230	-	-	-
Catch Basins/Manholes/Laterals	-	-	59,545	-	-
Existing Line Repairs	770,186	478,947	621,055	840,249	36,513
Equipment/Prof Services	32,617	-	64,799	33,612	51,489
Total Repair	859,573	506,177	745,399	873,861	88,002
Cash Flow Operations	\$ (454,766)	\$ 54,519	\$ (307,604)	\$ (438,746)	\$ 385,892
Cash Reserve	\$ 2,174,782	\$ 2,229,301	\$ 1,921,697	\$ 1,482,842	\$ 1,868,735
Outstanding Encumbrances					183,567
Net Reserve December 31, 2018					\$ 1,685,168
Storm Sewer Rates					
Residential per month	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50
Non-Residential per ERU	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50	\$ 2.50

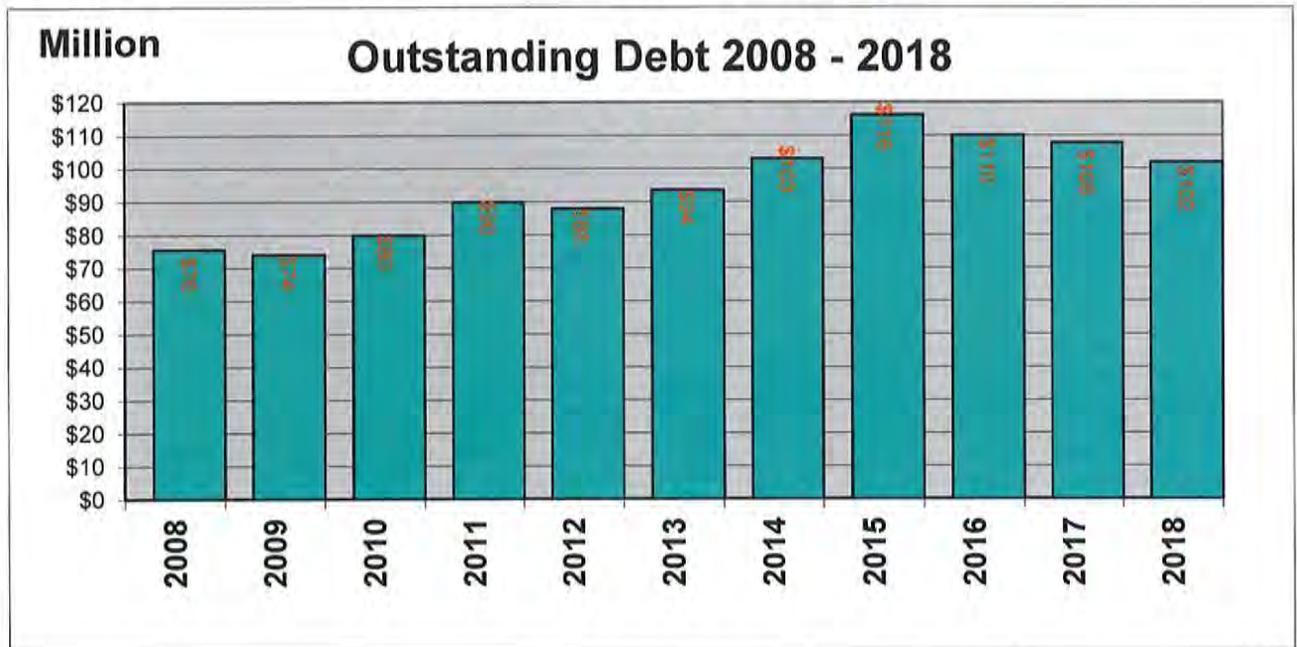
FINANCE DIRECTOR'S REPORT

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Year-end Report 2017

Outstanding Debt

ISSUE	Issuance Date	Balance 12/31/2018	Rate	Net Interest	Payoff Amount	Maturity Date
SHORT-TERM NOTES						
Glenn Rd Initial Design	4/11/18	\$1,860,000	1.788%	\$33,158	\$1,893,158	4/10/19
Glenn Rd Phase 1B	4/11/18	\$3,980,000	1.788%	\$70,951	\$4,050,951	4/10/19
Glenn Rd Phase 1A	4/11/18	\$3,975,000	1.788%	\$70,862	\$4,045,862	4/10/19
Sidewalk Repari Program	4/11/18	\$450,000	1.788%	\$8,020	\$458,020	4/10/19
Total Notes		\$10,265,000		\$182,991		
LONG-TERM BONDS						
				2018 Interest	2018 Principal	
2012 Refunding Bonds	12/28/12	\$2,545,000	1.514%	\$63,700	\$640,000	12/1/22
2013 GO Bonds	4/4/13	\$5,635,000	2.207%	\$142,625	\$435,000	12/1/32
2015 GO Bonds	4/21/15	\$5,455,000	2.705%	\$165,675	\$240,000	12/1/34
2017 GO Bonds	5/10/17	\$6,290,000	2.202%	\$239,350	\$495,000	12/1/31
OWDA Sewer Plant	1/1/07	\$12,727,481	3.590%	\$412,313	\$1,351,052	7/1/27
OWDA Hills Miller Waterline	1/11/11	\$1,754,351	3.670%	\$66,329	\$70,420	1/1/36
OWDA Penry Rd. Waterline	7/1/12	\$864,923	3.550%	\$31,544	\$31,431	7/1/37
OWDA Water Plant	7/1/14	\$27,884,530	3.215%	\$918,064	\$918,689	7/1/39
SE Highland Sewer Bonds	12/9/09	\$12,510,000	4.475%	\$577,609	\$420,000	12/1/37
Park Improvement Bonds	2/18/10	\$15,865,000	4.375%	\$735,351	\$570,000	12/1/34
Total Bonds		\$91,531,285		\$3,352,560	\$5,171,592	
Total Outstanding Debt		\$101,796,285				



TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: February 21, 2019

1. **Calendar**

See Attached

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

See Attached

3. **Bi-Weekly Meetings**

February 7

- * Citizen's Academy – Council/Manager Form of Government
- * NCA Guidelines Meeting

February 11

- * Rotary
- * City Council

February 12

- * OWU Public Policy Class

February 14

- * MORPC Commission Meeting

February 16

- * OWU Community Day
- * COHatch Ribbon Cutting

February 18

- * Rotary

February 19

- * Strand Board Meeting
- * Delaware Police Department Awards Banquet

February 20

- * Tax Incentive Review Council Meeting

February 21

- * Delaware County Transportation Update
- * Heisler Business Ethics Reception

CONTRACT APPROVAL - February 25, 2019

VENDOR	EXPLANATION OF AGREEMENT	2019 AMOUNT	DEPARTMENT
YMCA	Wellness Partner Agreement	0.00	HR
Ohio Power Company	Agreement between City and Ohio Power Company in regards to the new AEP Service Center project on Slack Rd.	NA	ED
Hamburg Fireworks Display	July 4 th Fireworks	\$35,000	Fire
Verizon Wireless	Lines, equipment and access fees for monthly use of Verizon Cellular Services	\$11,650	IT
AVT Technology Solutions LLC	IBM Service Contract	\$3,195	Police
Wayne Fischer	Maintance agreement 75 acres land adjacent to Municipal Airport	\$1.00	Public Works
Wetlands Resource Center, LLC	Wetlands Mitigation Agreement	\$5,000	Public Works
Paul W. Gabriel M.D.	EMS Medical Director Agreement	\$8,600	Fire

February

2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 First Friday	2
3	4	5 Public Works/Public Utilities 6:00 pm	6 Planning Commission 6:30 pm	7	8	9
10	11 City Council 7:00 pm	12	13 BZA 6:30 pm-canceled	14	15	16
17	18 Parking & Safety 6:00 pm -canceled	19	20	21	22	23
24	25 City Council 7:00 pm	26 Shade Tree Commission 6:30 pm	27 Finance Committee 3:30pm Historic Preservation Commission 6:30 pm	28		

March

2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Council Work Session 6:30 p.m.	5	6 Planning Commission 6:30 p.m.	7	8	9
10	11 City Council 7 p.m.	12	13 BZA 6:30 p.m.	14	15	16 Council Retreat 8:30 am Camp Lazarus
17	18	19 Parks and Recreation Advisory Board 6:30 pm	20	21	22	23
24	25 City Council 7 p.m.	26	27 HPC 6:30 p.m.	28	29	30
31						