

**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.

7:00 P.M. REGULAR MEETING

September 23, 2019

1. ROLL CALL
2. INVOCATION – Chaplain Jonathan Smith, City of Delaware Fire Department
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on September 9, 2019, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on September 13, 2019, as recorded and transcribed.

5. CONSENT AGENDA
 - A. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on July 10, 2019, as recorded and transcribed.
 - B. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on March 19, 2019, as recorded and transcribed.
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. PRESENTATION
 - A. Proclamation for Fire Safety Week, presented to Chief John Donahue

9. DIRECTOR UPDATE
 - A. John Donahue, Fire Chief
10. CONSIDERATION OF A LIQUOR PERMIT (Relating to Stockholder Change)
 - A. Liberty Fuel Inc, DBA London Rd Shell, 132 London Road, Delaware, Ohio 43015. Permit Classes: C1, C2, D6
11. THIRD READING of Resolution No. 19-40, a resolution adopting the 2020-2024 Five-Year Capital Improvement Plan (CIP).
12. SECOND READING of Ordinance No. 19-53, an ordinance approving a Final Subdivision Plat request by Westport Homes for Springer Woods, Section 2, Phase 2, containing 21 single family lots on approximately 5.471 acres zoned R-3 (One-Family Residential District) and located on Scarlett Drive and Aaron Drive.
13. SECOND READING of Ordinance No. 19-54, an ordinance approving a Final Subdivision Plat request by Westport Homes for Springer Woods, Section 2, Phase 3, containing 22 single family lots on approximately 5.65 acres zoned R-3 (One-Family Residential District) and located on Bevan Way and Aaron Drive.
14. SECOND READING of Ordinance No. 19-55, an ordinance supplementing the 2019 Appropriations Ordinance in the amount of \$75,000 and authorizing the City Manager to enter into an agreement with PROS Consulting for a Parks and Recreation Master Plan.
15. CONSIDERATION of Resolution No. 19-44, a resolution authorizing the City Manager to sign and enter into an intergovernmental agreement with the Delaware County Commissioners for Indigent Defense Services for municipal code violations.
16. CONSIDERATION of Resolution No. 19-45, a resolution adopting guidelines for readings for the City of Delaware.
17. CONSIDERATION of Ordinance No. 19-56, an ordinance supplementing the 2019 Appropriations Ordinance to provide for a supplemental appropriation to allow a refund of previously collected impact fees related to the Burr Oak Commons (AKA Treplus) Development.
18. CONSIDERATION of Ordinance No. 19-57, an ordinance supplementing

the 2019 Appropriations Ordinance to provide additional funding for cemetery improvement design work and for additional cemetery maintenance funding.

19. DISCUSSION ITEM:
 - A. Aquatics Summer Program (Jack Florance Pool)
20. FINANCE DIRECTOR'S REPORT
21. CITY MANAGER'S REPORT
22. COUNCIL COMMENTS
23. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held September 9 20 19

6:30 EXECUTIVE SESSION: Vice-Mayor Shafer motioned to enter into executive session at 6:33 p.m. This motion was seconded by Mr. Rohrer 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: Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Absent from the meeting was First Ward Chris Jones. Following the discussion at 6:56 p.m., it was moved by Mr. Rohrer that Council move into Open session, seconded by Vice-Mayor Shafer and approved by a 6-0 vote.

The regular meeting of Council held September 9, 2019 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: Second Ward Lisa Keller, Third Ward Jim Browning, At-Large George Hellinger, Vice-Mayor Shafer, and Mayor Riggle who presided. Absent from the meeting was First Ward Chris Jones. The invocation was given by Chaplain Dan Mauer of the Delaware Police Department, followed by the Pledge of Allegiance.

Staff Present: John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Darren Shulman, City Attorney, Bill Ferrigno, Public Works Director/City Engineer, Rob Alger, City Accountant, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

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

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on August 26, 2019, as recorded and transcribed.

Motion: Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held August 26, 2019, seconded by Vice-Mayor Shafer. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on May 22, 2019, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on June 25, 2019, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Planning Commission meeting held on August 7, 2019, as recorded and transcribed.
- D. Resolution No. 19-41, a resolution authorizing the City Manager to enter into a Cooperative Agreement with Delaware Township, Liberty Township, and Delaware County to submit an application to the Ohio Public Works Commission (OPWC) for the project known as Braumiller Road Improvements Project (OPWC Round 34 Application).

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- E. Resolution No. 19-42, a resolution authorizing the City Manager to enter into a Cooperative Agreement with Delaware County for an application to the Ohio Public Works Commission (OPWC) for the pavement resurfacing and rehabilitation of Belle Avenue and West William Street (Round 34 Application).
- F. Resolution No. 19-43, a resolution approving the sale of a sewer department 2002 Ford e-350 van equipped with televising equipment that have outgrown their useful serviceable life.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC COMMENT:

Bill Rietz
675 Pollyanna Drive
Delaware, Ohio

Mr. Rietz provided an update on the Rutherford B. Hayes memorial and dedication.

Tom Hubble
5 Mason Court
Delaware, Ohio

Dr. Hubble discussed the past efforts to bring forth the YMCA to the City and discussed that many of the concerns voiced recently are related to the how busy and successful the YMCA is.

ITEM 7: COMMITTEE REPORT

Mrs. Keller provided an update on meetings with the YMCA Advisory Board. She discussed that the recent meeting discussed three changes, including; staffing changes, Force Aquatics decision, and member rates. She discussed that the staffing changes will include an Executive and Associate Director that is based at the Delaware YMCA and an Aquatics Director and swim coach for their Rip Tide Swim Team. The YMCA provided their decision to not rent space to others when the same program is offered at the YMCA and that Force Aquatics will not be permitted to use the pool. Member rates are proposed to be reduce at the start of the new year.

Vice-Mayor Shafer will be attending a MORPC meeting later in the week.

ITEM 8: PRESENTATION

- A. Proclamation for National Preparedness Month presented to the Chief Donahue and Chief Pijanowski
- B. Proclamation recognizing Patriot Day
- C. Presentation from Delaware County Board of Elections regarding new voting equipment for November election.

PRESENTORS:

Ali Solove
Delaware County Board of Elections
2079 U.S. Hwy 23 N.
Delaware, Ohio

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Amy Murphy
Delaware County Board of Elections
2079 U.S. Hwy 23 N.
Delaware, Ohio

ITEM 9: STAFF INTRODUCTION

A. Cole Grimm, Golf Course Supervisor

ITEM 10: RESOLUTION NO. 19-40 [Second Reading]

A RESOLUTION ADOPTING THE 2020-2024 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

The Clerk read the resolution for the second time. Council to take Resolution No. 19-40 to a third reading. A Work Session is scheduled for September 12, 2019 to discuss the CIP.

ITEM 11: ORDINANCE NO. 19-53 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS, SECTION 2, PHASE 2, CONTAINING 21 SINGLE FAMILY LOTS ON APPROXIMATELY 5.471 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON SCARLETT DRIVE AND AARON DRIVE.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-53 to a second reading.

ITEM 12: ORDINANCE NO. 19-54 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS, SECTION 2, PHASE 3, CONTAINING 22 SINGLE FAMILY LOTS ON APPROXIMATELY 5.65 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON BEVAN WAY AND AARON DRIVE.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-54 to a second reading.

ITEM 13: ORDINANCE NO. 19-55 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE IN THE AMOUNT OF \$75,000 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PROS CONSULTING FOR A PARKS AND RECREATION MASTER PLAN.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-55 to a second reading. Mr. Browning voiced a concern over the cost for the services and that there are limited funds available from the levy.

ITEM 14: DISCUSSION and UPDATE ITEMS:

A. Discussion of Rule Suspension Guidelines

Mr. Efland reviewed the proposed changes to the current guidelines. Mrs. Keller discussed making final plats approved at an administrative level if there are no significant changes from the preliminary approval. Mr. Efland discussed that Council would not be able to deny a Final Subdivision Plat if the applicant had met their requirements. He discussed the long process to get to

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the point of approving a plat at a Council level and agreed that those plats or plans without changes could be approved administratively. He discussed the need to continue to have Council action for items that require a public hearing. Mr. Shulman to provide a draft resolution of the changes for a future meeting.

ITEM 15: CITY MANAGER'S REPORT

Mr. Homan discussed that staff will be requesting additional funding for the point project. He provided an update on the mural projects in the City of Delaware. Staff will be meeting later in the week with hotel developers. The Comprehensive Plan Steering Committee will have a meeting on September 10.

ITEM 16: COUNCIL COMMENTS

Mrs. Keller provided information on the September 16, Residential Speed Meeting, that will be held for the public at the National Guard to provide information on the Traffic Calming Guide.

Mayor Riggle informed Council that she had received complaints from the public regarding election signs that were already out. Ms. Solove from the Delaware County Board of Elections informed Council that signs should not be up until 30 days prior to the election. She provided information on how the Board of Election handles complaints and whose jurisdiction it is to enforce the location and time of election signs.

ITEM 17: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:11 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

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Held September 12 20 19

The Delaware City Council Work Session meeting of September 12, 2019 was called to order at 6:00 p.m., in the Delaware City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Fourth Ward Kyle Rohrer and At Large George Hellinger.

Staff Present: Ted Miller, Parks and Natural Resource Director, Dean Stelzer, Finance Director, Alycia Ballone, Budget and Management Analyst, Bill Ferrigno, Public Works Director, Blake Jordan, Public Utilities Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

Motion to Excuse: Vice-Mayor Shafer motioned to excuse Mr. Hellinger, seconded by Mr. Browning. Motion approved by a 5-0 vote.

Motion to Excuse: Mrs. Keller motioned to excuse Mr. Rohrer, seconded by Vice-Mayor Shafer. Motion approved by a 5-0 vote.

ITEM 2: REVIEW AND DISCUSSION

A. 2020-2024 Five- Year Capital Improvement Program (CIP)

Mr. Homan started the discussed by outlining topics of discussion during the CIP process. Tonight, is the first of two scheduled Work Sessions, with the second meeting scheduled for September 30, in which Chief Donahue will discuss the long-term planning goals for the fire department and the possible need for a training center. He discussed needing policy direction regarding the Oak Grove Master Plan and parking. Council was also updated on plans for the Strand Theatre to install an arch on Winter Street, similar to the Bun's Restaurant arch.

Mr. Jordan presented to council CIP items relating to Public Utilities. He reviewed the Water Fund Capacity, which had no changes from the previous CIP. He discussed future project needs and the plan to complete a Water Master Plan in 2021. He discussed the estimated cost for power washing and painting of the water towers. Mr. Jordan discussed cost related to repairing or replacing old equipment, and the difficulty finding parts as the equipment ages. He discussed the estimated costs for a drainage system for Short Cut Alley improvements that have been requested by Main Street Delaware.

Mr. Ferrigno discussed the 3 large Airport projects which include the T-Hangar Paving Project, Ramp B Paving and Corporate Drive project. He discussed that the T Hangar pavement is currently 20-25 years old and Ramp B pavement is approximately 18 years old. He discussed business entities that are interested in a Corporate Hangar and a potential location. Council was updated on the new A & P provider, Aero Precision.

Mr. Ferrigno discussed the streets, 5-Year Street Resurfacing Program and projects with ODOT that include the "Bin Wall" improvement and the Springfield Branch Multiuse Trail Bridge Pier Rehabilitation. He discussed that the bin wall off of US 23 to the US 36 exit ramp will be a stamped concrete wall. He provided details on RRFB installations and downtown sidewalk improvements. The City will be addressing tree wells and the bricks in the downtown area. Property owners will be responsible to address concrete patio areas. Council recommended that

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staff consider doing the work during some business's downtime, especially those that depend on patio space.

Mr. Ferrigno discussed upcoming Grant Projects, including phase 1 of traffic signals and US 23/Hull Drive safety improvements at the intersection and the Point improvements. He discussed applying for future grants to assist with improvements to East Central. Also discussed was the Cobblestone-Penick connection to improve traffic flow around Schultz Elementary.

Mr. Miller reviewed the Park Improvement Fund. He provided information on the public outreach meeting for Willowbrook Park. He discussed the need to replace the play ground equipment at Mingo Park and to add turf to this location. Mrs. Keller voiced concerns over the turf issues at Veteran's Park and that it gets very hot. Mr. Miller felt that this was related to installation problems and that there is more shade at Mingo to help address the heat. The new playground at Mingo will be accessible. Mr. Miller also discussed Park Impact Improvement Funds and discussed the Ross Street improvements and Central Avenue Pedestrian Corridor.

Mayor Riggle requested a break at 7:50 p.m. and reconvened the meeting at 7:57 p.m.

Mr. Stelzer introduced Ms. Alycia Ballone, Budget and Management Analyst to City Council.

B. Oak Grove Cemetery Master Plan

Mr. Miller and Mr. Stelzer reviewed the Oak Grove Cemetery Master Plan and discussed the three main proposed improvements including the Memorial Garde, Creek Walk Garden, and the Gateway Garden. Mr. Stelzer discussed how other cemeteries are offering cremation areas including columbarium and scattering gardens. Also discussed was maintenance and repair needs to the existing cemetery mausoleums and stones. He provided an estimate to fix and clean 632 monuments. A discussion was held on preserving the mausoleums and stones as well as the house located on the property. Mr. Stelzer discussed potential uses for the house, but that it would need work to make usable and safe. Council was supportive on moving forward with the Master Plan.

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

Executive Session was deemed not necessary.

ITEM 4: ADJOURNMENT

Motion: Vice Mayor Shafer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 8:37 p.m.

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Held September 12 2019

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

BOARD OF ZONING APPEALS
MOTION SUMMARY
July 10, 2019

ITEM 1. Roll Call

Vice-Chairman Junk called the meeting to order at 6:30 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman George Hellinger, and Vice-Chairman Paul Junk

Member Absent: Chairman Matt Dick

Staff Present: Jordan Selmek, Zoning Officer and Lance Schultz, Zoning Administrator

Motion to Excuse: Ms. Fisher motioned to excuse Chairman Dick, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 2. ELECTION OF OFFICERS

- A. Chairperson
- B. Vice-Chairperson

Motion: Mr. Vaughn motioned to move election of officers to next meeting to allow for a full commission, seconded by Mr. Daughenbaugh. Motion approved by a 6-0 vote.

ITEM 3. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on April 10, 2019, as recorded and transcribed.

Motion: Mr. Daughenbaugh moved to approve the Motion Summary for the Board of Zoning Appeals held on April 10, 2019 meeting, seconded by Ms. Fisher. Motion approved by a 6-0.

Vice-Chairman Junk swore in the following participant from the public throughout the meeting:

Michael Hornberger
234 North Union Street
Delaware, Ohio

ITEM 4. REGULAR BUSINESS

- A. 2019-1333: A request by Michael Hornberger for approval of a driveway setback variance to Zoning Code Section 1156.02 at 234 North Union Street on approximately 0.30 acres and zoned R-3 (One-Family Residential District)

Mr. Selmek reviewed the staff report and the applicant's proposal for an approximate 10 foot wide by 98 foot long driveway that would extend from North Union Street and be located along the north property line. The driveway would connect to a rear yard parking pad. Mr. Selmek provided information on the existing curb-cut off of North Union Street and will be updated according to the City Engineer.

APPLICANT:

Michael Hornberger
234 North Union Street
Delaware, Ohio

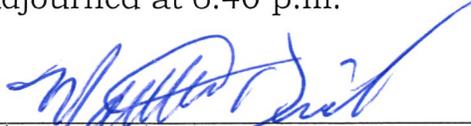
Motion: Ms. Fisher moved to approve 2019-1333, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 5. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 6. NEXT REGULAR MEETING: August 14, 2019.

ITEM 7. ADJOURNMENT

Motion: Mr. Vaughn moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Daughenbaugh. The Board of Zoning Appeals meeting adjourned at 6:40 p.m.



Matt Dick, Chairman



Elaine McCloskey, Clerk

PARKS AND RECREATION ADVISORY BOARD
MOTION SUMMARY
March 19, 2019

ITEM 1. Roll Call

Chairwoman Lash called the meeting to order at 6:30 p.m.

Members Present: Joshua Bricker, Cassie Cunningham, Bob Dalton, Gary Hayward, Michael Rush, Corie Thompson, Angela MacWhinney, Vice-Chairwoman Dianna Hibinger, and Chairwoman Allyson Lash

Members Absent: Councilmember Jim Browning and Bradley Brookover

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

YMCA Staff Present: Liz Zingale, Executive Director

Motion to Excuse: Mr. Bricker motioned to excuse Councilmember Browning and Mr. Brookover, seconded by Vice-Chairwoman Hibinger. Motion approved by a 9-0 vote.

ITEM 2. APPROVAL of the Motion Summary for the meeting held January 15, 2019 as recorded and transcribed.

Motion: Mr. Dalton moved to approve the Motion Summary for the meeting held January 15, 2019 as recorded and transcribed, seconded by Mr. Hayward. Motion approved by a 9-0 vote.

ITEM 3. PUBLIC COMMENTS

Scott Pansing
238 Fairway Road
Delaware, Ohio

Mr. Pansing is an instructor for Columbus Scuba and requested to speak with staff at the YMCA to have a scuba course provided at Mingo Pool. He said the course is typically a 4 week course that requires about 3 hours a week.

Mr. Pansing also requested information regarding the Cemetery Master Plan. Mr. Miller provided information about the draft plan.

ITEM 4. UPDATE of YMCA Recreation Services, Programs and Events

- A. Early Access to Ball Fields
- B. Sports Report

Ms. Zingale discussed that there was 170 athletes that had registered for basketball. That provided 8 teams for third and fourth graders, and 10 teams for fifth and sixth graders. There was 11 players signed up for tennis. Spring soccer registration has closed and current registration for tennis, adult softball and baseball remain open at the time of the meeting. She discussed the upcoming Easter Egg Hunt Event that will take place April 20 at Veteran's Park. Other classes being offered is Dungeons and Dragons, German Language, and introduction to Pickleball. A staffing update was provided.

The Board was provided information on updates to the sports registration forms to show a differential of City of Delaware programming and YMCA programming. She also discussed the membership discount that is offered to residents of the City of Delaware.

C. Pool Prep Update

Mr. Bricker questioned if new pool chairs would be purchased. Ms. Zingale stated that new chairs are purchased at prior to the season and also midway to replace those that became damaged.

ITEM 5. UPDATE of Parks Activities

Mr. Linkous provided an update on daily activities including trash pick and right-a-way trash pickup, snow and ice remove, and assisting the forestry department on tree removal. The department has started to get the flower beds ready and mulched. He discussed updates to Mingo and Smith Park. Smith Park had LED lights installed and LED solar lights at the south parking lots to the ballfields per requests for more lighting.

Ms. MacWhinney requested information on when public restrooms will be open. Mr. Linkous discussed that they should be available in the next couple of weeks. Vice-Chairwoman Hibinger questioned when the tennis nets would be put up. Mr. Linkous discussed in the next couple of weeks. Mr. Hayward questioned when the golf course will be open. Mr. Miller discussed that it runs based on the weather. Mr. Linkous and Mr. Miller discussed the role of employees and DYAA when appropriate to determine field conditions and when it is too wet to play.

ITEM 6. DISCUSSION on Board Participation at Family Day – April 20

Some members expressed interest in participating in the Family Day. They requested a table and golf course passes to raffle off. Mr. Miller to provide the board with the Concept Plan for Wetland Park and a map that includes all City Parks.

ITEM 7. DISCUSSION on Bennet Park Community Garden

Mr. Miller discussed previous interest from members of the community but that he was notified that they did not want to continue discussion at this time. Mr. Bricker voiced his concern over the idea of community gardens and that although the concept is a good idea, it can be observed that the gardens are often not kept up and become an eye sore.

ITEM 8. STAFF COMMENTS

Mr. Miller reminded the Board that there is a public hearing scheduled for March 25, 2019 at 8:00 p.m. regarding smoking restrictions in the parks. Mr. Bricker voiced a concern over the date of the public hearing being scheduled during the scheduled spring break for Delaware City Schools.

ITEM 9 MEMBERS COMMENTS

ITEM 10. ADJOURNMENT

Motion: Vice-Chairwoman Hibinger moved to adjourn the Parks and Recreation meeting, seconded by Mr. Bricker. The meeting adjourned at 7:1 p.m.



Chairperson



Elaine McCloskey, Clerk

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

5186622		STCK		LIBERTY FUEL INC	
PERMIT NUMBER		TYPE		DBA LONDON RD SHELL	
ISSUE DATE					
01		08		2019	
FILING DATE					
C1 C2 D6					
PERMIT CLASSES					
21		022		B	
TAX DISTRICT		RECEIPT NO.		F23005	

FROM 09/10/2019

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



MAILED 09/10/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/11/2019

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 STCK 5186622**

(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-19-08		Investigating Officer DET Daniel Madden	
Applicant (Primary Shareholder) Mohamad Ibrahim		Company Name: DBA: London Rd. Shell	
Common Name London Rd. Shell (Liberty Fuel Inc.)		Address 132 London Rd. Delaware, Ohio 43015	
Applicant Phone Number 614-619-4438		Applicant E-Mail Address:	
<input checked="" type="checkbox"/> Existing Business <input type="checkbox"/> New Business (Supplement Attached)	Type of Business Gas Station and Carry Out	Notification Type: STCK	Date of Report 9/16/2019
Permit Type <input checked="" type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input checked="" 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 D6			

Location Information

Churches, Libraries and or schools within 500 feet <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No Note: Objections are only permitted for <i>new permits</i> .
Police Calls for Service in past 12 months: <i>See narrative</i>	Number of Police Reports in past 12 months: 8
Calls for Service excluding calls not related to the business in past 12 months: <i>See narrative</i>	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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Applicant Information

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

Determination on Objection

<input checked="" type="checkbox"/> The Delaware Police Department does not find a legislative basis for requesting a hearing to object to the issuance of a liquor permit for this business.
--

<input type="checkbox"/> The Delaware Police Department recommends requesting a hearing into the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code.
<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 :

On 9/13/2019, I was assigned the Liquor Permit Background in regards to the attached permit. In reviewing the permit paperwork we received from the Division of Liquor Control, it appeared that the permit only pertained to a change in the stock ownership of the business. From what I could tell from the document, Mohamad Ibrahim appeared to be taking over full ownership of the location. On 9/16/2019, I made contact with Mohamad via telephone. During my call with Mohamad, he confirmed that he bought out Ibrahim Aldamen's half of the business and was now the sole owner.

In reviewing our interactions with the business over the past 12 months, I found that there is a good deal of activity in the area of the business, which is not surprising given its physical location. DelComm showed that the location was named in a 171 calls on their end. However, it appears that the majority of the calls were merely due to the location of the business and not the business itself. In reviewing our reports pertaining to the business, I found that it was noted as the location of incident in 8 reports. None of the reports are in direct connection to the business itself.

On 9/17/2019, I spoke with the Ohio Department of Liquor Control and inquired if they had encountered any issues with this establishment in the past 12 months. I was informed that their agency had cited the store in 10/2018 for an underage sale. The store paid a fine and is in good standing with their permit at this time. I have requested a copy of the documentation (via email) concerning that citation. However, I was told that it may take a week or so until I receive a response.

Given the above, I see no reason to contest the change in the liquor permit.

DET. D. M. M. #56

Investigating Officer Signature

9/17/2019

Date

Det. J. Smith #16

Supervisor Signature

9/17/19

Date



FACT SHEET

AGENDA ITEM NO: 11

DATE: 09/23/2019

ORDINANCE NO:

RESOLUTION NO: 19-40

READING: THIRD

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ADOPTING THE 2020-2024 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

BACKGROUND:

A work session to discuss the CIP has been scheduled for Thursday, September 12 and Monday, September 30 (if needed).

REASON WHY LEGISLATION IS NEEDED:

Pursuant to Section 79 of the Charter, the CIP is to be submitted to City Council by August 15 and adopted no later than October 15. Adoption is scheduled for Council's October 14 meeting.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager
Dean Stelzer, Finance Director

RECOMMENDATION:

ATTACHMENT(S)

CIP

RESOLUTION 19-40

A RESOLUTION ADOPTING THE 2020-2024 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

WHEREAS, a revised Five-Year Capital Improvements Plan was prepared and submitted to City Council in accordance with Article XVII, Section 79 of the City Charter; and

WHEREAS, City Council has considered the proposed plan and has determined that it shall be the future public improvement plan for the City of Delaware; and

WHEREAS, Article XVII, Section 80 of the City Charter requires that City Council adopt, by resolution, the Five-Year Capital Improvements Program on or before October 15; and

WHEREAS, City Council will review the 2020-2024 CIP at Work Sessions before October 14.

WHEREAS, Council discussed possible amendments to the plan which may be considered as part of the adopted 2020 budget.

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

SECTION 1. That the 2020-2024 Five-Year Capital Improvements Program for the General Fund, Airport, Fire, Police, Public Works, Parks, Equipment Replacement, Technology, Building Maintenance, Water, Sewer, Storm Sewer, Refuse, Parks Impact, Police Impact, and Fire Impact attached hereto as Exhibit A, is hereby adopted as the official plan for future public improvements.

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

PASSED: _____, 2019

YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 12

DATE: 09/23/2019

ORDINANCE NO: 19-53

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 APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS SECTION 2 PHASE 2 CONTAINING 21 SINGLE FAMILY LOTS ON APPROXIMATELY 5.471 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON SCARLETT DRIVE AND AARON DRIVE.

BACKGROUND:

9/23/2019 UPDATE: Condition #7 was revised from the Planning Commission approval to address the tree replacement fee requirements.

See attached report.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1129 Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 7-0 on September 4, 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. Condition #7 was revised from the Planning Commission approval to address the tree replacement fee requirements.

ATTACHMENT(S)

See attached

ORDINANCE NO. 19-53

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS SECTION 2 PHASE 2 CONTAINING 21 SINGLE FAMILY LOTS ON APPROXIMATELY 5.471 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON SCARLETT DRIVE AND AARON DRIVE.

WHEREAS, the Planning Commission at its meeting of September 4, 2019 recommended approval of a Final Subdivision Plat request by Westport Homes for Springer Woods Section 2 Phase 2 containing 21 single-family lots on approximately 5.471 acres zoned R-3 (One-Family Residential District) and located on Scarlett Drive and Aaron Drive (PC Case 2019-1864).

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

SECTION 1. That the Final Subdivision Plat request by Westport Homes for Springer Woods Section 2 Phase 2 containing 21 single-family lots on approximately 5.471 acres zoned R-3 (One-Family Residential District) and located on Scarlett Drive and Aaron Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The right-of-way and street pavement width shall be 56 feet and 32 feet respectively.
3. The minimum lot size and width and building setbacks shall be per the approved final plat.
4. The lots and houses shall comply with the minimum bulk and setback requirements per the approved final plat.
5. The single-family houses shall comply with the minimum architectural standards per applicable sections of the current zoning code.
6. Any landscape plans shall be submitted and approved by the Shade Tree Commission.
7. The applicant shall make a payment of \$1,321 per single family dwelling at building permit approval to achieve compliance with the tree replacement requirements for Section 2 Phases 2 and 3 and Section 3.

8. The lighting plan shall achieve compliance with the approved development text and current zoning code and shall be approved by the City.

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



FACT SHEET

AGENDA ITEM NO: 13

DATE: 09/23/2019

ORDINANCE NO: 19-54

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 APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS SECTION 2 PHASE 3 CONTAINING 22 SINGLE FAMILY LOTS ON APPROXIMATELY 5.65 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON BEVAN WAY AND AARON DRIVE.

BACKGROUND:

9/23/2019 UPDATE: Condition #7 was revised from the Planning Commission approval to address the tree replacement fee requirements.

See attached report

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Chapter 1129 Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 7-0 on September 4, 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. Condition #7 was revised from the Planning Commission approval to address the tree replacement fee requirements.

ATTACHMENT(S)

See attached

ORDINANCE NO. 19-54

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS SECTION 2 PHASE 3 CONTAINING 22 SINGLE FAMILY LOTS ON APPROXIMATELY 5.65 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON BEVAN WAY AND AARON DRIVE.

WHEREAS, the Planning Commission at its meeting of September 4, 2019 recommended approval of a Final Subdivision Plat request by Westport Homes for Springer Woods Section 2 Phase 3 containing 22 single-family lots on approximately 5.65 acres zoned R-3 (One-Family Residential District) and located on Bevan Way and Aaron Drive (PC Case 2019-1865).

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

SECTION 1. That the Final Subdivision Plat request by Westport Homes for Springer Woods Section 2 Phase 3 containing 22 single-family lots on approximately 5.65 acres zoned R-3 (One-Family Residential District) and located on Bevan Way and Aaron Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The right-of-way and street pavement width shall be 56 feet and 32 feet respectively.
3. The minimum lot size and width and building setbacks shall be per the approved final plat.
4. The lots and houses shall comply with the minimum bulk and setback requirements per the approved final plat.
5. The single-family houses shall comply with the minimum architectural standards per applicable sections of the current zoning code.
6. Any landscape plans shall be submitted and approved by the Shade Tree Commission.
7. The applicant shall make a payment of \$1,321 per single family dwelling at building permit approval to achieve compliance with the tree replacement requirements for Section 2 Phases 2 and 3 and Section 3.

8. The lighting plan shall achieve compliance with the approved development text and current zoning code and shall be approved by the City.

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



PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2019-1864-1865

REQUEST: Multiple Requests

PROJECT: Springer Woods

MEETING DATE: September 4, 2019

APPLICANT/OWNER

Westport Homes
507 Executive Campus Drive, Suite 100
Westerville, Ohio 43082

REQUEST

2019-1864: A request by Westport Homes for approval of a Final Subdivision Plat for Springer Woods Section 2 Phase 2 on approximately 5.471 acres containing 21 single family lots on property zoned R-3 (One-Family Residential District) and located on Scarlett Drive and Arron Drive.

2019-1865: A request by Westport Homes for approval of a Final Subdivision Plat for Springer Woods Section 2 Phase 3 on approximately 5.65 acres containing 22 single family lots on property zoned R-3 (One-Family Residential District) and located on Bevan Way and Arron Drive.

PROPERTY LOCATION & DESCRIPTION

The 87 acre site is located between West Central Avenue (Warrensburg Road, SR 37) and West William Street (Marysville Road, US 36) and is relatively flat with portions of the site being heavily wooded. Section 2 consists of 16.237 acres located on the southern portion of the site just north of the East William Street and west of Springer Woods Boulevard (Section 1). The subject site is zoned R-3 (One Family Residential) District while the property to the east is R-3 (One Family Residential) District with a PUD Planned Unit Development Overlay District and the property to the south is zoned R-3 (One Family Residential) with a PRD Planned Residential District and A-1 (Agricultural) District. The properties to the north and west are in the Township.

BACKGROUND/PROPOSAL

On January 26, 2000 by the Planning Commission (PC-99-57) approved a Preliminary Subdivision Plat for Springer Woods which contained 278 single family lots on 87 acres for a density of 3.13 units per acre. City Council (01-104) approved Final Subdivision Plats for Section 1 Phases 1-3 on October 22, 2001, which contained 62 lots on 20.93 acres. The subdivision was a victim of the housing downturn in the mid 2000's and has been sold to a new developer who wants to the advance the build out of the subdivision in a timely manner. All of Section 1 has been constructed or currently is under construction.

Since 2000 when the Preliminary Subdivision Plat was approved, engineering and zoning standards have been revised and the developer agreed with staff to upgrade the site plan to the extent possible to achieve compliance with the current standards. In February 2013 Planning Commission and City Council approved a Preliminary Subdivision Plat for Springer Woods Section 2 which consisted of 58 single family lots on approximately 16.237 acres (Ordinance 13-06). Also on the same date, Planning Commission and City Council approved a Final Subdivision Plat for Section 2 Phase 1 consisting of 15 single family lots on approximately 5.109 acres. This phase has been constructed and the houses are being sold. Now the developer is proposing to advance Section 2 Phases 2 and 3 through the Final Subdivision Plat approval process. Phase 2 would contain 21 single family lots on approximately 5.471 acres and Phase 3 would contain 22 single family lots on approximately 5.65 acres. Furthermore, the developer is likely to request an Amended Preliminary Development Plan for Section 3 in the near future.

STAFF ANALYSIS

- **ZONING:** The subject site is zoned R-3 (One Family Residential District) and the typical bulk requirements (setbacks, minimum lot width and size) have changed since original approval in 2000. Therefore, staff and the developer have negotiated fair zoning bulk requirements based on the previous and existing requirements coupled with the engineering requirements of wider streets and right-of-way which inherently reduced the length of the lots. The proposed typical lots would be a minimum 8,190 square with 70 feet lot widths that are 117 feet deep. The yard setbacks would be: 25-foot front, 30-foot rear and 8 foot side. The corner lots would be oversized (minimum 82 feet wide) to comply with current zoning standards. The current zoning requirements are: 8,775 square foot minimum lots, 65 foot wide lots, 30 foot front yard setback, 40 foot rear yard setback and 8 foot side yard setbacks while the previous zoning in 2000 permitted 7,200 square foot minimum lots, minimum 60 foot lot width, 25 foot front yard setback, 30 foot rear yard setback and 15 foot

side yard setbacks (minimum 6 feet). All the houses would have to comply with the minimum residential design standards and minimum dwelling unit sizes.

- **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. Also, the development would have to comply with the current storm water requirements. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS:** As mentioned earlier, the street standards have been revised since the preliminary development plat was approved in 2000. The development would have public streets with a right-of-way width of 56 feet and pavement width of 32 feet. The previously approved plan had streets with a right-of-way width of 52 feet and a pavement width of 26 feet. The current engineering standards require 60 feet of right of way and 32-foot-wide streets. Therefore, a 4-foot right-of-way concession would be given for this development while ensuring conforming pavement width to today's standards.

Section 2 Phase 2 is accessed from Brevan Way in Section 2 Phase 1 along Scarlett Drive which is extended north to Arron Drive while in Section 2 Phase 3 Brevan Way is extended north to Arron Drive. All the streets would be public and would have to comply with the minimum engineering standards per the City Engineer.

- **SITE LAYOUT:** As mentioned above Phases 2 and 3 are located along Scarlett Drive and Bevan Way respectively and are located parallel to each other in a north/south orientation. Phase 2 would have 21 single family lots and Phase 3 would have 22 single family lots within these two non-descript phases. The detention for these two phases would be located in other phases of the development. In addition, there would not be any reserve or open space in these two phases as they are too located in other phases of the development.
- **TREE REMOVAL & REPLACEMENT:** The applicant submitted a tree survey for proposed Section 2 of the development in 2013. In Section 2 Phase 1 of the Final Subdivision Plat, there were 21 trees that yielded 277 caliper inches and developer paid the City \$27,700 in 2014. In Section 2 Phase 2, there are 106 trees that yield 881 caliper inches that would need to be replaced for a total of \$88,100 (881 x \$100 per caliper inch). In Section 2 Phase 3, there are 27 trees that yields 211 caliper inches that would need to be replaced for a total of \$21,100 (211 x \$100 per caliper inch). Furthermore, required street trees and landscape buffering cannot be counted towards the tree replacement calculations. However, if any trees are preserved or not removed in the construction (per the approved construction drawings and field inspections) they would be reduced from the above amounts in each Phase. Staff highly recommends preserving trees within a tree preservation easement if feasible and if utilities can be accommodated reasonably.
- **OPEN SPACE & PARKLAND:** The approved Preliminary Subdivision Plat for the entire development indicates there are 12.34 acres of open space (14.18%). There is not any open space and/or parkland proposed in Section 2 Phases 2 & 3. Open space and parkland are provided in the approved Preliminary Subdivision Plat in Section 3.
- **LANDSCAPING PLAN:** The proposed two phases would only require street trees planted per the zoning code. It is imperative that the Applicant coordinate the street tree plan with the engineering site development plan so that the landscaping does not impeded visibility at intersection or of any traffic control signs. The Shade Tree Commission approved the street tree plan on August 27, 2019.
- **PEDESTRIAN CONNECTIVITY:** Per the approved Bicycle and Pedestrians Master Plan 2027 there are no any bike paths located in these two subject phases. Sidewalks would be required on all public streets within these phases. A bike bath is installed along West William Street (US 36) per the approved Bicycle and Pedestrian Master Plan 2027 in Section 2 Phase 1 and other bike paths are required and proposed in Section 3.
- **LIGHTING PLAN.** A lighting plan needs to be submitted that achieves compliance with zoning code requirements for Section 2 Phase 2 and 3.

STAFF RECOMMENDATION – (2019-1864 FINAL DEVELOPMENT PLAN)

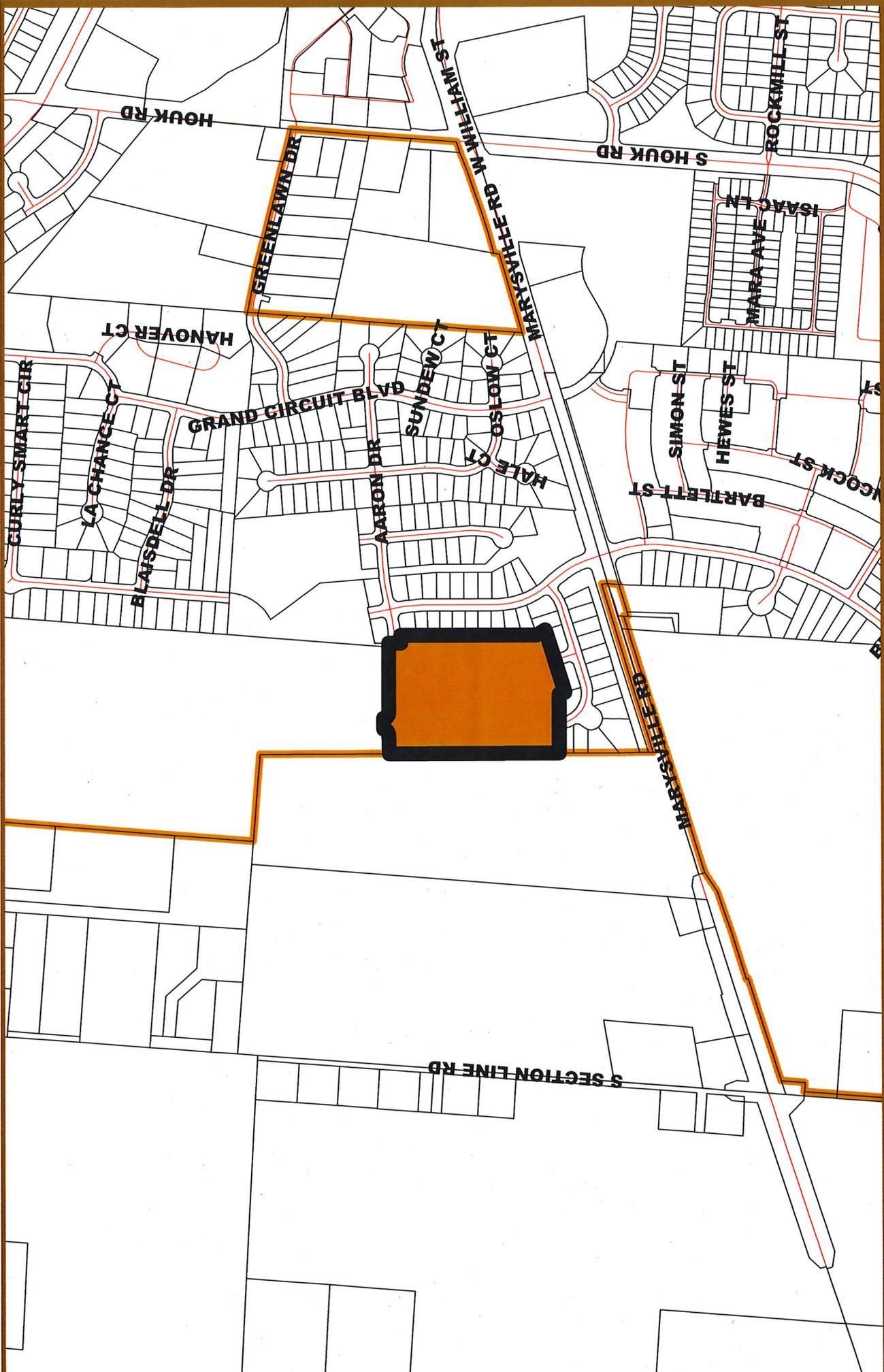
Staff recommends approval of request by Westport Homes for approval of a Final Subdivision Plat for Springer Woods Section 2 Phase 2 on approximately 5.471 acres containing 21 single family lots on property zoned R-3 (One-Family Residential District) and located on Scarlett Drive and Arron Drive, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
2. The right-of-way and street pavement width shall be 56 feet and 32 feet respectively.
3. The minimum lot size and width and building setbacks shall be per the approved final plat.
4. The lots and houses shall comply with the minimum bulk and setback requirements per the approved final plat.
5. The single-family houses shall comply with the minimum architectural standards per applicable sections of the current zoning code.
6. Any landscape plans shall be submitted and approved by the Shade Tree Commission.
7. The applicant shall replace 881 caliper inches of trees or make a payment of \$88,100 in lieu of tree planting or a combination of both prior to construction drawings approval.
8. The lighting plan shall achieve compliance with the approved development text and current zoning code and shall be approved by the City.

STAFF RECOMMENDATION – (2019-1865 FINAL DEVELOPMENT PLAN)

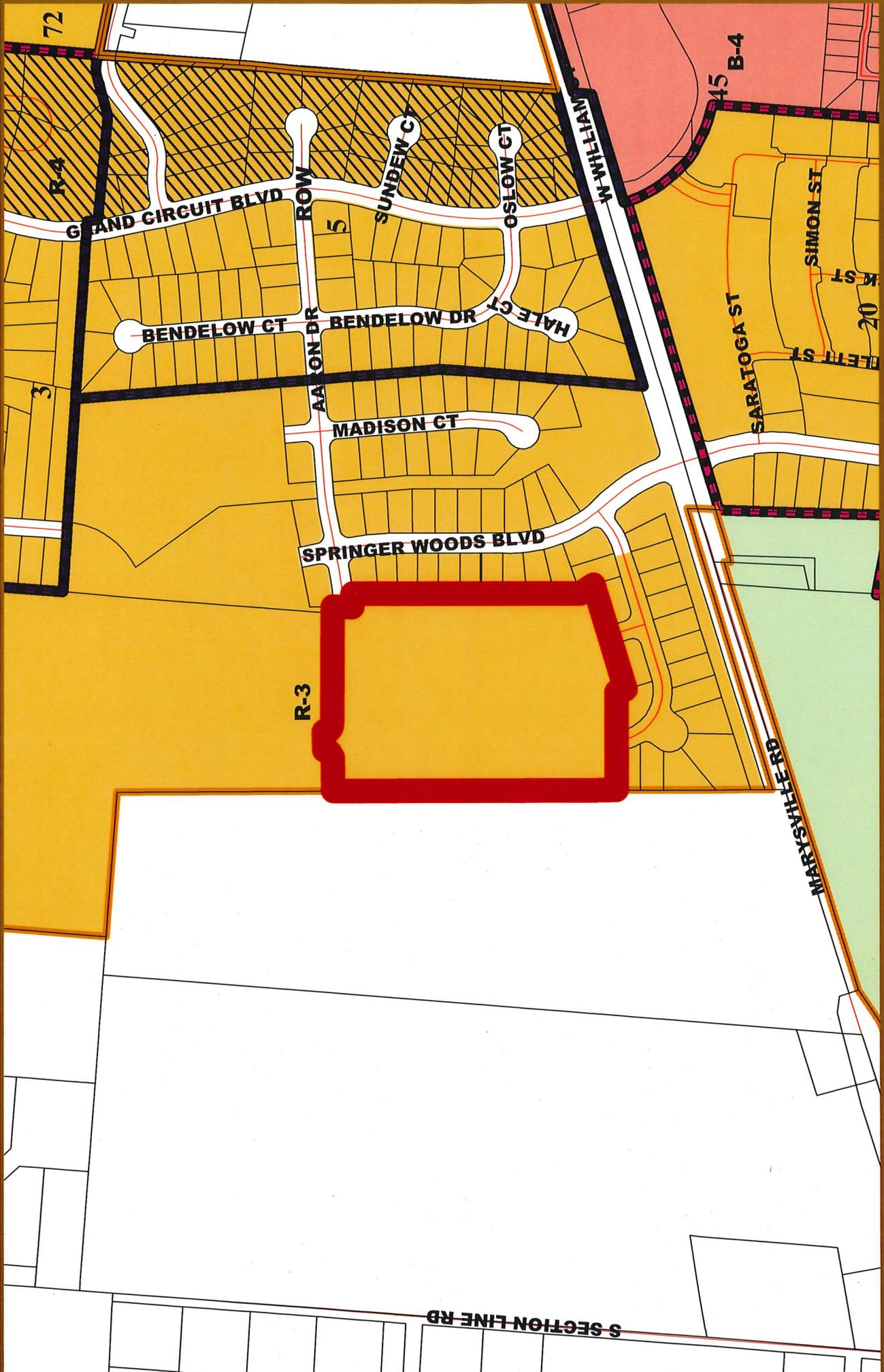
Staff recommends approval of request by Westport Homes for approval of a Final Subdivision Plat for Springer Woods Section 2 Phase 3 on approximately 5.65 acres containing 22 single family lots on property zoned R-3 (One-Family Residential District) and located on Bevan Way and Arron Drive, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department.
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4. The lots and houses shall comply with the minimum bulk and setback requirements per the approved final plat.
5. The single-family houses shall comply with the minimum architectural standards per applicable sections of the current zoning code.
6. Any landscape plans shall be submitted and approved by the Shade Tree Commission.
7. The applicant shall replace 211 caliper inches of trees or make a payment of \$21,100 in lieu of tree planting or a combination of both prior to construction drawing approval.
8. The lighting plan shall achieve compliance with the approved development text and current zoning code and shall be approved by the City.



2019-1864-1865
 Final Subdivision Plat
 Springer Woods - Section 2 Phase 2 and 3
 Location Map





2019-1864-1865
 Final Subdivision Plat
 Springer Woods - Section 2 Phase 2 and 3
 Zoning Map



S SECTION LINE RD

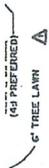


2019-1864-1865
 Final Subdivision Plat
 Springer Woods - Section 2 Phase 2 and 3
 Aerial (2016) Map

(43) PREFERRED

(43) PREFERRED

(43) PREFERRED



NO. 8 STONE
4" PPC UNDERDRAIN
ITEM 605

NO. 8 STONE
4" PPC UNDERDRAIN
ITEM 605

NO. 8 STONE
4" PPC UNDERDRAIN
ITEM 605

TYPICAL 24' SECTION
(28' BACK TO BACK OF CURB)
NOT TO SCALE

ALL STREETS UNLESS NOTED OTHERWISE

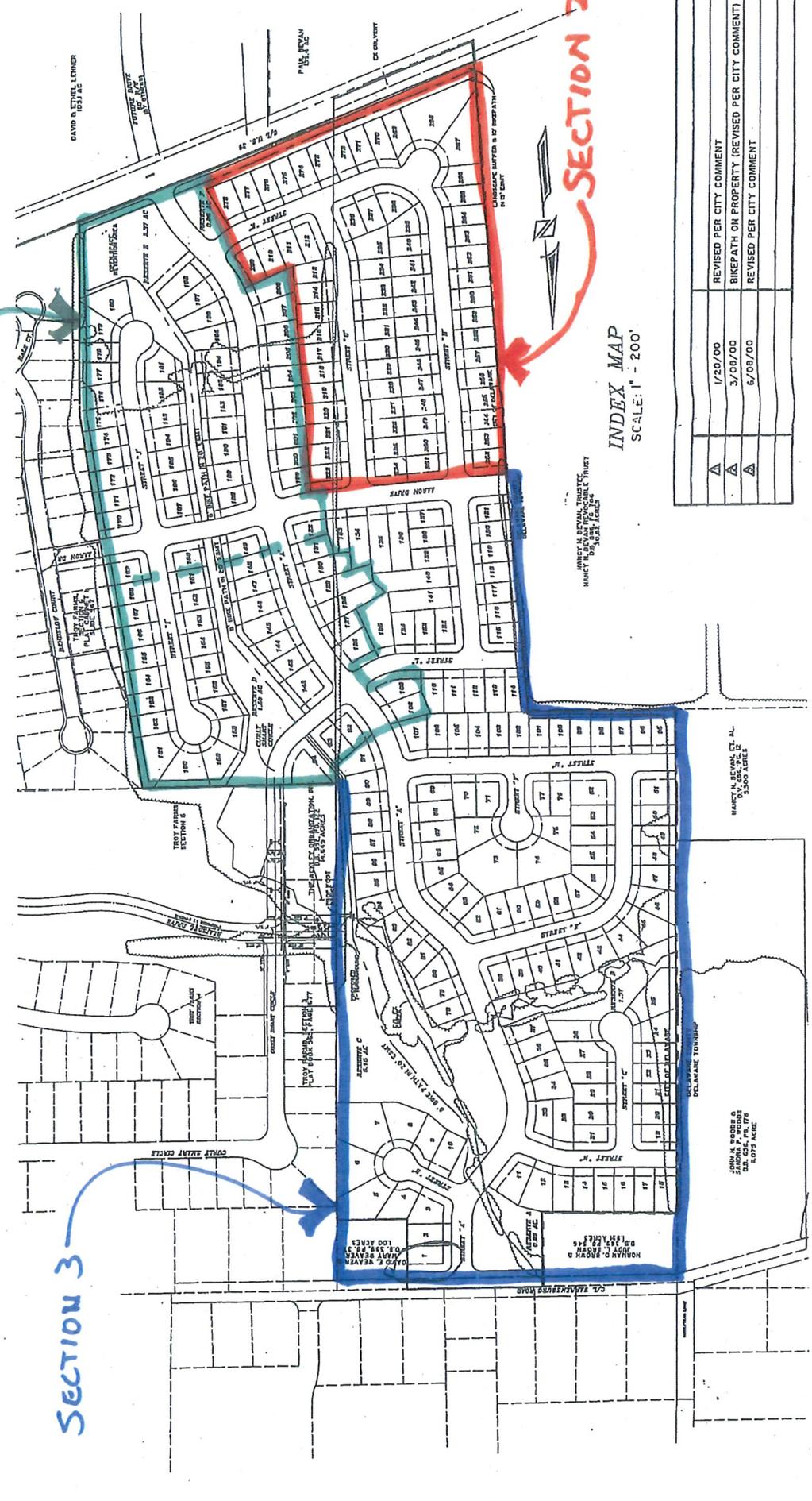
TYPICAL 28' SECTION
(32' BACK TO BACK OF CURB)
NOT TO SCALE

AARON DRIVE
WEST OF STREET A

SECTION 1

SECTION 3

SECTION 2



	REVISED PER CITY COMMENT
▲	1/20/00
▲	3/08/00
▲	6/08/00
	REVISED PER CITY COMMENT
	REVISED PER CITY COMMENT

MANITOWOC COUNTY, WISCONSIN
PLANNING DEPARTMENT
1000 W. WISCONSIN ST., SUITE 200
MILWAUKEE, WI 53233

MANITOWOC COUNTY, WISCONSIN
PLANNING DEPARTMENT
1000 W. WISCONSIN ST., SUITE 200
MILWAUKEE, WI 53233



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

Subdivision/Project Name SPRINGER WOODS SECTION 2 PHASE 2 Address SCARLETT DRIVE
 Acreage 5.471 Square Footage _____ Number of Lots 21 Number of Units _____
 Zoning District/Land Use R-3 Proposed Zoning/Land Use R-3 Parcel # 51933201012002

Applicant Name WESTPORT HOMES Contact Person TERRY ANDREWS
 Applicant Address 507 EXECUTIVE CAMPUS DRIVE, SUITE 100, WESTERVILLE, OHIO, 43082
 Phone 614-891-8545 Fax _____ E-mail TERRY.A@WESTPORT-HOME.COM
 Owner Name D.R. HORTON-INDIANA, LLC Contact Person TERRY ANDREWS
 Owner Address 507 EXECUTIVE CAMPUS DRIVE, SUITE 100, WESTERVILLE, OHIO, 43082
 Phone 614-891-8545 Fax _____ E-mail TERRY.A@WESTPORT-HOME.COM
 Engineer/Architect/Attorney EMHT Contact Person KYLE SHREVES
 Address 5500 NEW ALBANY ROAD, COLUMBUS, OHIO, 43054
 Phone 614-775-4443 Fax _____ E-mail KSHREVES@EMHT.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.

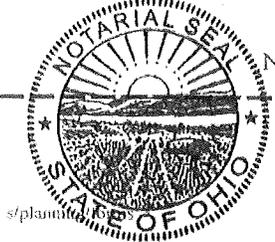
[Signature]
 Owner Signature

TERRANCE ANDREWS
 Owner Printed Name

 Agent Signature

 Agent Printed Name

Sworn to before me and subscribed in my presence this 29 day of July, 2019



Notary Stamp
Kimberly Byers
 Notary Public, State of Ohio
 My Commission Expires 04-19-20

[Signature]
 Notary Public



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

Subdivision/Project Name SPRUELL WOODS SECTION 2 PHASE 3 Address BEVIN WAY
 Acreage 5.650 Square Footage _____ Number of Lots 22 Number of Units _____
 Zoning District/Land Use R-3 Proposed Zoning/Land Use R-3 Parcel # 51933201012002

Applicant Name WESTPORT HOMES Contact Person TERRY ANDREWS
 Applicant Address 507 EXECUTIVE CAMPUS DRIVE, SUITE 100, WESTERVILLE, OHIO, 43082
 Phone 614-991-8545 Fax _____ E-mail TERRY.A@WESTPORT-HOME.COM
 Owner Name D.R. HORTON-INDIANA, LLC Contact Person TERRY ANDREWS
 Owner Address 507 EXECUTIVE CAMPUS DRIVE, SUITE 100, WESTERVILLE, OHIO, 43082
 Phone 614-995-8545 Fax _____ E-mail TERRY.A@WESTPORT-HOME.COM
 Engineer/Architect/Attorney EMHAT Contact Person KYLE SHREVE'S
 Address 5500 NEW ALBANY ROAD, COLUMBUS, OHIO, 43054
 Phone 614-715-4443 Fax _____ E-mail KSHREVS@EMHAT.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.

[Signature]
 Owner Signature

TERRENCE ANDREWS
 Owner Printed Name

 Agent Signature

 Agent Printed Name

Subscribed to before me and subscribed in my presence this 29 day of July, 2009.

Kimberly Byers
 Notary Public, State of Ohio
 My Commission Expires 04-19-20
 Notary Stamp

[Signature]
 Notary Public



FACT SHEET

AGENDA ITEM NO: 14

DATE: 09/23/2019

ORDINANCE NO: 19-55

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE IN THE AMOUNT OF \$75,000 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PROS CONSULTING FOR A PARKS AND RECREATION MASTER PLAN.

BACKGROUND:

09/23/2019 UPDATE:

In response to Council's concern regarding the full \$75,000 fee, staff is recommending moving forward with Phase I in the amount of \$44,360. After the results come back from the Phase I study, Council will then have the ability to decide whether the City should proceed with Phase II which is approximately \$30,600. The Parks Master Plan was reviewed by the Park Board on Tuesday night and they are in support of the First Phase of the Master Plan.

09/09/2019:

This ordinance, which would authorize a supplemental appropriation in the amount of \$75,000 for a Parks and Recreation Master Plan, follows the presentation and discussion at Council's August 26 meeting concerning the City's Parks and Recreation needs. The enclosed scope of services with PROS Consulting, would be split into two phases: Parks and Recreation Needs Assessment; Phase II Action Plan. Phase I would include, among other things, a thorough public engagement process, including a statistically valid community survey.

A Parks and Recreation Master Plan was contemplated as part of the 2020-2024 CIP, but given the consideration of the city possibly re-establishing a Parks and Recreation Department, the recommendation is to begin the work now. Funding of the plan will be split between the Parks Impact Fee Fund in the amount of \$35,000 and the Park Exaction Fund in the amount of \$40,000.

While staff initially thought the community survey alone made sense as a first step, undertaking the full scope of services will allow the planning team to articulate how the identified community needs align with existing capacity. At the end of Phase I, we will have the opportunity to reflect on the needs assessment and determine if we want to move forward with Phase II, which adds funding and revenue strategies a CIP, Operation and Maintenance Review, and a detailed action plan that lays out how to address the identified needs in Phase I.

Lastly, it is recommended that the Parks and Recreation Advisory Board will play an active role in this critical planning process. They will be briefed on this proposed plan at their September 17 meeting.

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

\$44,360 Appropriation/ no impact on General Fund

POLICY CHANGES:

PRESENTER(S):

R. Thomas Homan, City Manager
Ted Miller, Parks and Natural Resource Director

RECOMMENDATION:

Approval after first or second reading

ATTACHMENT(S)

Memo
PROS Consulting Project Understanding and Approach

ORDINANCE NO. 19-55

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE IN THE AMOUNT OF \$75,000 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PROS CONSULTING FOR A PARKS AND RECREATION MASTER PLAN.

WHEREAS, the last time the city undertook a comprehensive review of its Parks and Recreation needs was 2009; and

WHEREAS, the Parks and Recreation Master Plan will be included as a chapter in the Comprehensive Plan Update, currently underway.

WHEREAS, a key component of the Plan will be Focus Group Interviews, Public Forum/Workshops and a Statistically-Valid Needs Analysis Group; and

WHEREAS, the city has determined the need for a comprehensive updated Parks and Recreation Master Plan; and

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Parks Impact Fee Fund, \$35,000 increasing the following account:

Professional Services:
(491-4910-5230) \$35,000

SECTION 2. That there is hereby appropriated from the unencumbered balance of the Park Exaction Fee Fund \$40,000, increasing the following account:

Professional Services:
(255-2550-5230) \$40,000

SECTION 3. That the city manager is hereby authorized to enter into an agreement with PROS Consulting for a Parks and Recreation Master Plan.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON AMENDMENT:

YEAS ___ NAYS ___
ABSTAIN ___

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2019

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



MEMORANDUM

TO: R. Thomas Homan, City Manager
CC: Kyle Kridler, Asst. City Manager
FROM: Ted Miller, Parks and Natural Resources Director
DATE: 9.5.19
RE: Parks and Recreation Needs Assessment

The City of Delaware Parks and Natural Resources recommends moving forward with *Parks and Recreation Master Plan*. The initial phase of the plan will be the *Parks and Recreation Needs Assessment*. The *Parks and Recreation Needs Assessment* will provide community feedback that will update and focus the changing recreation and parks needs of the city.

Completed in 2002, the previous Parks and Recreation Master Plan is ready for an update. The *2020 CIP* plan proposed the master plan update in 2020, however with recent community recreation programming activity we feel an accelerated schedule would better meet the expectations of the residents. The initial *Needs Assessment* would begin this year with the *Master Plan* completed in 2020. We anticipate the Parks Advisory Board would provide an active role in working with the community for feedback and recommendations.

On August 21, 2019, PROS Consulting presented the scope for a partial *Needs Assessment* that focused on a survey component. Upon further discussion, we feel the addition of the vision plan will outline recreation programming improvements that meet the needs of the community. The *Needs Assessment* will provide the groundwork and directly tie into the final *Master Plan*.

In addition to updating the Parks Master Plan, the consultant will be able to offer guidance for the future park planning, particularly in the southeast portion of the city and other undeveloped areas around the city. Our recommendation is to move forward with both phases of the PROS Consulting proposal, Phase I in 2019 and Phase II in 2020.

Project Understanding and Approach

Project Understanding

The City of Delaware has a strong commitment to deliver quality, easily accessible, and amenity-rich park and recreation spaces that will serve today's citizens and visitors. As such, the City is seeking professional services to complete a *Parks and Recreation Master Plan* to provide a 5-year vision for parks and recreation. The outcome of the planning process will be a long-range plan for park improvements that will enable multi-year planning for capital investments to occur. Also, the plan will guide development of shared programming and educational opportunities and identify new and expanded locations for providing services in partnership with the educational community, the arts community, and the recreational sports community.

The City desires a *Parks and Recreation Master Plan* that will align new investments with a strong community-driven mission and vision that integrates Delaware's strong pursuit of parks, recreation, and the arts. The outcome will be a *Parks and Recreation Master Plan* that will be heavily used as a resource for future development and redevelopment of the City's parks, recreation programs and facilities, over the next five to ten years. The *Parks and Recreation Master Plan* will:

- Engage the community, leadership and stakeholders through innovative public input means to build a shared vision for parks, recreation programs and facilities in the City of Delaware for the next five to ten years.
- Utilize a wide variety of data sources and best practices, including a statistically-valid survey to predict trends and patterns of use and how to address unmet needs in the City of Delaware.
- Determine unique Level of Service Standards to develop appropriate actions regarding parks, recreation programs and facilities that reflects the City's strong commitment in providing high quality recreational activities for the community.
- Shape financial and operational preparedness through innovative and "next" practices to achieve the strategic objectives and recommended actions.
- Develop a dynamic and realistic strategic action plan that creates a road map to ensure long-term success and financial sustainability for the City's parks, recreation programs and facilities, as well as action steps to support the family-oriented community and businesses that call Delaware home.

The foundation of the Consulting Team's approach is a creative and comprehensive public participation process. It is very important to not only to engage those who typically participate in the planning process, but also those who do not. We will identify opportunities that engage people through a variety of community input processes. The information derived by the public's participation in key leadership meetings, focus group meetings, public forums, and surveys is important. However, it is equally important that the information received is applied to the overall planning process to accurately articulate the true unmet needs, address key issues and provide the greatest recommendations and strategies to move the City's parks and recreation services forward for optimum results.

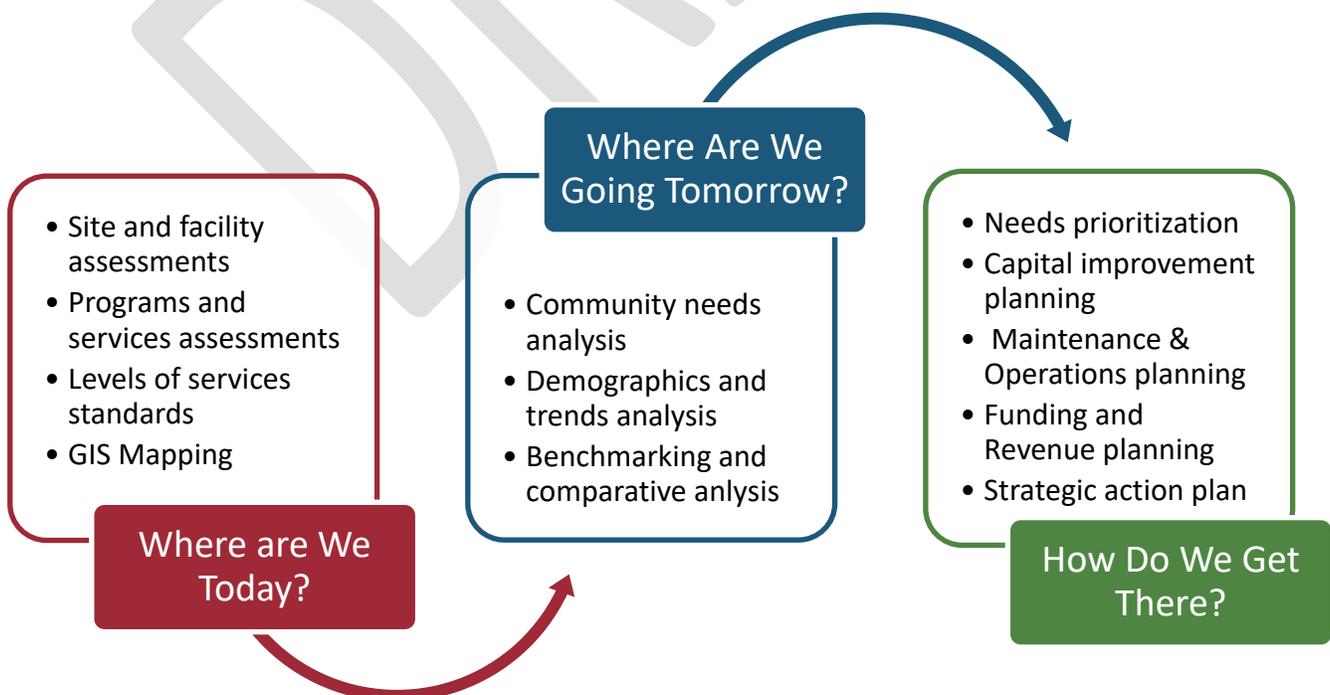
The PROS Consulting Team proposes to utilize its Community Values Model™ as the foundation of the *Parks and Recreation Master Plan*. The Community Values Model™ is an innovative

process to utilize comprehensive public input and insight in a meaningful way. Input, guidance and values from key community leaders, stakeholders, and the general public are used to create overall guiding principles and values of the community related to the delivery of parks and recreation services. The Community Values Model™ is then used as the basis for developing or reaffirming the vision, mission and strategic objectives for the *Parks and Recreation Master Plan*. The strategic objectives address six unique areas of master planning including:

Community / Mandates / Priorities	Standards	Levels of Services	Financial / Revenue	Partnerships	Governance / Organization
<ul style="list-style-type: none"> • Health & Wellness • Principles of Community • Mandatory Elements for Facilities, Programs & Services 	<ul style="list-style-type: none"> • Land and Open Space • Facilities • Programs • Maintenance 	<ul style="list-style-type: none"> • Levels of Service Delivery • Core Services • Role in Delivery vs. Other Service Providers 	<ul style="list-style-type: none"> • Funding Mechanisms to Support Operations & Capital 	<ul style="list-style-type: none"> • Public/Public • Public/Not-for-Profit • Public/Private 	<ul style="list-style-type: none"> • Design/Align Organization to Support Vision and Values to Community

Key Steps in the Process

The *Parks and Recreation Master Plan* will create a clear set of objectives that will provide direction to the City staff and the City Council for a short-term, mid-term and long-term range. There are numerous steps in the project, with the following key areas of focus being foundation components.



Project Scope of Work

The PROS Consulting Team proposes a comprehensive planning approach to address the requirements of the *Parks and Recreation Master Plan* and will deliver a living and working document that provides guidance for both short-term and long-term goals in a financially sustainable and achievable manner. **The following is a detailed and phased approach to develop the master plan related to implementing specific action items. There are two phases suggested: Phase 1 (Needs Assessment) and Phase 2 (Master Plan Development).**

PHASE I - NEEDS ASSESSMENT

Task 1 -Project Management, Progress Reporting & Data Review

A. Kick-off Meeting, Data Collection & Project Management – A kick-off meeting should be attended by the key City staff and Consulting Team members to confirm project goals, objectives, and expectations that will help guide actions and decisions of the Consulting Team. Detailed steps of this task include:

- Confirmation – The project goals, objectives, scope, and schedule will be confirmed.
- Outcome Expectations – Discuss expectations of the completed project.
- Communications – Confirmation on lines of communication, points of contact, level of involvement by City staff and local leaders, and other related project management details. Also, protocols and procedures for scheduling meetings should be agreed to.
- Data Collection – The Consulting Team will collect, log, and review key data and information to facilitate a thorough understanding of the project background.
- Progress Reporting – The Consulting Team will develop status reports to the City on a monthly basis. More importantly, we will be in close and constant contact with your designated project coordinator throughout the performance of the project.
- Prepare database of stakeholders – The Consulting Team will work with the City who will gather contact information from a variety of sources. This information will be used in the key leadership/focus group interview portion of the *Parks and Recreation Master Plan*.

Meetings: City staff review meeting of scope and schedule. The Consulting Team and the City's project manager will hold progress meetings via conference call as often as necessary, but no less than once per month until the final plan is approved by the elected officials for the purpose of progress reporting. Lastly, the Consulting Team will complete a progress review of previous planning efforts and will meet with the City's project manager at important milestone dates during the planning process, which will be finalized at the kick-off meeting with specific dates outlined.

Deliverables: Finalized scope of work, work schedule with target completion dates, and identification of relevant stakeholders and focus groups. City staff input of existing planning documents based on the data collection.

Task 2 - Mission, Culture and Community Alignment

The Consulting Team will utilize a **robust** public input process to solicit community input on how the City of Delaware park system and programs meet the needs of residents into the future. This task is an integral part of the planning process. A wide range of community/participation methods may be utilized with traditional public meetings. The Consulting Team will prepare a community outreach agenda to include the number and types of meetings which will be held.

Also, a statistically-valid City-wide needs assessment survey can be conducted to identify community needs and issues related to recreation/park programs and facilities. Specific tasks include:

A. Demographic & Recreation Trends Analysis – The Consulting Team will utilize the City’s projections and supplement with census tract demographic data obtained from Environmental Systems Research Institute, Inc. (ESRI), the largest research and development organization dedicated to Geographical Information Systems (GIS) and specializing in population projections and market trends; for comparison purposes data will also be obtained from the U.S. Census Bureau. This analysis will provide an understanding of the demographic environment for the following reasons:

- To understand the market areas served by the park and recreation system and distinguish customer groups.
- To determine changes occurring in the City and the region, and assist in making proactive decisions to accommodate those shifts.
- Provide the basis for Equity Mapping and Service Area Analysis

The City’s demographic analysis will be based on US 2010 Census information, 2019 updated projections, and 5 (2024) and 10 (2029) year projections. The following demographic characteristics will be included:

- Population density; Age Distribution ; Households; Gender; Ethnicity; Household Income

From the demographic base data, sports, recreation, and outdoor trends are applied to the local populace to assist in determining the potential participation base within the community. For the sports and recreation trends, the Consulting Team utilizes the Sports & Fitness Industry Association’s (SFIA) 2018 Study of Sports, Fitness and Leisure Participation, ESRI local market potential, as well as participation trends from the Outdoor Foundation on outdoor recreation trends.

B. Benchmark Analysis (OPTIONAL)– A benchmark analysis could be completed to compare the City of Delaware to five (5) other relevant peer agencies. If desired, the Consulting Team can work with the City to identify the 15 key metrics to be surveyed and analyzed, as well as the benchmarked communities.

Agency	Population	Total Acres Owned or Managed	Total Developed Acres	Percentage of Developed Acres	Total Acres per 1,000 Residents
Bloomington	84,067	2,343	2,052	88%	27.88
Valparaiso	32,626	709	556	78%	21.72
Westerville	38,384	596	390	65%	15.53
Columbus	46,690	559	478	86%	11.96
Franklin	72,639	707	704	100%	9.73
Carmel Clay	88,713	553	178	32%	6.23
<i>PRORAGIS Median - Agencies Serving 20,000-49,999 Residents</i>					9.67

C. Key Leadership/Focus Group Interviews – The

Consulting Team will perform focus groups and key leadership interviews the community to evaluate their vision for parks and recreation in the City of Delaware community. Up to Eight (8) focus group meetings and key leadership interviews and other key leaders (up to 12) will be held over a two-day period. Also, during these interviews/focus groups, the Consulting Team will gain an understanding of the community values, as well as determine the priority for recreation facilities and programming, parks, trails and open space development needs of the City. The following list of potential interviewees will be used to select the final list in conjunction with the City:



- Elected Officials
- Key Business Leaders
- City Administration
- Parks and Recreation Board
- Key Partners/Philanthropic Organizations (e.g. YMCA, etc.)
- School officials
- Users and non-users of the parks and recreation system
- Parks Staff
- Athletic leagues and associations (all applicable sports)

D. Public Forums/Workshops – Public forums will

serve to present information and gather feedback from citizens at large. It is important to have initial meetings early in the process and follow-up meetings during the final plan development process. It will be important to get maximum media exposure to inform citizens of the purpose and importance of the meetings and clearly note time and locations. We propose to conduct a total of two (2) public forums: one (1) initial public forum at the project midpoint to introduce the project and project goals, preliminary findings, gain input for the community's vision and core values for the City's parks and recreation system, and one (1) as a final briefing and input opportunity on the draft plan. These meetings would be informal in nature offering the public an opportunity to participate in the planning process and to provide feedback on the proposed options. The purpose for these meetings will be to ensure opportunities for the general public to discuss their priorities and perceptions surrounding the parks and recreation system. The forums will also afford the opportunity to subtly educate the public on the opportunities, benefits, and constraints of the City's parks and recreation system.

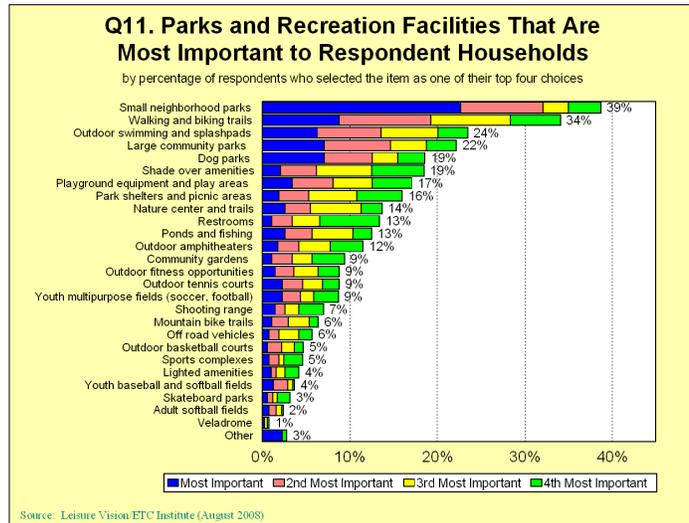


E. Electronic Survey – Also, the Consulting Team can create an online survey administered through www.surveymonkey.com. This survey will be promoted through the City's website and promotional mediums to maximize outreach and response rates. These surveys would

provide quantitative data and guidance in addition to the stakeholder and focus groups in regards to the recommendations for park amenities, specific programs, facility components, usage, and pricing strategies.

- F. Statistically-Valid Needs Analysis Survey** – The Consulting Team can perform a random, scientifically valid community-wide household survey to quantify knowledge, need, unmet need, priorities and support for system improvements that include facility, programming, and the park needs of the City.

The survey will be administered by phone or by a combination of a mail/phone survey and will have a minimum sample size of 380 completed surveys at a 95% level of confidence and a confidence interval of +/- 5%. Prior to the survey being administered, it will be reviewed by the City staff.



- G. Crowd-Sourcing Project Website (OPTIONAL)** - The Consultant Team can develop a customized project website, if desired by the City of Delaware that will provide on-going project updates and will serve as the avenue to crowd-source information throughout the project for the entire community. This could be combined with input through Social Media and could also host videos through a dedicated YouTube Channel and utilize the City's website. E.g. www.planindyparks.com. It has proven to be a very effective tool in engaging the community on an on-going basis as well as maximize outreach to an audience that may not traditionally show up at public meetings or choose to respond to a survey.

Meetings: Staff review of community meetings agenda. Eight focus group meetings, up to twelve community stakeholder meetings, one meeting with the Parks and Recreation Board, one meeting with City Council, and two Community Public Forum Meetings to gather public input. If desired, City staff review and finalization of statistically-valid needs analysis survey and a benchmark comparison report.

Deliverables: A Demographic & Recreational Trends Analysis and an optional Benchmark Report. The Consulting Team will act as professional facilitators to gather information about services, use, preferences and any agency strengths, weaknesses, opportunities and threats. Well organized and directed activities, techniques, and formats will be provided to ensure that a positive, open and proactive public participation process is achieved. Written community meeting report for each meeting will be provided, along with a technical report on the electronic survey findings. Community survey draft for review and survey results and analysis report, as well as optional crowd-sourcing website if desired by the City.

Task 3 - Inventory, Analysis and Vision Plan

- A. Parks and Facilities Inventory and Assessment** – The Consulting Team will provide an electronic form to complete the facility/amenity inventory and assessment. A park and

facility tour will be performed with City staff, Operations and Maintenance staff, and Programming staff. The findings from this review will be documented in a prepared data collection form. During this tour, general observation of park and recreation facilities will include:

- Photographs along with text to illustrate key environmental features in the City
- General state and condition
- Compatibility with neighborhoods
- Compatibility of amenities offered through the City
- Aesthetics/Design
- Safety/security
- Public Access Connectivity to the surrounding neighborhoods through non-motorized travel
- Program capacity and compatibility with users
- Partnership opportunities
- Revenue generation opportunities

Analysis will be performed from this review, and incorporated into an *Assessment Summary Report*.

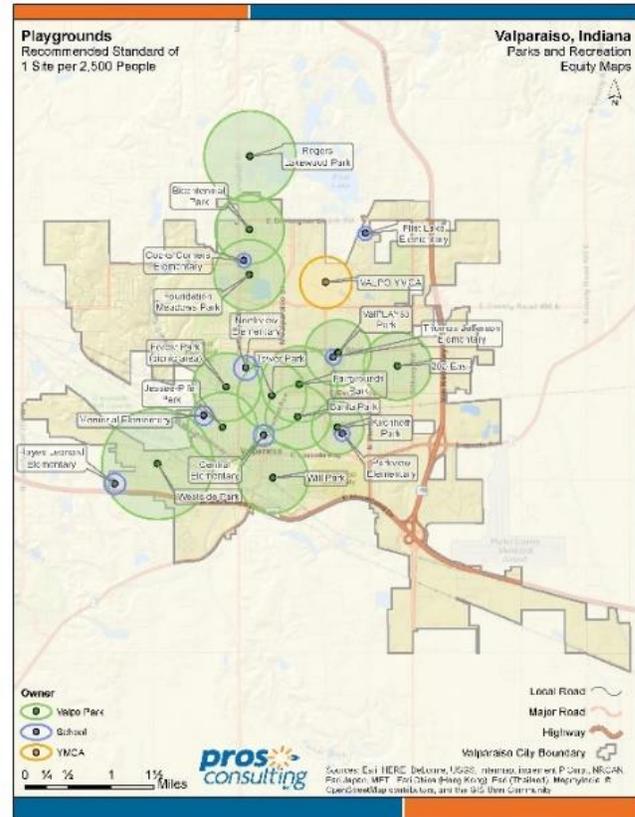
B. Park Classifications and Level of Service Standards – The Consulting Team will work with the City to review and confirm, modify or add to existing park classifications, and preferred facility standards for all park sites, trails, open space amenities including common areas and indoor and outdoor facilities. These classifications will consider size, population served, length of stay, and amenity types/services. Facility standards include level of service standards and the population served per recreational facilities and park amenities. Any new or modified classification or standard will be approved as required. These are based on regional, statewide or nationally accepted parks and recreation standards, as well as the Consulting Team’s national experience and comparison with peer/survey agencies. These standards will be adapted based on the needs and expectations of the City.

PARKS:		2015 Inventory - Developed Facilities							2015 Facility Standards		2020 Facility Standards			
Park Type	Valpo Parks	Schools	Valpo YMCA	Total Inventory	Current Service Level based upon population		Recommended Service Levels; Revised for Local Service Area		Meet Standard/ Need Exists	Additional Facilities/ Amenities Needed	Meet Standard/ Need Exists	Additional Facilities/ Amenities Needed		
Neighborhood Parks	15.50			15.50	0.48	acres per	1,000	2.00	acres per	1,000	Need Exists	49 Acre(s)	Need Exists	51 Acre(s)
Community Parks	147.50			147.50	4.55	acres per	1,000	5.00	acres per	1,000	Need Exists	15 Acre(s)	Need Exists	18 Acre(s)
Regional Parks	122.50			122.50	3.78	acres per	1,000	5.50	acres per	1,000	Need Exists	56 Acre(s)	Need Exists	60 Acre(s)
Special Use Park	270.10			270.10	8.33	acres per	1,000	8.00	acres per	1,000	Meets Standard	- Acre(s)	Meets Standard	- Acre(s)
Undeveloped Acres	153.00			153.00	4.72	acres per	1,000	0.00	acres per	1,000	Meets Standard	- Acre(s)	Meets Standard	- Acre(s)
Total Park Acres	708.60	-	-	708.60	21.84	acres per	1,000	20.50	acres per	1,000	Meets Standard	- Acre(s)	Meets Standard	- Acre(s)
OUTDOOR AMENITIES:														
Picnic Shelters	23.00	-	1.00	24.00	1.00	site per	1,352	1.00	site per	2,500	Meets Standard	- Site(s)	Meets Standard	- Site(s)
Soccer Fields	9.00	0.30	-	9.30	1.00	field per	3,488	1.00	field per	4,000	Meets Standard	- Field(s)	Meets Standard	- Field(s)
Multi-Purpose Fields (Football, Cricket, Lacrosse, Rugby)	-	4.00	-	4.00	1.00	field per	8,111	1.00	field per	6,000	Need Exists	1 Field(s)	Need Exists	2 Field(s)
Adult Baseball Fields	2.00	-	-	2.00	1.00	field per	16,222	1.00	field per	6,000	Need Exists	3 Field(s)	Need Exists	4 Field(s)
Youth Baseball Fields	4.00	-	-	4.00	1.00	field per	8,111	1.00	field per	5,000	Need Exists	2 Field(s)	Need Exists	3 Field(s)
Softball Fields	6.00	-	-	6.00	1.00	field per	5,407	1.00	field per	6,000	Meets Standard	- Field(s)	Meets Standard	- Field(s)
Basketball Courts	5.00	-	-	5.00	1.00	court per	6,489	1.00	court per	4,000	Need Exists	3 Court(s)	Need Exists	3 Court(s)
Tennis Courts	1.00	7.00	-	8.00	1.00	court per	4,055	1.00	court per	5,000	Meets Standard	- Court(s)	Meets Standard	- Court(s)
Playgrounds	13.00	1.60	1.00	15.60	1.00	site per	2,080	1.00	site per	2,500	Meets Standard	- Site(s)	Meets Standard	- Site(s)
Dog Parks	-	-	-	-	1.00	site per	#DIV/0!	1.00	site per	40,000	Need Exists	1 Site(s)	Meets Standard	- Site(s)
Skate Park	1.00	-	-	1.00	1.00	site per	32,443	1.00	site per	40,000	Meets Standard	- Site(s)	Meets Standard	- Site(s)
Sand Volleyball	-	-	-	-	1.00	site per	#DIV/0!	1.00	site per	15,000	Need Exists	2 Site(s)	Need Exists	2 Site(s)
Paved Multi-Use Trails	18.75	-	-	18.75	0.58	miles per	1,000	0.40	miles per	1,000	Meets Standard	- Mile(s)	Meets Standard	- Mile(s)
Unpaved Trails/ Hiking Trails	1.00	-	-	1.00	0.03	miles per	1,000	0.10	miles per	1,000	Need Exists	2 Mile(s)	Need Exists	2 Mile(s)
Spraygrounds	1.00	-	-	1.00	1.00	site per	32,443	1.00	site per	50,000	Meets Standard	- Site(s)	Meets Standard	- Site(s)
Indoor Pools	-	-	-	-	1.00	site per	#DIV/0!	1.00	site per	50,000	Need Exists	1 Site(s)	Need Exists	1 Site(s)
INDOOR AMENITIES:														
Recreation/Gymnasium (Square Feet)	-	12,000.00	7,800.00	19,800.00	0.61	SF per	person	2.00	SF per	person	Need Exists	45,086 Square Feet	Need Exists	46,532 Square Feet
2015 Estimated Population	32,443													
2020 Estimated Population	33,166													

Notes:
School Inventory is reduced due to public access availability for several amenities.
Central Park Plaza acres is included under Special Use acres.

C. Geographical Analysis through Mapping –

The Consulting Team can work with the City to determine appropriate GIS mapping. The Consulting Team would utilize GIS to perform geographical mapping to identify service area analysis for specific facilities and programs. This includes mapping by classification and major amenities by facility standards as applied to population density and geographic areas. A service area is defined as a circular area around a park or amenity whose radius encompasses the population associated with the appropriate facility standard for each park classification and amenity. Using the facility standards and service areas provided by the Consulting Team for each park and major facility type (amenity), a series of maps by each park classification and major amenities will be prepared. This mapping identifies gaps and overlaps in service area. It is assumed that the City will provide base GIS information including inventory and general location of park sites and amenities. The Consulting Team will provide maps in digital format (ARCGIS and Adobe Acrobat PDF format) and hard copy.



D. Recreation Program Assessment – Recreation programs and special events are the backbone of park and recreation agencies. This assessment will review how well the City of Delaware aligns itself with community needs. The goal of this process is to provide recreation program enhancements that result in successful and innovative recreation program offerings. The Consulting Team will provide insight into recreation program trends from agencies all around the country. The process includes analysis of:

- Age segment distribution
- Lifecycle analysis
- Core program analysis and development
- Similar provider analysis/duplication of service
- Market position and marketing analysis
- User fee analysis for facilities and programs/services
- Review of program development process
- Backstage support, or service systems and agency support needed to deliver excellent service

Ultimately, the outcome of the process will be the creation of a dynamic recreation program plan that results in increased registration, drives customer retention and loyalty, improves customer satisfaction, and increases revenues. Additionally, it will help focus staff efforts in

core program areas and create excellence in those programs deemed most important by program participants.

E. Prioritized Facility and Program Priority Rankings

The Consulting Team will synthesize the findings from the community input, survey results, standards, demographics and trends analysis, park and facility assessment, recreation services assessment and the service area mapping into a quantified facility and program priority ranking. This priority listing will be compared against gaps or surplus in recreation services, parks, facilities and amenities. This will list and prioritize facility, infrastructure, amenities, and program needs for the parks and recreation system and **provide guidance** for the Capital Improvement Plan. The analysis will include probable future parks, recreation facilities, open spaces and trail needs based on community input, as well as state and national user figures and trends. Also, a set of prioritized recommendations for maintenance and renovation of parks, trails and recreation facilities will be developed. The Team will conduct a work session with staff to review the findings and make revisions as necessary.

Facility	Overall Rank
Outdoor swimming pool/family aquatic center	1
Connected walking & biking trails	2
Nature center & trails	3
Indoor swimming pools/leisure pool	4
Small neighborhood parks	5
Off-leash dog park	6
Indoor ice arena	7
Multi-generational community center	8
Senior center	9
Indoor running/walking track	10
Indoor fitness & exercise facilities	11
Youth soccer fields	12
Greenspace & natural areas	13
Outdoor ice arena	14
Outdoor tennis courts	15
Indoor lap lanes for exercise swimming	16
Youth baseball & softball fields	17
Skateboarding park	18
Playground equipment	19
Adult softball fields	20
Outdoor basketball courts	21
Indoor sports fields (baseball, soccer, etc.)	22
Large community parks	23
Indoor basketball/volleyball courts	24
Disc golf	25
Spraygrounds	26
Youth football fields	27

Meetings: Review of staff provided inventory and condition information. Tour of existing facilities/properties for the purposes of assessment of parks and facilities. Park classification and design standards review discussion. Also, meeting on appropriate mapping method desired. Initial meeting with staff to provide information regarding current program offerings, as well as follow up to present findings and recommendations. Rank and prioritize demand and opportunities.

Deliverables: Parks Facility Analysis / Assessment Report. Programs and Services Assessment Report. Rank and Prioritize demand and opportunities.

PHASE II - ACTION PLAN

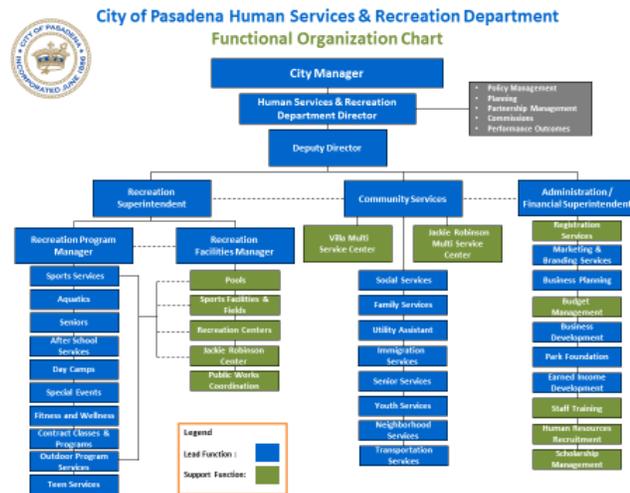
Task 1 - Operational and Fiscal Plan

A. Capital Improvement Plan – The culmination of all analysis will result in a prioritized plan providing guidelines to the City for investing and developing parks, facilities, and open space. This capital improvement plan will reflect community needs identified in the staff, Park and Recreation Board, and stakeholder meetings, the public input process, household survey, demographics, prioritized facility and program needs analysis, and physical analysis. The capital improvement plan will focus on three key areas: Existing Park System Needs; Land Acquisition; New Park, Recreation Facilities and Open Space Needs.

The plan will take into account operational and financial impacts in developing options and cost estimates. The plan will present budgetary capital costs, priorities, and funding strategies including partnership and revenue generation opportunities for capital and operational funding.

B. Operational and Maintenance Review – The Consulting Team can perform an analysis of the current practices of the City to evaluate its operational situation. This analysis will identify future City organization and staffing needs, improved operational efficiencies, policy development, process improvements, system and technology improvements, and marketing/communication opportunities. This task will include recommendations in a comprehensive manner. This will include data collection, analysis and on-site observations of key organizational components in the following areas:

- Classification of services
- Administrative delivery
- Maintenance and Operating Standards
- Organizational Design and Staffing
- Customer service
- Staffing levels
- Field equipment/resources
- Service contracts
- Workload requirements
- Procedures manuals
- Existing policy and procedures management
- Performance measures and indicators
- Information systems and technology
- Marketing and communications
- Identify and expand partnerships/volunteer support for facilities and services
- Review and suggest new rules and regulations related to parks



This review will include comparison of current policies with national standards of best practice agencies. The Consulting Team will recommend policies and adjustments to current policies where enhancements may be needed or gaps are identified.

C. Funding and Revenue Strategies – Funding strategies will be developed based in part to our review and analysis of the facilities as well as the national experience brought by the Consulting Team. The Consulting Team has identified numerous funding options that can be applied to the Park and Recreation Master Plan based on the community values. The funding strategies to be evaluated for recommendations will include at a minimum:

- Fees and charges options and recommendations
- Endowments/Non-profits opportunities for supporting operational and capital costs
- Sponsorships to support programs, events, and facilities
- Partnerships with public/public partners, public/not-for-profit partners and public/private partnerships
- Dedicated funding sources to support land acquisition and capital improvements

- Development agreements to support park acquisition, open space and park and facility development
- Earned Income options to support operational costs
- Land or facility leases to support operational and capital costs
- Identify grant opportunities and resources to construct parks and facilities identified in the Master Plan including suggested timelines

Meetings: Review of staff provided organization and staffing information, financial information and any current financial and funding opportunities. Follow up to present findings and recommendations and possible funding options.

Deliverables: Organizational Analysis Findings Report. Funding and revenue strategies outlined with recommendations.

Task 2 - Strategic Action Plan & Master Plan Development

The *Parks and Recreation Master Plan* will be framed and prepared through a series of workshops with City staff. The overall vision and mission statements will be affirmed or modified, and direction for the City will be established along with individual action strategies that were identified from all the research work completed. Specific tasks include:

- A. Develop Vision, Mission and Goals/Objectives** – The supporting vision and mission statements will be affirmed or developed with senior City staff in a work session. Following this effort, goals/objectives and policies will be established and prioritized. A status briefing will be presented to gain input and consensus on direction.
- B. Strategic Action Plan** - Upon consensus of all technical work, the remaining action plan will be completed with supporting strategies, actions, responsibilities, and priorities/timelines. These strategies will be classified as short-term, mid-term or long-term strategies and priorities. This will be reviewed with senior staff in a half-day workshop. The Consulting Team will propose a prioritization schedule and methodology used on successful master plans across the United States from their work. Action plans will be established in the following key areas:
 - **Park Land Development and Improvements** – Recommendations that provide for short- and long-term enhancement of land acquisition in the Department. This will include the following:
 - The Consulting Team will develop a well-balanced park system that offers a proper balance of well-connected, highly accessible parks and trails with a variety of recreation services that is inclusive of all types of users.
 - The Consulting Team will create a clearly articulated park classification system which covers all types of park and recreation facilities in the City. Each park or recreation facility class will include a model program of activities and/or design/construction elements and an accompanying bubble plan which illustrates spatial relationships.
 - **Programs and Services** – Recommendations that provide for short- and long-term development and maintenance of programs and services provided by the City, including opportunities to improve meeting user needs.
 - **Financial and Budgetary Capacity Development** – Recommendations that provide for short- and long-term enhancement of the financial and budgetary capacity of the City related to parks and lands.

- **Policies and Practices** – Specific policies and practices for the City that will support the desired outcomes of this Master Plan will be detailed.
- C. Draft Report Preparation and Briefings**– The Consulting Team will prepare a draft *Parks and Recreation Master Plan* with strategies taking into account all analyses performed and consider the fiscal and operational impacts to the City. The draft plan will incorporate structural elements in order for the City of Delaware to be eligible for important State of Ohio and other applicable grant funds. The recommendations and prioritization of needs will be reviewed and discussed with the Park and Recreation Board. Five paper copies of the *Draft Park Master Plan* to be used for distribution and review. One electronic copy for public information.
- D. Final Master Plan Presentations, Preparation, and Production** – Upon comment by all vested staff, City Council, and the community, the Consulting Team will revise the *Draft Master Plan* to reflect all input received. Once the draft Master Plan is approved by the Park and Recreation Board, the Consulting Team will prepare a final summary report and present to the City for final approval and adoption. The final plan will be prepared with a Summary Report delivered along with associated appendices (technical reports).

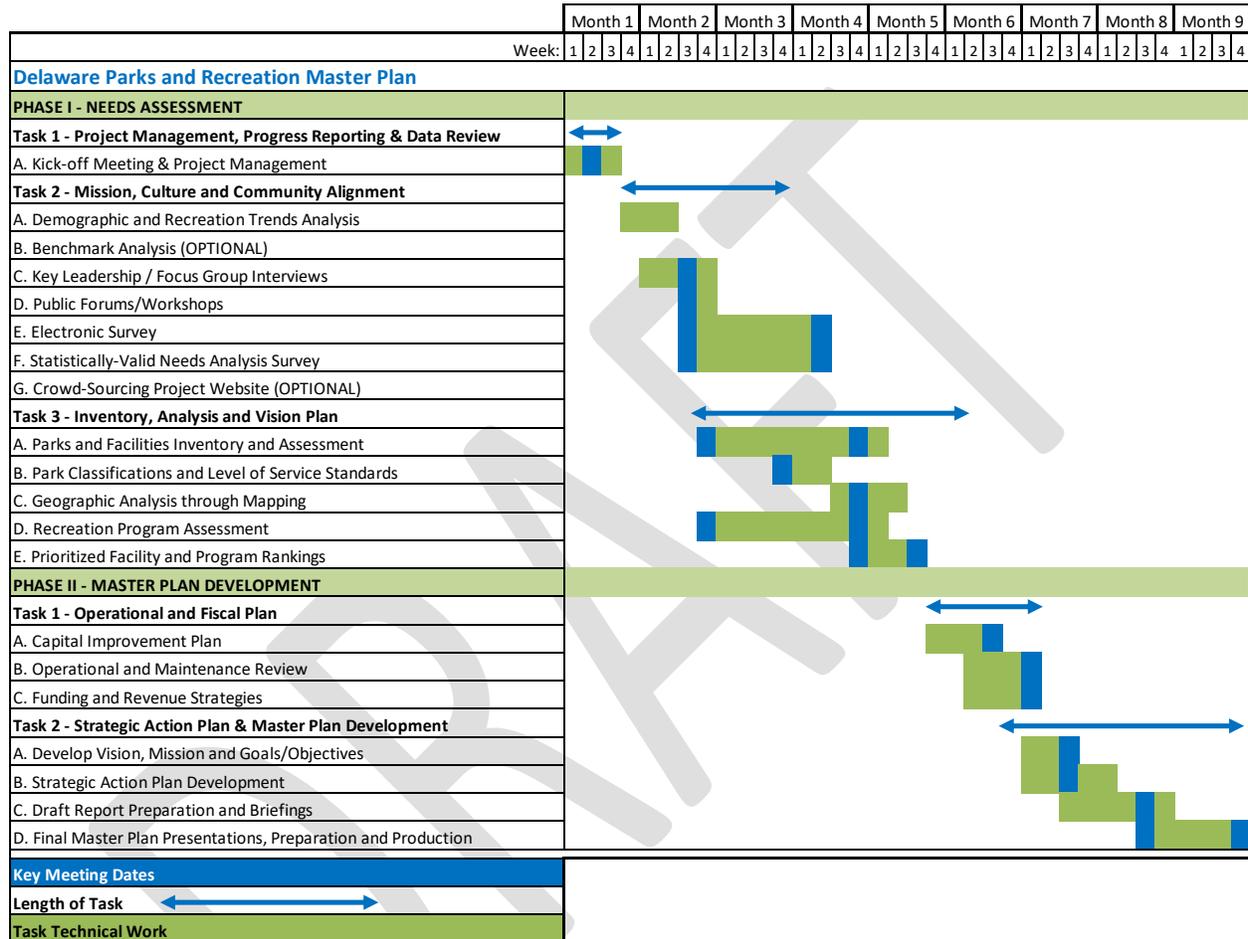
Meetings: Meetings with staff on vision/mission and workshop on strategic action plan. Presentations to the City Council (one during the draft master plan and one for the adoption of the final Master Plan). One (1) meeting with the Parks and Recreation Board at the time of the adoption of the Master Plan. The Consulting Team will meet with staff for review of changes.

Deliverables: Deliverables will be the following:

- The Master Plan must include written goals, plans, objectives, and policy statements that articulate a clear vision and “road map” and model for the parks and recreation services
- A summary of existing conditions, inventories and Level of Service analysis
- Charts, graphs, maps and other data as needed to support the plan and its presentation to the appropriate audiences
- An Action Plan
- A minimum of one (1) meetings with the City Council, one at the time of the presentation of the draft Master Plan, and one at the adoption of the final Master Plan
- A color version of the draft Master Plan document consisting of one (1) printed and bound color copy and an electronic copy in a format compatible with the City’s software
- A color version of the final Master Plan document consisting of one (1) printed and bound color copies and an electronic copy in a format compatible with the City’s software
- A color version of the final Executive Summary consisting of one (1) printed copy and an electronic version in a format compatible with the City’s software

Project Schedule

The project approach and scope of work detailed in this proposal can be completed by the PROS Team collaboratively with the City of Delaware. PROS can begin the project immediately and has the capability and availability to meet the 9-month schedule depicted below. Specific dates will be set during the kick-off meeting process and the PROS Team will consider any special requirements by the City in regards to scheduling to meet your expectations.



Fee Proposal

The following fee breakdown is based on the project approach described in the Scope of Work for the *Parks and Recreation Master*. The PROS Team has based this fee on our current understanding of the City of Delaware goal for the project. We would appreciate the opportunity to meet and discuss the project approach and fees to ensure they are consistent with the expectations of the City. This fee is a not-to-exceed amount and includes all costs, both direct and indirect, including any reimbursable expenses.

PHASE I - NEEDS ASSESSMENT	
Task 1 - Project Management, Progress Reporting & Data Review	
A. Kick-off Meeting & Project Management	\$ 2,850
Expenses	\$ 300
Subtotal Dollars	\$ 3,150
Task 2 - Mission, Culture and Community Alignment	
A. Demographic and Recreation Trends Analysis	\$ 2,000
B. Benchmark Analysis (OPTIONAL)	\$ -
C. Key Leadership / Focus Group Interviews	\$ 4,520
D. Public Forums/Workshops	\$ 4,070
E. Electronic Survey	\$ 800
F. Statistically-Valid Needs Analysis Survey	\$ 11,580
G. Crowd-Sourcing Project Website (OPTIONAL)	\$ -
Expenses	\$ 600
Subtotal Dollars	\$ 23,570
Task 3 - Inventory, Analysis and Vision Plan	
A. Parks and Facilities Inventory and Assessment	\$ 5,400
B. Park Classifications and Level of Service Standards	\$ 1,840
C. Geographic Analysis through Mapping	\$ 2,580
D. Recreation Program Assessment	\$ 4,350
E. Prioritized Facility and Program Rankings	\$ 2,670
Expenses	\$ 800
Subtotal Dollars	\$ 17,640
PHASE I TOTAL EXPENSES	\$ 1,700
PHASE I TOTAL FEES	\$ 42,660
PHASE I TOTAL DOLLARS	\$ 44,360
PHASE II - MASTER PLAN DEVELOPMENT	
Task 1 - Operational and Fiscal Plan	
A. Capital Improvement Plan	\$ 3,020
B. Operational and Maintenance Review	\$ 4,530
C. Funding and Revenue Strategies	\$ 1,800
Expenses	\$ 600
Subtotal Dollars	\$ 9,950
Task 2 - Strategic Action Plan & Master Plan Development	
A. Develop Vision, Mission and Goals/Objectives	\$ 1,280
B. Strategic Action Plan Development	\$ 7,150
C. Draft Report Preparation and Briefings	\$ 4,650
D. Final Master Plan Presentations, Preparation and Production	\$ 6,620
Expenses	\$ 950
Subtotal Dollars	\$ 20,650
PHASE II TOTAL EXPENSES	\$ 1,550
PHASE II TOTAL FEES	\$ 29,050
PHASE II TOTAL DOLLARS	\$ 30,600
TOTAL EXPENSES	\$ 3,250
TOTAL FEES	\$ 71,710
TOTAL DOLLARS	\$ 74,960
ADDITIVE / OPTIONAL SERVICES	
Benchmark Analysis	\$ 2,900
Crowd-Sourcing Project Website	\$ 9,000



FACT SHEET

AGENDA ITEM NO: 15

DATE: 09/23/2019

ORDINANCE NO:

RESOLUTION NO: 19-44

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DELAWARE COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS.

BACKGROUND:

The County Public Defender's Office requires each city to have an agreement in place with the County to pay for counsel for indigent defendants in Municipal Court.

Because defendants typically are not entitled to a public defender when charged under the City's Codified Ordinances, we have not had to issue a payment for indigent defense services during the life of this agreement.

REASON WHY LEGISLATION IS NEEDED:

The County Public Defender requires annual renewals, authorized by City Council Ordinance every year.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

**AGREEMENT FOR INDIGENT DEFENSE SERVICES
FOR MUNICIPAL CODE VIOLATIONS
(ASSIGNED COUNSEL SYSTEM)**

This Agreement is entered into by and between the Delaware County Commissioners, with a mailing address of 101 North Sandusky Street, Delaware, Ohio 43015, (hereinafter referred to as the "County"), and the City of Delaware, with a mailing address of 1 South Sandusky Street, Delaware, Ohio 43015, (hereinafter referred to as the "City").

WHEREAS, the City recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and

WHEREAS, the County has adopted a court-assigned counsel program, whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify; and

WHEREAS, the County, pursuant to R.C. 120.33, may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of an ordinance of the municipal corporation; and

WHEREAS, these contracts must contain terms in conformance with OAC 120-1-09, and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for the County to obtain reimbursement for indigent defense costs, pursuant to R.C. 120.33 and R.C. 120.35, and pay the City its appropriate share; and

WHEREAS, this Agreement has been authorized by the City by Res./Ord. # 17-47, passed by the Delaware City Council on 7/24/17, and by Resolution No. 17-829, passed by the County on August 7, 2017.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

- 1.1** The City and County agree that the judges may assign by journal entry, recorded on the Court Docket, appointed counsel to represent indigent persons on or after the commencement date and during the term of this Agreement in which the defendant is indigent and charged with the commission of an offense or act that is a violation of a City ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
- 1.2** Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender Commission and the State Public Defender, pursuant to R.C. 120.03 and OAC 120-1-03. In addition to indigency determination, all other rules, standards and guidelines issued by the Office of the Ohio Public Defender and the Ohio Public Defender Commission shall be followed.

2. COMPENSATION

- 2.1** Pursuant to R.C. 120.33 and the aforesaid resolutions, the County shall pay all legal fees and expenses to counsel duly appointed by the court to represent indigent persons charged with violations of the ordinances of the City.
- 2.2** Payment for representation of indigent persons shall be in accordance with the fee schedule adopted by the County.
- 2.3** The City agrees to reimburse the County for all legal fees and expenses that are paid by the County according to Section 2.1 within thirty (30) days of receipt of an invoice for such fees

and expenses. Payments not made within thirty (30) days of receipt of an invoice shall be assessed a ten percent (10%) late payment penalty.

- 2.4 The County shall promptly pay to the City any reimbursement received from the Office of the Ohio Public Defender Commission pursuant to R.C. Chapter 120 for any amounts expended pursuant to this Agreement, within thirty (30) days of the receipt of said reimbursement. Payments not made within thirty (30) days of the receipt of reimbursement shall be assessed a ten percent (10%) late payment penalty.

3. DURATION OF CONTRACT AND TERMINATION

- 3.1 This Agreement shall commence on September 12, 2017 and shall remain in effect through December 31, 2018. This Agreement may be renewed for additional one year terms upon proper resolution by each party agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions shall be sent to the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215.

- 3.2 If the County or the City shall fail to fulfill in a reasonable, timely, and proper manner its obligations under this Agreement, or if either party shall substantially violate any of the covenants, agreements, or stipulations of this Agreement, then the aggrieved party shall thereupon have the right to terminate this Agreement by giving written notice to the other party of the termination and specifying an effective date thereof at least thirty (30) days before the effective date of termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this Agreement by the other party.

- 3.3 Written notice shall be considered furnished when it is sent by Certified Mail return receipt requested or is hand delivered.

4. TERMS OF AGREEMENT

- 4.1 As soon as is reasonably practical after a case is finally disposed of by the court, the court shall approve counsel fees in accordance with the standards of indigency, which fees shall not be taxed as part of the costs of the case. In only exceptional circumstances shall the court approve attorney's fees in excess of the schedule established by the County.

- 4.2 Recognizing that the requests for reimbursements must be received by the State Public Defender within ninety (90) days of the end of the calendar month in which a case is finally disposed of by the court, the clerk of court shall promptly notify the County of the fees of which have been approved.

- 4.3 After approval, the County Auditor shall thereafter process the fees and expenses approved by the court in accordance with the procedure set forth in R.C. 120.33.

- 4.4 There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex, age, handicap, or national origin. This provision shall apply to, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The County shall include a similar provision in any subcontract for services covered by this Agreement.

- 4.5 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work,

shall, prior to completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

5. MODIFICATION; ASSIGNMENT; PRIOR AGREEMENT

5.1 This Agreement may only be amended by written agreement approved and executed by the parties named herein, or their successors.

5.2 The County shall not assign this Agreement, in whole or in part, without the City's prior written consent, which consent shall not be unreasonably withheld.

5.3 This Agreement supersedes any previous agreement between the City and the County for indigent defense services for municipal code violations, and said previous agreements are hereby terminated.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

COUNTY

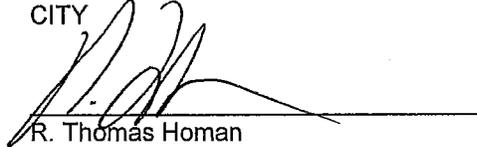


Jeff Benton, President
Pursuant to Resolution No. 11-137 and
Resolution No. 17-

Approved as to Form:

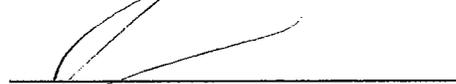

Delaware County Prosecuting Attorney

CITY



R. Thomas Homan
Delaware City Manager

Approved as to Form:


Delaware City Attorney

Approved by:

Timothy Young
Ohio Public Defender

RESOLUTION NO. 17-47

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DELAWARE COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS.

WHEREAS, in 2011 the City of Delaware and the Delaware County Commissioners entered into an agreement on October 10, 2011 for the purpose of indigent defense services for Municipal Code violations; and

WHEREAS, pursuant to Section 3.1 of the Agreement, the Agreement can be renewed for additional one year terms upon approval by City Council; and

WHEREAS, the attached agreement adds language required by the Ohio Public Defender, but is otherwise consistent with the existing agreement.

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

SECTION 1. The City Manager is hereby authorized to renew the Intergovernmental Agreement for indigent defense services for Municipal Code violations attached hereto for a term ending on December 31, 2018.

SECTION 2. A copy of this resolution shall be delivered to the Delaware County Commissioners and the Ohio Public Defender, located at 250 East Broad Street, Suite 1400, Columbus, Ohio 43215.

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

PASSED: July 24, 2017 YEAS 6 NAYS 0
ABSTAIN 1

ATTEST: Janet McCleskey CITY CLERK Carolyn K. Ruff MAYOR



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Ferzan M. Ahmed

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 17-829

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS, AND THE CITY OF DELAWARE FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS (ASSIGNED COUNSEL SYSTEM):

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

AGREEMENT FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS (ASSIGNED COUNSEL SYSTEM)

This Agreement is entered into by and between the Delaware County Commissioners, with a mailing address of 101 North Sandusky Street, Delaware, Ohio 43015, (hereinafter referred to as the "County"), and the City of Delaware, with a mailing address of 1 South Sandusky Street, Delaware, Ohio 43015, (hereinafter referred to as the "City").

WHEREAS, the City recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and

WHEREAS, the County has adopted a court-assigned counsel program, whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify; and

WHEREAS, the County, pursuant to R.C. 120.33, may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of an ordinance of the municipal corporation; and

WHEREAS, these contracts must contain terms in conformance with OAC 120-1-09, and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for the County to obtain reimbursement for indigent defense costs, pursuant to R.C. 120.33 and R.C. 120.35, and pay the City its appropriate share; and

WHEREAS, this Agreement has been authorized by the City by Res./Ord. #17-47, passed by the Delaware City Council on July 24, 2017, and by Resolution No. 17-829, passed by the County on August 7, 2017.

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

1.1 The City and County agree that the judges may assign by journal entry, recorded on the Court

Docket, appointed counsel to represent indigent persons on or after the commencement date and during the term of this Agreement in which the defendant is indigent and charged with the commission of an offense or act that is a violation of a City ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.

1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender Commission and the State Public Defender, pursuant to R.C. 120.03 and OAC 120-1-03. In addition to indigency determination, all other rules, standards and guidelines issued by the Office of the Ohio Public Defender and the Ohio Public Defender Commission shall be followed.

2. COMPENSATION

2.1 Pursuant to R.C. 120.33 and the aforesaid resolutions, the County shall pay all legal fees and expenses to counsel duly appointed by the court to represent indigent persons charged with violations of the ordinances of the City.

2.2 Payment for representation of indigent persons shall be in accordance with the fee schedule adopted by the County.

2.3 The City agrees to reimburse the County for all legal fees and expenses that are paid by the County according to Section 2.1 within thirty (30) days of receipt of an invoice for such fees and expenses. Payments not made within thirty (30) days of receipt of an invoice shall be assessed a ten percent (10%) late payment penalty.

2.4 The County shall promptly pay to the City any reimbursement received from the Office of the Ohio Public Defender Commission pursuant to R.C. Chapter 120 for any amounts expended pursuant to this Agreement, within thirty (30) days of the receipt of said reimbursement. Payments not made within thirty (30) days of the receipt of reimbursement shall be assessed a ten percent (10%) late payment penalty.

3. DURATION OF CONTRACT AND TERMINATION

3.1 This Agreement shall commence on September 12, 2017 and shall remain in effect through December 31, 2018. This Agreement may be renewed for additional one year terms upon proper resolution by each party agreeing to the one year extension and proper appropriation of funding for the new year. Copies of the resolutions shall be sent to the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215.

3.2 If the County or the City shall fail to fulfill in a reasonable, timely, and proper manner its obligations under this Agreement, or if either party shall substantially violate any of the covenants, agreements, or stipulations of this Agreement, then the aggrieved party shall thereupon have the right to terminate this Agreement by giving written notice to the other party of the termination and specifying an effective date thereof at least thirty (30) days before the effective date of termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this Agreement by the other party.

3.3 Written notice shall be considered furnished when it is sent by Certified Mail return receipt requested or is hand delivered.

4. TERMS OF AGREEMENT

4.1 As soon as is reasonably practical after a case is finally disposed of by the court, the court shall approve counsel fees in accordance with the standards of indigency, which fees shall not be taxed as part of the costs of the case. In only exceptional circumstances shall the court approve attorney's fees in excess of the schedule established by the County.

4.2 Recognizing that the requests for reimbursements must be received by the State Public Defender within ninety (90) days of the end of the calendar month in which a case is finally disposed of by the court, the clerk of court shall promptly notify the County of the fees of which have been approved.

4.3 After approval, the County Auditor shall thereafter process the fees and expenses approved by the court in accordance with the procedure set forth in R.C. 120.33.

4.4 There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex, age, handicap, or national origin. This provision shall apply to, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The County shall include a similar provision in any subcontract for services covered by this Agreement.

4.5 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

5. MODIFICATION; ASSIGNMENT; PRIOR AGREEMENT

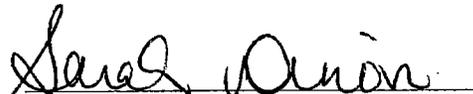
5.1 This Agreement may only be amended by written agreement approved and executed by the parties named herein, or their successors.

5.2 The County shall not assign this Agreement, in whole or in part, without the City's prior written consent, which consent shall not be unreasonably withheld.

5.3 This Agreement supersedes any previous agreement between the City and the County for indigent defense services for municipal code violations, and said previous agreements are hereby terminated.

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

I, Sarah Dinovo, Assistant Clerk to the Board of Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of Commissioners of Delaware County duly adopted August 7, 2017 and appearing upon the official records of the said Board.


Sarah Dinovo
Assistant Clerk to Commissioners



FACT SHEET

AGENDA ITEM NO: 16

DATE: 09/23/2019

ORDINANCE NO:

RESOLUTION NO: 19-45

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ADOPTING GUIDELINES FOR READINGS FOR THE CITY OF DELAWARE.

BACKGROUND:

In 2014, Council established guidelines to provide the public with expectations for how many readings different types of legislation will receive before Council votes (Res. 14-18). These guidelines were shared with the Delaware Area Chamber of Commerce and the BIA. The attached revision reflects changes drafted by staff based on experience in applying the guidelines.

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Darren Shulman, City Attorney

Dave Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Draft Guidelines

Guidelines for Ordinance Readings

1. As a general rule, legislation **amending the Delaware Codified Ordinances, adopting the annual budget, and adjusting City employee compensation**, will proceed to three readings.
2. **Development projects** will generally follow the following:
 - a. When a formal public hearing is required by code (such as but not limited to Conditional Use Permits and Zoning Amendments) a minimum of 2 readings shall be required. Applicants may reasonably expect that cases will receive the full 3 readings unless no members of the public testify in opposition to the project at the public hearing.
 - b. When a formal public hearing is not required by code (such as but not limited to Development Plans and Plats), City Council will consider approving cases at the first reading. Applicants may reasonably expect that Council will take additional readings in order to receive additional information, if there is public comment in opposition to the project, or other reasons as Council may see fit.
 - c. Applicants need to demonstrate they will suffer substantial adverse economic impact by waiting for additional readings but Council shall take as many readings as they deem necessary to receive comment and information sufficient to make a decision in their sole judgement.
 - d. Applicants shall be made aware of these guidelines but shall also be informed that Council might take the development case to three or more readings and plan accordingly when preparing their application.
3. Council might suspend the rules on the first reading in the following circumstances:
 - a. **Emergencies/ Unexpected** circumstances which prevented staff from putting the item on the agenda earlier.
 - b. **Uncontroversial** items such as legislation accepting grants, entering into intergovernmental agreements, and authorizing routine financial transactions.
 - c. **Time Sensitive** legislation which requires an effective date before another meeting can be scheduled.
 - d. **Economic Incentives Offered Pursuant Pre-Approved Economic Development Incentive Plan (EDIP).**
4. In the event a motion to suspend the rules is made during the first reading, the public will be given an opportunity to address council prior to the vote on the agenda item.
5. When staff is requesting that Council suspend the rules requiring three readings, staff will indicate why a rule suspension is necessary in its recommendation included in the council packet. When possible, staff will provide insight as to why the item was not placed on the agenda earlier.



FACT SHEET

AGENDA ITEM NO: 17

DATE: 09/23/2019

ORDINANCE NO: 19-56

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO ALLOW A REFUND OF PREVIOUSLY COLLECTED IMPACT FEES RELATED TO THE BURR OAK COMMONS (AKA TREPLUS) DEVELOPMENT.

BACKGROUND:

Please see attached Staff memos and supporting material.

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

This Supplemental Appropriation is to allow the refund of certain previously collected (2018) impact fees related the Burr Oak Commons (aka Treplus) development. Since these previously collected fees are being refunded there is no net fiscal impact.

POLICY CHANGES:

PRESENTER(S):

Darren Shulman, City Attorney

David M. Efland, Director of Planning and Community Development

RECOMMENDATION:

Approval

ATTACHMENT(S)

2019 Troy Farms Impact Fee Settlement – Treplus Communities packet.

ORDINANCE NO. 19-56

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO ALLOW A REFUND OF PREVIOUSLY COLLECTED IMPACT FEES RELATED TO THE BURR OAK COMMONS (AKA TREPLUS) DEVELOPMENT.

WHEREAS, the City of Delaware collects impact fees required of each building permit in the Burr Oak Commons development; and

WHEREAS, the land upon which Burr Oak Commons is being constructed was part of a large area of land previously known as Troy Farms; and

WHEREAS, Troy Farms and City have made agreements settling litigation dating back to 1990 and 2003; and

WHEREAS, Tract 3 as noted in the settlement agreement is the subject tract upon which Burr Oak Commons is being constructed; and

WHEREAS, Tract 3 was specifically exempted from a list of defined impact fees within the settlement agreement; and

WHEREAS, these impact Fees were inadvertently collected for some of the buildings in Burr Oak Commons in 2018; and

WHEREAS, a supplemental appropriation will be necessary to allow for the refund of the fees inadvertently collected.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Park Impact Fee Improvement Fund \$12,272 to the following account:

Refunds (491-4910-5601	\$ 12,272
------------------------	-----------

SECTION 2. That there is hereby appropriated from the unencumbered balance of the Police Impact Fee Improvement Fund \$4,011.92 to the following account:

Refunds (492-4921-5601)	\$ 4,011.92
-------------------------	-------------

SECTION 3. That there is hereby appropriated from the unencumbered balance of the Fire Impact Fee Fund \$6,035.15 to the following account:

Refunds (493-4930-5601) \$ 6,035.15

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2019

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR



TO: R. Thomas Homan, City Manager
FROM: Darren Shulman, City Attorney
DATE: 4/30/19
RE: Impact Fee Reimbursement for Burr Oak Commons (Treplus)

Attached please find a memo regarding the Troy Farms Impact Fee/Parkland Dedication. Dave and I reviewed the underlying documents together in great detail. It is my opinion that the analysis contained in the memo is correct.

Therefore, I believe the City should reimburse Burr Oak Commons (Treplus Development) for the impact fees paid that were exempted by the agreements with Troy Farms and litigation settlement (Fire/EMS, Police, Parks and Recreation).

Planning has provided a spreadsheet (attached) showing the impact fees that should be reimbursed, totaling \$22,319.07.

Burr Oak Commons - Treplus Development							
Impact Fee Reimbursements							
Permit Number	Address	Buidling #	Date Paid	Fire & Emergency Mecial Impact Fee Acct.# 493-4630	Police Facilities Impact Fee Acct.# 492-4630	Parks and Recreation Facilities Impact Fee Acct.# 491-4630	TOTAL
2018-2006	90 Burr Oak Dr.	Community Center	11/20/2018	\$ 2,883.15	\$ 2,395.92	\$ -	\$ 5,279.07
2018-2016	93-99 Burr Oak Dr.	1	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00
2018-2020	115-201 Burr Oak Dr.	2	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00
2018-2021	14-20 Balsam Dr.	3	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00
2018-2023	24-30 Balsam Dr.	6	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00
TOTAL REIMBURSEMENT				\$ 6,035.15	\$ 4,011.92	\$ 12,272.00	\$ 22,319.07



MEMORANDUM

TO: R. Thomas Homan, City Manager
FROM: David M. Efland, AICP Director of Planning & Community Development

Darren Shulman, City Attorney

DATE: 04/22/2019

RE: Troy Farms Impact Fee and Parkland Dedication Memo

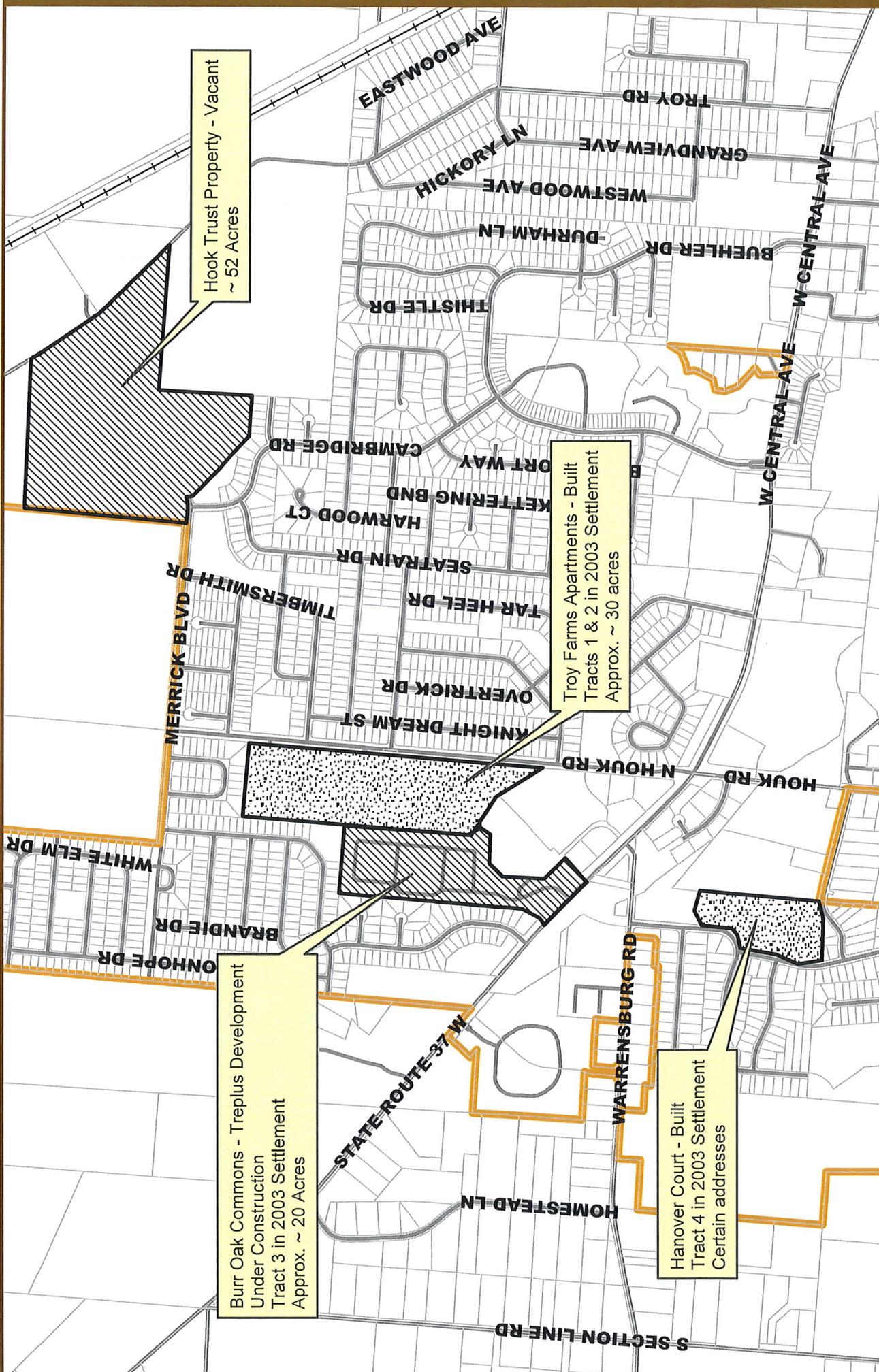
In an effort to document past decisions and settlements regarding the above captioned issues, I offer the following for your ratification. As you know, there are ongoing projects (and potential future developments) that are subject to these items.

- 1) In 1990, the city made agreements with Troy Farms (a partnership company) regarding some elements of a large area they were contemplating developing. This included eventual dedication of the land that is now Smith Park on about 50 acres of property in two tracts at the time (one 40-acre tract and one 10-acre tract).
- 2) In 2003, as captured in City Council Resolution 03-50, a settlement agreement was reached in what was ongoing litigation at the time (Troy Farms V. City of Delaware, case no. 03-CVH-01-045 and 03-CVH-01-062, both Delaware County Court of Common Pleas). This settlement resulted in an Amendment to the 1990 Park Agreement. The Amended Agreement contained stipulations related to parkland dedication and the imposition of impact fees. These elements of the agreement are detailed below and as attached in Exhibit A.
 - a. Once the entire Smith Park (as it is currently known) was dedicated to the City, Troy Farms was not required to dedicate additional green space for any of the original 565 acre large development area.
 - i. Most of this 565 acre area is now developed. Per my research, there appears to be only one tract of land remaining not either developed or under development at this time:
 1. Parcel number – 51931201009000, currently owned by Judith D Hook, Trustee and located at 1041 Troy Rd. comprising 52.258 +/- acres.
 - b. Impact Fees. The Amended Agreement provided for a settlement related to the imposition of Impact Fees for certain of the properties. Impact Fees were

specifically defined in section 4 of that agreement as Parks & Recreation Facilities, Fire & Emergency Medical Facilities, and Police Facilities.

- i. Tract 1 – consisting of 17.646 acres and being part of what is now known as Troy Farms Apartments off of N. Houk Rd. was exempted from all defined Impact Fees. This development has long since been completed.
- ii. Tract 2 – consisting of 12.84 acres and being part of what is now known as Troy Farms Apartments off of N. Houk Rd. was exempted from all defined Impact Fees. This development has long since been completed.
- iii. Tract 3 – consisting of 20.049 acres and being part of what is now known as Treplus Communities – Burr Oak Commons apartment development off of St. Rt. 37 and adjacent to Westfield Hills Shopping Center was exempted from all defined Impact Fees. The first few units have been issued building permits at this time and thus paid the defined impact fees. Therefore, the defined impact fees should be reimbursed to the developer (the exception being the relatively newly created Municipal Facilities Impact Fee which should be retained by the City). Further, any future building permits for this tract should NOT be subject to the defined Impact Fees but SHOULD be subject to any other Impact Fees now or in the future which were not part of the Impact Fee definition in the settlement agreement. Today, that would mean imposing the Municipal Facilities Impact Fees only.
- iv. Tract 4 – These were certain properties in what is now known as Hanover Court. These have long been developed. The Amended agreement stipulated that for certain addresses no Parks & Recreation Facilities Impact Fees should be collected.
- v. For the balance of the 565 acre of the Troy Farms development, the agreement stipulated that Impact Fees were to be imposed. Most of this area is either developed or currently developing. The Hook tract noted above is the only tract remaining that is not either developed or developing at this time.

While the exhibits in the Amended Agreement referenced lettered exhibits and those that were attached were numbered exhibits, it is clear that they were one and the same as described above. With your concurrence to this memo I will proceed to effect the changes and reimbursements necessary to comply with the Agreement and the Amended Agreement.



Hook Trust Property - Vacant
~ 52 Acres

Troy Farms Apartments - Built
Tracts 1 & 2 in 2003 Settlement
Approx. ~ 30 acres

Burr Oak Commons - Treplus Development
Under Construction
Tract 3 in 2003 Settlement
Approx. ~ 20 Acres

Hanover Court - Built
Tract 4 in 2003 Settlement
Certain addresses



Troy Farms Impact Fee and Parkland Dedication Memo
Exhibit A



AGREEMENT

This Agreement executed this 19th day of December, 1990, by and between Troy Farms, an Ohio partnership, (hereinafter "Owner"), and the City of Delaware (hereinafter "City"), is governed by the following considerations and conditions, to wit:

WHEREAS, Owner holds title to certain real property consisting of a tract of approximately 10 acres, ("10 acre tract"), and a tract consisting of approximately 40 acres ("40 acre tract"), both located on Troy Road in the City of Delaware, Delaware County, Ohio, as further described and delineated on Exhibits A, B and C attached hereto and incorporated herein;

WHEREAS, City is desirous of acquiring the 10 acre tract and the 40 acre tract;

WHEREAS, both parties have requirements which must be met in order to complete said acquisition;

NOW, THEREFORE, for \$1.00 and other good and valuable consideration, the parties agree as follows:

A. As to the 10 acre tract:

1. City shall purchase from Owner and Owner shall sell to City the 10 acre tract for the sum of \$60,000.00 cash as said total acreage is determined in a legal description and survey prepared by Stults and Associates dated August 22, 1990, attached hereto as Exhibits B and C.

2. Owner shall convey the 10 acre tract to City by transferrable and recordable general warranty deed, conveying marketable title in fee simple, free and clear of all liens and encumbrances except (a) those created by or assumed by City; (b) those specifically set forth in this agreement; (c) zoning ordinances; (d) legal highways; (e) restrictions, conditions and easements of record; (f) real estate taxes not then due and payable; and (g) the restriction to be contained in the deed that the property shall be used as park land only known as Smith Park.

3. Closing shall occur on or before December 31, 1990. Possession of the 10 acre tract shall be given to City at closing.

4. Finally, Owner shall have the right to an easement from City for storm drainage discharge onto the 10 acre tract at such time as City commences development of said tract. As part of the City's development plan of the park, the City shall provide to the Owner either a storm drainage swale or storm sewer piping system to the east side only of Troy Road of sufficient size and depth to allow the development of the Owner's remaining lands west of Troy Road. Notwithstanding, after February 1, 1992 and within one hundred twenty (120) days after the approval of any development plan of Owner's current holdings west of Troy Road by the City of Delaware Planning Commission, the City shall be obligated to provide said storm outlet and record the written easement. This drainage easement shall also be reserved on the deed conveying said 10 acre tract.

B. As to the 40 acre tract:

1. Owner desires to convey the entire 40 acre tract to City as a gift prior to February 1, 1992. However, prior to December 31, 1990, Owner can only convey an undivided one-third (1/3) interest in the 40 acre tract to City as a

gift by transferrable and recordable general warranty deed as further defined in Section A Paragraph 2 above. Owner can only commit to City the remaining two-thirds (2/3) to City at some future date uncertain but in any event prior to February 1, 1992.

2. City agrees that after February 1, 1992, the 40 acre tract shall only be used for park purposes which restriction shall also be included in the deed. The park shall be known as Smith Park.

3. Possession of any undivided interest in the 40 acre tract shall transfer to City with delivery of the deed and City shall have its right to a proportionate share of income received from farm rents. City agrees to cooperate with Owner in farming the entire 40 acre tract until January 31, 1992.

4. City further agrees that Owner, at such time as the entire 40 acres is conveyed to City, shall have met all requirements pursuant to the exaction policy (all public parks and green areas) as set forth in the Delaware City Code as to the entire 565 acres which have been or are presently held up to this day by Owner. No changes after the date of this Agreement in said ordinance or in any other policy, ordinance or law shall require Owner to dedicate additional green area in order to develop said 565 acre tract held this date by Owner. However, if Owner does not transfer any portion of the remaining undivided two-thirds (2/3) interest to City, then Owner shall only have satisfied a proportionate share of said exaction requirement in the same percentage acres transferred to City relate to the original 40 acre tract.

5. Finally, Owner shall have the right to an easement from City for storm drainage discharge onto the 40 acre tract at such time as City commences development of said tract. As part of the City's development plan of the park, the City shall provide to the Owner either a storm drainage swale or storm sewer piping system to the east side only of Troy Road of sufficient size and depth to allow the development of the Owner's remaining lands west of Troy Road. Notwithstanding, after February 1, 1992 and within one hundred twenty (120) days after the approval of any development plan of Owner's current holdings west of Troy Road by the City of Delaware Planning Commission, the City shall be obligated to provide said storm outlet and record the written easement. This drainage easement shall also be reserved on the deed conveying said 40 acre tract.

C. This Agreement shall be binding on and inure to the benefit of the heirs, successors and assigns of the parties. All terms of this Agreement shall survive the closing of the two parcels.

Megan Peters
Witness
Robert W. Collier
Witness

Megan Peters
Witness
Robert W. Collier
Witness

OWNER:

Troy Farms, an Ohio general partnership

By: David R. Smith, Partner

City of Delaware, a municipal corporation

By: Frank A. Ciarroli

STATE OF OHIO
COUNTY OF FRANKLIN, SS:
Delaware

BE IT REMEMBERED, that on this 19th day of December, 1990, before me, the subscriber, a Notary Public, in and for said County and State, personally appeared Troy Farms, an Ohio general partnership, by David L. Smith, its Partner, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said partnership.

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

Megan J. Peters
Notary Public

MEGAN JONES PETERS
ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

STATE OF OHIO
COUNTY OF DELAWARE, SS:

BE IT REMEMBERED, that on this 19th day of December, 1990, before me, the subscriber, a Notary Public, in and for said County and State, personally appeared City of Delaware, a municipal corporation, by Frank A. Ciarami, its City Manager, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said municipal corporation.

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

Megan J. Peters
Notary Public

MEGAN JONES PETERS
ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

Approved As to Form

By: Robert H. Coldren
Robert H. Coldren
City Attorney

MJP/271
12/6/90

CONSULTING ENGINEERING
COMMUNITY PLANNING
FEASIBILITY STUDIES
SUBDIVISION DESIGN
HIGHWAY DESIGN
CONSTRUCTION INSPECTION
LAND SURVEYING
CONTROL SURVEYS
CONSTRUCTION STAKING
TOPOGRAPHIC SURVEYS



FRANKLIN D. STULTZ
H. EDWARD BODDGRASS

67 N. SANDUSKY ST.
DELAWARE, OHIO 43015
PHONE (614) 363-6702
(614) 369-4124
CABLE (614) 438-8238

December 14, 1990

~~Description of a 9.969 acre tract of land for the City of Delaware~~

Situated in the City of Delaware, County of Delaware, State of Ohio, located in Lot 13 and 14, Section 3, Township 5, Range 19, United States Military Lands, being 9.969 acres out of an original 156.408 acre tract conveyed to Troy Farms in Deed Book 349, page 228, and Deed Book 360, page 372, and being more particularly described as follows;

Commencing at a railroad spike found in the centerline of Troy Road-County Road 7 being 60 feet in width, at the southwesterly corner of a 4.834 acre tract conveyed to Calvary Baptist Church in Deed Book 437, page 479, said railroad spike found being located South 05° 34' 10" West, 200.00 feet from a stone found in the centerline of Troy Road where it intersects the southerly line of Troy Township, the northerly corporation line of the City of Delaware, said stone also being an original northeasterly corner of said original 156.408 acre tract;

Thence along the centerline of Troy Road the following four (4) courses and distances:

1. South 05° 34' 10" West a distance of 174.04 feet to a railroad spike found at an angle point;
2. South 17° 46' 50" East a distance of 163.72 feet to a railroad spike found at an angle point;
3. South 28° 06' 50" East a distance of 1316.00 feet to an angle point;
4. South 31° 30' 50" East a distance of 671.62 feet to a railroad spike found, said spike being THE TRUE PLACE OF BEGINNING;

Thence from said TRUE PLACE OF BEGINNING, North 58° 29' 10" East (passing an iron pin found at 30.00 feet) a total distance of 793.23 feet to an iron pin found in the westerly right-of-way line of the Chessie System Railroad;

Thence along said westerly right-of-way line, South 26° 09' 30" East a distance of 204.18 feet to an iron pin found in said westerly right-of-way line where it intersects an easterly line of an original 208.17 acre tract conveyed to Joy C. and Ruth M. Wickham in Deed Book 218, page 89;

Thence along said easterly line, South 06° 24' 00" West (passing an iron pin set at 919.38 feet) a total distance of 959.19 feet to a point in the centerline of Troy Road;

Thence along the centerline of Troy Road, North 42° 30' 00" West a distance of 969.62 feet to a railroad spike found at an angle point in said centerline;

Thence continuing along the centerline of Troy Road, North 31° 30' 50" West a distance of 8.18 feet to THE TRUE PLACE OF BEGINNING.

Page Two
9.969 Acre Tract

Containing 9.969 acres of land, more or less.

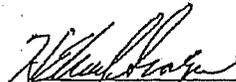
Subject to, however, all easements, restrictions, and rights-of-way of record, if any.

All iron pins set are 5/8" solid iron rods with yellow plastic caps stamped "STULTS & ASSOC."

Bearings are based on the centerline of Troy Road - Co. Rd. 7 (North 42° 30' 00" West) as shown on a survey for Troy Farms, a general partnership, prepared by Stults and Associates, Inc., dated February 1972.

All references being to records of the Recorder's Office, Delaware County, Ohio.





H. Edward Snodgrass
Registered Surveyor No. 5555

EXHIBIT B

CONSULTING ENGINEERING
 COMMUNITY PLANNING
 FEASIBILITY STUDIES
 SUBDIVISION DESIGN
 HIGHWAY DESIGN
 CONSTRUCTION INSPECTION
 LAND SURVEYING
 CONTROL SURVEYS
 CONSTRUCTION STAKING
 TOPOGRAPHIC SURVEYS



FRANKLIN D. STULTS
 H. EDWARD SNODGRASS

87 N. SANDUSKY ST.
 DELAWARE, OHIO 42015
 PHONE (614) 363-5782
 (614) 368-4184
 CABLE (614) 438-8228

December 14, 1990

Description of a 9.969 acre tract of land for the City of Delaware

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Thence along the centerline of Troy Road the following four (4) courses and distances:

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Thence from said TRUE PLACE OF BEGINNING, North 58° 29' 10" East (passing an iron pin found at 30.00 feet) a total distance of 793.23 feet to an iron pin found in the westerly right-of-way line of the Chessie System Railroad;

Thence along said westerly right-of-way line, South 26° 09' 30" East a distance of 204.18 feet to an iron pin found in said westerly right-of-way line where it intersects an easterly line of an original 208.17 acre tract conveyed to Joy C. and Ruth M. Wickham in Deed Book 218, page 89;

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9.969 Acre Tract

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Subject to, however, all easements, restrictions, and rights-of-way of record, if any.

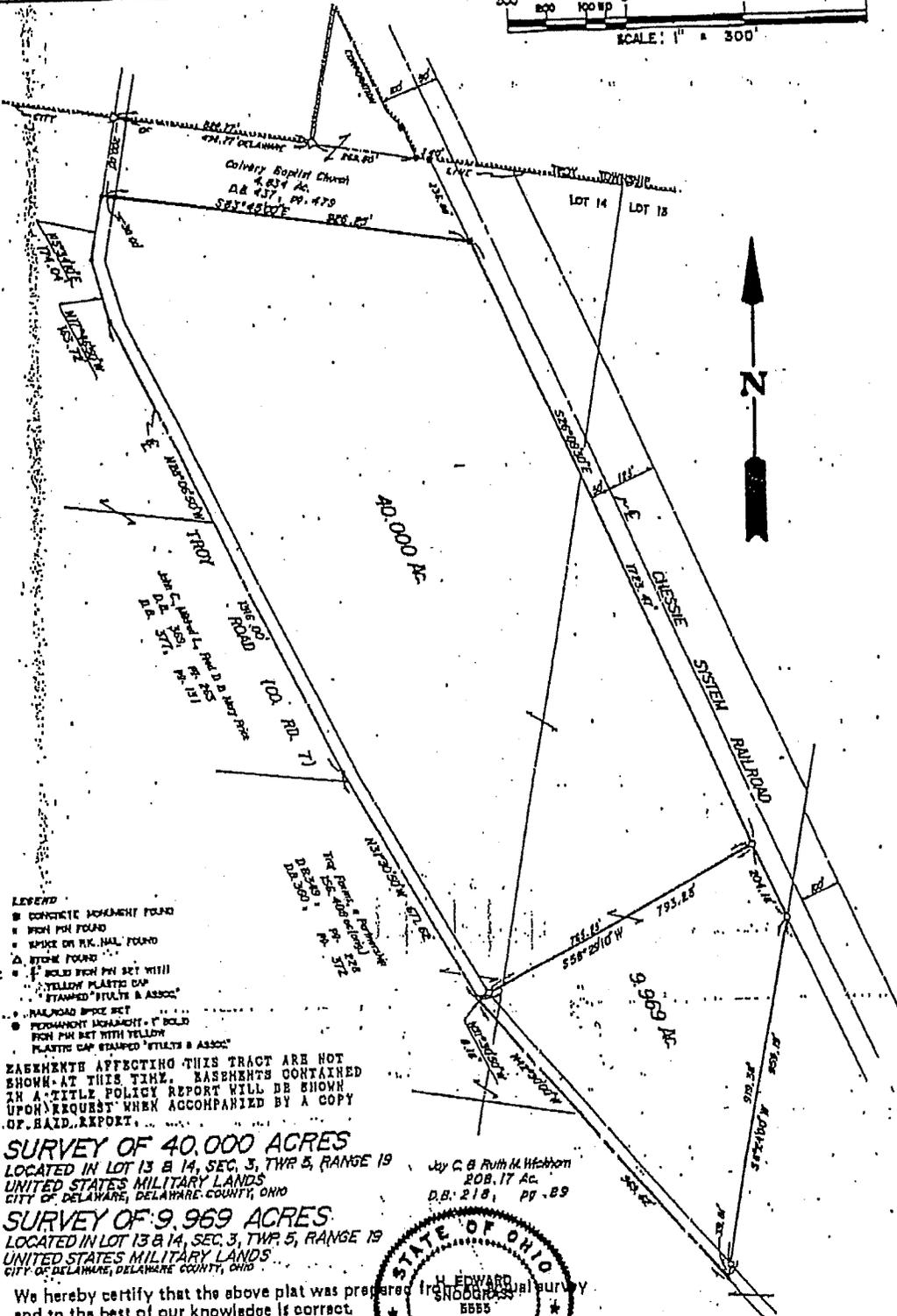
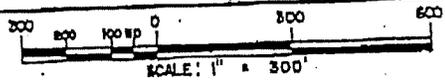
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All references being to records of the Recorder's Office, Delaware County, Ohio.



H. Edward Snodgrass
H. Edward Snodgrass
Registered Surveyor No. 5555



- LEGEND**
- CONCRETE MONUMENT FOUND
 - IRON PIN FOUND
 - ▲ SPIKE OR NAIL FOUND
 - △ STAKE FOUND
 - BOLD IRON PIN SET WITH YELLOW PLASTIC CAP STAMPED "STULTE & ASSOC."
 - IRON ROAD SPIKE SET
 - PERMANENT MONUMENT - 1" BOLD IRON PIN SET WITH YELLOW PLASTIC CAP STAMPED "STULTE & ASSOC."

EASEMENTS AFFECTING THIS TRACT ARE NOT SHOWN AT THIS TIME. EASEMENTS CONTAINED IN A TITLE POLICY REPORT WILL BE SHOWN UPON REQUEST WHEN ACCOMPANIED BY A COPY OF SAID REPORT.

SURVEY OF 40,000 ACRES
 LOCATED IN LOT 13 & 14, SEC. 3, TWP. 5, RANGE 19
 UNITED STATES MILITARY LANDS
 CITY OF DELAWARE, DELAWARE COUNTY, OHIO

SURVEY OF 9,969 ACRES
 LOCATED IN LOT 13 & 14, SEC. 3, TWP. 5, RANGE 19
 UNITED STATES MILITARY LANDS
 CITY OF DELAWARE, DELAWARE COUNTY, OHIO

Jay C. B. Ruth & M. H. H. H. H.
 208.17 Ac.
 D.B. 218, pg. 89



We hereby certify that the above plat was prepared from actual survey and to the best of our knowledge is correct.

H. Edward Snodgrass
 Registered Surveyor No. 5555

REVISED TO SHOW 9,969 AC. 12-18-91

File No. 90-210

RESOLUTION NO. 03-50

A RESOLUTION RATIFYING THE SETTLEMENT AGREEMENT IN THE CASES OF TROY FARMS V. CITY OF DELAWARE, CASES NO. 03-CVH-01-045 AND 03-CVH-01-062, DELAWARE COUNTY COURT OF COMMON PLEAS.

WHEREAS, the City has concluded litigation in Cases No. 03-CVH-01-045 and 03-CVH-01-062 styled Troy Farms v. City of Delaware, and

WHEREAS, the City Manager has executed a Settlement Agreement setting forth the terms and conditions of the settlement of both of the above cases, and

WHEREAS, City Council has determined that the settlement is a proper resolution of the cases set forth above,

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

SECTION 1. City Council hereby ratifies and approves the Settlement Agreement executed by the City Manager and attached hereto as Exhibit A.

SECTION 2. That this Resolution shall be effective immediately upon its passage.

PASSED: June 23, 2003 YEAS 5 NAYS 0

ABSTAIN 0

ATTEST: Roby Morking
CITY CLERK

Windell Wheeler
MAYOR

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release is entered into by and between Troy Farms, an Ohio General Partnership (hereinafter referred to as "Troy Farms") and the City of Delaware.

1. On December 19, 1990, Troy Farms and the City of Delaware entered into an Agreement regarding 565 acres of land owned by Troy Farms. That Agreement shall hereinafter be referred to as the "December 19, 1990 Agreement."
2. On January 22, 2003, Troy Farms filed a Complaint against the City of Delaware in the Common Pleas Court of Delaware County, Ohio in Case No. 03-CVH-01-045 and the City of Delaware filed a Counterclaim against Troy Farms in Case No. 03-CVH-01-045. That litigation shall hereinafter be referred to as the "Impact Fee Lawsuit." A copy of the December 19, 1990 Agreement was attached to the Complaint in the Impact Fee Lawsuit.
3. Certain funds are being held in escrow by Worthington Title Agency, Inc. and are identified in Exhibit 3 and shall hereinafter be referred to as the "Worthington Title Agency Escrow."
4. Da-Ral, Inc. has appealed on two occasions from the City of Delaware's impositions of impact fees with respect to a 6-unit multi-family dwelling and another 6-unit multi-family dwelling. The appeals were based on the December 19, 1990 Agreement, as the property of Da-Ral, Inc. was part of the 565 acres, which was the subject of the December 19, 1990 Agreement, and shall hereinafter be referred to as the "Da-Ral Appeals." Approximately \$11,364 is being held by the City of Delaware and shall hereinafter be referred to as the "Da-Ral Escrow."
5. Troy Farms and the City of Delaware entered into an Agreement regarding improvements to North Houk Road entitled "Houk Road North Extension Commitments between Troy Farms and the City of Delaware." That Agreement shall hereinafter be referred to as the "North Houk Road Agreement."

6. On January 29, 2003, Troy Farms filed a Complaint against the City of Delaware in the Common Pleas Court of Delaware County, Ohio, in Case No. 03-CVH-01-062 and the City of Delaware filed a Counterclaim. The North Houk Road Agreement was attached to the Complaint. That litigation shall hereinafter be referred to as the "Street Lights Lawsuit." Subsequently, in the Street Lights Lawsuit, Troy Farms filed an Amended Complaint and the City of Delaware filed a Restatement of its Counterclaim.

7. Troy Farms and the City of Delaware are desirous of settling all claims which were or could have been asserted in the Impact Fee Lawsuit and the Street Lights Lawsuit, as well as all claims, issues, and disputes related to the December 19, 1990 Agreement, the Da-Ral appeals and the North Houk Road Extension, therefore, they hereby agree as follows:
 - a. Troy Farms and the City of Delaware shall enter into the attached amendment (Exhibit 1) to the December 19, 1990 Agreement.
 - b. The City of Delaware hereby exempts from all impact fees, dedications or any other fees or exactions related to Parks and Recreation Facilities Development, Fire and Emergency Medical Facilities Development, and Police Facilities Development now and forever, all land development which has occurred, and all land development which subsequently occurs on the approximately 50 acres of land described in Exhibits 2, 3 and 4 to this Agreement.
 - c. The City of Delaware covenants that with respect to the said 565 acres which were the subject of the December 19, 1990 Agreement, all requirements under Section 1111.19 of the Subdivision Regulations of the City of Delaware have been satisfied.
 - d. The City of Delaware hereby covenants that it will not now, or in the future, subject any land development which has occurred or which does occur, in the future, on the 50 acres described in Exhibits 2, 3 and 4 to any impact fees, dedications, or any other form of fee or exaction under current or future ordinances related to Parks and Recreation Facilities Development, Fire and Emergency Medical Facilities Development, and Police Facilities Development and further covenants that it will not condition the issuance of any building permits or other permits for units or structures on the said 50 acres described in Exhibits 2, 3 and 4 upon the payment of any impact fees or any other form of fee or exaction or upon the dedication of any land related to Parks and Recreation Facilities Development, Fire and Emergency Medical Facilities Development, and Police Facilities Development.

- e. The City of Delaware shall cause the Worthington Title Agency Escrow referred to in paragraph 3 above to be paid to or released to Troy Farms by executing the AMENDMENT AND TERMINATION OF ESCROW AGREEMENT AND JOINT INSTRUCTION TO ESCROW AGENT TO RELEASE FUNDS, a copy of which is attached as Exhibit 5.
 - f. The City of Delaware hereby grants the appeals filed by Da-Ral and, as soon as possible, shall release and cause the Da-Ral Escrow to be paid to Da-Ral. Furthermore, the property which was the subject of the Da-Ral Appeals shall not be subjected to any further impact fees or any form of exaction related to Parks and Recreation Facilities Development, now or in the future.
 - g. Troy Farms shall dismiss, with prejudice, the Complaint in the Impact Fee Lawsuit.
 - h. The City of Delaware shall dismiss, with prejudice, its Counterclaim in the Impact Fee Lawsuit.
 - i. The City of Delaware agrees that neither Troy Farms, nor anyone in privity with it, has any obligation now or in the future to construct, or pay for the construction of, street lights or further improvements in connection with North Houk Road.
 - j. The City of Delaware will, execute the TERMINATION AND RELEASE OF IRREVOCABLE STANDBY LETTER OF CREDIT, a copy of which is attached hereto as Exhibit 6, so that the Irrevocable Standby Letter of Credit can be released.
 - k. Troy Farms shall dismiss, with prejudice, all claims set forth by it in its Complaint and Amended Complaint in the Street Lights Lawsuit.
 - l. The City of Delaware shall dismiss, with prejudice, all claims set forth by it in its Counterclaim and its Restated Counterclaim in the Street Lights Lawsuit.
 - m. All agreements and instruments required by this Agreement to be executed by either or both Troy Farms and the City of Delaware shall be executed and delivered, as appropriate, not later than three (3) business days after full execution of this Agreement.
8. For good and valuable consideration and except for the obligations created by this Agreement, Troy Farms hereby waives, and releases the City of Delaware and the Delaware City Council, for themselves, their elected and appointed officials, predecessors, successors, officers, agents, attorneys and employees from, all claims which were asserted, or could have been asserted in the Impact Fee Lawsuit and the Street Lights Lawsuit, as well as any attorney fees, costs and expenses, including but not limited to all claims

regarding the constitutionality of the impact fee ordinances, all claims regarding the December 19, 1990 Agreement, and all claims pertaining to the North Houk Road Agreement, and any and all fees, costs, and claims under 42 U.S.C. § 1983 and 42 U.S.C. § 1988.

9. The parties acknowledge and agree that neither the fact of this Settlement Agreement and Release nor the exchange of consideration shall be construed as an admission of any liability by the City, the City expressly denying any and all liability alleged in the Impact Fee Lawsuit, the Da-Ral Appeals, and the Street Lights Lawsuit. Furthermore, neither the fact of this Settlement Agreement and Release nor the exchange of consideration for this Agreement shall be considered relief on the merits, a remedial action, or a change in position by the City to satisfy the demands of Troy Farms or Da-Ral.

The parties further acknowledge that this Settlement Agreement and Release is entered into for the sole purpose of settling the above-listed litigation and appeals and all other claims, fees, and expenses regarding the purchase, ownership, use, or disposition of the 565 acres of land owned by Troy Farms, which was the subject matter of the December 19, 1990 Agreement.

10. For good and valuable consideration and except for the obligations created by this Agreement, the City of Delaware hereby waives, and releases Troy Farms, its partners, employees, agents, attorneys and representatives from, all claims which were asserted or could have been asserted in the Impact Fee Lawsuit and the Street Lights Lawsuit, and any and all fees, costs, and claims under 42 U.S.C. § 1983 and 42 U.S.C. § 1988.
11. If, in the future, litigation regarding this Agreement occurs, the prevailing party in such litigation shall be entitled to recover from the non-prevailing party its attorneys fees, expenses and costs, as well as, any other relief awarded by the Court.

12. The City of Delaware warrants and represents to Troy Farms that the execution and delivery of this Agreement has been duly authorized by City Council.
13. Troy Farms warrants and represents to the City of Delaware that either, or both of, David R. Smith, Managing General Partner or John Melvin are duly authorized to execute and deliver this Agreement on behalf of Troy Farms.

TROY FARMS, an Ohio General Partnership

By: David R. Smith

6/11/03

Date

Its: Managing Partner

THE CITY OF DELAWARE, OHIO

By: [Signature]

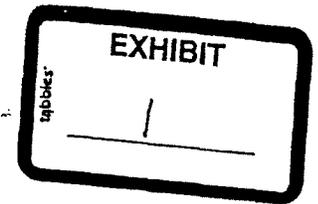
6/19/03

Date

Its: City Manager

G:\Data\Clients\Business Entities\Q-T\Troy Farms\Settlement Agreement and Release.wpd

APPROVED AS TO FORM
[Signature]
DANIEL B. BENNINGTON
DELAWARE CITY ATTORNEY



AMENDMENT TO 1990 PARK AGREEMENT

This Agreement, entered into this 19th day of June 2003, by and between Troy Farms, an Ohio general partnership (hereinafter "Owner") and the City of Delaware, an Ohio municipal corporation (hereinafter "City"), is hereby governed by the following considerations and conditions to wit:

WHEREAS, Owner and City entered into an Agreement dated December 19, 1990 regarding certain real property as more specifically described in the Agreement; and

WHEREAS, Paragraph B.4. of the December 19, 1990 Agreement specifically states:

City further agrees that Owner, at such time as the entire 40 acres is conveyed to the City, shall have met all requirements pursuant to the exaction policy (all public parks and green areas) as set forth in Delaware City Code as to the entire 565 acres which have been or are presently held up to this present day by Owner. No changes after the date of this Agreement in said ordinance or in any other policy, ordinance or law shall require Owner to dedicate additional green area in order to develop said 565 acre tract held this date by Owner. However, if Owner does not transfer any portion of the remaining undivided two-thirds ($\frac{2}{3}$) interest of the City, that Owner shall only have satisfied a portionate share of said extraction of the property in the same percentage acres transferred to City relate to the original 40-acre tract;

WHEREAS, on or about December 19, 1990, Owner conveyed to City the entire 40 acres to be conveyed to City pursuant to Paragraph B. 4. of the December 19, 1990 Agreement.

WHEREAS, the City, by or through the City Council, on or about October 23, 2000, adopted an ordinance referred to as "The City of Delaware Development Impact Procedures Ordinance" which is codified in Chapter 1363 of the Codified Ordinances of the City of Delaware, Ohio (hereinafter "Chapter 1363"); and

WHEREAS, the City through the City Council, on or about October 23, 2000, also adopted Chapter 1365 of the Codified Ordinances of the City of Delaware, Ohio, entitled "Police Facilities Development Impact Fees" (hereinafter "Chapter 1365"); and

WHEREAS, the City through the City Council, on or about October 23, 2000, also adopted Chapter 1367 of the Codified Ordinances of the City of Delaware, Ohio, entitled "Fire and Emergency Medical Facilities Development Impact Fees" (hereinafter "Chapter 1367"); and

WHEREAS, the City through the City Council, on or about October 23, 2000, also adopted Chapter 1369 of the Codified Ordinances of the City of Delaware, Ohio, entitled "Parks and Recreation Facilities Development Impact Fees" (hereinafter "Chapter 1369"); and

WHEREAS, effective January 1, 2001, the City began imposing said Impact Fees at the time of, and as a condition of, issuance of building permits.

WHEREAS, a dispute has arisen between Owner and the City regarding the Impact Fees which may be assessed on the property originally described in the December 19, 1990 Agreement; and

WHEREAS, an action has been filed entitled Troy Farms vs. The City of Delaware, Case No. 03-CVH-01-045 in the Delaware County Court of Common Pleas regarding the Impact Fees; and

WHEREAS, Owner and the City have entered into a Settlement Agreement regarding the referenced pending litigation and desire to amend the original Agreement to reflect the terms of the Settlement Agreement. A copy of the Settlement Agreement is attached hereto and marked "Exhibit A";

NOW THEREFORE and for good and valuable considerable consideration, the parties agree as follows:

1. The City hereby shall exempt from all Impact Fees all units and improvements on the 50± acres located in the State of Ohio, County of Delaware, City of Delaware, being part of the original 565-acre tract and more specifically described as follows:
 - a. Tract 1 shall consist of 17.646 acres situated in the State of Ohio, County of Delaware, City of Delaware, being Farmlot 26, Section 3, Township 5, Range 19, as more fully described in the attached "Exhibit B."

- b. Tract 2 shall be 12.84± acres situated in the State of Ohio, County of Delaware, City of Delaware, and lying in Farmlot 26, Section 3, Township 5, Range 19, as more fully described in the attached "Exhibit C."
 - c. Tract 3 shall be 20.049± acres situated in the State of Ohio, County of Delaware, City of Delaware, and lying in Farmlots 26 and 27, Section 3, Township 5 North, Range 19 West, as more fully described in the attached "Exhibit D."
 2. The City shall exempt from all Impact Fees related to Parks and Recreation Facilities Development all units and improvements on that tract of real property within the original 565 acre tract purchased by Da-Ral, Inc. from Owner, hereinafter known as 191, 193, 195, 197, 199, 201, 209, 211, 213, 215, 217 and 219 Hanover Court, Delaware, Ohio and hereinafter referred to as Tract 4, and the City shall refund to Da-Ral, Inc., the building permit applicant, with respect to its appeal of the imposition of Impact Fees related to Parks and Recreation Facilities Development on Tract 4, all Impact Fees related to Parks and Recreation Facilities Development paid by it, or on its behalf, with respect to Tract 4.
 3. Except for Tracts 1, 2, 3 and 4, the original 565 acre tract which is the subject of the December 19, 1990 Agreement, shall not be exempted, pursuant to the December 19, 1990 Agreement as amended hereby, from Impact Fees; provided, however, Tract 4 is only exempted from Parks and Recreation Facilities Development Impact Fees.
 4. For purposes of this Agreement, Impact Fees shall be defined as any and all Parks and Recreation Facilities Development Impact Fees, Fire and Emergency Medical Facilities Development Impact Fees, and Police Facilities Development Impact Fees, present or future.
 5. Owner and City agree that the remainder of the provisions of the December 19, 1990 Agreement shall remain in full force and effect, except as otherwise modified by this Agreement.

6. This Agreement shall be binding and inure to the benefit of the heirs, successors and assigns of the parties.

IN WITNESS WHEREOF, the parties have affixed their signatures on the dates below written.

OWNER
Troy Farms, an Ohio general partnership

By: _____
David R. Smith, General Partner

Date

The City of Delaware, a municipal corporation

By: _____
[Handwritten Signature]

Date :

Its: _____

State of Ohio, County of _____, ss:

BE IT REMEMBERED, That on this ____ day of _____, 2003 before me, the subscriber, a notary public in and for said state, personally came DAVID R. SMITH, General Partner of Troy Farms, with respect to the foregoing Agreement, who, under penalty of perjury in violation of Section 2921.11 of the Revised Code, represented to me to be said person.

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

Notary Public

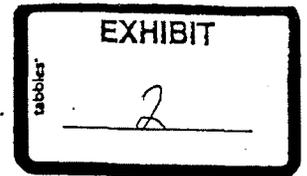
State of Ohio, County of _____, ss:

BE IT REMEMBERED, That on this ____ day of _____, 2003 before me, the subscriber, a notary public in and for said state, personally came _____, for the City of Delaware, with respect to the foregoing Agreement, who, under penalty of perjury in violation of Section 2921.11 of the Revised Code, represented to me to be said person.

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

Notary Public

G:\Data\Clients\Business Entities\Q-T\Troy Farms\Amendment to 1990 Park Agreement.wpd



17.646 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, Farm Lot 26, Section 3, Township 5, Range 19, United States Military Lands and being out of the remainder of that tract as conveyed to Troy Farms of record in Deed Book 543, Page 143, (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and described as follows:

Beginning at an iron pin found marking the northeasterly corner of "Westfield Shopping Center" as recorded in Cabinet 2, Slide 400, said iron pin being North 06° 56' 07" East, with the easterly line of said "Westfield Shopping Center", the easterly line of said Farm Lot 26, a distance of 1255.78 feet from a railroad spike found in the centerline of Delaware-Radnor Road (State Route 37);

thence with a portion of the northerly perimeter of said "Westfield Shopping Center", the following courses:

North 83° 03' 53" West, a distance of 62.90 feet to an iron pin found;

North 31° 27' 11" West, a distance of 345.90 feet to an iron pin found;

thence North 53° 28' 58" West, partly with a northerly line of said "Westfield Shopping Center" and partly across said Troy Farms tract, a distance of 403.65 feet to an iron pin found;

thence across said Troy Farms tract, the following courses:

North 06° 16' 36" East, a distance of 879.66 feet to an iron pin set;

South 83° 43' 26" East, a distance of 189.10 feet to an iron pin set;

with a curve to the right, having a central angle of 79° 31' 48" and a radius of 120.00 feet, a chord bearing and distance of North 51° 49' 19" East, 153.51 feet to an iron pin set;

North 62° 35' 00" East, a distance of 184.32 feet to an iron pin set;

South 83° 00' 02" East, a distance of 189.24 feet, to an iron pin set in said easterly Farm Lot line, the centerline of Houk Road as dedicated on the plat for "Locust Curve Highlands Section 2 Part 2" and recorded in Cabinet 2, Slides 303-303A;

thence South 06° 56' 07" West, with said easterly Farm Lot line, the centerline of said Houk Road, a distance of 1564.73 feet to the Point of Beginning and containing 17.646 acres of land, more or less.

17.646 ACRES

-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen-sixteenth (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initial EMH&T, Inc.

Bearings herein are based on the west line of Farm Lot 26 (North 07° 00' 21" East) of record in Deed Book 621, Page 782, Recorder's Office, Delaware County, Ohio.

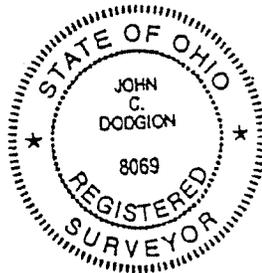
EVANS, MECHWART, HAMBLETON, & TILTON, INC.



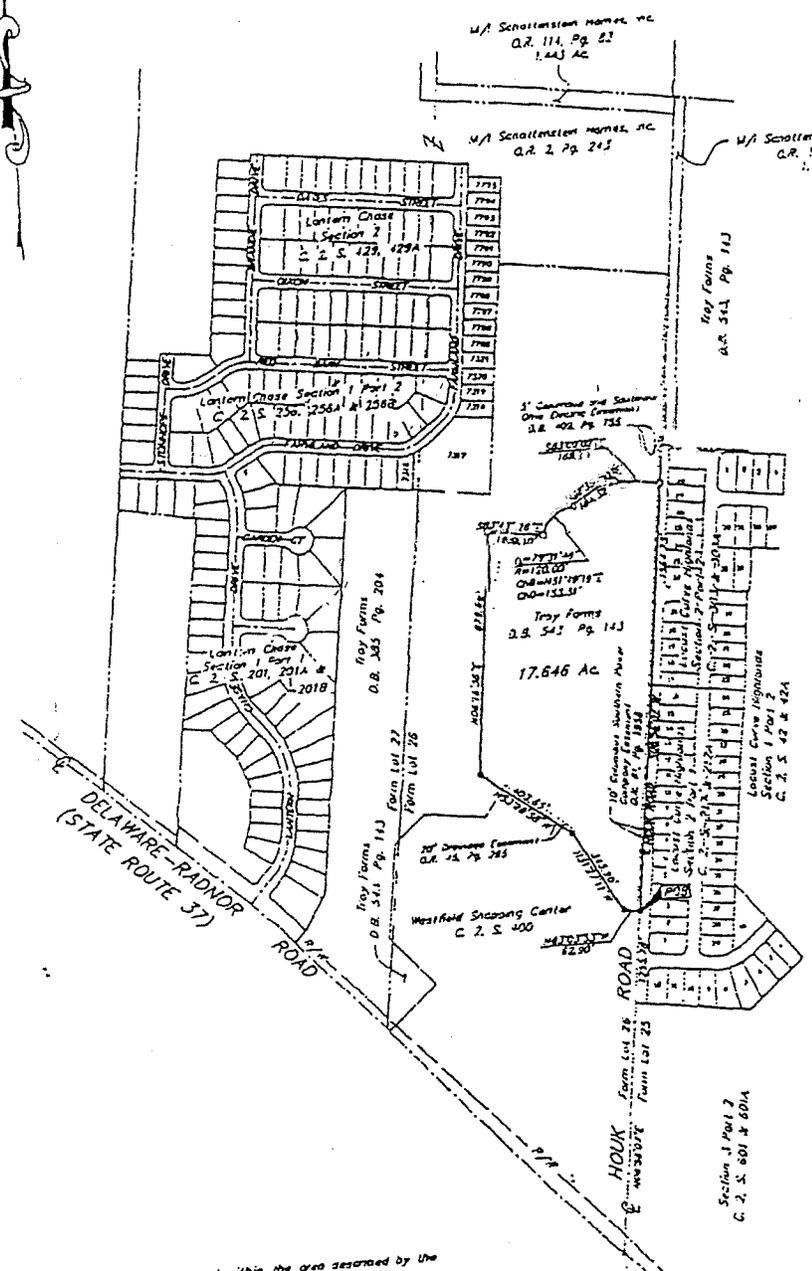
John C. Dodgion
Registered Surveyor No. 8069

02/26/02

JCD:bk/nov01



SURVEY OF ACREAGE PARCEL
FARM LOT 26, SECTION 3, TOWNSHIP 5, R. JE 19
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, DELAWARE COUNTY, OHIO



The following from Title Commitment No. 00061201 are not located on the subject parcel:

- P.O.A.R. & Pg. 604 (Agreement for Channel Change)
- P.O.A.R. & Pg. 609 (Agreement for Channel Change)
- D.B. 256, Pg. 15 (Easement for Highway Purposes)
- D.B. 363, Pg. 381 (Right-of-Way Easement)
- D.B. 382, Pg. 388 (Columbus & Southern Ohio Electric Co. Easement)
- D.B. 382, Pg. 387 (Columbus & Southern Ohio Electric Co. Easement)
- D.B. 389, Pg. 653 (Columbus & Southern Ohio Electric Co. Easement)
- D.B. 389, Pg. 238 (Easement)
- D.B. 660, Pg. 158 (Columbus Gas Co. Easement)

P.O.A.R. = Power Of Attorney Record

17.646 ACRES

Shaded in the State of Ohio, County of Delaware, City of Delaware, Farm Lot 26, Section 3, Township 5, Range 19, United States Military Lands and being all of the remainder of met 26C as conveyed to Tray Farms of record in Case of the remainder of met 26C as conveyed to Tray Farms of record in Case Book 543, Page 143, for reference refer to the records of the Recorder's Office, Delaware County, Ohio and approved as follows:

Beginning at an iron pin found marking the northwesterly corner of "Westfield Shopping Center" as recorded in Case 2, Sheet 400, and run one bearing north 08° 58' 37" East, and the westerly line of said "Westfield Shopping Center", the westerly line of said Farm Lot 26, a distance of 1225.73 feet from a rounded survey line of said Farm Lot 26, a distance of 1225.73 feet from a rounded survey line in the centerline of Delaware-Howard Road (State Route 372) there found in the centerline of Delaware-Howard Road (State Route 372) thence with a portion of the northerly boundary of said "Westfield Shopping Center", the following courses:

- North 83° 03' 53" West, a distance of 62.90 feet to an iron pin found
- North 17° 27' 11" West, a distance of 343.90 feet to an iron pin found
- thence north 53° 28' 58" West, partly with a northerly line of said "Westfield Shopping Center" and partly across said Tray Farms tract, a distance of 463.65 feet to an iron pin found
- thence across said Tray Farms tract, the following courses:
- North 08° 16' 36" East, a distance of 879.64 feet to an iron pin set
- South 52° 41' 28" East, a distance of 189.14 feet to an iron pin set
- with a curve to the right, having a center angle of 79° 31' 48" and a radius of 1250.00 feet, a chord bearing and distance of north 518° 45' 19" East, 154.31 feet to an iron pin set
- North 52° 15' 00" East, a distance of 166.32 feet to an iron pin set
- South 83° 00' 51" East, a distance of 189.24 feet to an iron pin set in said military Farm Lot 26, the centerline of Howe Road 26 (located on the 2nd lot of "Lotters Chase" Subdivision Section 2 Part 2 and recorded in Case 2, Sheet 303-303A)
- thence South 08° 58' 37" West, with said military Farm Lot 26, the centerline of said met 26C, a distance of 1264.73 feet to the Point of Beginning and containing 17.646 acres of land, more or less.

The following from Title Commitment No. 00061201 cannot be located from the description provided:

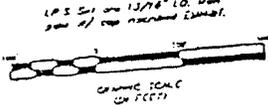
- L.V. J. Pg. 55 (Ohio & Indiana Consolidated Natural & Illuminating Gas Co.)
- L.V. J. Pg. 56 (Ohio & Indiana Consolidated Natural & Illuminating Gas Co.)

The subject parcel is located within the area described by the following from Title Commitment No. 00061201:

- 2.B. 45, Pg. 265 (Easement Agreement; Section 2.018 & Exhibits "A" & "C")
- 2.B. 206, Pg. 216 (The Marston-Reserve Power Company Blanket Easement)

According to the Federal Emergency Management Agency's Flood Insurance Rate Map (Dated April 27, 1999) property surveyed and shown hereon lies within Zone "X" (areas determined to be outside 300-year floodplain), Community Rates 39041C01205 J and 39041C0115 J

- - MON. FND.
- - I.P. FND.
- - I.P. SET
- - M&C. MARK. FND.
- - M&C. MARK. SET
- △ - R.R. SPK. FND.
- △ - R.R. SPK. SET
- ☆ - P.R. MARK. FND.



BASIS OF SURVEY: Bearings hereon are based on the west line of Farm Lot 26 (North 7° 00' 21" West) of record in Case Book 521, Page 332, Recorder's Office, Delaware County, Ohio.

CERTIFICATION (Commitment No. 00061201)

To: Corner Land Title Agency, Ltd. and Chicago Title Insurance Company

This is to certify that this map and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM and NSPS in 1998", and includes Items 1, 3 & 4 of Table A "Optional Survey Responsibilities & Specifications" thereof, and pursuant to the Accuracy Standards as adopted by ALTA, ACSM & NSPS in effect on the date of this certification.

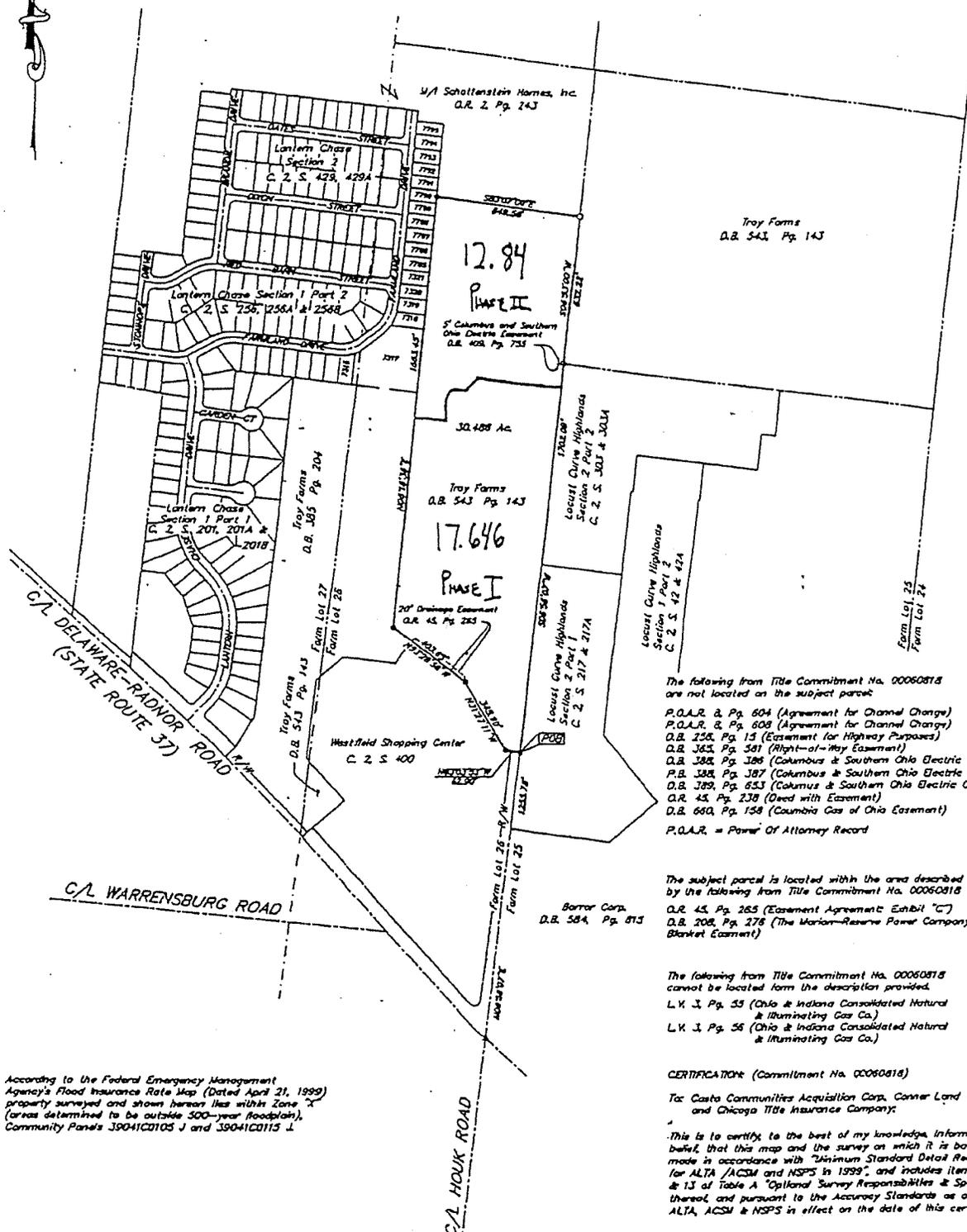


Surveyed & Prepared by
EVANS, WECHMART, HANBLETON & MILTON INC.
 CONSULTING ENGINEERS & SURVEYORS
 170 WELLS STREET
 CINCINNATI, OHIO 45220
 614/471-3150

SCALE: 1" = 300'
 JANUARY 7, 2002

SURVEY OF ACREAGE PARCEL
 "ARM LOT 26, SECTION 3, TOWNSHIP -- RANGE 19
 UNITED STATES MILITARY LAND
 CITY OF DELAWARE, DELAWARE COUNTY, OHIO

EXHIBIT
 3



The following from Title Commitment No. 00060818 are not located on the subject parcel:
 P.O.A.R. & Pg. 604 (Agreement for Channel Change)
 P.O.A.R. & Pg. 608 (Agreement for Channel Change)
 O.R. 256, Pg. 15 (Easement for Highway Purposes)
 O.R. 365, Pg. 381 (Right-of-Way Easement)
 O.R. 388, Pg. 386 (Columbus & Southern Ohio Electric Co. Easement)
 P.R. 388, Pg. 387 (Columbus & Southern Ohio Electric Co. Easement)
 O.R. 389, Pg. 653 (Columbus & Southern Ohio Electric Co. Easement)
 O.R. 45, Pg. 238 (Deed with Easement)
 O.R. 660, Pg. 158 (Columbus Gas of Ohio Easement)
 P.O.A.R. = Power Of Attorney Record

The subject parcel is located within the area described by the following from Title Commitment No. 00060818:
 O.R. 45, Pg. 265 (Easement Agreement Exhibit "C")
 O.R. 208, Pg. 276 (The Marion-Reserve Power Company Blanket Easement)

The following from Title Commitment No. 00060818 cannot be located from the description provided:
 L.V. 3, Pg. 35 (Ohio & Indiana Consolidated Natural & Illuminating Gas Co.)
 L.V. 3, Pg. 56 (Ohio & Indiana Consolidated Natural & Illuminating Gas Co.)

CERTIFICATION (Commitment No. 00060818)
 To: Casto Communities Acquisition Corp., Conner Land Title Agency, Ltd. and Chicago Title Insurance Company;

This is to certify to the best of my knowledge, information and belief that this map and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA /ACSM and NSPS in 1999", and includes items 1, 3, 4 & 13 of Table A "Optional Survey Responsibilities & Specifications" thereof, and pursuant to the Accuracy Standards as adopted by ALTA, ACSM & NSPS in effect on the date of this certification.

According to the Federal Emergency Management Agency's Flood Insurance Rate Map (Dated April 21, 1999) property surveyed and shown hereon lies within Zone "X" (areas determined to be outside 500-year floodplain), Community Panels 39041C0105 J and 39041C0115 J.

- - MON. FMO.
- - LA. FMO.
- - LA. SET.
- - MAG. MAR. FMO.
- - MAG. MAR. SET.
- ▲ - R.R. SPK. FMO.
- ▲ - R.R. SPK. SET.
- ▲ - P.R. MAR. FMO.

BASIS OF BEARING: Bearings hereon are based on the west line of Farm Lot 25 (North 7° 00' 21" East) of Record in Deed Book 521, Page 782, Recorder's Office, Delaware County, Ohio.



By J.C.D. 12/17/00
 Professional Surveyor No. 3643

Surveyed & Prepared By
 EVANS, MECHMART, HAMELETON & TILTON INC.
 CONSULTING ENGINEERS & SURVEYORS
 170 HILL STREET
 CANTON, OHIO 43230
 614/477-3150

SCALE: 1" = 300' DECEMBER 19, 2000

OGNICHN / CASTO / TROY FARMS / 20001737.01/01137



**DESCRIPTION OF A 20.049 ACRE TRACT OF LAND
LOCATED NORTH OF DELAWARE-RADNOR ROAD (STATE ROUTE 37),
WEST OF WARRENSBURG ROAD, IN THE CITY OF DELAWARE, OHIO**

Situated in the State of Ohio, County of Delaware, City of Delaware, and lying in Farm Lots 26 and 27, Section 3, Township 5 North, Range 19 West, United States Military Lands, and being an 20.049 acre tract of land comprised of 11.573 acres (in Farm Lot 27) out of the remainder of an original 136.05 acre tract and 8.476 acres (in Farm Lot 26) out of an original 81.94 acre tract conveyed to Troy Farms by deeds of record in Deed Book 385, Page 204 and Deed Book 543, Page 143, respectively, all records herein at the Recorder's Office, Delaware County, Ohio, and said 20.049 acre tract being bounded and more particularly described as follows:

BEGINNING at a railroad spike set in the centerline of Delaware-Radnor Road (State Route 37) marking the southeast corner of LANTERN CHASE SECTION 1 PART 1 subdivision as shown and delineated on the record plat in Plat Cabinet 1, Slides 201, 201A, and 201B;

Thence North $46^{\circ} 17' 48''$ East, a distance of 60.00 feet, along an easterly line of said LANTERN CHASE SECTION 1 PART 1 subdivision, to an iron pin set marking the southeast corner of Lot 7240 in said LANTERN CHASE SECTION 1 PART 1 subdivision;

Thence North $30^{\circ} 58' 02''$ East, a distance of 154.01 feet, continuing along an east line of said LANTERN CHASE SECTION 1 PART 1 subdivision, to an iron pin set marking angle point in the easterly line of Lot 7241 of said LANTERN CHASE SECTION 1 PART 1 subdivision;

Thence North $06^{\circ} 51' 33''$ East, a distance of 1480.50 feet, continuing along an east line of said LANTERN CHASE SECTION 1 PART 1 subdivision, to an iron pin set marking the northeast corner common to Lots 7269 and 7270 in said LANTERN CHASE SECTION 1 PART 1 subdivision in the south line of the remainder of a 30.117 acre tract of land conveyed to M/I Schottenstein Homes, Inc. by a deed of record in Deed Book 647, Page 132;

Thence South $83^{\circ} 08' 27''$ East, a distance of 543.60 feet, along the south line of the remainder of said 30.117 acre tract, to an iron pin set marking the southeast corner of the remainder of said 30.117 acre tract in said 81.94 acre tract;

Thence South $06^{\circ} 16' 36''$ West, a distance 1022.17 feet, along a new line over and across said 81.94 acre tract, to an iron pin set;

Thence South 53° 28' 58" East, a distance of 101.12 feet, along a new line over and across said 81.94 acre tract, to an iron pin found marking a northwesterly corner of a 23.414 acre tract for the proposed Westfield Shopping Center;

Thence along the following six (6) courses and distances over and across said remainder of said original 136.05 acre tract and said 81.94 acre tract:

1. South 36° 31' 02" West, a distance of 123.23 feet, to a point;
2. North 83° 03' 53" West, a distance of 232.85 feet, to a point;
3. South 48° 30' 48" West, a distance of 149.42 feet, to a point;
4. South 06° 51' 33" West, a distance of 344.21 feet, to a point;
5. South 41° 29' 12" East, a distance of 238.54 feet, to a point;
6. South 48° 30' 48" West, a distance of 238.33 feet, to a point in the center line of said Delaware-Radnor Road (State Route 37);

Thence North 43° 42' 13" West, a distance of 478.53 feet, along the centerline of said Delaware-Radnor Road (State Route 37), to the point of beginning, containing 20.049 acres of land, more or less, comprised of 8.476 acres in Farm Lot 26, and 11.573 acres in Farm Lot 27.

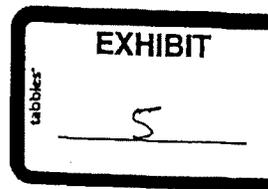
The bearing used in this description are based on the same meridian as in the bearing for the centerline of Delaware-Radnor Road (State Route 37), being North 43° 42' 13" West, as shown and delineated on the record plat of LANTERN CHASE SECTION 1 PART 1 subdivision in Plat Cabinet 1, Slides 201, 201A, and 201B at the Recorder's Office, Delaware County, Ohio.

All iron pin set are 3/4" iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D.ZANDE".



R.D. ZANDE & ASSOCIATES, INC.

Chris Y. Scheeres, P.S.
Chris Y. Scheeres, P.S. 23 June 2000
Registered Surveyor No. 7385



**AMENDMENT AND TERMINATION OF ESCROW AGREEMENT
AND JOINT INSTRUCTION TO ESCROW AGENT TO DISBURSE FUNDS**

This Amendment and Termination (hereinafter "Termination") of an Internal Revenue Code §1031 Exchange Agreement ("Direct Deed"), (hereinafter "Exchange-Agreement") and the Exchange-Agreement's subsequent Addendum (hereinafter "Addendum") is made and entered into effective this ____ day of June 2003, by and among Troy Farms, an Ohio general partnership (hereinafter "Exchangor"); The City of Delaware, successor by assignment to Casto-Houk, Ltd. (hereinafter "Purchaser") (hereinafter "Assignee" or "City"), an Ohio Municipal Corporation; and Worthington Title Agency, Inc., an Ohio corporation (hereinafter "Escrow Agent").

WHEREAS, Exchangor, Escrow Agent and Purchaser, entered into the Exchange-Agreement, dated the 11th day of October 2002, , with respect to 17.646 acres in the City of Delaware, at or near Houk Road and U.S. 37 West; and

WHEREAS, Exchangor, Purchaser and Escrow Agent entered into the Addendum with respect to the sale/exchange and purchase of the aforesaid 17.646 acres (hereinafter the "Property" and/or "Phase I") prior to the conveyance of the Property to Purchaser in accordance with the provisions of that certain Option to Purchase Real Estate dated March 22, 2002 (hereinafter the "Purchase Agreement").

WHEREAS, the Property is a part of a 565 acre tract of land which was subject to a park and green space agreement between Exchangor and City, dated December 19, 1990.

WHEREAS, City, the municipality in which the Property is located, in 2002, enacted impact fee legislation, under which impact fees in the amount of \$181,700 may have been due to City at the time building permits were applied for with respect to the Property; and

WHEREAS, Exchangor, Purchaser and Escrow Agent entered into the Addendum to allow Exchangor to escrow the amount of \$181,700 in the event impact fees were assessed against improvements on the Property and to allow Exchangor to contest the applicability of the impact fee legislation with regard to the Property; and

WHEREAS, Exchangor recognized that under Section 17, subparagraph D of the Purchase Agreement that it is responsible for the payment, to City for any assessed impact fees on the Property; and

WHEREAS, pursuant to the terms of the Addendum, the amount escrowed would not be disbursed except upon the occurrence of certain events as described in the Addendum; and

WHEREAS, a dispute arose between the City and Exchangor regarding imposition of impact fees on the Property; and

WHEREAS, Purchaser transferred, conveyed and assigned all of Purchaser's right, title and interest in the Addendum via an Assignment and Assumption Agreement of Escrow Rights and Obligations dated December 16, 2002 (hereinafter "Assignment"). A copy of the Assignment is attached hereto and marked "Exhibit B"; and

WHEREAS, the Property is subject to certain litigation being Troy Farms vs. The City of Delaware, Case No. 03-CVH-01-045, in the Common Pleas Court of Delaware County, Ohio concerning the assessment of the impact fee legislation by the City against certain real property including the Property which is the subject of this Agreement; and

WHEREAS, Purchaser and The City of Delaware have entered into a Settlement Agreement with regard to the aforementioned litigation. A copy of said Settlement Agreement is attached hereto and marked as "Exhibit A." Pursuant to the terms of the Settlement Agreement, City has agreed to exempt from all impact fees all units and improvements on real property described therein, which includes the Property; and

WHEREAS, Exchangor, Assignee and Escrow Agent have read and acknowledged the Settlement Agreement and desire to amend the terms of the Addendum, release the funds escrowed thereunder and terminate said Addendum;

NOW, THEREFORE, it is hereby **AGREED** by the parties as follows:

1. Any provision to the contrary in the Exchange Agreement or the Addendum notwithstanding, Exchangor, Assignee and Escrow Agent agree as follows:
 - (a) That the Settlement Agreement by and between Troy Farms, Exchangor and the City of Delaware, exempts the Property from any and all impact fees, which thereby

obviates the need for the escrowed amount of \$181,700 to be used to pay impact fees with respect to the Property and hence the original intent of the Addendum;

- (b) City acknowledges and agrees that the \$181,700, plus accrued interest, escrowed with Escrow Agent pursuant to the terms of the Addendum and the Assignment, belongs solely to, and is to be forthwith disbursed by Escrow Agent to Exchangor, or to any party designated by Exchangor.
- 2. Except as expressly provided herein to the contrary, the provisions of Paragraph 5 of the Exchange Agreement remain in full force and effect, including but not limited to, Exchangor's post-closing obligations under Section 17, Seller's and Buyer's Post-Closing Obligations, of the Purchase Agreement.
- 3. City, Escrow Agent and Exchangor agree that this Termination when fully executed shall serve as instructions to Escrow Agent to pay the sum of \$181,700, plus accrued interest, less any accrued fees due to Escrow Agent under the Exchange Agreement and Addendum, to Exchangor.
- 4. This Termination may only be modified or amended in writing signed by authorized representatives of the each of the Exchangor, City and Escrow Agent.

IN WITNESS WHEREOF, the parties have affixed their signatures on the dates below written.

EXCHANGOR

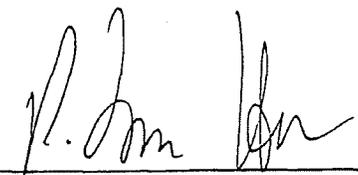
Troy Farms, an Ohio general partnership

By: _____
David R. Smith, General Partner

Date

CITY

The City of Delaware:

By:  _____
Thomas Homan, City Manager

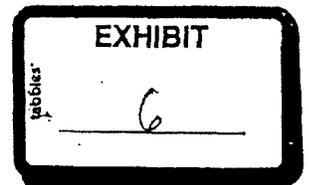
Date

ESCROW AGENT

Worthington Title Agency, Inc.

By: _____
Tamara S. Crouch, President

Date



TERMINATION AND RELEASE OF IRREVOCABLE STANDBY LETTER OF CREDIT

This Termination and Release of the Irrevocable Standby Letter of Credit is made and entered into effective this ____ day of June 2003, by and among Troy Farms, an Ohio general partnership ("Troy") and the City of Delaware, an Ohio municipal corporation ("City").

WHEREAS, Troy and City entered into an agreement dated March 31, 1990, (the "Agreement") regarding the Houk Road North Extension (the "Project"); and

WHEREAS, the Project required Troy to provide all engineering for a 4222-foot extension of Houk Road, and to provide 40-foot of right-of-way for the construction of the extension, and to construct the 4222-foot extension as a three lane, 40-foot wide road, with curb and gutters and necessary storm sewer improvements (the Improvements") according to City's standard residential pavement design; and

WHEREAS, Troy was required to post a performance bond or other surety for its share of the Project; and

WHEREAS; Troy obtained an Irrevocable Standby Letter of Credit, Letter of Credit No. 10202200218 ("Letter of Credit") from The Delaware County Bank & Trust Company to serve as the performance bond for the Project; and

WHEREAS, the Letter of Credit expired by its terms and Troy Farms renewed the Letter of Credit (the "Renewal") to extend the expiration date until November 1, 2003, and

WHEREAS, a dispute arose between Troy and City regarding whether Troy had to provide and pay for street lights as part of the Project and City gave Troy notice of its intent to draw on the Letter of Credit; and

WHEREAS, Troy filed an action against City regarding the street lights dispute and the Letter of Credit in the case captioned Troy Farms vs. The City of Delaware, Case No. 03-CVH-01-062, in the Delaware County Common Pleas Court; and

WHEREAS, Troy and City have entered into a Settlement Agreement regarding the aforementioned litigation wherein City has agreed to relieve Troy of any responsibility for the installation of, or the payment for the installation of the street lights Project.

NOW, THEREFORE, it is hereby **AGREED** by the parties as follows:

1. That the Project has been satisfactorily completed and Troy does not have to install, or pay for the installation of, street lights as part of the Project. As the Project has been satisfactorily completed, the Letter of Credit, which serves as the performance bond for the Project is hereby released.
2. City shall not make any attempts to draw on the Letter of Credit or Renewal.
3. The parties agree that this instrument shall serve as notice to The Delaware County Bank & Trust Company of the, release of the Letter of Credit as of the date above written.

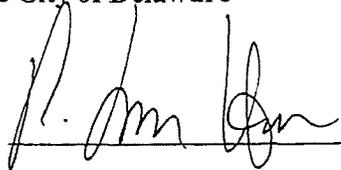
IN WITNESS WHEREOF, the parties have affixed their signatures on the dates below written.

Troy Farms, an Ohio general partnership

By: _____
David R. Smith, General Partner

Date

The City of Delaware

By:  _____

Date

Its: _____

David M. Efland

From: Ross Sanford <rsanford@trepluscommunities.com>
Sent: Friday, April 26, 2019 3:50 PM
To: David M. Efland
Subject: Fwd: Burr Oak: Efland Letter 04222019

*****ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*****

Those are correct.

Thank you,
Ross

Ross Sanford • Director of Construction
1515 Lake Shore Dr • Suite 225 • Columbus, Ohio 43204
o: 614.228.0326 • m: 614.795.1704 • f: 614.228.2181
www.trepluscommunities.com

From: John Hopkinson
Sent: Friday, April 26, 2019 3:47:36 PM
To: Ross Sanford; Tina Birchak
Subject: RE: Burr Oak: Efland Letter 04222019

Correct

Building	Rockford Start Date	Pay for Permit Date	BLDG Type	Cost	Column1
					Paid
Clubhouse	11/28/2018	11/20/2018	Clubhouse	\$ 20,808.68	11/19/18
					Paid
1	12/12/2018	11/20/2018	B03	\$ 39,861.91	11/19/18
					Paid
3	12/5/2018	11/20/2018	B03	\$ 39,861.91	11/19/18
					Paid
2	12/20/2018	11/20/2018	B03	\$ 39,861.91	11/19/18
					Paid
6	12/26/2018	11/20/2018	B03	\$ 39,861.91	11/19/18

From: Ross Sanford <rsanford@trepluscommunities.com>
Sent: Friday, April 26, 2019 3:45 PM
To: John Hopkinson <jhopkinson@trepluscommunities.com>; Tina Birchak <tbirchak@broadstreetcos.com>
Subject: Burr Oak: Efland Letter 04222019

Can you confirm these amounts?

Thank you,
Ross

Ross Sanford • Director of Construction
1515 Lake Shore Dr • Suite 225 • Columbus, Ohio 43204
o: 614.228.0326 • m: 614.795.1704 • f: 614.228.2181
www.trepluscommunities.com

From: David M. Efland <defland@delawareohio.net>
Sent: Friday, April 26, 2019 3:36 PM
To: Ross Sanford
Subject: RE: Efland Letter 04222019

Ross – got the letter thanks! Can you confirm for me the permits you paid for and picked up last year?

I have:

- 1) 2018-2006 – Community Center, 90 Burr Oak Dr. Paid 11/20/18
- 2) 2018-2016 – Building 1, 93-99 Burr Oak Dr. Paid 11/20/18
- 3) 2018-2020 – Building 2, 115-201 Burr Oak Dr. Paid 11/20/18
- 4) 2018-2021 – Building 3, 14-20 Balsam Dr. Paid 11/20/18
- 5) 2018-2023 – Building 6, 24-30 Balsam Dr. Paid 11/20/18

David M. Efland, AICP
Director of Planning & Community Development

City of Delaware
1 S. Sandusky St.
Delaware, OH 43015

Burr Oak Commons - Treplus Development									
Impact Fee Reimbursements									
Permit Number	Address	Building #	Date Paid	Fire & Emergency Mecal Impact Fee Acct.# 493-4630	Police Facilities Impact Fee Acct.# 492-4630	Parks and Recreation Facilities Impact Fee Acct.# 491-4630	TOTAL		
2018-2006	90 Burr Oak Dr.	Community Center	11/20/2018	\$ 2,883.15	\$ 2,395.92	\$ -	\$ 5,279.07		
2018-2016	93-99 Burr Oak Dr.	1	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00		
2018-2020	115-201 Burr Oak Dr.	2	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00		
2018-2021	14-20 Balsam Dr.	3	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00		
2018-2023	24-30 Balsam Dr.	6	11/20/2018	\$ 788.00	\$ 404.00	\$ 3,068.00	\$ 4,260.00		
TOTAL REIMBURSEMENT				\$ 6,035.15	\$ 4,011.92	\$ 12,272.00	\$ 22,319.07		



FACT SHEET

AGENDA ITEM NO: 18

DATE: 09/23/2019

ORDINANCE NO: 19-57

RESOLUTION NO:

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:

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR CEMETERY IMPROVEMENT DESIGN WORK AND FOR ADDITIONAL CEMETERY MAINTENANCE FUNDING, AND DECLARING AN EMERGENCY.

BACKGROUND:

This budget adjustment would allow for complete design work for the recommended improvements from the Cemetery Master Plan and provide funding for contracted services to fix damaged headstones and monuments at the cemetery.

REASON WHY LEGISLATION IS NEEDED:

To move forward with design work in advance of construction early next year.

COMMITTEE RECOMMENDATION:

Finance - Approve

FISCAL IMPACT(S):

This supplemental is coming from the residual perpetual care amount in the Cemetery Fund.

POLICY CHANGES:

PRESENTER(S):

Dean Stelzer

RECOMMENDATION:

Approval

ATTACHMENT(S):

ORDINANCE NO. 19-57

AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR CEMETERY IMPROVEMENT DESIGN WORK AND FOR ADDITIONAL CEMETERY MAINTENANCE FUNDING, AND DECLARING AN EMERGENCY.

WHEREAS, in November of 2017 the City of Delaware contracted with MSP Design to prepare a Cemetery Master to guide future development and provide business recommendations for Oak Grove Cemetery; and

WHEREAS, MSP Design has completed their work and finalized the Cemetery Master Plan 2018 including recommendations for site improvements to add burial options and open new space for cemetery use; and

WHEREAS, detailed design work will be needed before undertaking some of the construction work recommended in the plan; and

WHEREAS, it was determined to be more advantageous to undertake complete design work for the recommended improvements in lieu of only designing the first phase improvements thus creating the need for increasing the budget amount to undertake the design work; and

WHEREAS, the City has also determined to move forward with maintenance work fixing existing damaged monuments at the cemetery.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Cemetery Fund \$100,000 increasing the following account:

Professional Services (212-0212-5230)	\$70,000
Capital Impr. Oak Grove Funds (212-0212-5505)	\$30,000

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

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

safety, health and welfare of the City and for the further reason to provide for the maintenance work at the cemetery to be undertaken before winter weather hits and to start the master plan recommended improvements design work so that it may be completed before issuing bids early next year, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2019

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



DISCUSSION ITEM A:

Aquatics Summer Program



Memorandum

TO: Mayor Riggle and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Kyle Kridler, Asst. City Manager & Ted Miller, Parks and Natural Resources Director
DATE: September 19, 2019
RE: Outdoor Aquatics Program Analysis

Overview

This memorandum follows Council's recent discussion about the City resuming its operation of its outdoor aquatics program at the Jack Florence Pool beginning in 2020. Currently, as Council is aware, this operation is contracted to the YMCA as a part of the City's agreement with the Central Ohio YMCA to provide recreation services. The current agreement, which was entered in 2011 and will expire on December 31, 2020, unless renewed by mutual consent of the parties. This report is a review of historical costs and revenues along with projections of what future financial impacts may be based on historical data and what data staff was able to garner from the YMCA.

Council should also be aware that the City of Delaware's contract with the YMCA (separate from the Community Center) for the management of outdoor aquatics and recreation services is bundled together for a total expense of \$208,866 for 2019. This current agreement is through the year 2020 with the potential of renewal in 2021. Given the various current partnerships with the YMCA, it is difficult to separate out some true costs and revenues. For example, in 2019 YMCA Community Center members were granted access to the Jack Florence Pool with a nominal upcharge of \$3/month to their current membership rate. This makes it difficult to predict the true market for revenues and what Delawareans are willing to pay for memberships to Jack Florence as a totally different operation from the Delaware YMCA Community Center. Also, staff believes should the direction be given to take on outdoor aquatics without outdoor recreation programming, the City will forgo additional revenue opportunities in the form of recreation leagues and facility rentals such as club soccer and baseball rentals.

Finally, Council should be aware that the Central Ohio YMCA's Leadership has signaled that they would like to discuss the future of outdoor aquatics and recreation programming at the next YMCA/City of Delaware Partnership and Coordination meeting as this decision will impact both entities from a budgeting and planning perspective. Staff would like Council to know that if the decision is made to take back outdoor aquatics, staff believes it would be best to evaluate both aquatics and recreation services in 2020 to allow for planning and the ramping up of needed processes and set the goal of

January 1, 2021 to see the current agreement through. This includes preparing the City’s website for online payment and the needed capital upgrades to both the Jack Florence Pool and Mingo Recreation Center. This additional time would also allow for the proper analysis should Council decide to move forward with a Parks & Recreation Comprehensive Study (currently evaluating PROS Consulting) to ensure that the City of Delaware is focused on the true needs and desires of our residents. From a personnel hiring standpoint, the results of this study will indicate what type of positions will best align with the desires of the Delaware community.

Plan Overview

Based on analysis provided by Parks & Natural Resources and Finance, projected expenses for the Jack Florence Pool and Mingo Recreation Center are approximately \$356,840 with a projected revenue of \$301,000 for the year 2020.

Personnel Impact

1. **Jack Florance Pool** (1 FTE & Seasonal Staff)
 - a. Aquatics Supervisor/Assistant program Coordinator (certified CPO or AFO)
 - b. Seasonal- Pool Managers, Life Guards and Concession

2008 – 2011 Jack Florance Pool Staffing Levels (City Run)

Status	Position	2008	2009	2010	2011
Full Time	Aquatics / Program Specialist	0	1	1	1
Seasonal	Total Full-time Equivalent	6.52	6.52	6.52	6.52
	Total Jack Florance Pool	6.52	7.52	7.52	7.52

Fiscal Impact of Staffing

- Staffing Costs – \$165,00 + 60% of Aquatics Specialist
 - 1 full time positions added
 - 60-75 Seasonal staff
- Current YMCA Payment -\$208,866 (2020 payment for both Outdoor Aquatics & Recreation Services). If the City only takes over the Jack Florance pool will this payment be adjusted?

Jack Florance Pool- In 2010, the last time the City operated the pool, the pool revenue was \$358,146 and expenses were \$236,694 for a balance of **+\$121,452**. Staff evaluated comparable pools (Gahanna, Westerville & Grove City) and they showed profits and deficits ranging from **-\$100,000** to **+\$10,000** (essentially break-even). The Mingo Pool is likely to operate another 10 years without any major capital improvements. Based on the YMCA budget figures and previous City budget estimates, staff believes that the pool will be able to operate at negative balance between **-\$50,000** to **-\$55,000** moving forward. In the initial year of 2020, for the purposes of this analysis, staff estimates that the operation will likely incur several additional operating expenses to transition the pool to City standards. This initial cost is estimated to be between \$15,000-\$25,000.

**Attached are the previous and projected budget for the pool operation.*

What is the Jack Florance Pool operation cost comparison, City of Delaware vs YMCA?

	Revenue	Expense
City of Delaware 2010	\$358,146	\$236,694
YMCA 2018	\$143,014	\$204,837

Timing for Transition

- 90 day notice period (per the current agreement with the YMCA) – **Not recommended**
- 1-3 month hiring period (could overlap with notice period) – **Also, very short ramp up time**
- **Ideally, the transition period would begin January 2020. Final transition to take place at the conclusion of the basketball season- mid March 2021**

Alternative Options for Consideration

Alternative Option 1

Repair partnership with YMCA to resolve issues with Recreation Programming and Jack Florance Pool operation. The 60 Day Plan, which is now complete, has started this process. Under the new leadership of the Central Ohio YMCA, substantial changes have been made to staffing, membership pricing and organizational management of operations.

Alternative Option 2:

Independent contractors could bid for recreation services; however the City would likely be in the same predicament with minimal control over the level of service. From 2003-2004, the Jack Florance pool was run by an independent contractor with little success. Staff can provide what these figures would look like, should Council want to evaluate this third option.

Conclusion & Recommendations

Staff believes that the City has the ability to effectively operate the Jack Florance Pool but would encourage Council to strongly evaluate if the City can continue its partnership with Central Ohio YMCA for these operations at least for the remainder of the current agreement through 2020. Finally, staff also recommends that Council evaluate both outdoor recreation programming at the same time as outdoor aquatics as a package to allow for additional revenue streams and better utilization of additional staffing should the decision be made to take it back in house. As mentioned in the overview, the engagement with PROS Consulting to proceed with a Phase I study would be invaluable in getting a true pulse on the community and their expectations for Parks & Recreation in Delaware for current and future needs.

2011 BUDGET DETAIL

FUND: PARKS & REC
DEPARTMENT: SWIMMING POOL

Account #	Description	2001 Actual	2002 Actual	2003 Actual	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2020 Projected
210- 4480	Pool Memberships	39,368	44,012	34,742	37,673	35,006	35,482	74,711	108,266	109,634	122,039	126,730	108,000
4481	Pool Daily Admissions	37,321	42,849	26,362	17,364	26,248	37,060	78,590	82,838	71,098	127,987	112,406	95,000
4482	Pool Concessions	32,534	31,609	19,793	16,186	20,684	23,070	40,142	55,486	48,187	53,439	45,785	49,000
4484	Pool Rental/Misc.	2,192	5,925	6,067	6,160	7,400	2,158	4,106	4,700	6,210	5,400	4,215	7,000
4485	Pool Programs								0	0	5,401	4,688	4,000
4487	Swim Lessons	12,513	11,200	7,885	12,920	18,657	22,374	31,291	34,806	39,199	43,880	41,517	38,000
	Total Pool Revenue	123,928	135,595	94,849	90,303	107,995	120,144	228,840	286,096	274,328	358,146	335,341	301,000
	Total Pool Expenditures	131,183	139,867	142,391	137,232	127,435	146,424	229,591	270,104	250,197	236,694	219,526	356,840

Account #	Description	2001 Actual	2002 Actual	2003 Actual	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2020 Projected
Swimming Pool													
210-2130- 5100	Wages	54,829	57,073	-	-	54,246	62,906	77,830	108,327	113,496	112,126	103,982	180,665
5101	PERS	6,396	7,589	-	-	7,500	8,618	10,763	15,186	15,890	15,486	14,386	28,293
5103	Medicare	795	828	-	-	788	912	1,129	1,571	1,646	1,626	1,508	4,895
5104	Workers Compensation	905	754	-	-	800	1,538	2,411	3,047	3,416	3,908	5,139	5,613
5230	Professional Services	6,440	7,711	101,931	105,720	5,464	6,020	10,961	4,201	4,818	4,907	4,150	12,000
5270	Maintenance of Equipment	2,000	1,391	2,243	540	600	827	389	1,881	13	507	1,015	2,000
5271	Maintenance of Facility	3,415	4,076	4,289	1,717	4,225	4,338	8,017	4,743	5,066	2,467	3,977	6,000
5280	Insurance	4,000	6,900	5,937	7,425	9,250	9,250	9,250	9,250	5,028	5,028	4,598	8,000
5310	Office Supply	187	29	42	102	29	48	64	437	278	469	66	1,500
5330	Operating Supply	13,714	15,235	12,531	10,962	15,650	17,392	22,422	24,542	23,419	23,045	16,980	30,000
5331	Program Supply								0	0	2,528	1,077	2,000
5370	Repair Materials	0	0	121	0	0	0	225	0	0	0	0	0
5500	New Equip / Cap Outlay	5,921	2,533	0		1,614	5,965	31,241	12,081	13,138	5,640	0	6,000
5601	Refunds	86	239	234	495	161	832	4,407	819	1,718	2,156	3,451	0
	TOTAL SWIMMING POOL	101,301	107,445	130,378	129,733	103,137	118,660	179,109	186,085	187,926	179,893	160,329	286,966

Account #	Description	2001 Actual	2002 Actual	2003 Actual	2004 Actual	2005 Actual	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2020 Projected
Concessions													
210-2131- 5100	Wages	10,402	12,851	-	-	13,419	13,172	26,830	43,347	30,200	24,348	27,018	33,950
5101	PERS	2,443	1,886	-	-	1,818	1,804	3,716	6,069	4,228	3,297	3,900	4,753
5103	Medicare	151	187	-	-	194	191	389	629	438	353	392	492
5104	Workers Compensation	136	113	-	-	150	434	434	434	1,087	1,078	1,078	679
5340	Concessions	16,750	17,385	11,984	7,287	8,642	12,163	19,113	33,540	26,318	27,725	26,810	30,000
5500	New Equip / Cap Outlay	0	0	29	212	75	0	0	0	0	0	0	0
	TOTAL CONCESSIONS	29,882	32,422	12,013	7,499	24,298	27,764	50,482	84,019	62,271	56,801	59,197	69,874

LINE ITEM DETAIL
 JACK FLORANCE POOL

210

Explanation of significant line items

Description:	Code:	Amount:	Explanation:
Pool Memberships	4480		2% growth based on similar pools history, pool membership was previously included in YMCA membership
	4481		3% growth based on similar pools history
	4482		
	4484		
Wages	5100	\$180,665	Includes 60% of wages for Aquatics specialist
Professional Services	5230	\$12,000	License fee-\$1,000; Contracted Repairs \$2,000, Pre-Season Temp. Workers \$9,000
Maint. Of Equipment	5270	\$2,000	Pool pump repairs \$1,500; Slide Repairs \$500
Maint. Of Facility	5271	\$6,000	HVAC-\$1000; Paint/wood-\$1000;Plumbing-\$1000; Misc-\$3,000
Office Supply	5310	\$1,500	Cash registers \$1,000 Paper Supplies \$500
Operating Supply	5330	\$30,000	Chemicals-\$25,000; Water SafetySupplies\$4,000; First Aid Supplies \$1,000
Capital Outlay	5500	\$6,000	Pool Vacuum Pump
CONCESSION			
210-2131			
Concessions	5340	\$35,000	Product- candy, chips, drinks, hot dogs popcorn etc.
New Equip/ Cap Outlay	5500	3,000	Hot Dog Machine \$500; Popcorn Machine \$1,000; Pizza Warmer \$700; Microwave \$500 Cash Reg \$300



AUGUST FINANCE REPORT

TO: Members of City Council
FROM: Dean Stelzer, Finance Director
DATE: September 17, 2019

Reports Included

<u>Page</u>	<u>Reports</u>	<u>Purpose</u>
2	Revenues by Source	This summary compares year-to-date revenues for 2019 to 2018 by source.
3	General Fund	Summary of General Fund budgeted revenues, expenditures and fund balance.
4	Other Operating Funds	Summary of budgeted revenues, expenditures, & fund balances for non-general fund operating funds.
5	Other Funds	Other non-operating funds revenues, expenditures and fund balance.
6	Insurance	Summary of the City's self-funded health insurance costs with comparisons to last year.
7	Income Tax	Monthly income tax collections for last three years. Also includes tax collection projections for remainder of the year.

YTD 2019 Budget Supplementals

19-03	\$150,000 - Donation Fund - Hayes Statue
19-04	\$28,000 - CIP Fund Electric Parking System
19-15	\$1,150,000 - CIP E. William St. Grant Project
19-16	\$160,000 - CIP FUND Annex Improvements
19-17	\$650,000 - General Fund Transfers to CIP and SMR
19-39	\$10,000 - Gen Fund Regional Housing Study
19-45	\$6,000 - Dev Res Fund Incentive Grant

FINANCE DIRECTOR'S REPORT

REVENUES BY SOURCE

August 31, 2019

	Revenues @ 8/31/19	Revenues @ 8/31/18	% Change
TAXES			
Income Tax	\$ 19,900,444	\$ 19,003,672	4.72%
Property Tax	2,051,905	1,957,628	4.82%
Local Government Fund	433,044	400,432	8.14%
Hotel/Motel Tax	50,813	57,108	-11.02%
Gasoline Taxes	805,262	781,805	3.00%
License Plate Tax	459,067	464,924	-1.26%
FEES			
Franchise Fee (cable tv)	\$ 313,371	\$ 307,167	2.02%
Parking Meter & Lot Fees	55,522	53,754	3.29%
Fines/Forfeitures/Court Diversion Fees	80,763	96,260	-16.10%
Impact Fees	978,423	694,660	40.85%
Airport - Fuel	455,196	464,817	-2.07%
Cemetery	114,917	94,639	21.43%
Golf Course	139,303	133,397	4.43%
REIMBURSEMENTS			
Engineering Fees	\$ 224,786	\$ 1,170,125	-80.79%
Fire/EMS Reimbursement	188,718	523,406	-63.94%
Prosecutor Reimbursements	185,735	190,030	-2.26%
Building Permits and Fees	920,187	804,774	14.34%
UTILITY CHARGES			
Water - Meter Charges	\$ 3,649,992	\$ 3,653,211	-0.09%
- Capacity Fees	3,212,258	1,839,301	74.65%
Sewer - Meter Charges	4,403,963	4,351,811	1.20%
- Capacity Fees	3,074,835	1,753,298	75.37%
Refuse	2,369,194	2,309,131	2.60%
Storm Sewer	505,709	572,811	-11.71%
MUNICIPAL COURT REVENUES	\$ 2,239,972	\$ 2,273,821	-1.49%

FINANCE DIRECTOR'S REPORT
GENERAL FUND REVENUES
August 31, 2019

August 66.7% of year	Revenues 8/31/2019	2019 Budget	Revenues As % of Budget	Comparative Revenues 8/31/2018	% Change YTD
GENERAL FUND					
Property Tax	1,570,471	1,629,406	96.38%	1,507,930	4.15%
City Income Tax	10,758,826	15,645,000	68.77%	10,277,979	4.68%
Other Taxes	997	0	0.00%	975	2.26%
Local Government Fund	433,044	618,976	69.96%	400,433	8.14%
Fines and Forfeitures	80,763	148,000	54.57%	96,260	(16.10%)
Engineering Fees	224,786	1,200,000	18.73%	1,170,125	(80.79%)
Prosecutor Contracts	185,735	285,000	65.17%	190,030	(2.26%)
Parking Meters	22,509	38,000	59.23%	25,028	(10.06%)
Other Fees and Contracts	29,315	0	0.00%	32,630	(10.16%)
Liquor Permits	44,443	45,000	98.76%	43,024	3.30%
Franchise Fees	313,371	405,000	77.38%	307,167	2.02%
Licenses & Permits	920,187	830,000	110.87%	804,774	14.34%
Investment Income	578,902	650,000	89.06%	412,817	40.23%
Miscellaneous	151,705	110,000	137.91%	46,341	227.37%
Reimbursements	150,389	200,000	75.19%	157,260	(4.37%)
Transfers	1,395,507	1,920,000	72.68%	1,344,134	3.82%
TOTAL	16,860,950	23,724,382	71.07%	16,816,907	0.26%

GENERAL FUND EXPENDITURES

	Expenses 8/31/2019	2019 Budget	Expenses As % of Budget	Comparative Expenses 8/31/2018	% Change YTD
GENERAL FUND					
City Council	103,159	184,347	55.96%	98,216	5.03%
City Manager	498,006	823,711	60.46%	450,350	10.58%
Human Resources	252,765	358,692	70.47%	186,516	35.52%
Economic Development	273,541	474,137	57.69%	276,818	(1.18%)
Legal Affairs/Prosecution	489,194	842,343	58.08%	500,691	(2.30%)
Finance	924,750	1,485,683	62.24%	958,798	(3.55%)
Income Tax Refunds	529,087	450,000	117.57%	363,129	45.70%
General Administration	4,566,875	6,090,255	74.99%	4,998,884	(8.64%)
Risk Management	274,473	349,100	78.62%	282,977	(3.01%)
Police	5,416,286	9,105,357	59.48%	5,413,085	0.06%
Planning	709,417	1,268,512	55.93%	739,862	(4.11%)
Engineering	929,455	1,988,887	46.73%	1,073,419	(13.41%)
City Buildings	339,018	554,958	61.09%	310,748	9.10%
TOTAL	15,306,026	23,975,982	63.84%	15,653,493	(2.22%)

General Fund Beginning Balance January 1, 2019	5,184,249
2019 General Fund Revenues	16,860,950
2019 General Fund Expenditures	(15,306,026)
Advances to Other Funds	1,236,286
Outstanding Encumbrances 8/31/19	(583,099)
General Fund Ending Fund Balance July, 31, 2019	<u>7,392,360</u>

FINANCE DIRECTOR'S REPORT
OTHER OPERATING FUNDS
August 31, 2019

REVENUES

	Revenues 8/31/2019	2019 Budget	Revenues As % of Budget	Comparative Revenues 8/31/2018	% Change YTD
STREET MAINTENANCE & REPAIR	2,487,105	3,231,000	76.98%	1,947,556	27.70%
STORM SEWER	576,584	863,000	66.81%	573,773	0.49%
PARKS AND RECREATION	1,154,641	1,571,500	73.47%	873,659	32.16%
CEMETERY	181,583	256,000	70.93%	157,975	14.94%
AIRPORT OPERATIONS	596,440	924,840	64.49%	592,246	0.71%
FIRE/EMS INCOME TAX	7,965,208	11,866,361	67.12%	7,939,096	0.33%
MUNICIPAL COURT	1,598,898	2,744,000	58.27%	1,608,560	(0.60%)
GOLF COURSE	139,303	183,500	75.91%	133,397	4.43%
WATER	3,952,297	6,536,132	60.47%	3,862,363	2.33%
SEWER	4,762,925	7,407,971	64.29%	4,645,420	2.53%
REFUSE	2,432,079	3,672,095	66.23%	2,362,831	2.93%
GARAGE ROTARY	359,300	718,600	50.00%	327,578	9.68%
INFORMATION TECH. ROTARY	538,116	1,076,017	50.01%	538,009	0.02%
TOTAL	26,744,479	41,051,016	65.15%	25,562,463	4.62%

EXPENDITURES

	Expenditures 8/31/2019	2019 Budget	Expenses As % of Budget	Comparative Expenses 8/31/2018	% Change YTD
STREET MAINTENANCE & REPAIR	1,925,239	3,313,335	58.11%	1,927,781	(0.13%)
STORM SEWER	439,572	1,380,464	31.84%	335,411	31.05%
PARKS AND RECREATION	885,365	1,592,532	55.59%	875,129	1.17%
CEMETERY	155,361	315,113	49.30%	156,950	(1.01%)
AIRPORT OPERATIONS	645,925	974,226	66.30%	557,099	15.94%
FIRE/EMS INCOME TAX	7,421,138	11,182,079	66.37%	6,658,311	11.46%
MUNICIPAL COURT	1,638,285	2,734,190	59.92%	1,683,329	(2.68%)
GOLF COURSE	77,989	183,401	42.52%	115,819	(32.66%)
WATER OPERATIONS	3,721,525	6,336,213	58.73%	3,813,066	(2.40%)
SEWER OPERATIONS	4,054,474	7,075,047	57.31%	3,937,757	2.96%
REFUSE	2,299,391	3,813,216	60.30%	3,608,516	(36.28%)
GARAGE ROTARY	382,330	707,989	54.00%	404,836	(5.56%)
INFORMATION TECH. ROTARY	794,398	1,384,166	57.39%	678,146	17.14%
TOTAL	24,440,992	40,991,971	59.62%	24,752,150	(1.26%)

FUND BALANCES

	Fund Balance 1/1/2019	Revenues 8/31/2019	Expenditures 8/31/2019	Outstanding Encumb.	Fund Balance 8/31/2019
STREET MAINTENANCE & REPAIR	461,581	2,487,105	1,925,239	842,316	181,131
STORM SEWER	1,868,735	576,584	439,572	149,185	1,856,562
PARKS AND RECREATION	218,433	1,154,641	885,365	179,452	308,257
CEMETERY	265,769	181,583	155,361	7,699	284,292
AIRPORT OPERATIONS	272,195	596,440	645,925	63,190	159,520
FIRE/EMS INCOME TAX	9,031,814	7,965,208	7,421,138	156,100	9,419,784
MUNICIPAL COURT	2,744,978	1,598,898	1,638,285	12,297	2,693,294
GOLF COURSE	39,762	139,303	77,989	6,727	94,349
WATER OPERATIONS	1,219,585	3,952,297	3,721,525	163,759	1,286,598
SEWER OPERATIONS	3,134,518	4,762,925	4,054,474	274,102	3,568,867
REFUSE	909,634	2,432,079	2,299,391	511,225	531,097
GARAGE ROTARY	385,951	359,300	382,330	85,039	277,882
INFORMATION TECH. ROTARY	864,189	538,116	794,398	48,784	559,123
TOTAL	21,417,144	26,744,479	24,440,992	2,499,875	21,220,756

FINANCE DIRECTOR'S REPORT
OTHER FUND REVENUES/EXPENSES/FUND BALANCE
August 31, 2019

	Beginning Fund Balance	Revenues 8/31/2019	Expenses 8/31/2019	Outstanding Encumbrances	Ending Fund Balance
STATE HIGHWAY IMPROVEMENT	219,665	76,338	3,424	73	292,506
LICENSE FEE	238,083	300,062	69,476	558,712	(90,043)
TREE FUND	156,124	11,587	50,924	0	116,787
AIRPORT 2000 T-HANGAR	173,352	66,688	35,865	0	204,175
RECREATION FACILITIES TAX	4,583,228	1,683,941	1,277,800	3,200	4,986,169
AIRPORT TIF	109,485	27,251	0	0	136,736
GLENN RD BRIDGE TIF	2,878,284	932,661	1,638,240	101,173	2,071,532
SKY CLIMBER/V&P TIF	0	48,300	24,151	45,849	(21,700)
MILL RUN TIF	0	151,840	84,041	85,959	(18,160)
COURT IDIAM	30,321	21,233	30,392	4,656	16,506
DRUG ENFORCEMENT	57,260	10,319	16,994	1,112	49,473
COURT ALCOHOL TREATMENT	546,244	37,162	14,089	1,797	567,520
OMVI ENFORCEMENT/EDUCATION	6,468	1,424	3,471	0	4,421
POLICE JUDGEMENT	121,012	11,491	34,998	64,558	32,947
PARK DEVELOPMENT	184,116	0	0	0	184,116
COMPUTER LEGAL RESEARCH	714,293	181,799	46,441	73,489	776,162
COURT SPECIAL PROJECTS	752,409	184,432	48,984	4,469	883,388
PROBATION SERVICES	572,555	215,024	24,482	33,290	729,807
POLICE/FIRE DISABILITY	0	481,434	481,434	0	0
COMMUNITY PROMOTION FUND	69,220	50,813	70,583	43,341	6,109
CDBG GRANT	2,530	0	9,151	120,010	(126,631)
ED REVOLVING LOAN	270,186	71,017	83,448	53,763	203,992
HOUSING GRANT PROGRAM INCOME	0	8,150	0	0	8,150
CHIP GRANT	0	0	0	0	0
GENERAL BOND RETIREMENT	336,521	637,127	632,295	48,994	292,359
PARK IMPROV BONDS FUND	111,273	885,981	357,701	0	639,553
SE HIGHLAND SEWER BOND FUND	83,995	668,667	278,304	0	474,358
CAPITAL IMPROVEMENT	2,037,627	2,469,646	2,443,278	1,643,402	420,593
POINT PROJECT	565,337	409,737	101,211	832,072	41,791
FAA AIRPORT GRANT	48,413	0	0	0	48,413
FAA AIRPORT AIP GRANT	47,948	0	0	81,360	(33,412)
EQUIPMENT REPLACEMENT	158,550	250,000	284,237	151,615	(27,302)
PARK IMPACT FEE	1,455,146	566,792	72,954	88,756	1,860,228
POLICE IMPACT FEE	354,038	111,728	7,813	165	457,788
FIRE IMPACT FEE	397,705	200,462	79,954	169	518,044
MUNICIPAL SERVICES IMPACT FEE	361,999	234,831	159,078	227	437,525
GLENN ROAD CONSTRUCTION FUNDS	3,112,362	9,211,975	10,421,158	36,095	1,867,084
PARKING LOTS	45,944	33,013	25,523	12,302	41,132
WATER CIP	12,555,562	4,178,289	2,741,588	240,257	13,752,006
SEWER CIP	8,821,116	5,339,530	3,490,717	336,383	10,333,546
SELF INSURANCE	1,508,194	3,335,223	4,322,204	7,126	514,087
WORKERS COMP RESERVE	2,628,786	128,851	238,263	22,231	2,497,143
FIRE DONATION	6,345	150	5,462	0	1,033
PARK DONATION	16,410	92,034	101,350	0	7,094
POLICE DONATION	7,809	1,710	182	0	9,337
MAYOR'S DONATION	1,202	900	751	261	1,090
PROJECT TRUST	693,554	292,327	0	10,000	975,881
UNCLAIMED FUNDS	85,371	24,307	918	0	108,760
DEVELOPMENT RESERVE FUND	964,886	0	0	0	964,886
RESERVE ACCOUNT FUND	1,163,864	0	0	0	1,163,864
BERKSHIRE JEDD FUND	57,099	263,776	273,696	233,573	(186,394)
CEMETERY PERPETUAL CARE FUND	34,191	488	690	0	33,989
STATE PATROL TRANSFER	9,699	40,213	49,912	0	0
STATE BUILDING PERMIT FEES	466	12,016	9,386	0	3,096
PERFORMANCE BOND FUND	667,238	359,928	20,931	3,513	1,002,722
TOTAL	50,023,485	34,322,667	30,167,944	4,943,952	49,234,256

City of Delaware
Employee Health Insurance Plan
Aug 31, 2019

Account	Aug 2019	YTD 2019	2019 Budget	% of Budget	YTD 2018	% Change 2018-19
Life Insurance	\$ 2,163	\$ 16,986	\$ 27,000	62.9%	\$ 2,890	487.8%
Insurance Opt-Out	2,095	17,360	30,500	56.9%	18,060	-3.9%
Preventative Care	499	13,825	55,000	25.1%	23,715	-41.7%
Vision Coverage	2,479	17,169	28,500	60.2%	24,439	0.0%
Administrative Fees						
Excise Tax	-	2,891	5,000	0.0%	2,820	0.0%
TPA Fees	8,334	65,139	99,500	65.5%	62,669	3.9%
PPO Fees	3,174	25,185	40,000	63.0%	24,486	2.9%
Broker Fees	425	4,773	6,500	73.4%	3,749	0.0%
Total Admin	11,933	97,988	151,000	64.9%	93,724	4.5%
Stop Loss Insurance	71,112	566,863	795,000	71.3%	493,768	14.8%
Claims						
Medical	344,765	2,624,378	4,250,000	61.8%	2,384,047	10.1%
Dental	21,898	177,625	285,000	62.3%	171,509	3.6%
Prescription	83,073	790,010	850,000	92.9%	598,427	32.0%
Total Claims	449,736	3,592,013	5,385,000	66.7%	3,153,983	13.9%
Total Costs	540,017	4,322,204	6,472,000	66.8%	3,810,579	13.4%
Employee Payment	117,254	682,435	893,568	76.4%	564,680	
Reimbursements	1,806	293,319	500,000	58.7%	280,621	
NET PLAN COSTS	\$ 420,957	\$ 3,346,450	\$ 5,078,432	65.9%	\$ 2,965,278	12.9%

**MONTHLY INCOME TAX REVENUES
2017-2019**

	2017				% OF ACTUAL	2018				% OF ACTUAL	2019				% OF BUDGET
	W/H	PERSONAL	BUSINESS	TOTAL		W/H	PERSONAL	BUSINESS	TOTAL		W/H	PERSONAL	BUSINESS	TOTAL	
JANUARY	1,794,272	205,680	204,662	2,204,614		1,741,914	440,952	56,565	2,239,431		1,570,681	603,605	80,207	2,254,493	
FEBRUARY	1,304,987	327,145	95,437	1,727,569		1,389,048	337,974	56,041	1,783,063		1,616,403	398,566	112,062	2,127,031	
MARCH	1,175,241	625,299	195,522	1,996,062		1,240,476	682,589	192,027	2,115,092		1,308,699	737,799	133,499	2,179,997	
APRIL	1,786,686	2,352,889	1,092,340	5,231,915		1,949,558	2,433,093	806,548	5,189,199		1,941,656	2,595,734	781,735	5,319,125	
MAY	1,388,195	185,269	50,869	1,624,333		1,387,867	213,714	18,117	1,619,698		1,440,447	242,575	54,049	1,737,071	
JUNE	1,284,197	481,309	167,392	1,932,898		1,407,521	622,838	374,208	2,404,567		1,696,517	732,504	153,590	2,582,611	
JULY	1,680,268	158,901	62,961	1,902,130		1,718,647	227,721	28,964	1,975,332		1,630,973	329,142	27,910	1,988,025	
AUGUST	1,395,822	124,025	26,462	1,546,309		1,363,624	171,517	142,149	1,677,290		1,393,601	220,627	97,863	1,712,091	
SUBTOTAL	11,809,668	4,460,517	1,895,645	18,165,830	70.14%	12,198,655	5,130,398	1,674,619	19,003,672	68.29%	12,598,977	5,860,552	1,440,915	19,900,444	68.77%
SEPTEMBER	1,303,188	421,650	287,996	2,012,834		1,648,825	624,312	164,383	2,437,520						
OCTOBER	1,697,249	257,687	81,440	2,036,376		1,675,716	307,591	462,819	2,446,126						
NOVEMBER	1,438,751	175,718	30,847	1,645,316		1,442,983	252,947	59,435	1,755,365						
DECEMBER	1,419,960	388,069	229,805	2,037,834		1,688,530	412,229	85,907	2,186,666						
TOTALS	17,668,816	5,703,641	2,525,732	25,898,189	97.31%	18,654,709	6,727,477	2,447,163	27,829,349	101.43%	12,598,977	5,860,552	1,440,915	19,900,444	68.77%

BUDGETED 26,614,811 27,437,537 28,936,941

	Total Receipts	AUG Receipts	% of Annual Collections	Projection based on ten year trend!	
				AUG 2019 RECEIPTS =	\$19,900,444
2009	14,719,896	10,475,727	71.17%		
2010	15,185,348	10,732,169	70.67%	HIGH =	68.29% \$29,142,601
2011	17,765,717	12,558,193	70.69%	LOW =	71.68% \$27,761,412
2012	19,658,101	14,091,680	71.68%		
2013	20,557,766	14,418,200	70.14%	LAST 3 YR	
2014	21,537,420	15,238,701	70.75%	AVG =	69.38% \$28,683,135
2015	22,852,743	15,991,274	69.98%		
2016	24,975,316	17,410,586	69.71%	*2019 BUDGETED RECEIPTS	\$28,936,941
2017	25,898,396	18,165,984	70.14%		
2018	27,829,349	19,003,671	68.29%		
		10 Year Avg.	70.32%		

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: September 18, 2019

1. **Calendar**

See Attached

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

N/A

3. **Meetings**

September 5

Arts Castle 30 Year Celebration Reception

September 6

COMMA

First Friday

September 9

Rotary

Raising Canes Ribbon Cutting

City Council

September 10

City EMA Drill

September 12

MORPC

CIP Work Session

September 13

Delaware City Schools Distinguished Alumni Hall of Fame

SourcePoint

September 16

Rotary

City Speed Meeting

September 17

Strand Board Meeting

Little Brown Jug Wall of Fame

September

2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Labor Day City Offices Closed	3	4 Civil Service 3:00 pm Planning 6:30 pm	5	6	7
8	9 Council 7:00 pm	10	11 BZA 7:00 pm	12 CIP Work Session 6:00 pm	13	14
15	16	17 Parks & Rec Board 6:30 pm	18	19	20	21
22	23 Council 7:00 pm	24	25 HPC 6:30 pm	26	27	28
29	30 CIP Work Session 6:00 pm					

October

2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Planning Commission 6:30 pm	3	4	5
6	7	8 Sister City 6:00 pm	9 Civil Service Commission 3pm BZA 6:30 pm	10	11	12
13	14 City Council 7pm	15	16	17 Airport Commission 6:30 pm	18	19
20	21 Parking and Safety 6pm	22 Shade Tree 6:30 pm	23 HPC 6:30 pm	24	25	26
27	28 City Council 7pm	29	30	31		