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

AGENDA

7:00 P.M. REGULAR MEETING **October 28, 2019**

1. ROLL CALL

2. INVOCATION – Chad Johns, Interim Chaplain, Ohio Wesleyan University

3. PLEDGE OF ALLEGIANCE led by Daisy Scout and Girl Scout Troop #2288

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

5. CONSENT AGENDA
   A. Acceptance of the Motion Summary of the Parking and Safety Committee meeting held on June 17, 2019, as recorded and transcribed.
   B. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on August 27, 2019, as recorded and transcribed.
   C. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on September 25, 2019, as recorded and transcribed.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. PRESENTATION
   A. One Columbus – Kenny McDonald, President and CEO

9. DIRECTOR UPDATE
   A. Susie Daily, Chief Information Officer
   B. Staff Introduction – IT Department

10. SECOND READING of Resolution No. 19-47, a resolution establishing guidelines for proposed developer initiated New Community Authorities.

11. SECOND READING of Ordinance No. 19-59, an ordinance approving a Preliminary Subdivision Plat request by Grden LLC for Winterbrooke Place containing 263 single family lots on approximately 100.6 acres zoned R-3 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on the north side of Peachblow Road just east of the Belmont Place Subdivision.

12. CONSIDERATION of Ordinance No. 19-60, an ordinance approving a Community Reinvestment Area Agreement and School Compensation Agreement with Innovation Center LLC, Delaware City Schools and Delaware Area Career Center for investment in real property improvements on Parcel 419-220-02-003-005 and declaring and emergency.

13. CONSIDERATION of Ordinance No. 19-61, an ordinance approving a Community Reinvestment Area Agreement and School Compensation Agreement with J. Jill Properties LLC, Delaware City Schools, Delaware Area Career Center and the City of Delaware for investment in real property improvements on a site at 50 West William Street and declaring an emergency.

14. CONSIDERATION of Ordinance No. 19-62, an ordinance regulating and controlling the movement of vehicular traffic in the City of Delaware by designating Vernon Avenue within the City of Delaware Corporation limits from Channing Street to Wallace Drive as a through street and establishing the speed limit to be thirty-five miles per hour.

15. FINANCE DIRECTOR'S REPORT

16. CITY MANAGER'S REPORT

17. COUNCIL COMMENTS

18. **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.

19. ADJOURNMENT

EXECUTIVE SESSION: Mrs. Keller motioned to enter into executive session at 6:50 p.m. This motion was seconded by Mr. Jones and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Following the discussion at 6:58 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Jones and approved by a 7-0 vote.

The regular meeting of Council held October 14, 2019 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Shafer, and Mayor Riggle who presided. The invocation was given by Pastor Beth Gedert with Zion United Church of Christ, followed by the Pledge of Allegiance led by Boy Scout Troop 488 and Cub Scout Pack 490.

Staff Present: John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Darren Shulman, City Attorney, Bill Ferrigno, Public Works Director/City Engineer, Dean Stelzer, Finance Director, Ted Miller, Parks and Natural Resource Director, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on September 23, 2019, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on September 30, 2019, as recorded and transcribed.

Motion: Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held September 23, 2019, seconded by Mr. Rohrer. Motion approved by a 7-0 vote.

Motion: Mr. Browning motioned to approve the Motion Summary of the work session meeting of Council held September 30, 2019, seconded by Mr. Rohrer. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

A. Acceptance of the Motion Summary of the Sister City Advisory Board meeting held on April 9, 2019, as recorded and transcribed.
B. Acceptance of the Motion Summary of the Civil Service Commission Meeting held on August 14, 2019, as recorded and transcribed.
C. Acceptance of the Motion Summary of the Historic Preservation Commission meetings held on July 24, 2019 and August 28, 2019, as recorded and transcribed.

D. Acceptance of the Motion Summary of the Planning Commission meeting held on September 4, 2019, as recorded and transcribed.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Brandi Braun
YMCA of Central Ohio, Chief Strategy Officer
1907 East Leonard Avenue
Columbus, Ohio

Ms. Braun introduced herself to Council and discussed her new role with the YMCA Central Ohio. She discussed that staff met earlier today to discuss feedback with the City of Delaware staff. She informed Council that they are in progress of searching for a new Executive Director.

ITEM 7: COMMITTEE REPORT
Mrs. Keller provided additional information from the meeting that she and Mr. Hellinger attended earlier and discussed that the YMCA is still reevaluating the rates for residents. She discussed that there was a list provided of residents that were to receive rebates.

Vice-Mayor Shafer informed Council that there will be a Parking and Safety meeting on October 21 at 6 p.m.

Mayor Riggle informed Council that there was a Sister City Meeting held recently.

ITEM 8: RESOLUTION NO. 19-40 [Fourth Reading]
A RESOLUTION ADOPTING THE 2020-2024 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

The Clerk read the resolution for the fourth time.

Motion: Mr. Jones motioned to adopt Resolution No. 19-40, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 9: RESOLUTION NO. 19-47 [First Reading]
A RESOLUTION ESTABLISHING GUIDELINES FOR PROPOSED DEVELOPER INITIATED NEW COMMUNITY AUTHORITIES.

The Clerk read the resolution for the first time.

Motion: Mr. Jones motioned to adopt Resolution No. 19-47, seconded by Vice-Mayor Shafer. Mr. Hellinger voiced concerns regarding the conversion of home owner association charge to a NCA charge language and requested that this continue to a second reading. Mr. Jones withdrew his motion.

ITEM 10: ORDINANCE NO. 19-58 [First Reading]
AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR SAWMILL DELAWARE INVESTMENTS TO CONSTRUCT A NEW BUILDING (INNOVATION CENTER) AT 109 INNOVATION COURT ON APPROXIMATELY 6 ACRES ZONED M-1 PMU

(LIGHT MANUFACTURING DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT).

The Clerk read the ordinance for the first time.

APPLICANT:
John Lewis
1036 Hills-Miller Rd
Delaware, Ohio

Amy Biondi-Huffman
8400 Industrial Pkwy
Plain City, Ohio

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 19-58, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 19-58, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 19-59 [First Reading]
AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT REQUEST BY GRDEN LLC FOR WINTERBROOKE PLACE CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES ZONED R-3 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION.

The Clerk read the ordinance for the first time.

APPLICANT:
Bob Grden
10590 Wellington Blvd
Powell, Ohio

Mike Shade
P.O. Box 438
Delaware, Ohio

Mayor Riggle informed Council of concerns that were voiced by the Planning Commission at October 2, 2019 meeting regarding the electrical easement and the amount of open space. She discussed the concern of the open space being located by retention ponds and a driving circle. Mr. Efland discussed the distance from the retention pond to the designated tot lot and the potential need for fencing around the ponds. Mrs. Keller voiced concerns regarding the lot sizes.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-59, seconded by Mr. Jones. Motion failed by a 4-3 vote.

ITEM 12: CITY MANAGER'S REPORT
Mr. Homan discussed recommendations regarding the summer aquatics program which was provided in the packet. The State Capital Budget instructions will be coming out soon and staff will be looking to see what can be submitted for community programs. He also discussed that

based on the current population estimates that the City is entitled to one additional member from the City to represent on the MORPC Board. Mr. Jones recommended having a business leader represent on the board. Mr. Homan reminded Council of the APA celebration in the City.

ITEM 13: COUNCIL COMMENTS

Mr. Jones informed staff that he received a complaint that motorcycles on Houk Road are not able to activate the sensors to change the traffic signals.

Mrs. Keller discussed the guidelines for readings and when Council should suspend the rules. She also discussed the recent zoning meeting that was held by the County over the weekend that had only select council representation and requested that equal invites should be sent to Council in the future.

Mr. Browning thanked staff for their efforts with the October First Friday and the unveiling of the Rutherford B. Hayes statue.

Vice-Mayor Shafer informed Council that he attended the zoning meeting as it was hosted by the Finance Authority, which he is on the board for.

Mayor Riggle voiced a concern over the one-way street from Sandusky to Union by the courthouse and that cars are using both ways. She requested more signage along this area. She stated that she did attend the zoning meeting and was under the assumption that all Council were invited. She thanked Mr. Yoakum for his assistance at the unveiling of the statue.

ITEM 14: 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 met in executive session prior to the meeting.

ITEM 15: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:08 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

PARKING AND SAFETY
MOTION SUMMARY
June 17, 2019

ITEM 1. ROLL CALL

Chairman Shafer called the Parking and Safety Meeting to begin at 6:01 p.m.

Members Present: Councilman Chris Jones, Vice-Chairwoman Lisa Keller and Chairman Kent Shafer

Staff Present: Matt Weber, Deputy City Engineer, John Donahue, Fire Chief, Rob Penrod, Captain, Don Claar, Captain, Kelsey Scott, Economic Development Specialist

ITEM 2. APPROVAL of the Motion Summary of the Parking and Safety Committee meeting held October 15, 2018, as recorded and transcribed.

Motion: Vice-Chairwoman Keller moved to approve the Motion Summary of the Parking and Safety Committee meeting held October 15, 2018, seconded by Councilman Jones. Motion approved by a 3-0 vote.

ITEM 3. APPROVAL of the Motion Summary of the special Parking and Safety Committee meeting held January 7, 2019, as recorded and transcribed.

Motion: Vice-Chairwoman Keller moved to approve the Motion Summary of the special Parking and Safety Committee meeting held January 7, 2019, seconded by Councilman Jones. Motion approved by a 3-0 vote.

ITEM 4. PUBLIC COMMENT

PUBLIC PARTICIPATION:
Brett Latta
376 North Sandusky Street
Delaware, Ohio

Mr. Latta voiced two concerns. The first concern was relating to handicap parking spaces that did not have pavement markings on the ground along Sandusky Street. Captain Claar informed the Committee that a work order had been placed for street markings. The second concern related to the three way

stop signage at Euclid Avenue and Heffner Street and that there are evergreens along Euclid that are blocking the view of the signage. Public Works to investigate the concern.

Dave Brewer
456 Senate Avenue
Delaware, Ohio

Mr. Brewer voiced a concern over the lack of striping along Executive Blvd. He expressed that due to parked cars along both sides of the streets and the heavy amount of traffic there is often cars driving in the other lanes, especially at the curves. He recommended striping to help drivers be aware of their designated lane on the road. Mr. Weber discussed possible traffic modifications including striping and parking ban on one side of the road.

ITEM 5. DISCUSSION of parking restrictions on Oak Hill Avenue at the entrance to Welch Hall on the OWU Campus

Mr. Weber discussed the concern received from Ohio Wesleyan University where drivers have difficulty exiting the parking lot for Welch Hall due to cars parked along Oak Hill. Mr. Weber recommended extended the parking restrictions to the telephone pole and estimate that a couple parking spots will be lost. Captain Penrod discussed expected construction in the area.

Motion: Councilman Jones motioned to recommend parking restrictions along Oak Avenue near Welch Hall at Ohio Wesleyan University campus be brought before Council for a full vote, seconded by Vice-Chairman Keller. Motion approved by a 3-0 vote.

ITEM 6. DISCUSSION and FOLLOW-UP for the one-year trial period parking ban on the north side of West Fountain Avenue, between Forest Avenue and Euclid Avenue, during the school year.

Captain Penrod discussed that this was a follow up item from a request by Council to have a trial period of a parking ban on the north side of West Fountain Avenue during the school year. He informed the Committee that a flyer was sent out to affected residents for feedback and that they received one negative and one positive feedback. The negative feedback recommended the use of permit parking passes as the resident needs to move his vehicle during the school days in the morning. Captain Penrod discussed that the school resource officer has no issues with the parking restrictions and that staff recommends that the parking restrictions remain.

Motion: Councilman Jones recommended that a parking ban along the north side of West Fountain Avenue, between Forest Avenue and Euclid Avenue be

brought before Council for a full vote, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

ITEM 7. DISCUSSION and UPDATE of Passport Parking System and Downtown Parking

Chairman Shafer discussed the need for additional parking in the downtown area, especially with the increase in occupancy in upper floors of buildings. He discussed the need for additional parking during the day for businesses and at night for residential. He informed the Committee that he recommends that staff provide a proposal to Council to raise parking rates and monthly permit fees. He discussed the potential to install parking meters in the free spots in the downtown area as parking enforcement is no longer legally able to mark tires.

Ms. Scott provided an update on the Passport Parking System. She discussed that meters that need repaired are recommended to be replaced with a smart meter that will take change or credit. The discussion of a kiosk system was held for Sandusky Street due to limited space on sidewalks.

ITEM 8. STAFF COMMENTS

ITEM 9. COMMITTEE COMMENTS

Mr. Jones requested if signage was installed for fines for the electric vehicle charging station.

ITEM 10. ADJOURNMENT

Motion: Councilwoman Keller moved to adjourn the meeting, seconded by Chairman Shafer. The Parking and Safety Committee Meeting adjourned at 6:34 p.m.

Kent Shafer, Chairman

Elaine McCloskey, Clerk

SHADE TREE COMMISSION
August 27, 2019
MOTION SUMMARY

ITEM 1. Roll Call

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

Members Present: Melissa Bargar, Grace Martin, Dave Carey, Stan Eddy, Tom Wolber, Becki Wood-Meek, Vice-Chairwoman Shannon Brewster and Chairwoman Wright

Members Absent: Tom Glissman

Staff Present: Doug Richmond, Arborist

Motion to Excuse: Mr. Wolber moved to excuse Mr. Glissman seconded by Mr. Carey. Motion approved with a 8-0 vote.

Chairwoman Wright introduced the new student representative, Grace Martin.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of June 25, 2019 as recorded and transcribed.

Mr. Wolber notified the Commission of a wording change under public comments and the need to change the word hard to harm.

Motion: Mr. Carey moved to approve the Motion Summary for the June 25, 2019 meeting, as corrected, seconded by Ms. Wood-Meek. Motion approved with a 8-0 vote.

ITEM 3. PUBLIC COMMENTS

There was no public comment.

ITEM 4. ARBORIST REPORT

Mr. Richmond reviewed the report and informed the Commission that there was 57 service request received and that there is currently 25 of these requests still outstanding.

Mr. Wolber questioned when planting will occur as we enter the fall season. Mr. Richmond plans for the planting to occur in November and December. Mr. Wolber also discussed the plans to remove two trees at the Rice Property at 50 West William Street. Mr. Richmond discussed that the on tree is an invasive species and the other tree has root rot on the western side of the tree.

Vice-Chairwoman Brewster requested that Mr. Richmond observe the Pennsylvania Avenue and North Sandusky Street intersection. She stated that due to a maple tree and other signage it is difficult to see the stop sign.

Ms. Bargar voiced concerns over maple tree along Central Avenue that appear to be a yellow translucent color. Mr. Richmond discussed that this is due to an iron deficiency most likely related to poor soil and the high amount of rain this spring. He discussed that the City does not typically treat with fertilizer or pests and that these treatments can cause liability issues. The Commission discussed options to fertilize with root injections. Mr. Richmond discussed the difficulty accessing the roots near a street and a private property and the cost.

ITEM 5. STAFF COMMENTS

ITEM 6. MEMBER COMMENTS

Mr. Carey discussed ideas on how to provide community outreach regarding volcano mulching and education on planting trees too high in the soil. Ms. Bargar recommended a flyer on proper techniques be placed in the utility bill or the quarterly newsletter. The Commission discussed having a video placed on the website and social media. Ms. Wood-Meek volunteered to coordinate the video with city staff.

Mr. Wolber provided information on the upcoming Park Planning Meeting that is being held by Councilwoman Lisa Keller and Parks and Natural Resource Director Ted Miller. The Clerk will send the invitation to the meeting to the Commission.

ITEM 7. PLAN REVIEWS

A. Springer Woods – Phase 2 & 3 – Approved with different species quantities
B. Coughlin's Crossing – Phase 2 – Approved as proposed
C. Evans Farm – Informational Only

ITEM 9. ADJOURNMENT

Motion: Mr. Wolber moved to adjourn the meeting, seconded by Vice-Chairwoman Brewster. The Shade Tree Commission meeting adjourned at 7:26 p.m.

Shannon Brewster

Chairperson

Elaine McCarthy

Clerk

HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
September 25, 2019

ITEM 1. Roll Call

Chairman Hatten called the Historic Preservation Commission meeting to order at 6:30 p.m.

Members Present: Cara Hering, Erinn Nicley, Sherry Riviera, Stephanie Van Gundy, Vice-Chairman Joe Coleman and Chairman Mark Hatten

Members Absent: Councilman Kyle Rohrer

Staff Present: Dianne Guenther, Development Planner

Motion to Excuse: Mr. Nicley motioned to excuse Councilman Rohrer, seconded by Ms. Riviera. Motion approved by a 6-0 vote.

ITEM 2. ELECTION OF OFFICERS
A. Chairperson

Motion: Ms. Van Gundy motioned to elect Mr. Nicely as Chairperson, seconded by Ms. Riviera. Mr. Nicely declined the nomination and Ms. Van Gundy withdrew her motion.

Motion: Vice-Chairman Coleman motioned to nominate Mr. Hatten as Chairperson, seconded by Mr. Niceley. Motion approved by a 5-1 (VanGundy) vote.

B. Vice-Chairperson

Motion: Mr. Nicley motioned to nominate Mr. Coleman as Vice-Chairman, seconded by Ms. Hering. Motion approved by a 6-0 vote.

ITEM 3. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on July 24, 2019 as recorded and transcribed.

Motion: Ms. Riviera motioned to approve the Motion Summary of the Historic Preservation Commission meeting held on July 24, 2019, as recorded and transcribed, seconded by Ms. Hering. Motion approved by a 4-0-2 (Nicley, Hatten) vote.

ITEM 4. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on August 28, 2019 as recorded and transcribed.

Motion: Mr. Nicley motioned to approve the Motion Summary of the Historic Preservation Commission meeting held on August 28, 2019, as recorded and transcribed, seconded by Ms. Riviera. Motion approved by a 4-0-2 (Van Gundy, Coleman) vote.

ITEM 5. REGULAR BUSINESS

A. 2018-2725: A request by Stacy and Dan Stultz for an Informal Review for a proposed façade renovation at 53 North Sandusky Street, which is, zoned B-2 (Central Business District) and located in the Downtown Core of the Downtown Historic District Overlay.

Ms. Guenther reviewed background information on the property and that it is the south storefront of a contributing building in the National Register Sandusky Street Historic District. The property was recently purchased in 2017 by the applicants, who rehabilitated the first floor to establish their new business, an events venue called "Gather" in late 2018. She reviewed their plans to renovate the exterior of the building and improve the appearance of the existing aluminum storefront. She reviewed the applicants plans to:

a. Install wood transom-style windows with wood trim above storefront canopy and paint wood surfaces
b. Replace canopy roof
c. Remove aluminum column panels to expose underlying brick columns and repair brick and mortar on columns as needed
d. Improve storefront brick face base by installing inset wood panels
e. Paint aluminum mill finish on storefront window trim and entry door
f. Replace exterior aluminum entry door to the second floor with a wood entry door with 50% glass
g. Repair roofline area.

APPLICANT:
Stacy and Dan Stultz
200 North Franklin Street
Delaware, Ohio

Chairman Hatten discussed the Architectural Standards that prohibit canopies in the Downtown District and that if doing work to storefront then it should be brought up to code/standards.

Mr. Stultz voiced a question if the current right-side position of the entry door would be a problem. Vice-Chairman Coleman discussed that the placement of door is not an issue. Mr. Stultz discussed other locations that currently have a canopy.

The Commission discussed the removal of the canopy with the Applicants. Mr. Stultz voiced his agreement to remove canopy if able. He discussed the steel beams above and below the canopy. Mrs. Stultz discussed the current storefront base brick and that it is not the original brick. She discussed the preference to trim with wood panels. The Applicants discussed removing the aluminum column panels to expose the brick, but they are unaware of the current condition of the bricks. Chairman Hatten discussed that they could wrap the brick panels with wood that might add some depth and dimensions to the area if the brick is not in good condition. Chairman Hatten discussed the option to have an awning. Mrs. Stultz discussed if the canopy is removed, they would probably prefer the flat front. Chairman Hatten did inform that the Applicant could apply for an awning at a later date. The Applicants requested information on the colors that are allowed. The Commission discussed the standards that discuss non-garish colors.

PUBLIC COMMENTS:
Steve and Judy Hartman
4 North Sandusky Street
Delaware, Ohio

Mr. Hartman discussed that he recently purchased 4 North Sandusky Street and will be coming before the Commission in an upcoming meeting. He discussed attending the meeting to watch the proceedings and understand the standards. He informed the Commission of his plan to punch out the two current windows that face William Street and questioned if he could add a third window. The Commission discussed their concerns that a third window could be where a ghost sign is on the building. Ms. Guenther recommended that they bring before the Commission their application at a future meeting to allow for the Commission to have full understanding of their plans and requests.

B. DISCUSSIONS/PRESENTATIONS

(1) Fiberglass-Clad Windows –

Ms. Van Gundy discussed the original request to consider fiberglass-clad windows in the Historic District and that it would provide a new material option and more affordable opportunities to owners. She also discussed that this window has been approved in other historic areas. She reviewed what was learned at the presentation by the Marvin Windows Representative regarding the windows.

Ms. Riviera clarified that if property owners used fiberglass windows then they would not qualify for the façade improvement grant, but still gives owners the option to have a different type of savings.

Ms. Hering voiced her support of the fiberglass windows and is comfortable with the due diligence of other communities for use in standards.

Vice-Chairman Coleman discussed the need to determine from the list provided by the Marvin Representative to which windows are built to last and which ones are economy windows.

Chairman Hatten discussed the need to follow the standards that are set by U.S. Secretary and Interior and that the current standards have been successful for the past 20 years and other property owners have had to follow these same standards. He discussed that there has only been one case that requested this in the past.

Vice-Chairman Coleman discussed being open to the idea of the fiberglass windows, but would like more information and evidence that the materials are holding up. Mr. Nicley discussed the difference of opinions on the Commission regarding the windows and feels that the Commission should take some time to see how the product holds up. Ms. Hering recommended reaching out to connections at the State Historic Preservation Office on the status of fiberglass windows. Mr. Nicley recommended reaching out to other Commissions that have approved the windows and what their process was. The Commission was in agreement to allow the topic to remain on the table for further discussion.

(2) Expansion of the Historic District Overlay on the East Side of Delaware

The Clerk informed the Commission that this topic of discussion was brought up at the September 23, 2019 Council meeting, in which Council voiced their agreement to not continue discussions regarding the expansion of the Historic District Overlay on the east side of Delaware are this time.

ITEM 6. STAFF COMMENTS

Ms. Guenther informed the Commission of the 2019 Great Places in America award received by the Planning Department by American Planning Association and also that the 2019 Heritage Ohio Annual Conference will be held October 21-23 in Newark, Ohio.

ITEM 7. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Nicley, Ms. Van Gundy, and Vice-Chairman Coleman informed the Commission that they will be unable to attend the October meeting.

Ms. Riviera questioned the standards relating to no new canopies in the district and the difference in repairing and required to remove.

Chairman Hatten discussed the standards for lighting and LED bulbs.

ITEM 8. NEXT REGULAR MEETING: October 23, 2019

ITEM 9. ADJOURNMENT

Motion: Mr. Nicley moved to adjourn the meeting, seconded by Ms. Van Gundy. The Historic Preservation Commission meeting adjourned at 8:20 p.m.

Chairperson

Elaine McCloskey, Clerk

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 10 | DATE: 10/28/2019

ORDINANCE NO: | RESOLUTION NO: 19-47

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 ESTABLISHING GUIDELINES FOR PROPOSED DEVELOPER INITIATED NEW COMMUNITY AUTHORITIES.

BACKGROUND:
10/28/2019 UPDATE: At the October 14th Council meeting, Councilman Hellinger expressed concerns about Section 5 of the proposed guidelines. If Council wishes to make an amendment to strike that section, staff believes it would have minimal impact on the rest of the guidelines.

10/14/2019: City council directed Staff and a working group from Council (Councilman Jones and Councilman Shafer) to work on drafting guidelines related to any future proposed developer driven New Community Authority (NCA) in order to provide a framework for and basic expectations to developers as well as the administration and Staff when considering such proposals.

REASON WHY LEGISLATION IS NEEDED:
Proposed are guidelines for developer driven NCA's. The guidelines are indeed just that – guidelines rather than law. They are intended to help developers understand the foundational expectations of the city for developer driven NCA's, assist the Administration in working with the developer in this regard and allow City Council a basis from which to begin to evaluate a proposed NCA. City Council would reserve the right to evaluate any and all proposed NCA on a case

by case basis as they deem appropriate to the request. However, setting a basis for expectations would provide needed guidance to all parties involved.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
These are new policy guidelines.

PRESENTER(S):
Councilman Shafer
Councilman Jones
Darren Shulman, City Attorney
Dave Efland, Planning and Community Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)

RESOLUTION NO. 19-47

A RESOLUTION ESTABLISHING GUIDELINES FOR PROPOSED DEVELOPER INITIATED NEW COMMUNITY AUTHORITIES.

WHEREAS, a New Community Authority (NCA) is a development tool in which a charge is placed on property and used to pay for development expenses; and

WHEREAS, this charge appears on residents' property tax bill which can impact residents' view of their city tax burden and lead to calls to the city asking about the charge; and

WHEREAS, the City of Delaware currently has two city initiated New Community Authorities to pay for infrastructure installed by the City; and

WHEREAS, City Council desires to establish guidelines for future developer initiated NCAs to provide advance notice to developers, and

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

SECTION 1. City Council will apply the following guidelines in evaluating requests to establish a New Community Authority. Council may deviate from these guidelines if it is in the best interest of the City:

1. NCA will not generally be approved to reimburse for building cost of items already built/installed.

2. NCA will not be approved to reimburse for the cost of items typically required to be paid by developer, including but not limited to on-site local roads and utility lines.

3. The City will consider approving NCAs to cover amenities and infrastructure which have demonstrable utility above and beyond that which is required for the development as determined by the City. Amenities and infrastructure must have a recognizable direct value to the residents living in the authority or consist of major pieces of public infrastructure that have utility for more than just the development as determined by the City Council.

4. Length of time: City prefers NCAs with a time limit that has the effect of eliminating the additional charge sooner rather than later.

5. The City will consider proposals to convert a home owner association (HOA) charge to a single New Community Authority (NCA) charge that is the same or lower total charge overall. The purpose is to allow an HOA to be converted to an NCA which could produce tax benefits for purposes of holding land while not increasing (and hopefully decreasing) the previous HOA fee.

6. The City may approve primarily residential new community authorities containing a preferred minimum of 100 total gross acres. Because of the nature of the development, mixed use or commercial/industrial authorities may be smaller as determined by City Council.

7. Amount: The city prefers NCA millage to be 5 mills or less. If a millage above this amount is proposed extraordinary circumstances and supporting reasoning shall be documented by the developer in the request. In these cases, the City may approve millage up to 7.5 mills.

8. Disclosure: The city requires disclosure to potential renters, property owners, and other effected parties of the NCA charge. This can be recorded separately upon the property and deed or as otherwise required in the sole discretion and direction of the city.

9. The City will not approve developer initiated NCAs in areas where a City NCA is contemplated, unless the NCA addresses the City's infrastructure needs.

SECTION 2. City Council will periodically review these guidelines to address changing conditions.

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

PASSED: _____, 2019 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 11 | DATE: 10/28/2019

ORDINANCE NO: 19-59 | 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 PRELIMINARY SUBDIVISION PLAT REQUEST BY GRDEN LLC FOR WINTERBROOKE PLACE CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES ZONED R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION.

BACKGROUND:
See attached report

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Chapter 1111 Subdivision Regulations.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 4-3 on October 2, 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.

ATTACHMENT(S)
See attached

ORDINANCE NO. 19-59

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT REQUEST BY GRDEN LLC FOR WINTERBROOKE PLACE CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES ZONED R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION.

WHEREAS, the Planning Commission at its meeting of October 2, 2019 recommended approval of a Preliminary Subdivision Plat request by Grden LLC., for Winterbrooke Place containing 263 single family lots on approximately 100.6 acres zoned R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on the north side of Peachblow Road just east of the Belmont Place Subdivision (PC Case 2019-2136).

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

SECTION 1. That the Preliminary Subdivision Plat request by Grden LLC., for Winterbrooke Place containing 263 single family lots on approximately 100.6 acres zoned R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on the north side of Peachblow Road just east of the Belmont Place Subdivision, 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 developer shall be responsible for any improvements and/or financial obligations of the traffic impact study per the City Engineer and County Engineer.
3. The primary access to the development shall be from Peachblow Road at a proposed roundabout to be constructed in the future by the Delaware County Engineer (a fair share amount would be paid by developer per the County's requirements) for the subject development and the proposed developments located south of Peachblow Road in the County. If the County Engineer does not construct the proposed

the roundabout prior to the developer initiating construction of the subject development, the proposed access point to Peachblow Road shall be a traditional intersection with a stop sign.

4. All retention ponds shall be setback from a public road per the City Engineer.
5. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
6. The single-family houses shall comply with the minimum architectural standards in the approved development text and per applicable sections of the current zoning code.
7. All the active open space areas shall have amenities approved by staff and the tot lots shall be exceptionally well programed and appointed with a variety of amenities across the development including areas for active field space. The final details of each tot lot and active open spaces shall be reviewed and approved with every Final Development Plan and Final Subdivision Plat. All open spaces shall be owned and maintained by the homeowner's association but allow public access.
8. A minimum 3-6-foot-high mound with landscaping shall be located along both sides of Winterbourne Drive to be consistent with the roadway treatment in the Communities of Glenross and a 3-6 high mound with landscaping shall be located along Peachblow Road to be consistent with the treatment along Belmont Place.
9. Along the eastern property line adjacent to the existing single-family house, a buffer shall be established that would require a 5 to 6 high mound with a continuous screen of landscaping with minimum 6-foot-high evergreen trees planted 20 feet on-center in staggered alignment. The setback shall range from 25 feet at lot 220 to 230 feet at lot 227 (on the Preliminary Subdivision Plat) per the approved plan in Ordinance 19-31.
10. Along the northeastern and north property line to existing single family house, the setback and buffering from lot 220 (east) to lot 215 (north) (on the Preliminary Subdivision Plat) shall have a 25 foot setback that shall require a 3 to 4 high mound with a continuous screen of landscaping with minimum 6 foot high evergreen trees planted 20 feet on-center in staggered alignment per the approved plan in Ordinance 19-31.
11. A street tree plan shall be submitted and approved by the Shade Tree Commission.
12. Any tree removal and/or replacement requirements shall achieve compliance with the approved development text.

13. The existing tree lines along the north and eastern perimeters of the development shall be preserved and placed in a tree preservation easement along with the preserved trees located west of Winterbourne Drive.
14. The bike paths along both sides of Winterbourne Drive and the north side of Peachblow Road shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner's Association.
15. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval of each phase.
16. The development shall be in the Delaware South New Community Authority, subject to the single-family lot transportation fee ($1,000 per dwelling unit) in effect at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of $3,200 per dwelling units.
17. For the 52-foot-wide lots, one-story houses shall be a minimum 1,600 square feet and the two-story houses shall be a minimum1,800 square feet to be consistent with the smaller width lots in the Communities at Glenross.
18. The developer is identifying storm sewer easements in open space areas (reserve areas) that requires mounding, tree planting and/or tree preservation per the landscape and tree preservation plans of the approved Preliminary Development Plan. These easements shall be relocated in rear yard of the adjacent single-family lots or the developer shall receive permission from the Utility, Engineering and Planning departments to allow mounding and trees within these storm water easements.
19. Lot 127 shall be widened to a minimum 106 feet (80 feet x 33% = 26 feet additional lot width) to achieve compliance with minimum corner lot width requirements.
20. Winterbourne Drive shall be extended to the northern property line (to connect with the Communities at Glenross) prior to building permit approval of the 208 single family lot (currently Phase 6 of the proposed development) per the City Engineer.

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

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CITY OF
DELAWARE
OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2019-2136
REQUEST: Preliminary Subdivision Plat
PROJECT: Winterbrooke Place
MEETING DATE: October 2, 2019

APPLICANT/OWNER
Grden LLC
10590 Wellington Place
Powell, Ohio 43065

REQUESTS
2019-2136: A request by Grden LLC for approval of a Preliminary Subdivision Plat for Winterbrooke Place containing 263 single family lots on approximately 102.1 acres zoned R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on the north side of Peachblow Road just east of the Belmont Place Subdivision.

PROPERTY LOCATION & DESCRIPTION
The subject four parcels are located on the north side of Peachblow Road just east of the Belmont Place development and south of the Communities at Glenross development. The property to the north is zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and the property to the west is zoned PO/I PMU (Planned Office/Institutional District with a Planned Mixed Use Overlay District) in the City and the property to the east is zoned PRD (Planned Residential District) and the properties to the south are zoned FR-1 and PID (Planned Industrial District) in the township.

BACKGROUND/PROPOSAL
In June 2019, City Council approved a Rezoning Amendment, Conditional Use Permit and Preliminary Development Plan (Ordinances 19-29-31 respectively) for the subdivision. Also, the City accepted the annexation (Ordinance 19-32) of the subject property in June 2019.

Now the developer is requesting Preliminary Subdivision Plat approval for the 263 single family lots on approximately 102.1 acres for a density of 2.575 units per acre with just over 25% open space (25.5 acres). Primary access to the site would be from Peachblow Road at a proposed roundabout to be constructed by the Delaware County Engineer for the subject development and the proposed Berlin Meadows development located south of Peachblow Road in the County while secondary access would be from Belmont Place Subdivision to the west (to be constructed in Phase 1 of the development) and from Communities at Glenross to north through Winterbourne Drive (the date of the completion of the Communities at Glenross is unknown at this point).

STAFF ANALYSIS

- **ZONING:** The developer rezoned the property to R-3 PMU (Planned Mixed Use Overlay District) with development text to allow greater flexibility and creativity in the layout of the development, create active and passive open space and to be consistent with the Communities at Glencross south of Cheshire Road (zoned R-2 PMU with a density of approximately 2.31 units per acre) located to the north and Belmont Place (zone R-3 PMU with a density of approximately 2.75 units per acre in Sections 1-5) located to the east are both planned districts with similar uses and densities.
- **ENGINEERING** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review.

  The developer is identifying storm sewer easements in open space areas (reserve areas) that requires mounding, tree planting and/or tree preservation per the landscape and tree preservation plans of the approved Preliminary Development Plan. These easements shall be relocated in rear yard of the adjacent single-family lots or the developer shall receive permission from the Utility, Engineering and Planning Departments to allow mounding and trees within these storm water easements.
- **ROADS AND TRAFFIC**: The proposed development requires a traffic impact study that would need to be approved by the City and the County (Peachblow Road is township road which is under county jurisdiction). The developer would be responsible for any improvements and/or financial obligations the subject residential development would have in the area per the City and/or County Engineer.

The primary access to the site would be from Peachblow Road at a proposed roundabout to be constructed in the future by the Delaware County Engineer (a fair share amount would be paid by developer per the County's requirements) for the subject development and the proposed developments located south of Peachblow Road in the County while secondary access would be from the Belmont Place Subdivision to the west through Ensigns Lane (to be constructed in Phase 1 of the subject development) and from the Communities at Glenross to the north through Winterbourne Drive (the date of the completion of the Communities at Glenross is unknown at this point). If the County Engineer does not construct the proposed roundabout prior to the developer initiating construction of the subject development, the proposed access point to Peachblow Road would be a traditional intersection with a stop sign.

Internally, the single access point from Peachblow Road would be extended north to connect with Winterbourne Drive in the Communities at Glenross Subdivision. Winterbourne Drive has not been extended to the subject developer's northern property line (from the Communities at Glencross) at the current time but is part of the plan. The developer shall extend Winterbourne Drive to the northern property line prior to building permit approval of the 208 single family lot (currently Phase 6) per the City Engineer. This road is a non-loaded connector road per the City Thoroughfare Plan. A secondary connection would be made to the west to connect an internal residential street to the Belmont Place Subdivision through the Ohio Health property. The Ohio Health panhandle lot could provide an access road to be extended from Peachblow Road north to the proposed future hospital location and maybe constructed in the future if needed. Also, an internal street would be stubbed to the property to the east (future Evans Farm development). The remainder of the streets would be residential in nature and would have to be constructed to public standards and achieve compliance with the minimum engineering requirements. Also, the development shall be in the Delaware South New Community Authority, subject to the single-family lot transportation fee ($1,000 per dwelling unit) in effect at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of $3,200 per dwelling units.

- **SITE LAYOUT:** The layout is designed around the location of Winterborne Drive connection to the Communities at Glenross (along the northern portion of the subject site) that extends south to Peachblow Road with single family lots located east and west of the spine road. Of the proposed 263 single family lots, the developer is proposing 106 single family lots located east of Winterbourne Drive and 157 single family lots located west of Winterbourne Drive. The site is further complicated by being bisected by an overhead electric transmission easement that is 150 feet wide.

  The developer is proposing 263 single family lots with 21 of the lots being 80 x130 (10,400 square feet), 130 lots being 65 x130 (8,450 square feet) and 112 lots being 52 x 130 (6,760). More specifically on the 106 single family lots located on the east side of Winterbourne Drive, there would be 41- 65x130 (8,450 square feet) lots located along the northeastern portion of the site adjacent to the Communities at Glenross and 65-52x130 (6,760 square feet) lots located just north of Peachblow Road. Of the 157 lots west of Winterbourne Drive, there would be 21- 80x130 (10,400 square feet) lots located along the northwestern portion of the site adjacent to the Communities at Glenross, 89-65x130 (8,450 square feet) lots located just east of the Belmont Place Subdivision and 47-52x130 (6,760 square feet) lots located just north of Peachblow Road.

  In the proposed development, the front yard setback would be a minimum 25 feet for all lots and the minimum rear yard setback would be 30 feet for all lots. The side yard setbacks for 80-foot-wide lots would be 7.5 feet (15 feet total), for 65 foot lots would be 6.5 feet (13 feet total) and for 52 foot lots would be 5 feet (10 feet total). Patios, decks and other exterior improvements can extend 15 feet into the 30-foot rear yard setback per the approved development text. The minimum house size for an 80-foot-wide lot would be 2,000 square feet, for a 65 foot wide lot would be 1,800 square feet and for a 52 foot wide lot would be 1,500 square feet as written in the draft development text. Staff recommends for the 52-foot-wide lots, that one-story houses shall be 1,600 square feet minimum and two-story houses shall be 1,800 square feet minimum to be consistent with the Communities at Glenross smaller width lots. Also, to comply with the base zoning code, all the corner lots would be required to be oversized by 33% from the base lot size. Therefore, lot 127 shall be widened to 106 feet (80 feet x 33% = 26 feet additional lot width) to achieve compliance with minimum corner lot width requirements.

  There are four proposed detention basins located within the development (three along Peachblow Road and one in the northwestern portion of the site) and 150-foot-wide power easement along the extreme southeastern

portion of the site. Also, there are nine reserve areas that total approximately 25.5 acres throughout the development and five of the reserve areas contain active opens space (approximately 14.24 acres) In addition, a landscape buffer with mounds and trees is required along Winterbourne Drive to be consistent with the roadway treatment in the Communities of Glenross while preserving as many trees as possible and a landscape buffer with mounds and trees is required along Peachblow Road to be consistent with the treatment along Belmont Place. Also, mounding and landscaping shall be required adjacent to the existing single-family house to the southwest per the development text and approved plan. Per Ordinance 19-31 this specifically includes buffering along the eastern property line adjacent to the existing house to be established that would require a 5 to 6 high mound with a continuous screen of landscaping with minimum 6-foot-high evergreen trees planted 20 feet on-center in staggered alignment. The setback shall range shall be from 25 feet at lot 220 to 230 feet at lot 227 (on the Preliminary Subdivision Plat). Also, the setback and buffering from lot 220 (northeast) to lot 215 (north) (on the Preliminary Subdivision Plat) shall have a 25-foot setback that would require a 3 to 4 high mound with a continuous screen of landscaping with minimum 6 foot high evergreen trees planted 20 feet on-center in staggered alignment.

- **DESIGN:** The applicant is proposing specific house design standards for each size lot size (80-foot, 65 foot and 52 foot) and overall design standards for all the houses to be consistent with the adjacent subdivisions of the Communities at Glenrross and Belmont Place. The percentage of natural materials on the front elevations of the 52-foot-wide lots is significantly higher than the 50-foot-wide lots in the Communties at Glenross (25%). The proposed standards would include: 1). 100% natural material on all elevations for 80-foot lots adjacent to the Communities at Glenross; 2.) Minimum 40% natural materials on the front elevations for on all 52- and 65-foot lots; 3.) The exterior elevations of each house excluding garage doors, entrance doors, gutters, shutters, downspouts and windows shall consist of brick, stone, cultured stone, stucco, wood siding or fibrous cement siding (all considered natural materials); 4). All houses shall have a minimum 2 car attached garage; 5). All houses shall have dimensional shingles; 7). All primary roof pitches on front and rear facing gabled elevations shall be a minimum of 5:12. All primary roof pitches on side facing gabled elevations shall be a minimum of 6:12. All other accessory elevations shall be a minimum roof pitch of 3-1/2:12. In addition, all the houses shall comply with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.

- **BIKE PATHS AND PEDESTRIAN ROUTES**: The applicant is proposing a bike path along the north side of Peachblow Road and along both sides of Winterbourne Drive per the City Engineer's requirements to be consistent with the Belmont Place and the Communities at Glenross Subdivisions respectively and achieve compliance with the adopted Bicycle and Pedestrian Master Plan 2027. Also, the applicant is proposing bike paths or sidewalks in all five active open space areas that would connect to the proposed bike path/sidewalk network in the development. Sidewalks will be provided on both sides of all public streets in the subdivision.

- **PARKLAND AND OPEN SPACE**: The proposed plan has 25.5 acres of open space (25%) in nine reserve areas of which approximately 14.22 acres (13.9%) is active park open space which appears to be divided into 5 areas throughout the site. Reserve A (approximately 10.7 acres) is located just east of the main entrance on Peachlow Road which contains two detention basins and a 150-foot-wide overhead power line easement. The amenities include a bike path and benches. Reserve B (approximately 6.0 acres but only around 2.2 is active open space) is considered the primary open space and is located just west of the main entrance into the development and would have amenities such as a shelter house, picnic tables and bocce court and a bike path along Peachblow Road. Reserve E (approximately 0.6 acres) is a third smaller open space located just north of Reserve A and has a sidewalk going through the area. Reserve D (approximately 1.0 acres) is a fourth open space located in the northeastern portion of the development behind lots 71-77 and 18-21. Amenities in this area include a tot lot and a sidewalk connecting two street access points into the open area. Reserve H (approximately 3.9 acres) is a fifth open space area located in the northwestern portion of the development (behind lots 119-141) which includes a detention basin and a tot lot, benches and a sidewalk connection to two street access points into the open space. The tot lots shall be exceptionally well programed and appointed with a variety of amenities across the development including areas for active field space. The final details of each tot lot and active open spaces shall be reviewed and approved with every Final Development Plan and

Final Subdivision Plat. All opens spaces shall be owned and maintained by the homeowner's association but allow public access.

- **TREE PRESERVATION:** Per the submitted tree survey with the Preliminary Development Plan, the applicant is removing 915 caliper inches of trees (107 trees) while the applicant is preserving 1771.5 caliper inches of trees (211 trees). Therefore, the applicant is preserving significantly more trees (856.5 caliper inches) than ones being removed and achieves compliance of the proposed development text and other recently approved PMU's. However, if any trees are removed during construction, the trees would have to be documented and inventoried to ensure they achieve compliance with the approved development text. Staff recommends that utilities should not be located within tree preservation easements and ensure the subject lots impacted could yield a maximum size house with an acceptable deck.
- **UTILITIES:** The site would be serviced by City sanitary sewer and water that would have to be extended by the developer.
- **LIGHTING PLAN:** A lighting plan has not been submitted but would be required for each Final Subdivision Plat approval and would have to achieve compliance with the zoning code and approved by the City.
- **FIRE DEPARTMENT:** The proposed development would need to be capable of supporting and allowing the full maneuverability of the fire department ladder truck along with complying with all other fire department requirements.
- **PHASING:** The applicant has provided a preliminary phasing plan which indicates the site would be developed in seven phases. Phase I (73 lots) would be located just west of Winterbourne Drive fronting Peachblow Road while Phase 2 (29 lots) would be just north of Phase 1. Phase 3 (45 lots) would be east of Winterbourne Drive. Phase 4 (33 lots) would be located north of phase 2. Phase 5 (27 lots) would be located east of Phase 3 while Phase 6 (34 lots) would be located north of Phase 3. Phase 7 (22 lots) would be located north of Phase 4 in the extreme northwestern portion of the site.

STAFF RECOMMENDATION – (2019-2136 PRELIMINARY SUBDIVISION PLAT)

Staff recommends approval of a request by Grden LLC for a Preliminary Subdivision Plat for Winterbrooke Place containing 263 single family lots on approximately 102.1 acres zoned R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on the north side of Peachblow Road just east of the Belmont Place Subdivision, with the following conditions:

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 developer shall be responsible for any improvements and/or financial obligations of the traffic impact study per the City Engineer and County Engineer.
3. The primary access to the development shall be from Peachblow Road at a proposed roundabout to be constructed in the future by the Delaware County Engineer (a fair share amount would be paid by developer per the County's requirements) for the subject development and the proposed developments located south of Peachblow Road in the County. If the County Engineer does not construct the proposed the roundabout prior to the developer initiating construction of the subject development, the proposed access point to Peachblow Road shall be a traditional intersection with a stop sign.
4. All retention ponds shall be setback from a public road per the City Engineer.
5. The lots and houses shall comply with the minimum bulk and setback requirements in the approved development text.
6. The single-family houses shall comply with the minimum architectural standards in the approved development text and per applicable sections of the current zoning code.
7. All the active open space areas shall have amenities approved by staff and the tot lots shall be exceptionally well programed and appointed with a variety of amenities across the development

including areas for active field space. The final details of each tot lot and active open spaces shall be reviewed and approved with every Final Development Plan and Final Subdivision Plat. All open spaces shall be owned and maintained by the homeowner's association but allow public access.

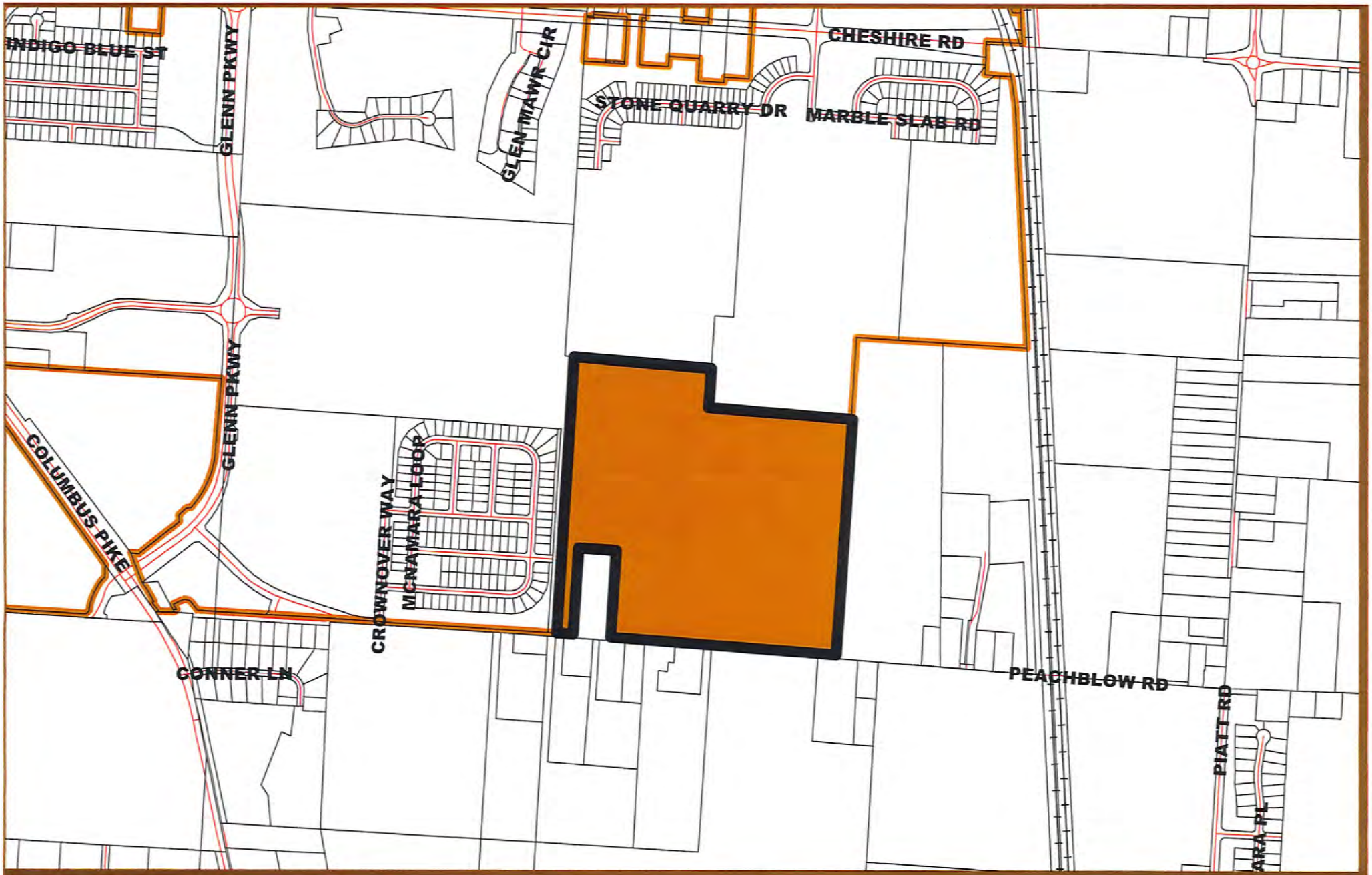
8. A minimum 3-6-foot-high mound with landscaping shall be located along both sides of Winterbourne Drive to be consistent with the roadway treatment in the Communities of Glenross and a 3-6 high mound with landscaping shall be located along Peachblow Road to be consistent with the treatment along Belmont Place.
9. Along the eastern property line adjacent to the existing single-family house, a buffer shall be established that would require a 5 to 6 high mound with a continuous screen of landscaping with minimum 6-foot-high evergreen trees planted 20 feet on-center in staggered alignment. The setback shall range from 25 feet at lot 220 to 230 feet at lot 227 (on the Preliminary Subdivision Plat) per the approved plan in Ordinance 19-31.
10. Along the northeastern and north property line to existing single family house, the setback and buffering from lot 220 (east) to lot 215 (north) (on the Preliminary Subdivision Plat) shall have a 25 foot setback that shall require a 3 to 4 high mound with a continuous screen of landscaping with minimum 6 foot high evergreen trees planted 20 feet on-center in staggered alignment per the approved plan in Ordinance 19-31.
11. A street tree plan shall be submitted and approved by the Shade Tree Commission.
12. Any tree removal and/or replacement requirements shall achieve compliance with the approved development text.
13. The existing tree lines along the north and eastern perimeters of the development shall be preserved and placed in a tree preservation easement along with the preserved trees located west of Winterbourne Drive.
14. The bike paths along both sides of Winterbourne Drive and the north side of Peachblow Road shall be installed by the developer and located within an easement dedicated to the City and shall be maintained by the Homeowner's Association.
15. The street lighting plan shall be submitted, reviewed and approved by the Chief Building Official and achieve compliance with all zoning requirements prior to final subdivision plat approval of each phase.
16. The development shall be in the Delaware South New Community Authority, subject to the single-family lot transportation fee ($1,000 per dwelling unit) in effect at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of $3,200 per dwelling units.
17. For the 52-foot-wide lots, one-story houses shall be a minimum 1,600 square feet and the two-story houses shall be a minimum1,800 square feet to be consistent with the smaller width lots in the Communities at Glenross.
18. The developer is identifying storm sewer easements in open space areas (reserve areas) that requires mounding, tree planting and/or tree preservation per the landscape and tree preservation plans of the approved Preliminary Development Plan. These easements shall be relocated in rear yard of the adjacent single-family lots or the developer shall receive permission from the Utility, Engineering and Planning departments to allow mounding and trees within these storm water easements.
19. Lot 127 shall be widened to a minimum 106 feet (80 feet x 33% = 26 feet additional lot width) to achieve compliance with minimum corner lot width requirements.
20. Winterbourne Drive shall be extended to the northern property line (to connect with the Communities at Glenross) prior to building permit approval of the 208 single family lot (currently Phase 6 of the proposed development) per the City Engineer.

COMMISSION NOTES:

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

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL:
REVISED: 9/26/19



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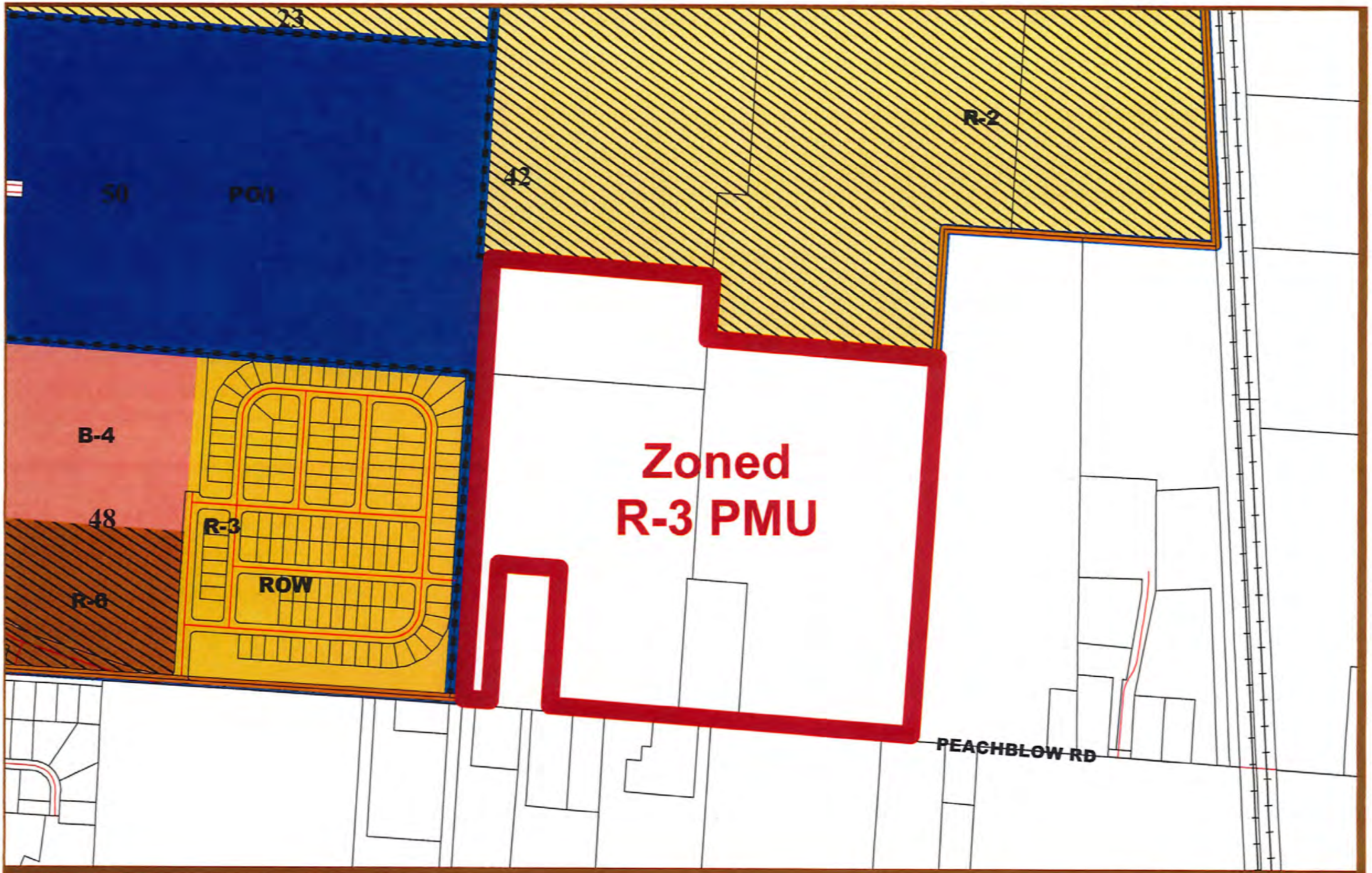
2019-0642
Preliminary Subdivision Plat
Winterbrooke Place - Peachblow Road
Location Map

N



EST 1808
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2019-0642
Preliminary Subdivision Plat
Winterbrooke Place - Peachblow Road
Zoning Map

N

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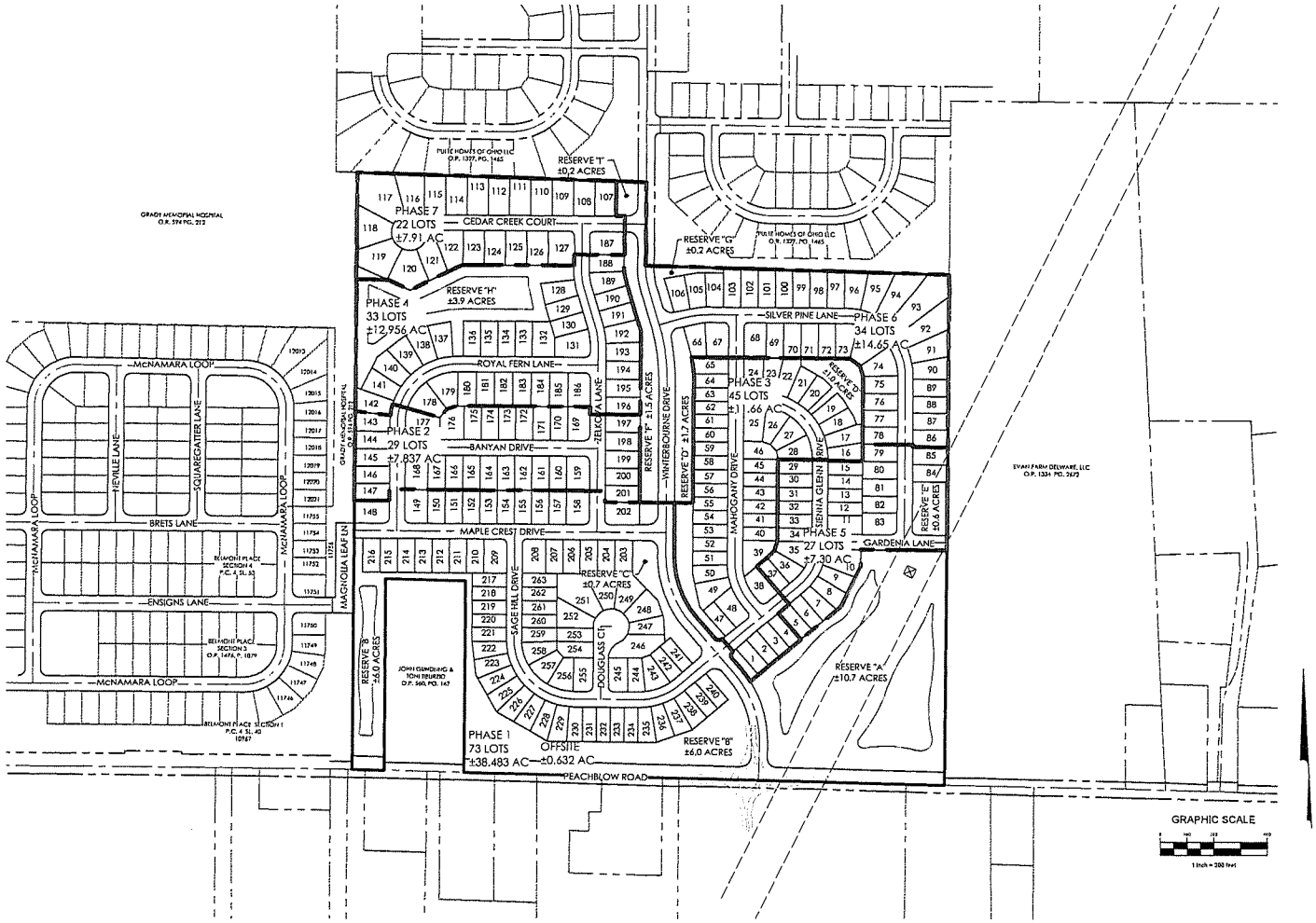
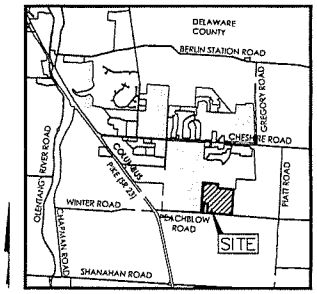
2019-0642
Preliminary Subdivision Plat
Winterbrooke Place - Peachblow Road
Aerial (2016) Map

N





LOCATION MAP
NO SCALE

SITE STATISTICS

ZONING:	PMU / R-3
TOTAL AREA:	±102.1 AC
TOTAL NUMBER OF UNITS:	263
SINGLE FAMILY LOTS:	
52' LOTS (SUB-AREA "A"):	112
65' LOTS (SUB-AREA "B"):	130
80' LOTS (SUB-AREA "C"):	21
TOTAL OPEN SPACE:	±25.5 ACRES (25.0%)
RESERVE "A":	±10.7 ACRES
RESERVE "B":	±6.0 ACRES
RESERVE "C":	±0.7 ACRES
RESERVE "D":	±1.7 ACRES
RESERVE "E":	±0.6 ACRES
RESERVE "F":	±1.5 ACRES
RESERVE "G":	±0.2 ACRES
RESERVE "H":	±3.9 ACRES
RESERVE "I":	±0.2 ACRES
RIGHT OF WAY:	±20.8 AC
GROSS DENSITY: 263 UNITS DIVIDED BY 102.1 GROSS ACRES	±2.56 DU/AC
NET DENSITY: ACREAGE REMOVED: ALL RESERVES (±25.5 ACRES), RIGHT-OF-WAY (±20.8 ACRES). 263 UNITS DIVIDED BY 55.8 NET ACRES	±4.7 DU/AC

NOTES

1. WINTERBROOKE PLACE DEVELOPMENT IS LOCATED WITHIN FLOOD HAZARD ZONE X AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP MAP NUMBER 39041C0255H, EFFECTIVE DATE APRIL 16, 2009.

2. RESERVES "A" THROUGH "I" ARE TO BE OWNED AND MAINTAINED BY THE WINTERBROOKE PLACE PROPERTY HOMEOWNERS ASSOCIATION.

3. STUB STREETS SHALL NOT PERMIT VEHICULAR ACCESS THERETHROUGH AS THE STREET IS DESIGNED IN PLAT OF DEED.

4. SIDEWALKS WILL BE PROVIDED ON BOTH SIDES OF ALL STREETS.

5. THE SANITARY SEWER FOR THE DEVELOPMENT WILL BE PROVIDED BY 2 SEPARATE CONNECTIONS: THE SOUTHERN AREA OF THE SITE WILL CONNECT TO THE WEST TO THE BELMONT PLACE SEWER. THE NORTHERN END OF THE SITE WILL CONNECT TO THE NORTH TO THE COMMUNITIES AT OLENTANGY SEWER.

6. THE WATER WILL CONNECT TO THE WEST TO A 12" MAIN IN BELMONT PLACE AND TO A 12" MAIN TO THE NORTH IN THE COMMUNITIES AT OLENTANGY.

7. ALL STREET NAMES ARE PRELIMINARY AND SUBJECT TO APPROVAL.

8. TEMPORARY TURNAROUNDS SHALL BE PROVIDED FOR ALL PUBLIC STREET STUBS THAT ARE LONGER THAN ONE LOT DEPTH.

9. SEPARATE FINAL DEVELOPMENT PLANS AND FINAL SUBDIVISION PLATS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL FOR EACH RESPECTIVE PHASE AND SECTION.

PC CASE NO. _____-_____ APPROVED BY THE PLANNING COMMISSION ON __/__/__

ORDINANCE NO. _____-_____ APPROVED BY CITY COUNCIL ON __/__/__

APPLICANT NAME, TITLE — DATE

MICHELE KOHLER, CITY CLERK — DATE

DAVID M. EPLAND, AICP, PLANNING & COMMUNITY DEVELOPMENT DIRECTOR — DATE

WILLIAM L. FERRIGNO, P.E., CITY ENGINEER — DATE

REVISIONS	
DATE	DESCRIPTION

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

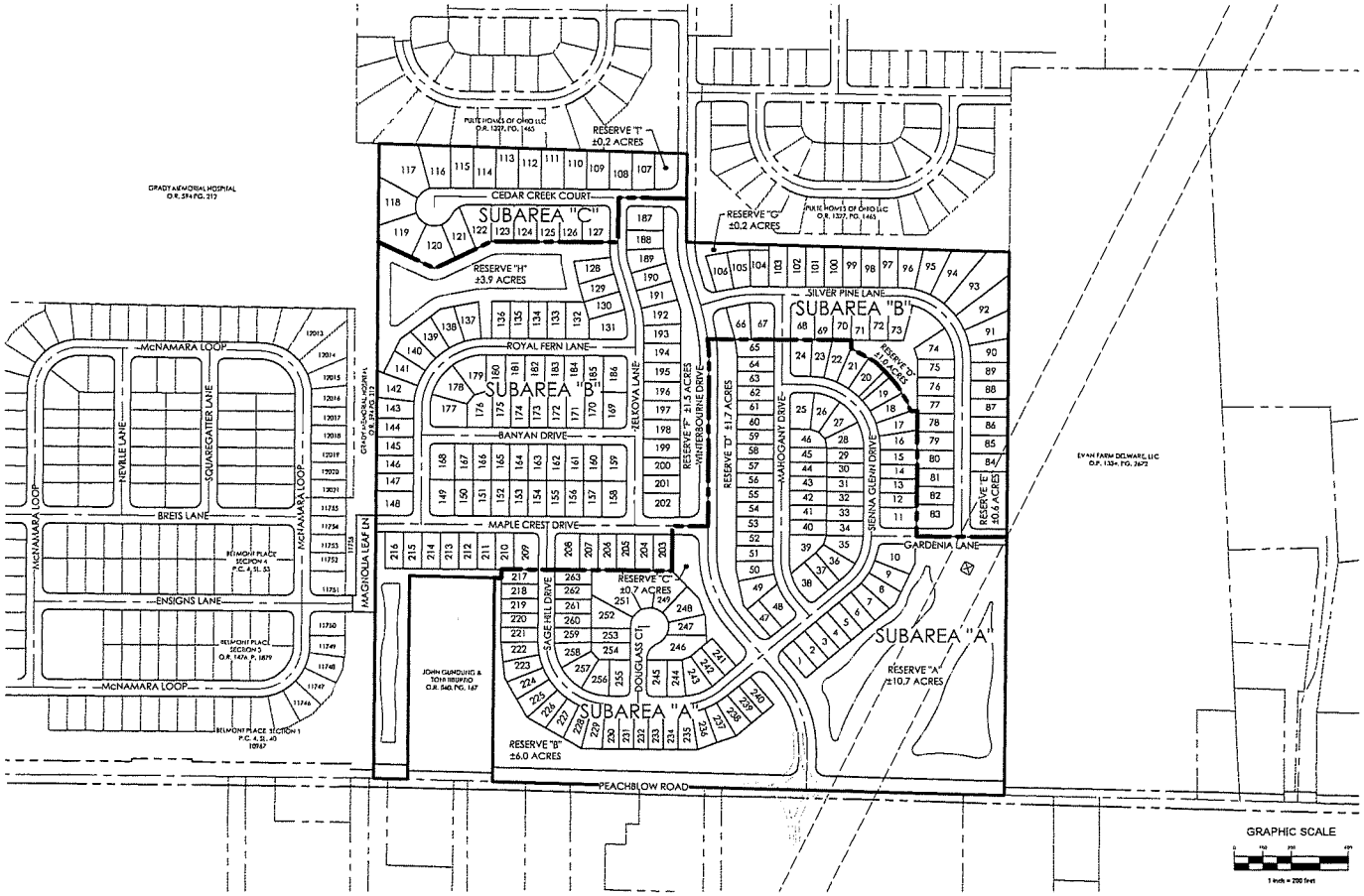
GRDEN LLC.
10590 WELLINGTON BOULEVARD
POWELL, OHIO 43065

CITY OF DELAWARE, DELAWARE COUNTY, OHIO
PRELIMINARY PLAT
FOR
WINTERBROOKE PLACE
INDEX PLAN

LOCATED IN:
LOT NUMBERS 28 AND 29, SECTION 3, TOWNSHIP 4, RANGE 18T
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO

Date	Job No.
SEPTEMBER 11, 2019	20190958
Scale	Sheet
1"=200'	1/5

PRELIMINARY PLAT FOR WINTERBROOKE PLACE



DEVELOPMENT STANDARDS

SUBAREA A (LOTS 1-65 AND 217-263)

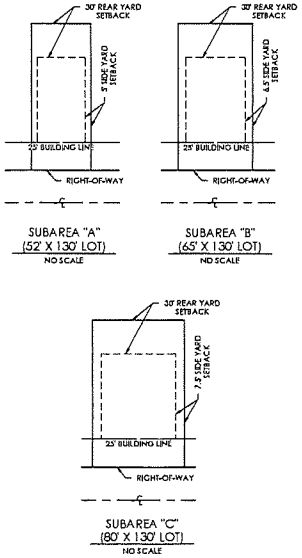
MINIMUM LOT FRONTAGE (BUILDING LINE):	52 FEET
MINIMUM LOT AREA:	6,760 S.F.
MINIMUM FRONT YARD SETBACK:	25 FEET
MINIMUM SIDE YARD SETBACK:	5 FEET (TOTAL 10 FEET)
MINIMUM REAR YARD SETBACK:	30 FEET

SUBAREA B (LOTS 66-106 AND 128-216)

MINIMUM LOT FRONTAGE (BUILDING LINE):	65 FEET
MINIMUM LOT AREA:	8,450 S.F.
MINIMUM FRONT YARD SETBACK:	25 FEET
MINIMUM SIDE YARD SETBACK:	6.5 FEET (TOTAL 13 FEET)
MINIMUM REAR YARD SETBACK:	30 FEET

SUBAREA C (LOTS 107-127)

MINIMUM LOT FRONTAGE (BUILDING LINE):	80 FEET
MINIMUM LOT AREA:	10,400 S.F.
MINIMUM FRONT YARD SETBACK:	25 FEET
MINIMUM SIDE YARD SETBACK:	7.5 FEET (TOTAL 15 FEET)
MINIMUM REAR YARD SETBACK:	30 FEET



REVISIONS	
DATE	DESCRIPTION

EMHT

GRDEN LLC.
10590 WELLINGTON BOULEVARD
POWELL OHIO 43065

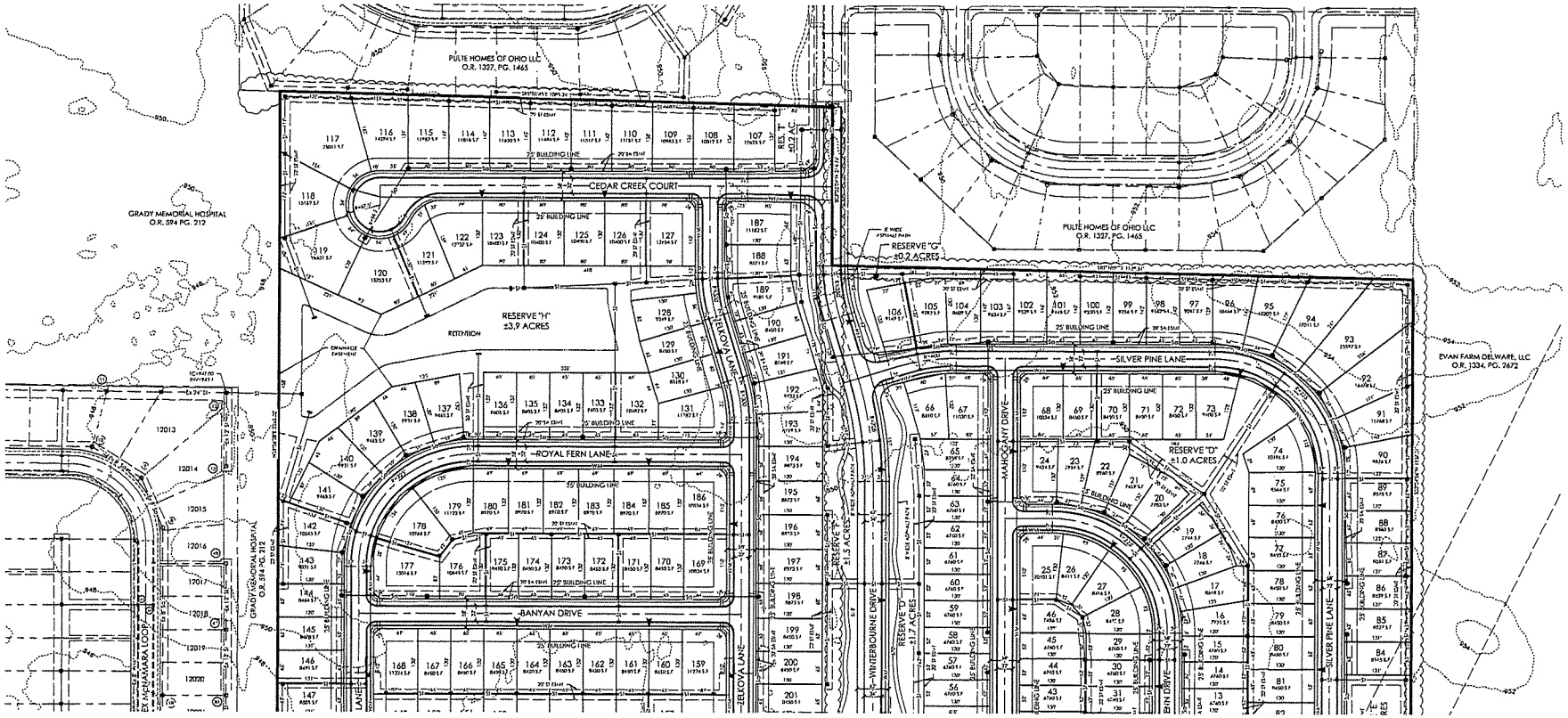
CITY OF DELAWARE, DELAWARE COUNTY, OHIO
PRELIMINARY PLAT
FOR
WINTERBROOKE PLACE
SUBAREA MAP

LOCATED IN:
LOT NUMBERS 28 AND 29, SECTION 3, TOWNSHIP 4, RANGE 18T
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO

Date	Job No
SEPTEMBER 11, 2019	20190958
Scale	Sheet
1"=200'	2/5

PRELIMINARY PLAT FOR WINTERBROOKE PLACE

LEGEND:



GRAPHIC SCALE

1 inch = 100 feet

REVISIONS	
DATE	DESCRIPTION

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10590 WELLINGTON BOULEVARD
POWELL, OHIO 43065

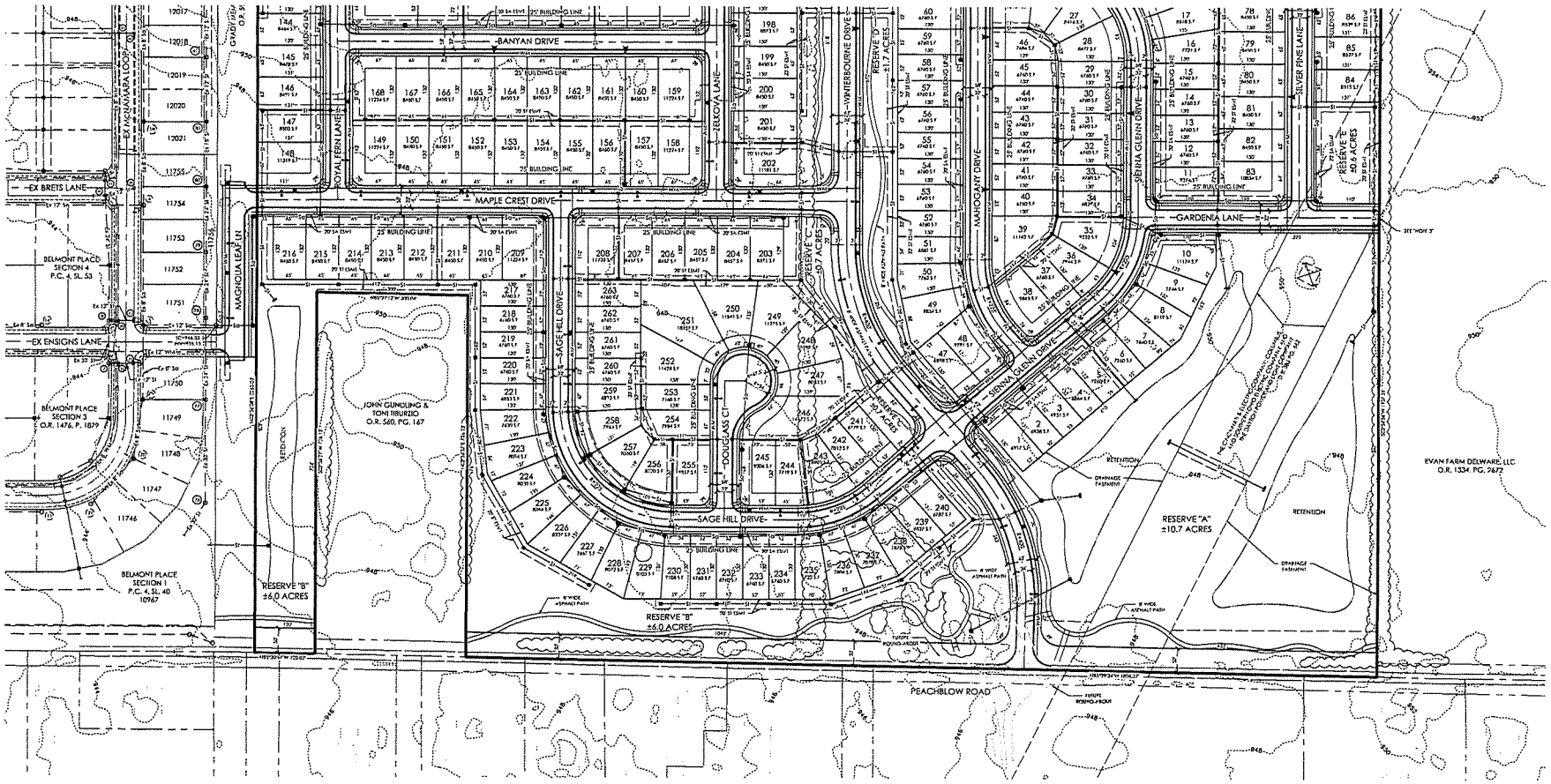
CITY OF DELAWARE, DELAWARE COUNTY, OHIO
PRELIMINARY PLAT
FOR
WINTERBROOKE PLACE
SITE PLAN

LOCATED IN:
LOT NUMBERS 28 AND 29, SECTION 3, TOWNSHIP 4, RANGE 18T
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO

Date	Job No
SEPTEMBER 11, 2019	2019D958
Scale	Sheet
1"=100'	3/5

PRELIMINARY PLAT FOR WINTERBROOKE PLACE

LEGEND:



REVISIONS	
DATE	DESCRIPTION

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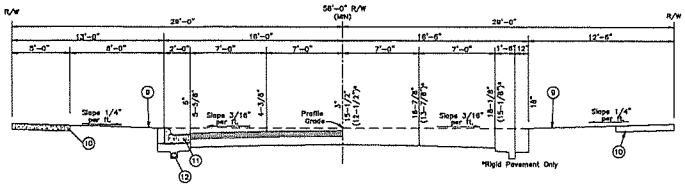
CITY OF DELAWARE . DELAWARE COUNTY . OHIO
PRELIMINARY PLAT
FOR
WINTERBROOKE PLACE
SITE PLAN

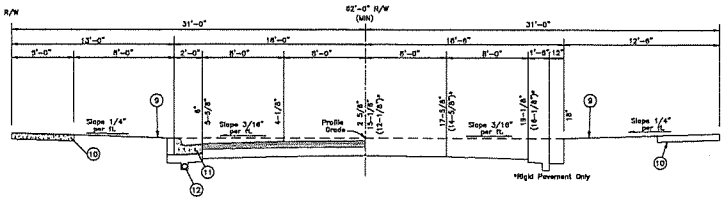
LOCATED IN:
LOT NUMBERS 28 AND 29, SECTION 3, TOWNSHIP 4, RANGE 18T
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO

Date	Job No
SEPTEMBER 11, 2019	2019-0958
Scale	Sheet
1"=100'	4/5

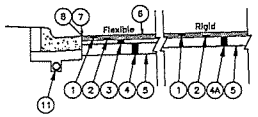
PRELIMINARY PLAT FOR WINTERBROOKE PLACE



TYPICAL 32' B/C TO B/C SECTION (58' R/W) STANDARD CURB)
SCALE: 1"=5'
Per RDWD-1.0

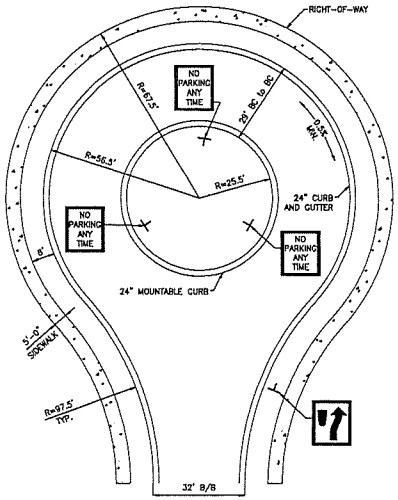


TYPICAL 36' B/C TO B/C SECTION (62' R/W) STANDARD CURB)
SCALE: 1"=5'
Per RDWD-2.0



PAVEMENT LEGEND

1. 1 1/2" Asphalt Concrete, Item 448 Type 1 (Medium Traffic) PG 64-22
2. 2" Asphalt Concrete, Item 448 Type 2 – Intermediate Course (Medium Traffic) PG 64-22
3. 3" Asphalt Concrete Base, Item 301, PG 64-22
4. 6" Aggregate Base, Item 304
4A. 6" Portland Cement Concrete Base, Class 'C', Item 305 Or RCC Supplemental Spec 1523
5. Subgrade compaction, Item 204
6. Asphalt Rejuvenate Per Supplemental SPEC 1540
7. Item 407, Tack Face Of Curb Prior To Paving
8. Item 423, Crack Seal Edge Joints
9. Item 659, Seeding & Mulching (See Erosion and Sedimentation Control Plan)
10. Item 608, 5' Concrete Sidewalk (By Home Builder Unless Otherwise Noted)
11. Concrete Curb & Gutter, Item 609, as per RDWD-20.0
12. 4" Pipe Curb Underdrain, Item 605



TYPICAL CUL-DE-SAC DETAIL
NO SCALE

REVISIONS	
DATE	DESCRIPTION

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
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GRDEN LLC.
10590 WELLINGTON BOULEVARD
POWELL OHIO 43065

CITY OF DELAWARE . DELAWARE COUNTY . OHIO
PRELIMINARY PLAT
FOR
WINTERBROOKE PLACE
TYPICAL SECTIONS

LOCATED IN:
LOT NUMBERS 28 AND 29, SECTION 3, TOWNSHIP 4, RANGE 18T
UNITED STATES MILITARY LANDS
CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO

Date	Job No.
SEPTEMBER 11, 2019	2019-0758
Scale	Sheet
NO SCALE	5/5

PRELIMINARY PLAT FOR WINTERBROOKE PLACE

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

EST 1808 CITY OF DELAWARE OHIO

Project # _____ Case # _____

Planning Commission

- ☐ Amended Final Development Plan
- ☐ Amended Final Subdivision Plat
- ☐ Amended Preliminary Development Plan
- ☐ Amended Preliminary Subdivision Plat
- ☐ Annexation Review
- ☐ Combined Preliminary & Final Development Plan
- ☐ Comprehensive Plan Amendment
- ☐ Concept Plan
- ☐ Conditional Use Permit
- ☐ Determination of Similar Use
- ☐ Development Plan Exemption
- ☐ Final Development Plan
- ☐ Final Development Plan Extension
- ☐ Final Subdivision Plat
- ☐ Final Subdivision Plat Extension
- ☐ Floodplain Permit
- ☐ Lot Split
- ☐ Pre-annexation Agreement
- ☐ Preliminary Development Plan
- ☐ Preliminary Dev Plan Extension
- ☒ Preliminary Sub Plat
- ☐ Preliminary Sub Plat Extension
- ☐ Rezoning
- ☐ Subdivision Variance
- ☐ Substitution of a Non- Conforming Use
- ☐ Vacation-Alley
- ☐ Vacation-Easement
- ☐ Vacation-Street

Board of Zoning Appeals

- ☐ Appeal Administrative Decision or Interpretation
- ☐ Conditional Use Permit
- ☐ Substitution of Equal or Less Non-Conforming Use
- ☐ Variance

Subdivision/Project Name WINTERBROOKE PLACE Address PEACHBLOW ROAD, LEWIS CENTER O

Acreage 100.8 Square Footage _____ Number of Lots 263 Number of Units N/A

Zoning District/Land Use A-1 Proposed Zoning/Land Use R-3 PMD Parcel # 418330010190000, 418330010180000, 418370010180001, 418320010380000

Applicant Name J GRDEN LLC. Contact Person BOB GRDEN

Applicant Address 10590 WELLINGTON BLVD, POWELL OHIO 43065

Phone 614-766-4304 Fax 614-766-2215 E-mail ARLINGTONBUILDERS@COLUMBUS.RR.COM

Owner Name GRDEN LLC. Contact Person BOB GRDEN

Owner Address 10590 WELLINGTON BLVD, POWELL OHIO 43065

Phone 614-766-4304 Fax 614-766-2215 E-mail ARLINGTONBUILDERS@COLUMBUS.RR.COM

Engineer/Architect/Attorney EMH&T Contact Person JEFF STRUNG

Address 5500 NEW ALBANY ROAD, COLUMBUS, OHIO 43054

Phone 614-775-4700 Fax _____ E-mail JSTRUNG@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.

Owner Signature _____ Owner Printed Name _____

Agent Signature _____ Agent Printed Name Robert L. Grden

Sworn to before me and subscribed in my presence this 9th day of September, 2019

Notary Stamp _____ Notary Public _____

TAYLOR CLINE
Notary Public, State of Ohio
My Comm. Expires 05/12/2024
Recorded in Franklin County

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 12 | DATE: 10/28/2019

ORDINANCE NO: 19-60 | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH INNOVATION CENTER LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON PARCEL 419-220-02-003-005 AND DECLARING AN EMERGENCY.

BACKGROUND:
Innovation Center, LLC has submitted an application for a Community Reinvestment Area Tax Abatement for the construction of a new building at 115 Innovation Court, Parcel 41922002003005. Council recently approved the Combined Preliminary and Final Development Plan that was presented in Ordinance No. 19-58 at the October 14 council meeting.

Innovation Center, LLC is proposing the construction of a 60,000 sq. ft. building that is identical to Symmetry II. This request for a CRA is for $3,940,000 in construction of the new building. However, the tax market value of Symmetry II is $2,523,600, so we will use that figure for calculations considering the buildings are identical.

Our success in assisting the Innovation Center, LLC with the construction of the building would allow them to create 25 new FTE employees with a total annual payroll of $1,300,000.

50%/15 year CRA Tax Analysis Comparison				
Project Innovation Center			**8/16/2019**	**Address/Parcel Numbers**
				110 Innovation Court
Projections				
Employees (New)	**25**	Per CRA application		
Employees (Retained)	**0**	Per CRA application		
Payroll (New)	**$1,300,000**	Per CRA application		
Payroll (Retained)	**$0**	Per CRA application		
1.85% Muni Taxes (new)	**$24,050**	per year		
1.85% Muni Taxes (retained)	**$0**	per year		
50% of Muni Taxes (over $1 million new taxes)	**$2,775**	per year		
Real Property Investment	**$4,300,000**	Per CRA application		
Property Acquisition	**$360,000**			
Building Construction	**$3,940,000**			
Site Prep	**$0**			
Personal Property Investment	**$0**	Per CRA application		
F&F	$0	Personal Property		
M&E	$0	Personal Property		
Inventory	$0	Personal Property		

Proposed Incentives:	
	• 50%/15 year CRA; Can increase to 75% IF payroll meets or exceeds $2.35 million in payroll • 50% Income Tax Sharing Between City and Schools IF abatement reaches 75% AND payroll exceeds $1 million
Project Annual Gross Value of 50% Abatement	$33,721.07
Project 15-Year Gross Value of Abatement	$505,816.05
50% School Compensation Per Year IF at 75% abatement	$12,487.50
50% School Compensation Per Year IF at 75% abatement After 15 years	$187,312.50
Net Abatement Value	$505,816.05
Incentives as a % of Total Project Investment	11.8%

Economic Development Incentive Policy Analysis:

These cells will be colored GREEN if the criteria is met or RED if the criteria is not met:

Project is for a target industry	Yes	Spec building to be filled with target industries
Project Hires at Greater than LMI* average wage	Yes	$52,000/year at 25 FTEs with payroll of $1,300,000
Project has a 25% or Greater ROI for City	No	
City ROI	3.84%	Once project achieves $2.35 million payroll, this would increase to 25.14% ROI
Project has a 30% or Greater ROI for School	Yes	
School ROI	100%	
Value of Project Beyond the Analysis		The City currently has very little flexible target industry building inventory. Incentivizing this project is partnering with the developer to allow us to create more target industry jobs.

*LMI (Low to Moderate Income) = $41,000/year per single person household

COMMITTEE RECOMMENDATION:
Tax Incentive Review Council, 8/22/19
VOTE: Approval

FISCAL IMPACT(S):
COST: N/A
FUND SOURCES: N/A
BUDGETED: NO

DEPARTMENTS IMPACTED: Economic Development

POLICY CHANGES:
N/A

PRESENTER(S):
Sean Hughes, Economic Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
CRA School Notification Letters
Incentives Application
CRA Agreement
School Compensation Agreement
Map Exhibit of Building Location

ORDINANCE NO. 19-60

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH INNOVATION CENTER LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON PARCEL 419-220-02-003-005 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution 14-57, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines; and

WHEREAS, the City of Delaware partners with impacted school districts to ensure mutual benefit from economic development projects; and

WHEREAS, the Council of the City of Delaware established an economic development fund to attract, incentive and assist high return on investment projects in the City of Delaware.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware and INNOVATION CENTER LLC meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Delaware City School District, Delaware Area Career Center and INNOVATION CENTER LLC meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and School Compensation for this project.

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

SECTION 5. 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 is necessary to finalize negotiations, 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

EST 1808
CITY OF
DELAWARE
OHIO

September 20, 2019

Mary Beth Freeman
Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, OH 43015

Heidi Kegley
Superintendent
Delaware City Schools
74 W. William St.
Delaware, OH 43015

RE: Innovation Center Community Reinvestment Area Request for Tax Incentives

Dear Superintendents Kegley and Freeman:

In an effort to grow high paying jobs in the City of Delaware, the City of Delaware's Incentive Negotiation Committee, that includes the superintendents and treasurers from the impacted school districts, negotiated a 50% for 15 year CRA tax abatement for the construction of a 60,000 sq. ft. office/warehouse building on Innovation Court on Parcel # 41922002003005. As part of the CRA abatement, once the project reached a $2.35 million payroll, the CRA would increase to a 75% CRA level. At a 75% abatement, due to the proposed payroll being $1,350,000 over the $1 million state threshold for CRAs, the City would pay 50% of taxes generated on the $1,350,000 directly to the school districts each year or $12,488 per year or $187,312 after 15 years.

All incentives are based on the Innovation Center's commitment to the creation of 25 new full-time equivalent jobs to the City of Delaware with an annual payroll minimum of $1,300,000 within 3 years of the completion of their project. A copy of their application for tax incentives is attached.

CRA (ORC 3735.65-70) guidelines require that Boards of Education be informed of amendments, notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. Since the CRA legislation and company agreements contain many legal requirements, you may want to review Ohio Revised Code references (please see: http://onlinedocs.andersonpublishing.com/).

The City of Delaware is requesting a waiver of the required 45 business day notice period so that Delaware City Council will be able to consider these requests at our regularly scheduled Council meeting

on Monday, October 14, 2019 held at Delaware City Hall, 1 South Sandusky Street, Delaware, at 7:00 P.M. A second reading and public hearing may be scheduled for October 28, but may not be needed if Council chooses to take action on the first reading for economic development purposes. School Board Members, staff and the public are welcome to attend these meetings. Please let me know if you require any further assistance. I can be reached at 740.203.1016 or shughes@delawareohio.net. Please email me with confirmation of receipt of this notification so that I can send it with our petition to the Ohio Development Services Agency.

Yours Sincerely,
Sean Hughes
Economic Development Director

xc: Honorable George Kaitsa, Auditor
R. Thomas Homan, City Manager
Dean Stelzer Finance Director
Melissa Swearingen , Treasurer, Delaware City School District
Chris Bell, Treasurer, Delaware Area Career Center
Bob Lamb, Delaware County Economic Development Director

Attached:
1. ORC 3735.671
2. Innovation Center's application for tax incentives

3735.671 Written agreement where commercial or industrial property is to be exempted.

(A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or remodeling that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted,

accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after ..... (insert date) nor extend beyond ..... (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If ..... (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, ... (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which ..... (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, ... (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101 , et seq., or such a petition has been filed against ..... (insert name of owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason ..... (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless ..... (insert name of owner) materially fails to fulfill its obligations under this agreement and ..... (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If ..... (insert name of owner) materially fails to fulfill its obligations under this agreement, or if ..... (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, ... (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of ..... (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that ..... (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and ..... (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of ..... (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section3735.672 or 5709.85 of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62 , 5709.63 , or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the

director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development within fifteen days after the agreement is entered into.

Effective Date: 09-26-2003; 03-23-2005

EST 1808
CITY OF
DELAWARE
OHIO

INCENTIVES APPLICATION

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Enterprise Name: Innovation Center, LLC Contact Person: John Lewis

Address: 1036 Hills Miller Road
Delaware, OH 43015 Telephone Number: 740-815-0454

b. Project site: 115 Innovation Court, Delaware, OH 43015
Contact Person: John Lewis

Address: 1036 Hills Miller Road
Delaware, OH 43015 Telephone Number: 740-815-0454

Date: 8/14/19

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. Spec Building-Manufacturing, Office/Warehousing, Wholesale, limited retail activity and sports related.

b. List primary 6 digit North American Industry Classification System (NAICS) # Business may list other relevant SIC numbers. Various/Spec Building

c. If a consolidation, what are the components of the consolidation? (Must itemize the location, assets, and employment positions to be transferred: N/A

d. Form of business of enterprise (corporation, partnership, proprietorship, or other). LLC Partnership

3. Name of principal owner(s) or officers of the business. John Lewis, Bob Biondi and Chris Bradley.

4. a. State the enterprise's current employment level at the proposed project site: Zero

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes No No

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): Zero

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: Unknown

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? Unknown

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes___ No XX

b. Any monies to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes__ No XX

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes___ No XX

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: Speculative office/warehouse building

7. Project will begin **November 2019** and be completed **June ,2019** provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary): **Twenty Five Full Time**

b. State the time frame of this projected hiring: **Three** yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): Year One-10, Year two-10, Year three-5.

9. a. Estimate the amount of annual payroll such new employees will add $1.3 Million new

annual payroll must be itemized by full- and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: $

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings/Land:	$	
B. Additions/New Construction:	$	$3,940,000 for bldg and $360,000 land
C. Improvements to existing buildings:	$	
D. Machinery & Equipment:	$	
E. Furniture & Fixtures:	$	
F. Inventory:	$	
Total New Project Investment:	$ $4,300,000.	

11. a. Business requests the following incentives:

- 100% abatement for 15 years
- Innovation Center will compensate schools $10K/Year for Five years and $15K/Year for years 6-15.
- Request that Superintendent of Schools will waive the income tax payments. (even when payroll exceeds $1 Mill annually)
- Request deferment of all City fees (Impact fees, Tap fees, Inspections fees, etc.) until building occupancy has reached 80%. At that time, all fees will be paid in full.

b. Business's reasons for requesting incentives (be quantitatively specific as possible):

Innovation Center will be a multi-tenant Office Warehouse building totaling 60,000 Sq. Ft. and having as many as 10 individual businesses/units. The project is purely speculative and will have to compete with similar buildings in the Lewis Center, Westerville, Worthington and other nearby cities. Our competition has the advantage of being nearer to Columbus with its larger population from which to draw. Past experience with the Symmetry One project (2005) and Symmetry II (2016) has shown that aggressive tax incentives which allow low CAM (common area maintenance) expenses have helped to enable us to overcome the obstacle of distance from Columbus, with lower costs. Even with abatements, it recently took more than two years to fill Symmetry II. Construction costs have increased substantially in the past several years because of tight material and labor markets. Incentives and abatements are necessary to make the projects financially viable in this environment.

That said, we have been able to draw some new high quality tenants and also retain others who initially planned to go to or remain in Franklin County. (Guild Associates, Columbus Advanced Machining Systems, American Apex, Get Outland, etc.) Our success in drawing

and retaining this caliber of tenants is the reason that we can boast MILLIONS in additional payroll for the City of Delaware with no negative impact to schools by way of additional enrollment. We believe that with the requested abatements, we can exceed even our past success.

Submission of this application expressly authorizes (name of local jurisdiction) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request. (The Applicant agrees to supply additional information upon request.)

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

Name of Property Owner or Business Owner **Innovation Center, LLC** Date 8/14/19

Signature Typed Name and Title John T. Lewis Manager

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Incentives Agreements as Exhibit A

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE and **INNOVATION CENTER, LLC**

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and **Innovation Center, LLC, 1036 Hills Miller Road, Delaware, Ohio 43015**, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, **Innovation Center, LLC** desires to construct an approximately 60,000 sq. ft. facility on an approximately 6.02 acre parcel on Innovation Court at parcel 41922002003005. This PROJECT will take place within the boundaries of the aforementioned Community Reinvestment Area provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 01-52 adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of the Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide **Innovation Center, LLC** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, **Innovation Center, LLC** has submitted a proposed agreement application (herein attached as Exhibit A and incorporated herein by reference) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, **Innovation Center, LLC** has remitted the required state application fee of $750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, **Innovation Center, LLC** has remitted the required City of Delaware application fee of $750.00 made payable to the City of Delaware; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware has investigated the APPLICATION of **Innovation Center, LLC**, and has recommended the same to the Council of the City of Delaware on the basis that **Innovation Center, LLC** is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

WHEREAS, the project site as proposed by **Innovation Center, LLC** is located in the Delaware City School District and the Delaware Area Career Center District and both school districts have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. **Innovation Center, LLC** shall construct a new estimated 60,000 sq. ft. speculative single or multi-tenant facility to be located on a parcel on Innovation Court.

   The PROJECT will begin at the earliest on November 1, 2019 and all construction will be completed by July 1, 2020 Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Innovation Center, LLC and/or its tenants** shall **create** the minimum equivalent of **25 new** (not from an existing company currently located in the City of Delaware) **full-time equivalent (FTE)**

jobs at the Delaware facility that are related to the **primary target industries** section of the **City of Delaware's 2014 Economic Development Plan [attached as Exhibit A]** with a minimum NEW (not from an existing company currently located in the City of Delaware) annual payroll of $1,300,000 for a 50% abatement on property taxes for property improvements. The job creation period begins **January 1, 2021** (FTEs hired before this date, but after the certificate of occupancy is granted may be included in this requirement if the building is occupied before the first of the year.) and all jobs will be in place by **December 31, 2023** (3 years or 36 months after the completion of the PROJECT per ORC 3735).

a. The first year of the abatement begins on January 1, 2021 which is the first full-year after the certificate of occupancy is granted.

b. During any year of the 15-year abatement term, if the occupants of Innovation Center, LLC reach total annual NEW (not from an existing company currently located in the City of Delaware) payroll of **$2,350,000 from primary target industry jobs** per the City of Delaware's 2014 Economic Development Plan, the Innovation Center, LLC's abatement on the building at parcel 41922002003005 **will be increased from 50% to 75% for the remaining term of this 15-year abatement**.

c. If during any year during the period of the abatement if the abatement level is increased to 75% payroll decreases to be lower than $2,350,000 from primary target industry jobs the abatement percentage will decreased by one percent (1%) for every percentage that the project misses its target payroll of $2,350,000 until such time that it, again, achieves or exceeds $2,350,000 for an entire year.

3. Based on NEW job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of $24,055 ($1,300,000 payroll times the current income tax rate of 1.85%) for the PROJECT. If in any year after the first three year grace period of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, **Innovation Center, LLC** agrees to reimburse the City of Delaware for lost employee income taxes if requested. Should the City's income tax rates change, the reimbursement will be adjusted accordingly. Alternatively, the City of Delaware may modify this CRA agreement to lower **Innovation Center, LLC's** CRA percentage and/or term while adjusting the company's FTE and payroll commitments to match the

company's actual hiring performance at the time of reporting at the City's discretion.

To the extent that **Innovation Center, LLC** substantially complies with the terms of this section 3 of this agreement, the company shall incur no income tax reimbursement penalty.

4. **Innovation Center, LLC** shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including but not limited to the annual report form, and returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council (ORC3735.671C7) and a letter on official company letterhead from each tenant company indicating their current FTE headcount, position titles for each FTE position, and the total current payroll for the total FTE headcount at that specific company.

5. City of Delaware hereby grants **INNOVATION CENTER, LLC** a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (15) years in the following amounts:

Year of Tax Exemption	Tax Exemption Amount
Year 1	50% (75% if it meets 2b)
Year 2	50% (75% if it meets 2b)
Year 3	50% (75% if it meets 2b)
Year 4	50% (75% if it meets 2b)
Year 5	50% (75% if it meets 2b)
Year 6	50% (75% if it meets 2b)
Year 7	50% (75% if it meets 2b)
Year 8	50% (75% if it meets 2b)
Year 9	50% (75% if it meets 2b)
Year 10	50% (75% if it meets 2b)
Year 11	50% (75% if it meets 2b)
Year 12	50% (75% if it meets 2b)
Year 13	50% (75% if it meets 2b)
Year 14	50% (75% if it meets 2b)
Year 15	50% (75% if it meets 2b)

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before January 1, 2021, nor extend beyond Dec. 31, 2035. Said exemption shall be based on the increase on the assessed value of real property

attributed to the real property improvements at the PROJECT site. **Innovation Center, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

a. If **Innovation Center, LLC** achieves a 75% abatement level with a payroll of $2,350,000 or greater, the City of Delaware will share 50% of the payroll taxes with Delaware City Schools and Delaware Area Career Center for payroll exceeding $1 million through a separate School Compensation Agreement for any year of the 15-year period of this agreement.

b. If during any year during the period of the abatement if the abatement level is increased to 75% payroll decreases to be lower than $2,350,000 from primary target industry the abatement percentage will decreased by one percent (1%) for every percentage that the project misses its target payroll of $2,350,000 until such time that it, again, achieves or exceeds $2,350,000 for an entire year.|

c. **If Ohio tax law changes result in no net tax incentive benefits (tax incentives offered through this agreement minus the school compensation payment is negative), Innovation Center, LLC may request that the City of Delaware Tax Incentive Review Council modify or terminate this agreement.**

6. **Innovation Center, LLC** shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars.

   The fee shall be made payable to the City of Delaware once per year for each year the agreement is effective by December 31. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

7. Waiver Requirement (for jobs relocated within Ohio)

If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:
Continuation of this agreement is subject to the validity of the circumstances upon which **Innovation Center, LLC** applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by the City of Delaware, the Director or the City of Delaware discovers that such a circumstance did not exist, **Innovation Center, LLC** shall be deemed to have materially failed to comply with this agreement. The formal waiver document shall be incorporated as an exhibit to this agreement and specifies conditions enumerated in Section 5709.633 of the Ohio Revised Code upon which the waiver was issued.

8. **Innovation Center, LLC** shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If **Innovation Center, LLC** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).

9. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).

10. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Innovation Center, LLC** materially fails to fulfill its obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).

11. If **Innovation Center, LLC** materially fails to fulfill its obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the

exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.

12. **Innovation Center, LLC** hereby certifies that at the time this agreement is executed, **Innovation Center, LLC** does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Innovation Center, LLC** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **Innovation Center, LLC** currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Innovation Center, LLC.** For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

13. **Innovation Center, LLC** affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

14. **Innovation Center, LLC** and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by **Innovation Center, LLC** as a condition for the agreement to take effect (ORC3735.671C10).

15. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Innovation Center, LLC and its tenants** are committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

16. Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Innovation Center, LLC** any successor property owner, or any related member (as those terms are

defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).

17. In any three-year period after the first three years of the agreement during which this agreement is in effect, if the actual number of employee positions created or retained by **Innovation Center, LLC** is not equal to or greater than ninety percent of the number of employee positions estimated to be created or retained under this agreement, **Innovation Center, LLC** shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.

18. **Innovation Center, LLC** affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of **Innovation Center, LLC** has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, **Innovation Center, LLC** shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(D)(1), which is punishable by a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

19. This agreement is not transferable or assignable without the express, written approval of the City of Delaware.

20. **Innovation Center, LLC**, acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person,

successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).

21. **Innovation Center, LLC** hereby represents that it has full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Ordinance 19-__** adopted on **October __, 2019**, has caused this instrument to be executed this __ day of _____ 2019, and **Innovation Center, LLC** has caused this instrument to be executed on this _____ day of _____ 2019.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

INNOVATION CENTER, LLC

By: _____
John Lewis, Member
Innovation Center, LLC

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

School Compensation Agreement
INNOVATION CENTER, LLC
Community Reinvestment Area #141-1135-01

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 74 West William Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015, **Innovation Center, LLC**, 1036 Hills Miller Road, Delaware, Ohio 43015 specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the Community Reinvestment Area tax abatement for the construction of a speculative single or multi-tenant facility on parcel 41922002003005 on Innovation Court in Delaware, Ohio 43015 in Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; written approval by the Superintendent and Board of Education is attached as Exhibit A; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; written approval by the Superintendent and Board of Education is attached as Exhibit A; and

Whereas, the City of Delaware within **Ordinance Number 19-__** adopted on _____, 2019, has acted pursuant to ORC 3735 to grant a tax exemption

to **Innovation Center, LLC** and entered into a formal Community Reinvestment Area abatement agreement on _____**, 2019**; and

Whereas, Item 5 of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center, **Innovation Center, LLC**, agree as follows:

Section 1. If Innovation Center, LLC achieves a 75% abatement level with a payroll of $2,350,000 or greater, the City of Delaware will share 50% of the payroll taxes for payroll exceeding $1 million with Delaware City Schools and the Delaware Area Career Center in amounts proportional to their property tax millage through this School Compensation Agreement for any year of the 15-year period of the CRA agreement. Payments will be made annually during the term of the CRA abatement and only when payroll exceeds $1 million and the abatement level reaches 75% and upon receipt of invoices from each school district in this agreement.

Section 2. The cash payment made by **The City of Delaware** to the Delaware City School District **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be dispersed to each school district in a proportionate manner to their current percentage of school property taxes received and used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Innovation Center, LLC may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No School Compensation payment is required if there is no net tax benefit to Innovation Center, LLC

Section 4. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 5. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Heidi Kegley, Superintendent
Delaware City School District
74 West William Street
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, Ohio 43015

John Lewis, Member
Innovation Center, LLC
1036 Hills Miller Road
Delaware, Ohio 43015

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 6. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this __ **day of** _____ **2019**.

CITY OF DELAWARE

_____
R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

_____
Heidi Kegley, Superintendent

DELAWARE AREA CAREER CENTER

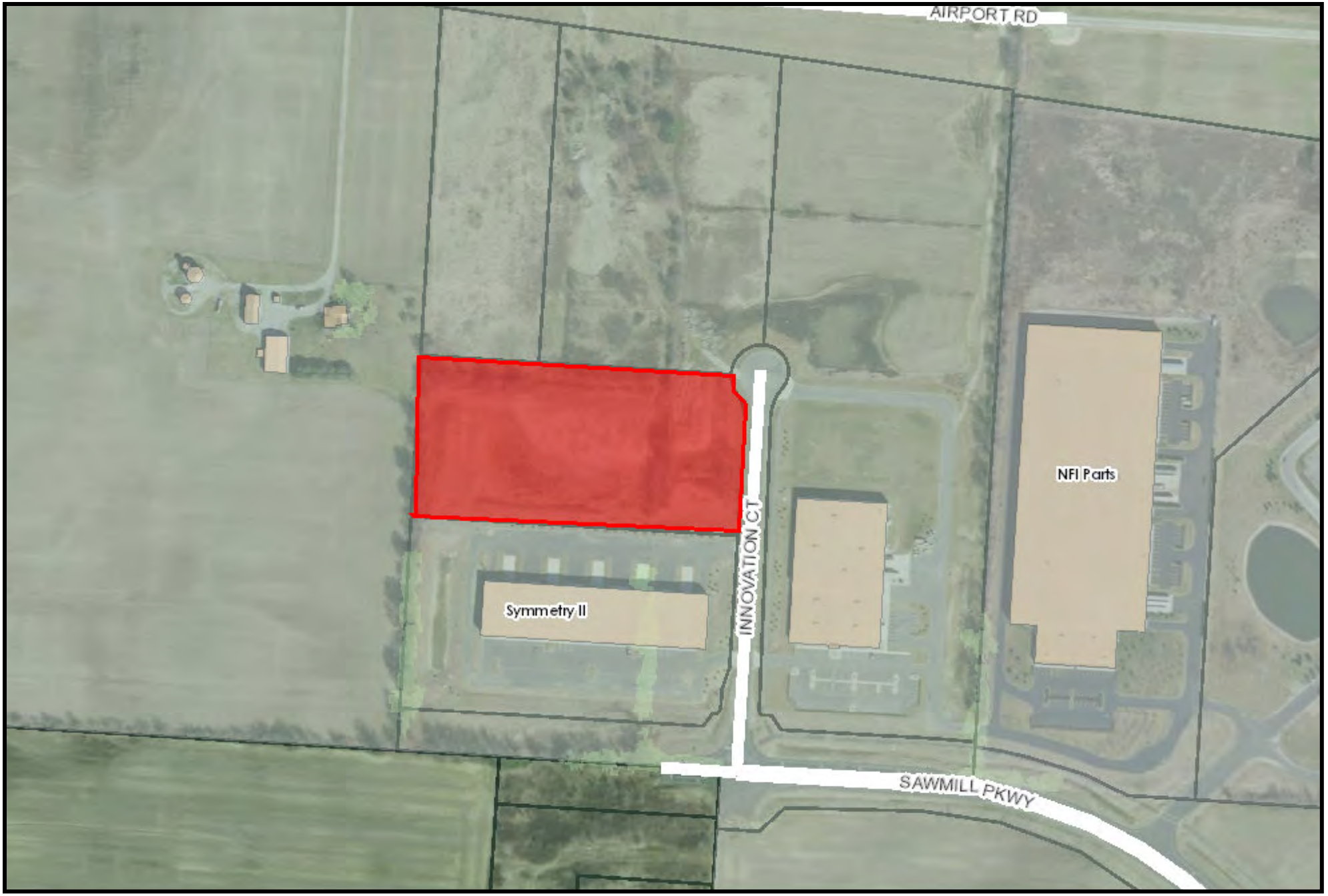
_____
Mary Beth Freeman, Superintendent

INNOVATION CENTER, LLC

_____
John Lewis, Member

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney



Innovation Center - 6.024 acresssss

Delaware County Auditor
George Kaitsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy
or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office

Printed on 10/15/2019

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EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 13 | DATE: 10/28/2019

ORDINANCE NO: 19-61 | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH J JILL PROPERTIES LLC, DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE. FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A SITE AT 50 WEST WILLIAM STREET AND DECLARING AN EMERGENCY.

BACKGROUND:
We are requesting City Council's approval for the City Manager to enter into a Community Reinvestment Area (CRA) Tax Incentive Agreement and School Compensation Agreement with J JILL PROPERTIES LLC, DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER for an $400,000 investment in the construction of the first-floor retail space of a two-story building at 50 W. William St., Parcel 51943226008000. Council had approved the Rezoning Amendment and the Combined Preliminary and Final Development for J JILL PROPERTIES LLC at the August 26, 2019 council meeting.

Jill Rice, owner of J JILL PROPERTIES LLC and the 50 W. William St. property has submitted application for a Community Reinvestment Area Tax Abatement for this project.

The owner is working to open her fitness studio in the first floor space of the proposed newly constructed building. Our success in assisting Ms. Rice with her construction project would create 5 new FTEs with a payroll of $102,900.

REASON WHY LEGISLATION IS NEEDED:

For incentive discussion purposes, we calculated a 100%/15 year CRA tax abatement generating an approximate $159,023.30 in gross tax savings after 15 years on their $400,000 first-floor investment. Due to the abatement being for a new payroll of $102,900, a School Compensation Agreement is not required.

Staff is recommending a 100%/15 year CRA to assist the company with a company paid 30% School Pilot Payment Agreement equaling $2,665.09 per year or $49.386.27 after 15 years. These pilot payments would be divided between DCS and DACC in accordance with their respective tax rates. With the staff recommendation as made, this project would not achieve a positive ROI (-65.08%) for the City with $28,555 in income taxes after 15 years. The schools would achieve a 30% ROI, but also would retain the taxes they currently receive on the land of about $1,276 per year or $19,141 after 15 years.

This proposed incentive package provides an opportunity to spur considerable investment and continue the upward progress of investment and new businesses in our historic downtown.

Projections					
Employees (New)			**5**	Per CRA application	
Employees (Retained)			**0**	Per CRA application	
Payroll (New)			**$102,900**	Per CRA application	
Payroll (Retained)			**$0**	Per CRA application	
1.85% Muni Taxes (new)			**$1,904**	per year	
1.85% Muni Taxes (retained)			**$0**	per year	
50% of Muni Taxes (over $1 million new taxes)			**$0**	per year	DOES NOT APPLY
Real Property Investment			**$919,300**	Per CRA application	
Property Acquisition			**$83,000**		
Building Construction			**$800,000**		
Site Prep (EPA Cleanup)			**$36,300**		
Personal Property Investment			**$64,000**	Per CRA application	
F&F			$35,000	Personal Property	
M&E			$25,000	Personal Property	
Inventory			$4,000	Personal Property	
Project Annual Value of Abatement	$10,601.55			**Project 15-Year Value of Abatement**	$159,023.25
30% School Pilot Per Year	$2,665.09			**30% School Pilot After 15 years**	$39,976.35
				Net Abatement Value	$119,046.90
Project is for a target industry	No	However, it is in a redevelopment district.			
Project Hires at Greater than LMI average wage	No		$20,580		
Project has a 25% or Greater ROI for City	No				
City ROI	**-65.08%**				
Project has a 30% or Greater ROI for School	Yes				
School ROI	**30.00%**				

COMMITTEE RECOMMENDATION:

Tax Incentive Review Council, 8/22/19
VOTE: Approval

FISCAL IMPACT(S):

COST: N/A
FUND SOURCES: N/A
BUDGETED: NO

DEPARTMENTS IMPACTED: Economic Development

POLICY CHANGES:
N/A

PRESENTER(S):
Sean Hughes, Economic Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
CRA School Notification Letters
Incentives Application
CRA Agreement
School Compensation Agreement
Map Exhibit of Building Location

ORDINANCE NO. 19-61

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH J JILL PROPERTIES LLC, DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A SITE AT 50 WEST WILLIAM STREET AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines; and

WHEREAS, the City of Delaware partners with impacted school districts to ensure mutual benefit from economic development projects; and

WHEREAS, the Council of the City of Delaware established an economic development fund to attract, incentive and assist high return on investment projects in the City of Delaware.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware and J JILL PROPERTIES LLC meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Delaware City School District and J JILL PROPERTIES LLC meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and School Compensation Agreement for this project.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage

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

SECTION 5. 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 is necessary to finalize negotiations, 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

EST 1808
CITY OF
DELAWARE
OHIO

September 20, 2019

Mary Beth Freeman
Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, OH 43015

Heidi Kegley
Superintendent
Delaware City Schools
74 W. William St.
Delaware, OH 43015

RE: J Jill Properties Community Reinvestment Area Request for Tax Incentives and School Compensation Agreement

Dear Superintendents Kegley and Freeman:

In an effort to redevelop dilapidated properties in Downtown Delaware, the City of Delaware's Incentive Negotiation Committee, that includes the superintendents and treasurers from the impacted school districts, negotiated a 100% for 15 year CRA tax abatement for the construction of the first floor of a two-story building at 50 West William St. on Parcel # 51943226008000. As part of the CRA abatement, the company has agreed to a School Compensation Agreement with an annual payments to the school districts equaling 30% of what the school districts would have seen without the abatement on building improvements. The total of payments to both Delaware City Schools and Delaware Area Career Center would be $2,665.09 per year or $49.386.27 after 15 years.

All incentives are based on J Jill Property's commitment to the creation of 5 new full-time equivalent jobs to the City of Delaware with an annual payroll minimum of $102,900 within 3 years of the completion of their project. A copy of their application for tax incentives is attached.

CRA (ORC 3735.65-70) guidelines require that Boards of Education be informed of amendments, notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. Since the CRA legislation and company agreements contain many legal requirements, you may want to review Ohio Revised Code references (please see: http://onlinedocs.andersonpublishing.com/).

The City of Delaware is requesting a waiver of the required 45 business day notice period so that Delaware City Council will be able to consider these requests at our regularly scheduled Council meeting on Monday, October 14, 2019 held at Delaware City Hall, 1 South Sandusky Street, Delaware, at 7:00 P.M. A second reading and public hearing may be scheduled for October 28, but may not be needed if Council chooses to take action on the first reading for economic development purposes. School Board Members, staff and the public are welcome to attend these meetings. Please let me know if you require any further assistance. I can be reached at 740.203.1016 or shughes@delawareohio.net. Please email me with confirmation of receipt of this notification so that I can send it with our petition to the Ohio Development Services Agency.

Yours Sincerely,
Sean Hughes
Economic Development Director

xc: Honorable George Kaitsa, Auditor
R. Thomas Homan, City Manager
Dean Stelzer Finance Director
Melissa Swearingen , Treasurer, Delaware City School District
Chris Bell, Treasurer, Delaware Area Career Center
Bob Lamb, Delaware County Economic Development Director

Attached:
1. ORC 3735.671
2. J. Jill Properties application for tax incentives

3735.671 Written agreement where commercial or industrial property is to be exempted.

(A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or remodeling that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted,

accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after ..... (insert date) nor extend beyond ..... (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If ..... (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, ... (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which ..... (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, ... (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101 , et seq., or such a petition has been filed against ..... (insert name of owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason ..... (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless ..... (insert name of owner) materially fails to fulfill its obligations under this agreement and ..... (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If ..... (insert name of owner) materially fails to fulfill its obligations under this agreement, or if ..... (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, ... (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of ..... (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that ..... (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and ..... (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of ..... (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section3735.672 or 5709.85 of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62 , 5709.63 , or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the

director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development within fifteen days after the agreement is entered into.

Effective Date: 09-26-2003; 03-23-2005

EST 1808

CITY OF DELAWARE OHIO

INCENTIVES APPLICATION

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Enterprise Name: J Jill Properties

Contact Person: Jill Rice

Address: 6 Darlington Road, Delaware

Telephone Number: 614-915-9258

b. Project site: 50 W. William Street
Contact Person: Jill or Jeff Rice

Address: 6 Darlington Road, Delaware

Telephone Number: 614-915-9258
614-493-6546

Date: August 6, 2019

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. This new construction building will operate a high-end private fitness training studio on the first floor and 2-bedroom luxury apartment on the second floor.

b. List primary 6 digit North American Industry Classification System (NAICS) # Business may list other relevant SIC numbers. 812990

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: N/A

d. Form of business of enterprise (corporation, partnership, proprietorship, or other). Proprietorship (LLC)

3. Name of principal owner(s) or officers of the business.
Jill Rice, President and Owner
Jeff Rice, Vice President

4. a. State the enterprise's current employment level at the proposed project site: This is a new, not-yet-established business. In our first year we expect to employ 6 – 8 trainers, front-desk, office mgr and add additional personnel as needed. Fully staffed estimate is 10 - 12.

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? No

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located: N/A

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): N/A

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: N/A

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? N/A

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state? No

b. Any monies to the State or a state agency for the administration or enforcement of any environmental laws of the State? No

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? No

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: Demolition of existing building at 50 W William St and construction of a new, 2-story building in its place. The original plan was to rehab the existing structure; however, after review by contractors and architects, it was determined that the building was not structurally sound and is in desperate need of demolition.

7. Project will begin Nov/Dec of 2019 and be completed September 2020 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

1 full-time Office Manager
6-8 part-time Fitness Instructors
1 part-time Media Marketing Manager

b. State the time frame of this projected hiring: 1 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): The studio will hire a full-time front desk, office mgr. Fitness instructors between 6 – 8, part time, with avg hourly rate of $25/hour. In addition we would like to work with OWU Entrepreneurial Center for a part-time Media Marketing person.

The new building is designed to include a high-end luxury apartment on the second floor that will include an elevator and private garage parking, bringing another full-time resident to downtown Delaware.

9. a. Estimate the amount of annual payroll such new employees will add $ 102,900 (new
annual payroll must be itemized by full- and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: $ N/A

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings/Land:	$ 83,000
B. Additions/New Construction:	$ 800,000
C. Improvements to existing buildings:	$ 36,300 (EPA clean-up)
D. Machinery & Equipment:	$ 25,000
E. Furniture & Fixtures:	$ 35,000
F. Inventory:	$ 4,000
Total New Project Investment:	**$ 983,300**

11. a. Business requests the following incentives:

The request is for a 15-year tax abatement, as discussed during the discovery and acquisition of the property nearly 2 years ago.

b. Business's reasons for requesting incentives (be quantitatively specific as possible):

50 W William St has been vacant since 2013 and the property, being a Gateway to the Transitional Historic District in Delaware, had become an 'eyesore' and was in desperate need of repair. My husband and I moved to the NW neighborhood about 8 years ago and having had experience with owing two private fitness studios, we saw an opportunity to rehab the existing structure and turn it into a fitness studio to serve the local downtown Delaware community. However, after much investigation and consultation it was

determined that the existing structure was not suitable for rehab and would in fact have to be demolished. This changed our budget from approx. **$200K to nearly $1 million**. In addition, the property was contaminated with petroleum residual from being a former SOHIO gas station from ~ 1930's – 1970's. The EPA Phase I, Phase II and clean-up added nearly $40k to the budget but was a must. In addition, there are two large trees on the property that both have been determined to be dead, dying or diseased and therefore must be taken down, which is costly.

In short, the project cost grew 5 times initial budget. Thank you in advance for the consideration and we will not be able to successfully complete this ambitious project without the support of the City and the 15-year tax abatement.

Submission of this application expressly authorizes (name of local jurisdiction) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request. (The Applicant agrees to supply additional information upon request.)

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

Name of Property Owner or Business Owner: Jill Rice Date: August 6, 2019

Signature Jill M Rice

Typed Name and Title Jill M. Rice, President/Owner

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Incentives Agreements as Exhibit A

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE, J JILL PROPERTIES

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015 and J JILL PROPERTIES, 6 Darlington Rd., Delaware OH 43015, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, J JILL PROPERTIES (building owner) desires to construct a building within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 17-52 adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide J JILL PROPERTIES with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, J JILL PROPERTIES has submitted a proposed agreement application (herein attached as Exhibit A) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, J JILL PROPERTIES has remitted the required state application fee of $750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware investigated the APPLICATION of J JILL PROPERTIES on August 22, 2019, and recommended approval to the Council of the City of Delaware on the basis that J JILL PROPERTIES is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

WHEREAS, the project site as proposed by J JILL PROPERTIES is located in the Delaware City School District and effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the August 22, 2019 Tax Incentive Negotiating Committee document the Superintendent's approval, and the boards of education have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, the project site as proposed by J JILL PROPERTIES is located in the Delaware Area School District and effective April 15, 2004, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the August 22, 2019 Tax Incentive Negotiating Committee document the Superintendent's approval, and the boards of education have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. J JILL PROPERTIES shall construct a building located at 50 W. William Street on Parcel 51943226008000 (as the same is known and designated on the Auditor's revised list of lots in Delaware, Ohio) for which the first floor will be for commercial space where this Community Reinvestment Area abatement agreement will apply.

   The PROJECT will involve a total on-site infrastructure investment by J JILL PROPERTIES of NINE HUNDRED AND EIGHTY-THREE THOUSAND AND THREE HUNDRED DOLLARS ($983,300), plus or minus 10%, at the PROJECT site according to the following:

Real Property	
Acquisition of Parcel	$83,000
New Construction	$800,000
Site Preparation (EPA Clean-up)	$36,300
Sub Total Real Property	**$919,300**
Building Acquisition	$0
Total Real Property	**$500,000**
Personal Property	
Equipment	$25,000
F&F	$35,000
Inventory	$4,000
Total Investment	**$983,300**

   No tax incentives are available for the Personal Property. Only the first floor of the building with a construction value of $400,000 will be abated by this Community Reinvestment Agreement.

   The PROJECT will begin by January 1, 2020 and all acquisition, construction and construction will be completed by December 31, 2020.

2. J JILL PROPERTIES shall create or cause to be hired within a time period not exceeding 36 months after the completion of construction and subsequent occupancy of the aforesaid facility, the equivalent of 5 new full-time equivalent (FTE) permanent job opportunities at the PROJECT site.

   The job creation period begins January 1, 2021 and all jobs will be in place by December 31, 2023 (3 years or 36 months after the completion of the PROJECT per ORC3735B4).

   J JILL PROPERTIES currently has 0 full-time temporary employees, and 0 part-time temporary employees at the project site.

   J JILL PROPERTIES has 0 employees at other sites in Ohio or the US.

   This increase in the number of employees shall result in at least ONE HUNDRED AND TWO THOUSAND AND NINE HUNDRED DOLLARS ($102,900) in total annual payroll generated at the PROJECT site by December 31, 2023.

   Based on new job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of $1,903.65 ($102,900 payroll times the current income tax rate of 1.85%) for the PROJECT. If in any year of this Agreement after the first three years, the level of new and retained payroll does not reach or falls below levels established by this Agreement, J JILL PROPERTIES agree to reimburse the City of Delaware for lost employee income taxes. Should the City's income tax rates change, these figures are adjusted accordingly.

3. J JILL PROPERTIES shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the property owner's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council (ORC3735.671C7).

   ADDITIONAL REQUIREMENTS:

   a. J JILL PROPERTIES shall make the following payments totaling $39,976.35 to Delaware City School District and Delaware Area Career Center (Split between districts based on current tax rate percentage split.) to benefit the districts' educational initiatives. This payment shall be subject to the terms and conditions of a separate School Compensation Agreement between J JILL PROPERTIES, DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER and the CITY OF DELAWARE. The companies will make these payments directly to the school districts upon receipt of invoices from the Delaware City Schools and Delaware Area Career Center for the amounts established in the School Compensation Agreement issued at the following times.

School Compensation Payment #	Payment Due Date	Amount
Payment #1	9/30/22	$2,665.09
Payment #2	9/30/23	$2,665.09
Payment #3	9/30/24	$2,665.09
Payment #4	9/30/25	$2,665.09
Payment #5	9/30/26	$2,665.09
Payment #6	9/30/27	$2,665.09

Payment #7	9/30/28	$2,665.09
Payment #8	9/30/29	$2,665.09
Payment #9	9/30/30	$2,665.09
Payment #10	9/30/31	$2,665.09
Payment #11	9/30/32	$2,665.09
Payment #12	9/30/33	$2,665.09
Payment #13	9/30/34	$2,665.09
Payment #14	9/30/35	$2,665.09
Payment #15	9/30/36	$2,665.09

b. J JILL PROPERTIES or its successor shall maintain a membership in the MAINSTREET DELAWARE, INC.

c. J JILL PROPERTIES shall contact the Superintendent, Delaware Area Career Center for information on adult education and training services.

4. City of Delaware hereby grants J JILL PROPERTIES a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for fifteen (15) years in the following amounts:

Year of Tax Exemption	Tax Exemption Amount
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%
Year 11	100%
Year 12	100%
Year 13	100%
Year 14	100%
Year 15	100%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before December 31, 2020, nor extend beyond December 31, 2035. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements for the first floor only at the PROJECT site. J JILL PROPERTIES and/or its tenant(s) must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

5. A. The City of Delaware **waives** the annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars (ORC3735.671D).

6. J JILL PROPERTIES shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If J JILL PROPERTIES fails to pay such

taxes or file such returns and reports after written notification, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).

7. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).

8. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless J JILL PROPERTIES materially fails to fulfill its obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).

9. If J JILL PROPERTIES materially fails to fulfill its obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement (ORC3735.671C6).

10. J JILL PROPERTIES hereby certify that at the time this agreement is executed, J JILL PROPERTIES does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which J JILL PROPERTIES is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, J JILL PROPERTIES currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against J JILL PROPERTIES For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes (ORC3735.671C3).

11. J JILL PROPERTIES affirmatively covenants that J JILL PROPERTIES does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

12. J JILL PROPERTIES and the CITY OF DELAWARE acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by J JILL PROPERTIES as a condition for the agreement to take effect (ORC3735.671C10).

13. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, J JILL PROPERTIES is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that J JILL PROPERTIES, any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).

15. J JILL PROPERTIES affirmatively covenants that it has made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of J JILL PROPERTIES has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, J JILL PROPERTIES shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC Section 2921.13 which is punishable by a fine of not more than $1000 and/or a term of imprisonment of not more than six months.

16. J JILL PROPERTIES acknowledge that this agreement is not transferable or assignable without the express, written approval of the City of Delaware (ORC3735.671C8).

17. J JILL PROPERTIES acknowledge that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, ‘successor’ means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. ‘Related member’ has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).

18. J JILL PROPERTIES hereby represent that it has full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to Ordinance 19-10 adopted on _____ __, 2019, has caused this instrument to be executed this _____ day of _____ 2019, J JILL PROPERTIES has caused this instrument to be executed on this _____ day of _____ 2019.

CITY OF DELAWARE

By:_____
R. Thomas Homan, City Manager

J JILL PROPERTIES

_____
Jill Rice, Owner

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

School Compensation Agreement
J JILL PROPERTIES
Community Reinvestment Area #141-1135-01

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 74 West William St., Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015, and **J JILL PROPERTIES**, 6 Darlington Rd., Delaware, Ohio 43015, specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the Community Reinvestment Area tax abatement for the construction of the first floor of a building at at 50 West William St. in Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the February 27, 2019 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the February 27, 2019 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, the City of Delaware within **Ordinance Number 19-__** adopted on _____, 2019, has acted pursuant to ORC 3735 to grant a tax exemption to **J JILL PROPERTIES**, and entered into a formal Community Reinvestment Area abatement agreement on **_____, 2019**; and

Whereas, Item 3(a) of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center and J JILL PROPERTIES, agree as follows:

Section 1. J JILL PROPERTIES or its tenant, shall pay TWO THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS AND NINE CENTS ($2,665.09) per year for fifteen (15) years to the Delaware City School District and Delaware Area Career Center in accordance with the terms and conditions set forth in Item 3(a) of the Community Reinvestment Area Agreement for the referenced project. This payment shall be made upon receipt of invoices per the instructions set forth in Item 3(a) of the Community Reinvestment Area Agreement relating to the aforementioned project, and the first payment shall be due September 30, 2022 and dispersed per Section 2 of this agreement.

Section 2. The cash payments made by J JILL PROPERTIES or its tenant(s) to the Delaware City School District and Delaware Area Career Center **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center, as follows:

a.	Delaware City School District	$2,556.62
b.	Delaware Area Career Center	$108.47
c.	Total	$2,665.09

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), J JILL PROPERTIES may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No School Compensation payment is required if there is no net tax benefit to J JILL PROPERTIES or its tenant(s).

Section 4. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and

supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 5. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Heidi Kegley, Superintendent
Delaware City School District
74 W. William St.
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, Ohio 43015

Jill Rice
Owner
J JILL PROPERTIES
6 Darlington Rd.
Delaware, OH 43015

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 7. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this __ **day of** _____ **2019**.

CITY OF DELAWARE

_____
R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

_____
Heidi Kegley, Superintendent

DELAWARE AREA CAREER CENTER

_____
Mary Beth Freeman, Superintendent

J JILL PROPERTIES

_____
Jill Rice, Owner

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

50 W. William - J Jill Properties Site

Delaware County Auditor
George Kaitsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy
or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office

Printed on 10/16/2019

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CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 14 | DATE: 10/28/2019

ORDINANCE NO: 19-62 | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE REGULATING AND CONTROLLING THE MOVEMENT OF VEHICULAR TRAFFIC IN THE CITY OF DELAWARE BY DESIGNATING VERNON AVENUE WITHIN THE CITY OF DELAWARE CORPORATION LIMITS FROM CHANNING STREET TO WALLACE DRIVE AS A THROUGH STREET AND ESTABLISHING THE SPEED LIMIT TO BE THIRTY-FIVE MILES PER HOUR.

BACKGROUND:
Delaware Township requested the speed limit on the section of Vernon Avenue within their jurisdiction be reduced from 55 mph to 35 mph. ODOT approved/journalized this reduction with the understanding the City of Delaware would raise the speed limit from 25 mph to 35 mph on sections of Vernon Avenue within the City Corporation Limits between Channing Street and Wallace Drive to conform.

REASON WHY LEGISLATION IS NEEDED:
It is necessary to define the designation of certain streets within the city corporate limits, in accordance with current definitions provided in ORC 4511, as being "Through" or "Non-through" streets. This section applies to certain local streets that have been annexed into the city, however in segments of less than one-mile in length, thereby requiring a maximum speed limit of 25 MPH being posted. In these cases, designating the street as a "Through" street permits a uniform speed limit, typically 35 MPH, to be posted and maintained. This

ordinance is to define Vernon Avenue from Channing Street to Wallace Drive a "Through" street within the city's corporation limits, and to establish a speed limit of thirty-five miles per hour (35 MPH) to the section of Vernon Avenue from Channing Street to Wallace Drive. ORC 4511.21 sections J, permits local authorities to authorize higher prima-facie speeds on streets where determined appropriate, provided no speed shall exceed fifty miles per hour (50 MPH). This speed limit will conform with the section of Vernon Avenue within Delaware Township which has been journalized as 35 mph by ODOT on July 10, 2019.

COMMITTEE RECOMMENDATION:
The action is being taken as a result of the Parking and Safety Committee recommendation at the October 21, 2019 meeting.

FISCAL IMPACT(S):
The cost of materials and labor to install these signs is estimated at $50.00 to come out of the Public Works Traffic Division annual operating budget.

POLICY CHANGES:
None

PRESENTER(S):
William L. Ferrigno, P.E., Public Works Director/City Engineer

RECOMMENDATION:
Approval

ATTACHMENT(S)
ODOT Speed Limit Revision Journalization Documentation

ORDINANCE NO. 19-62

AN ORDINANCE REGULATING AND CONTROLLING THE MOVEMENT OF VEHICULAR TRAFFIC IN THE CITY OF DELAWARE BY DESIGNATING VERNON AVENUE WITHIN THE CITY OF DELAWARE CORPORATION LIMITS FROM CHANNING STREET TO WALLACE DRIVE AS A THROUGH STREET AND ESTABLISHING THE SPEED LIMIT TO BE THIRTY-FIVE MILES PER HOUR.

WHEREAS, Section 4511.21(J) of the Ohio Revised Code permits local authorities in their respective jurisdictions to authorize by ordinance higher prima facia speeds upon through highways provided signs are erected giving notice of the authorized speed;

WHEREAS, according to Section 4511.21 (B) 3 of the Ohio Revised Code a through highway within municipal corporations outside business districts has a speed limit of thirty-five miles per hour;

WHEREAS, ODOT has journalized the section of Vernon Avenue within Delaware Township to be thirty-five miles per hour;

WHEREAS, it becomes periodically necessary to make adjustments to the designation, use, and associated speed limits assigned to certain streets throughout the city.

WHEREAS, the Parking and Safety Committee has endorsed this speed limit change by a 3-0 vote at the October 21, 2019 meeting.

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

SECTION 1. That Vernon Avenue, or parts thereof, within the City of Delaware Corporation Limits from Channing Street to Wallace Drive, be, and hereby designated as a Through Street or Highway, in accordance with ORC 4511.65, upon which all vehicles may proceed uninterruptedly according to law except where the operation of said vehicles is otherwise regulated by traffic control device and which allows for a speed limit of thirty-five miles per hour.

SECTION 2. That the prima-facie speed limit shall be established at thirty-five miles per hour (35 MPH) in accordance with ORC 4511.21 on Vernon Avenue from Channing Street to Wallace Drive.

SECTION 3. That the Director of Public Works is hereby authorized and directed to cause the installation of such traffic control signs and devices as are required to carry out the provision in this ordinance.

Section 4. That any ordinances or parts of ordinances inconsistent herewith are herewith repealed.

Section 5. This Council find 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

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION

SPEED LIMIT REVISION

Location of Alteration:

District:	6	**Revision No.:**	35676	**Name of Street:**	Vernon Avenue
Municipality:	DELAWARE			**County:**	DEL
				Township Road No.:	266

Under Authority of Section 4511.21 of the Ohio Revised Code, the following revised prima facie speed limits, which have been determined upon the basis of a traffic and engineering investigation to be reasonable and safe, are hereby established for the streets and highways described herein. The prima facie speed limit or limits hereby established shall become effective when appropriate signs giving notice thereof are erected.

LOCATION OF REVISED PRIMA FACIE SPEED LIMITS

From	To	Direction				Approved Speed Limit (in MPH)
		NB	SB	EB	WB	
West Corp. Limit (0.3980)	East Corp. Limit (0.7590)	N	N	Y	Y	35

Signs giving notice of approved speed limits shall be erected immediately. Such signs shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways.

This authorization is revocable by the Director of Transportation whenever any altered prima facie speed becomes, in the Director's opinion, unreasonable; and upon such withdrawal and notification, such altered prima facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

Date: 7/10/19

Jack Marchbanks/MB
Director of Transportation

Immediately after erection of the appropriate speed limit signs, return a copy of this form to the ODOT District Deputy Director or his designee, with the following certification properly executed.

I hereby certify that appropriate signs, giving notice of the above prima facie speed limits were erected on

_____

Signed _____

Title _____

Form 1296-6a.

SEPTEMBER FINANCE REPORT

TO: **Members of City Council**
FROM: **Dean Stelzer, Finance Director**
DATE: **October 24, 2019**

Reports Included

Page	Reports	Purpose
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
19-55	$44,000 - Parks Master Plan
19-57	$100,000 - Cemetery Design and Maintenance

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: October 24, 2019

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1. **Calendar**
   See Attached

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

3. **Manager Meetings/Events**
   October 9
   - Elmer Curry Honorary Sign Dedication

   October 10
   - MORPC
   - OWU Town Gown Meeting
   - Evening of Generosity

   October 12
   - Dialogue on Zoning

   October 14
   - Rotary
   - City Council

   October 15
   - Strand Board Meeting

   October 16
   - Alpha Pairing Event

   October 17
   - APA Great Neighborhoods Award Presentation
   - Lieutenant Swearing-In Ceremony
   - Welcome Reception for Tim Wilson, Delaware County CVB

   October 21-23
   - ICMA Conference

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- Canceled	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 Trick or Treat 6pm		

November

2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Public Works/Public Utilities Canceled	6 Civil Service Commission 3pm Planning 6:30pm	7	8	9
10	11 Council 7pm	12	13 BZA 6:30 pm	14	15	16
17	18	19 Parks and Rec Advisory Board 6:30 pm	20 HPC 6:30 pm	21	22	23
24	25 Council 7pm	26	27	28 Thanksgiving – City Offices Closed	29 City Offices Closed	30

December

2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Budget Work Session 6:30 pm	3	4 Civil Service 3 pm Planning 6:30 pm	5 Budget Work Session 6:30 pm	6 First Friday – Christmas Tree Lighting	7
8 Christmas Parade 3pm	9 Council 7 pm	10	11 BZA 6 :30 pm	12 Budget Work Session 6:30 pm if needed	13	14
15	16 Parking and Safety 6pm	17	18 HPC 6:30 pm	19 Year End Council Meeting 7 pm	20	21
22	23	24 City Offices Closed at noon	25 City Offices Closed	26	27	28
29	30	31				