

**CITY OF DELAWARE
CITY COUNCIL
MEETING TO BE HELD VIRTUALLY VIA CISCO Webex **
March 22, 2021**

AGENDA

7:00 P.M.

REGULAR MEETING

1. ROLL CALL
2. INVOCATION – Pastor Kale Booher, Lifepoint Church
3. APPROVAL of the Motion Summary of the regular meeting of Council held on March 8, 2021, as recorded and transcribed.
4. CONSENT AGENDA
 - A. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on December 9, 2020, as recorded and transcribed.
 - B. Acceptance of the Motion Summary of the Planning Commission meeting held on February 3, 2021, as recorded and transcribed.
 - C. Resolution No. 21-12, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the cooperative purchase of road salt through the ODOT Winter Salt Purchase Contract (018-22).
 - D. Resolution No. 21-13, a resolution authorizing the City Manager to enter into cooperation agreements with Delaware County to resurface Peachblow Road and Stratford Road.
5. LETTERS, PETITIONS, AND PUBLIC COMMENTS
 - o **JOIN VIRTUAL MEETING:** To provide live public comment please email emccloskey@delawareohio.net or call 740-203-1013 to sign up by 3 p.m. the date of the meeting. **Name and address are required for public comment.** Comments are limited to 3 minutes.
 - o **EMAIL, LETTER, PETITION:** Emails, letters, and petitions received by 3 p.m. the date of the meeting will be presented to Council and submitted into the record. These items will not be read aloud during the meeting but will be available on the website following the meeting at the end of the next business day. **Name and address are required.**
 - o **FACEBOOK:** Comments received on Facebook will not be presented during the meeting and will be addressed by staff subsequent to

the meeting as appropriate.

6. COMMITTEE REPORTS

7. PRESENTATIONS

- A. Proclamation for Severe Weather Week presented to Fire Chief John Donahue
- B. Update on Cares Act Funding
 - i. Delaware County Convention and Visitors Bureau, Destination Delaware – Tim Wilson, Executive Director
 - ii. United Way of Delaware County – Brandon Feller, President

8. CONSIDERATION OF NEW LIQUOR PERMIT

- A. Ohio Springs Inc. DBA Sheetz Convenience Store, 1851 Columbus Pike, Delaware, Ohio 43015. Permit Classes: C1, C2, D6

9. 7:20 P.M. PUBLIC HEARING and SECOND READING of Ordinance No. 21-18, an ordinance amending Section 917.21(B) of the City's Codified Ordinances relating to capacity fees for sanitary sewer service permits.

PUBLIC HEARING COMMENT OPTIONS:

- o **JOIN VIRTUAL MEETING:** To provide live public comment please email emccloskey@delawareohio.net or call 740-203-1013 to sign up by 3 p.m. the date of the meeting. **Name and address are required for public comment.** Comments are limited to 3 minutes.
- o **EMAIL, LETTER, PETITION:** written public comment, maximum of 500 words, is to be received by 3 p.m. the date of the meeting to be presented to Council for submission and read into the record. **Name and address are required.**
- o **FACEBOOK:** Comments received on Facebook will not be presented during the meeting and will be addressed by staff subsequent to the meeting as appropriate.

10. 7:25 P.M. PUBLIC HEARING and SECOND READING of Ordinance No. 21-19, an ordinance amending Section 913.20(B) of the City's Codified Ordinances relating to capacity fees for water service permits.

PUBLIC HEARING COMMENT OPTIONS:

- o **JOIN VIRTUAL MEETING:** To provide live public comment please email emccloskey@delawareohio.net or call 740-203-1013 to sign up by 3 p.m. the date of the meeting. **Name and address are required for public comment.** Comments are limited to 3 minutes.
- o **EMAIL, LETTER, PETITION:** written public comment, maximum of

500 words, is to be received by 3 p.m. the date of the meeting to be presented to Council for submission and read into the record. **Name and address are required.**

- **FACEBOOK:** Comments received on Facebook will not be presented during the meeting and will be addressed by staff subsequent to the meeting as appropriate.

11. SECOND READING of Ordinance No. 21-20, an ordinance authorizing the City Manager to execute a settlement agreement, supplementing the 2021 Appropriations.
12. CONSIDERATION READING of Resolution No. 21-14, a resolution appointing a member to the Delaware General Health District Board and specifying the term of the appointment.
13. FINANCE DIRECTOR'S REPORT
14. CITY MANAGER'S REPORT & COVID-19 UPDATE:
15. COUNCIL COMMENT
16. ADJOURNMENT

** This meeting will be a virtual meeting. Residents are encouraged to view online through the City of Delaware Facebook page. To comply with the CDC recommendation prohibiting group meetings, no in person attendance by Council, staff, or the public will be available.

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

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The regular meeting of Council held on March 8, 2021 and was called to order at 6:33 p.m. and was held remotely through Cisco Webex and streamed Live through Facebook due to the State of Emergency – Executive Order 2020-01D. The following members of Council were remotely present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Riggie who presided.

Staff Present Remotely: Sean Hughes, Economic Development Director, Dave Efland, Planning and Community Development Director, Justin Nahvi, Finance Director, Natalia Harris, City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 2. EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (1) personnel, Section 121.22 (G) (2) acquisition of property for public purpose, Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (5) matters required to be kept confidential by State statute.

Mrs. Keller motioned to enter into executive session at 6:37 p.m. pursuant to Ohio Revised Code Section 121.22 (G) (1) personnel, Section 121.22 (G) (2) acquisition of property for public purpose, Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (5) matters required to be kept confidential by State statute. This motion was seconded by Mr. Farrell and approved by a 7-0 vote. Present in the discussion was First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Riggie who presided. At 6:53 p.m. Vice-Mayor Shafer motioned to enter back into open session, seconded by Mr. Farrell. This motion was approved by a 7-0 vote. Council reconvened into open session at 7:00 p.m.

ITEM 3. INVOCATION

The invocation was delivered by Pastor Scott Logan, Agape International Cathedral.

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on February 22, 2021, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on March 1, 2021, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held on February 22, 2021, as recorded and transcribed, seconded by Mr. Hoffman. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the work session meeting of Council held on March 1, 2021, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

A. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on November 17, 2020, and December 15, 2020, as

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recorded and transcribed.

- B. Acceptance of the Motion Summary of the Planning Commission meeting held on January 6, 2021, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on January 27, 2021, as recorded and transcribed.
- D. Establish March 22, 2021 at 7:20 p.m. as a date and time for a public hearing and second reading of Ordinance No. 21-18, an ordinance amending Section 917.21(B) of the City's Codified Ordinances relating to capacity fees for sanitary sewer service permits.
- E. Establish March 22, 2021 at 7:25 p.m. as a date and time for a public hearing and second reading of Ordinance No. 21-19, an ordinance amending Section 913.20(B) of the City's Codified Ordinances relating to capacity fees for water service permits.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

The following email was submitted into the record:

Marianne Gabel
49 Forest Avenue
Delaware, Ohio

The following participants joined the meeting virtually:

Anna Willow
Via Cisco Webex
Sustainable Delaware
Delaware, Ohio

Kevin Anderson
Via Cisco Webex
648 Holly Road
Delaware, Ohio

ITEM 7: COMMITTEE REPORTS

ITEM 8: RESOLUTION NO. 21-10 [Second Reading]
A RESOLUTION AUTHORIZING THE MODIFICATION OF CERTAIN TRAFFIC CONTROL SIGNAGE TO ELIMINATE TWO (2) PARKING SPACES WITHIN THE NORTH FRANKLIN STREET PARKING LOT TO PROVIDE ACCESS TO PROPERTIES LOCATED AT 19 AND 23 WEST WINTER STREET.

The Clerk read the resolution for the second time. This resolution was tabled at the February 22, 2021 meeting.

Motion: Vice-Mayor Shafer motioned to bring forward to Council from the table Resolution No. 21-10, seconded by Mr. Farrell. Motion approved by a 6-0-1 (Riggle) vote.

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Motion: Vice-Mayor Shafer motioned to lay on table Resolution No. 21-10, seconded by Mr. Farrell. Motion approved by a 6-0-1 (Riggle) vote.

ITEM 9: ORDINANCE NO. 21-10 [Second Reading]
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT A NON-EXCLUSIVE INGRESS-EGRESS EASEMENT ON CITY PROPERTY ADJACENT TO 19 AND 23 W. WINTER STREET.

The Clerk read the ordinance for the second time. This ordinance was tabled at the February 22, 2021 Council meeting.

Motion: Vice-Mayor Shafer motioned to bring forward to Council from the table Ordinance No. 21-10, seconded by Mr. Farrell. Motion approved by a 6-0-1 (Riggle) vote.

Motion: Vice-Mayor Shafer motioned to lay on table Ordinance No. 21-10, seconded by Mr. Farrell. Motion approved by a 6-0-1 (Riggle) vote.

ITEM 10: RESOLUTION NO. 21-11 [First Reading]
A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE CITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE 2020 COMMUNITY REINVESTMENT AREA (CRA), ENTERPRISE ZONE (EZ) AND TAX INCREMENT FINANCING PROGRAMS (TIF).

The Clerk read the resolution for the first time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 21-11, seconded by Mr. Jones. Motion approved by a 3-0 vote.

ITEM 11: ORDINANCE NO. 21-11 [First Reading]
AN ORDINANCE GRANTING AN APPEAL OF A CONDITIONAL APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE REQUEST BY MOHIO PIZZA CO. FOR A PROPOSED REAR PERMANENT PATIO AT 23 NORTH SANDUSKY STREET, WHICH IS ZONED B-2 (CENTRAL BUSINESS DISTRICT) AND LOCATED IN THE DOWNTOWN CORE OF THE DOWNTOWN HISTORIC DISTRICT OVERLAY.

The Clerk read the ordinance for the first time.

APPLICANT:
Monroe Nelson
MOHIO Pizza Co.
23 North Sandusky Street
Delaware, Ohio 43015

PUBLIC PARTICIPATION:
Aaron Crater
Ohio Barhop, Founder
4119 Macaldus Drive
Columbus, Ohio 43219

Motion: Mr. Hoffman motioned to suspend the rules, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

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Motion: Mr. Hoffman motioned the approval of Ordinance 21-11, granting an appeal of the project as originally submitted, including the allowance of the maximum 6 ft. fence with wooden slats, interior fabric, a trellis, or other similar approach as determined by the Director of Planning and Development that allows for effectively blocking the sun and undesirable view from the patio finding special circumstance that satisfy the decision criteria listed in Section 1190.06(d) of the codified ordinances, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 21-12 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY T&R PROPERTIES FOR BOULDER RESERVE CONTAINING 90 SINGLE-FAMILY ATTACHED UNITS ON APPROXIMATELY 21.44 ACRES ON PROPERTY ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) AND LOCATED ON THE SOUTH SIDE OF BOULDER DRIVE AND EAST OF THE YMCA.

The Clerk read the ordinance for the first time.

APPLICANT:

RJ Sabatino
T&R Properties
2705 Donna Drive
Columbus, Ohio

Motion: Mr. Hoffman motioned to suspend the rules for Ordinance No. 21-12, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Hoffman motioned to adopt Ordinance No. 21-12, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 21-13 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY T & R PROPERTIES FOR BOULDER RESERVE CONTAINING 90 SINGLE-FAMILY ATTACHED UNITS ON APPROXIMATELY 21.44 ACRES ON PROPERTY ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) AND LOCATED ON THE SOUTH SIDE OF BOULDER DRIVE AND EAST OF THE YMCA.

The Clerk read the Ordinance for the first time.

APPLICANT:

RJ Sabatino
T&R Properties
2705 Donna Drive
Columbus, Ohio

Motion: Mr. Hoffman motioned to suspend the rules for Ordinance No. 21-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Hoffman motioned to adopt Ordinance No. 21-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

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ITEM 14: ORDINANCE NO. 21-14 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 17 CONTAINING 27 SINGLE FAMILY LOTS ON 8.321 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON SUNSTONE LANCE AND CAMBRIE DRIVE.

The Clerk read the ordinance for the first time.

APPLICANT:

Joe Lamparyk
475 Metro Place South
Dublin, Ohio

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 21-14, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 21-14, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 21-15 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 17 CONTAINING 27 SINGLE FAMILY LOTS ON 8.321 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON SUNSTONE LANE AND CAMBRIE DRIVE.

The Clerk read the ordinance for the first time.

APPLICANT:

Joe Lamparyk
475 Metro Place South
Dublin, Ohio

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 21-15, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 21-15, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 21-16 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 19 CONTAINING 36 SINGLE-FAMILY LOTS ON 10.437 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON BLUESTONE LANE.

The Clerk read the ordinance for the first time.

APPLICANT:

Joe Lamparyk
475 Metro Place South
Dublin, Ohio

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Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 21-16, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 21-16, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 17: ORDINANCE NO. 21-17 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 19 CONTAINING 36 SINGLE-FAMILY LOTS ON 10.437 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON BLUESTONE LANE.

The Clerk read the ordinance for the first time.

APPLICANT:

Joe Lamparyk
475 Metro Place South
Dublin, Ohio

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 21-17, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 21-17, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 18: ORDINANCE NO. 21-18 [First Reading]

AN ORDINANCE AMENDING SECTION 917.21(B) OF THE CITY'S CODIFIED ORDINANCES RELATING TO CAPACITY FEES FOR SANITARY SEWER SERVICE PERMITS.

The Clerk read the ordinance for the first time. Ordinance No. 21-18 will be presented as a seconded reading and public hearing at the March 22, 2021 meeting.

ITEM 19: ORDINANCE NO. 21-19 [First Reading]

AN ORDINANCE AMENDING SECTION 913.20(B) OF THE CITY'S CODIFIED ORDINANCES RELATING TO CAPACITY FEES FOR WATER SERVICE PERMITS.

The Clerk read the ordinance for the first time. Ordinance No. 21-19 will be presented as a seconded reading and public hearing at the March 22, 2021 meeting.

ITEM 20: ORDINANCE NO. 21-20 [First Reading]

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT, SUPPLEMENTING THE 2021 APPROPRIATIONS.

The Clerk read the ordinance for the first time. Ordinance No. 21-20 will be presented for a second reading.

ITEM 21: CITY MANAGER'S REPORT & COVID-19 UPDATE

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Mr. Homan provided an update regarding the American Recovery Act and he will be updating and providing an update at a later date on the how this aid distribution may affect the City.

ITEM 22: COUNCIL COMMENTS

Mr. Jones discussed that he has received numerous complaints regarding the blasting at the quarry and that representatives from The National Lime and Stone Company will be presenting at the April 12 Council meeting to provide an update.

Mr. Hoffman informed Council that he was contacted by residents in the southeast part of his ward and that he will be meeting with them to discuss their request for a 100% income tax credit. He also discussed that he was in contact with members of both the Olentangy City School District and Delaware City School District school board on their decision to return to school for Olentangy and the decision to remain hybrid by Delaware City Schools.

Mr. Hellinger discussed that members of Council speaking on City issues should use their city labels as representatives of the City, but not for issues that are not City related.

Mayor Riggle informed Council that the Planning Commission will have a special work session to review the draft Comprehensive Plan.

ITEM 23: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:39 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**BOARD OF ZONING APPEALS
MOTION SUMMARY
December 9, 2020**

ITEM 1. Roll Call

Chairman Dick called the virtual meeting to order at 6:32 p.m.

Members Present Virtually: Ben Dariano, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman Cory Hoffman, and Chairman Matt Dick

Members Absent: Beth Fisher

Staff Present Virtually: Lance Schultz, Zoning Administrator

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

ITEM 2. INTRODUCTION of New Board of Zoning Appeals Member – Ben Dariano, At-Large

ITEM 3. ELECTION of OFFICERS

- A. Chairperson
- B. Vice-Chairperson

Motion: Councilman Hoffman motioned to table the election of officers until the next scheduled Board of Zoning Appeals meeting, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 4. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on November 11, 2020, as recorded and transcribed.

Motion: Councilman Hoffman moved to approve the Motion Summary for the Board of Zoning Appeals held on November 9, 2020 meeting, seconded by Mr. Daughenbaugh. Motion approved by a 5-0-1(Dariano).

ITEM 5. REGULAR BUSINESS

- A. 2020-2586: A request by Delaware City Schools for approval of a Side Yard Setback Variance for a Building Expansion and Site Improvements for Conger Elementary School on approximately 4.05 acres zoned R-4 (Medium Density Residential District) and located at 10 Channing Street

Anticipated Process:

- a. Swearing in of all applicants and members of public relating to case

Chairman Dick swore in the following members of the public:

Jason Sherman
Director of Facilities and Transportation
Delaware City Schools
74 West William Street
Delaware, Ohio

Zach Price
Triad Architects
172 East State Street, Suite 600
Columbus, Ohio 43215

Kevin Kindy
Triad Architects
172 East State Street, Suite 600
Columbus, Ohio 43215

b. Staff Presentation

Mr. Schultz reviewed the proposal by the schools for an approximate 4,365 square foot building addition on the northeast portion of the building fronting East Winter Street that would protrude up to 15 feet into the required setback. As the building extends south from East Winter Street it becomes conforming to the setback at a point when it is 40 ft. from the property line because the building is set at an angle to the property line itself. He reviewed the factors to grant a variance based on Section 1128.09 (c) (1) of the Planning and Zoning Code.

c. Applicant Presentation

The applicant voiced no concerns.

d. Public Testimony

The Clerk informed the Commission that there was no public testimony submitted regarding Case 2020-2586.

e. Commission Action

Motion: Councilman Hoffman motioned to approve application 2020-2586, along with staff conditions and recommendations, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning and Zoning Code are met, seconded by Mr. Whitmore. Motion approved by a 6-0 vote.

B. 2020-2588: A request by DGH Properties LLC., to Chapter 1151.03 (d) (2)

Substitution of Less Nonconforming Use for 152 West Central Street on property zoned R-3 (One-Family Residential District).

Anticipated Process:

- a. Swearing in of all applicants and members of public relating to case

Chairman Dick swore in the following members of the public:

Dimitri Hatzifotinos
Willis Law Firm, LLC
1160 Goodale Boulevard
Columbus, Ohio

- b. Staff Presentation

Mr. Schultz discussed the location of the property and that the house was constructed in 1910 which a few additions to the building over the years. The front two tenant units are residential units that are currently occupied, and the rear two tenant units have been utilized as commercial units in the past but are currently vacant. The owner is requesting the substitution of less nonconforming uses for the rear two uses from commercial uses to residential uses per Chapter 1151.03 (d) (2). He reviewed the guidelines set in Chapter 1151.03 (d) (2) and staff conditions.

- c. Applicant Presentation

Mr. Hatzifotinos discussed purchasing the property in 2014. He discussed interior and exterior upgrades that are needed and will provide a new residential use from the previous commercial use. He discussed the plans to do the exterior all at once and plans for renovations.

- d. Public Testimony

The Clerk informed the Commission that there was no public testimony submitted regarding Case 2020-2588.

- e. Commission Action

Motion: Councilman Hoffman motioned to approve application 2020-2588, along with staff conditions and recommendations, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning and Zoning Code are met, seconded by Mr. Whitmore. Motion approved by a 6-0 vote.

ITEM 6. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 7. NEXT REGULAR MEETING: January 13, 2020.

ITEM 8. ADJOURNMENT

Motion: Councilman Hoffman moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Whitmore. The Board of Zoning Appeals meeting adjourned at 6:55 p.m.

DocuSigned by:

Matt Dick

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Matt Dick, Chairman

DocuSigned by:

Elaine McCloskey

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Elaine McCloskey, Clerk

**PLANNING COMMISSION
FEBRUARY 3, 2021
MOTION SUMMARY**

ITEM 1. Roll Call

Chairman Simpson called the meeting to order at 6:34 p.m.

Members Present Virtually: Sara Anderson, Tajudeen Bakare, Dean Prall, Andy Volenik, Mayor Carolyn Kay Riggle, Vice-Chairman George Mantzoros (arrived 6:36 pm) and Chairman Stacy Simpson

Staff Present Virtually: Carrie Fortman, Project Engineer, Lance Schultz, Zoning Administrator and Dave Efland, Planning and Community Development Director

ITEM 2. APPROVAL of the Motion Summary of the Planning Commission meeting held January 6, 2021, as recorded and transcribed.

Motion: Mr. Prall motioned to approve the Motion Summary for the Planning Commission meeting held on January 6, 2021, as recorded and transcribed, seconded by Mayor Riggle. Motion approved with a 6-0 vote.

Vice-Chairman Mantzoros arrived at 6:36 p.m.

ITEM 3. REGULAR BUSINESS

A. 2021-0121: A request by Central Ohio Mobile Veterinary Surgical Services, LLC. for approval of a Conditional Use Permit for a veterinary hospital at 585 Sunbury Road in the Delaware Commerce Park and zoned B-3 (Community Business District).

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the property location and zoning. The applicant is proposing a veterinary care hospital for referral surgical and emergency care for pets and would be open 24/7 at this location. All pets would be housed indoors only with minimal need to leave the building except for occasional leashed/supervised outdoor exercise. This proposal will not qualify as an outdoor run or kennel under code. He reviewed the road and access and site plans and configuration.

b. Applicant Presentation

APPLICANT:

Dr. James Reynolds
3383 N. 3BKs Road
Sunbury, Ohio

Dr. Reynolds clarified that animals will not remain outside unsupervised but may be supervised on a leash to be walked.

c. Public comment (public hearing)

The Clerk informed the Commission that there were no public comment requests.

d. Commission Action

Motion: Mr. Prall motioned to approve 2021-0121, along with all staff recommendations and conditions, seconded by Mayor Riggle. Motion approved by a 7-0 vote.

B. First Citizens National Bank

- (1) 2021-0118: A request by Triad Architects LLC., for a Rezoning Amendment for First Citizens National Bank at 33 West William Street from B-3 (Community Business District) to B-2 (Central Business District) on approximately 0.324 acres.
- (2) 2021-0119: A request by Triad Architects LLC., for a Combined Preliminary and Final Development Plan for First Citizens National Bank for a building renovation and expansion at 33 West William Street on property zoned B-2 (Central Business District) on approximately 0.324 acres.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the proposed site plan and property location. He discussed the existing 500 square foot bank building will be renovated and is proposed to have an approximate 2,170 square foot addition. The existing three drive-through lanes on the building's east side will remain and will be upgraded. Existing traffic circulation pattern will be maintained, and customers will enter and exit from the South Franklin Street curb cut while customers using the drive-through service will enter from the South Franklin Street entrance and exit onto West William street using the pre-existing right turn only/exit only curb cut. He discussed the request for a rezoning from B3 to B2.

Mr. Efland discussed that the applicant had received approval from the Historic Preservation Commission, who has jurisdiction on the design of the exterior of the building.

The Commission questioned the right out only and how that will be managed. Ms. Fortman discussed engineering's commitment to work with the developer to get proper signage. Mr. Efland addressed concerns relating to the drive thru not funneling into one lane and that the configuration has no changes from the previous use as a bank and that staff does not expect an issue. Mr. Efland did inform the Commission that he received concern regarding potential storm water run off. Mr. Efland discussed that engineering will address this concern and that there is slightly more greenspace with the new plan and there will be no additional permeable pavement.

b. Applicant Presentation

APPLICANT:

Michael R. Shade
Shade and Shade, LLC
236 West Central Avenue
Delaware, Ohio

Zach Price
Triad Architects
328 North Liberty Street
Delaware, Ohio

Jevon Reile
9901 County Highway 42
Upper Sandusky, Ohio

Mr. Reile discussed the walk-up teller window east of the door and that with the recent pandemic there has been a resurgence of walk-up windows to give customers an access to the building that are not comfortable coming in.

Mr. Price discussed that there are no changes to the existing drive thru lanes and that the banking industry has changed with less use of a building related to increase use of online banking.

c. Public comment (public hearing)

The Clerk informed the Commission that there were no public comment requests.

d. Commission Action

Motion: Mr. Volenik motioned to approve 2021-0118, along with all staff recommendations and conditions, seconded by Mr. Bakare. Motion approved by a 7-0 vote.

Motion: Mr. Volenik motioned to approve 2021-0119, along with all staff recommendations and conditions, seconded by Ms. Anderson. Motion approved by a 7-0 vote.

ITEM 4. PLANNING DIRECTOR REPORT

Mr. Efland informed the Commission that the Homeport project was approved by Council and that the applicant is starting to move forward with the grant application. He discussed the plans to review the draft Delaware Together Comprehensive Plan with a work session on either March 17 or April 21.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

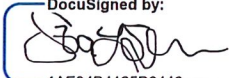
Mr. Prall discussed the growth of development at Terra Alta.

ITEM 6. NEXT REGULAR MEETING: March 3, 2021

ITEM 7. ADJOURNMENT:

Motion: Chairman Simpson moved for the Planning Commission meeting to adjourn. The meeting adjourned at 7:27 p.m.

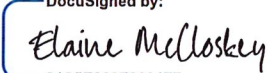
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Chairperson

DocuSigned by:



24C5E222F6604F7...

Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM C DATE: 03/22/2021
ORDINANCE NO: RESOLUTION NO: 20-12
READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: William L. Ferrigno, P.E.

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT (018-22).

BACKGROUND:

The City must participate in a cooperative purchasing agreement in order to obtain road salt for winter snow and ice management operations within the city. Participation in ODOT's winter salt contract guarantees adequate supply of highway road salt. Salt is available through the program from September 1, 2021 through April 30, 2022, and at a competitive price through ODOT's public bid process. Participation provides access to up to 1,000 tons of road salt at an estimated delivered price of \$65.00 per ton. The City's five-year average use of winter road salt is 2,100 tons per year and has ranged from 1,400 tons to 3,200 tons used in a season, though only 2586 tons of salt were used in this past winter season. Availability of additional road salt outside of participation in the ODOT program remains limited.

REASON WHY LEGISLATION IS NEEDED:

Resolution and signed agreement required by ODOT to participate in program

COMMITTEE RECOMMENDATION:

None

FISCAL IMPACT(S):

Anticipate balance of funding available in the 2021 appropriations ordinance will be sufficient to cover final cost of purchasing.

POLICY CHANGES:

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

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

RESOLUTION NO. 21-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN THE COOPERATIVE PURCHASE OF ROAD SALT THROUGH THE ODOT WINTER SALT PURCHASE CONTRACT (018-22).

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

WHEREAS, the Ohio Department of Transportation invites all local governments and political subdivisions to partner with ODOT for the cooperative purchase of road salt through Winter Contract (018-22); and

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

WHEREAS, participation in the cooperative bidding and purchasing with ODOT will most likely ensure the best possible price and a reliable source of availability for road salt for the 2021-2022 winter seasons.

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

SECTION 1. That the City Manager is hereby granted authority to participate in the Ohio Department of Transportation Winter (018-22) contracts for road salt and sign agreements as required.

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

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

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

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

PASSED: _____, 2021

YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM D DATE: 03/22/2021
ORDINANCE NO: RESOLUTION NO: 21-13
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:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO COOPERATION AGREEMENTS WITH DELAWARE COUNTY TO RESURFACE PEACHBLOW ROAD AND STRATFORD ROAD

BACKGROUND:

Delaware County plans to resurface Peachblow Road and Stratford Road during the 2021 construction season. Portions of both roadways lie within the City and it is in the City's interest to resurface those portions so a continuous pavement surface is maintained. The estimated project costs are as follows:

Project	County Cost	City Cost	Total Cost
Peachblow Road	\$182,900	\$56,400	\$239,300
Stratford Road	\$61,100	\$34,300	\$95,400
Total	\$244,000	\$90,700	\$334,700

Because the County did not previously plan to resurface these roads, the City did not plan for cost sharing in the 2021 budget. Therefore, the County has agreed to defer the City's reimbursement to 2022 so that funding for resurfacing of City streets does not need to be diverted this year. Accordingly, the City will include these costs in the 2022 budget appropriations.

These costs are based upon the County's project estimates. Actual costs, including the City's portion, will be based upon the actual work performed and the awarded unit prices.

REASON WHY LEGISLATION IS NEEDED:

This Resolution is required in order for the City Manager to sign an intergovernmental cooperative agreement.

COMMITTEE RECOMMENDATION:

The Public Works Committee will have the opportunity to discuss the details of this project in its next regularly scheduled meeting.

FISCAL IMPACT(S):

The total project cost to the City and County is currently estimated at \$334,700. The City of Delaware's share of the project is estimated to be \$90,700.

POLICY CHANGES:

None

PRESENTER(S):

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

RECOMMENDATION:

Approval is recommended. The City's participation will place the segments within the City on the same resurfacing schedule as the adjacent portions outside the City.

ATTACHMENT(S)

Exhibit 1 – Peachblow Road & Stratford Road Improvements Project
Cooperation Agreement – Peachblow Road
Cooperation Agreement – Stratford Road

**COOPERATION AGREEMENT
BY AND BETWEEN
THE CITY OF DELAWARE
AND
DELAWARE COUNTY
FOR RESURFACING OF PEACHBLOW ROAD**

This Agreement is made and entered into this _____ day of _____, _____ by and between the Delaware County Board of Commissioners, 91 North Sandusky Street, Delaware, Ohio 43015 (the “County”), and the City of Delaware, 1 S. Sandusky Street, Delaware, Ohio 43015 (the “City”), hereinafter referred to individually as “Party” or collectively as the “Parties”.

1 AUTHORITY

1.1 This Agreement is authorized under, *inter alia*, sections 9.482, 307.15, and 715.02, and Chapter 5557, of the Revised Code.

2 PURPOSE

2.1 The City and County desire to make improvements to Peachblow Road, including resurfacing of the pavement from Glenn Parkway to S. Old State Road (the “Project”).

2.2 This Agreement shall establish the terms and conditions whereby the Parties will cooperate to undertake the Project.

3 NOTICES

3.1 Notices served under this Agreement shall be made in writing to the representatives of each Party listed below:

3.1.1 County:

Robert Riley, PE, PS
Chief Deputy Engineer
50 Channing Street
Delaware, OH 43015
email: rriley@co.delaware.oh.us

3.1.2 City:

Jonathan Owen
Capital Project Manager
440 East William Street
Delaware, Ohio 43015
email: jowen@delawareohio.net

4 MANAGEMENT OF PROJECT

4.1 The County, acting through the County Engineer will design, administer bidding and award of the construction contract and manage the construction of the Project, and shall coordinate the same with the Deputy City Engineer, allowing reasonable opportunity for the City to provide comments and approvals of plans, specifications, and estimates for the Project.

5 ESTIMATED COSTS

5.1 The estimated costs of the Project are as follows:

5.1.1	Total Cost of Project:	\$239,300
5.1.2	County Share:	\$182,900
5.1.3	City Share:	\$ 56,400

5.2 The City and County acknowledge that the estimated costs are based on the County Engineer's opinion of probable construction costs, that the cost sharing as specified above shall apply to the actual work performed in accordance with the plans and specifications for the Project at the awarded contract unit price, and that the share for any lump sum contract items shall be apportioned pro rata based upon the amount of work performed within the City and County jurisdictions as determined by the County Engineer.

6 COST PARTICIPATION

6.1 The County shall pay all construction estimates due to the Contractor upon completion of the work, including partial estimates.

6.2 The City shall reimburse the County for all costs relating to the construction of the Project situated within the City municipal corporation limits.

6.3 The County Engineer shall keep an accurate record of the Project costs and submit an invoice to the City for the City's share of the Project cost at the completion of the work, including any necessary supporting documentation to substantiate the costs.

6.4 The City shall pay the invoice on or before March 1, 2022 subject to availability of funding approved in the City's 2022 Appropriations ordinance.

7 PERSONNEL

7.1 The Parties each agree to maintain control over their respective personnel, and this Agreement shall not be construed to alter the employment relationship each Party has with its respective personnel. Each Party shall be responsible for the compensation, benefits, and liabilities of its respective personnel and hereby agrees to release the other Party from any responsibility therefor.

8 EQUIPMENT AND FACILITIES

8.1 Each Party to this Agreement shall be responsible for providing its own equipment and facilities. In no way shall this Agreement be construed to require the sale or donation of equipment under the ownership and control of either Party of this Agreement.

9 RECORDS

9.1 The Parties agree that each shall maintain public records concerning this Agreement, pursuant to the laws of the State of Ohio pertaining to public records.

10 TERM

10.1 This Agreement shall take immediate effect upon approval by all Parties hereto and shall continue in full force and effect until final completion of the Project, unless and until modified, superseded, or terminated in accordance with this Section.

10.2 This Agreement may only be amended or terminated in writing with the mutual consent and agreement of the Parties.

11 LEGAL CONTINGENCIES

11.1 In the event a change in law, whether by statute, judicial determination, or administrative action, affects this Agreement or the ability of the Parties to enter into, or continue to operate pursuant to, this Agreement, the Parties mutually agree to immediately institute a review of this Agreement. The Parties agree to negotiate in good faith to address any necessary modifications to this Agreement, to the extent permitted by applicable law.

12 INSURANCE AND LIABILITY

12.1 The Parties are both political subdivisions and lack authority to indemnify.

12.2 Each Party shall, for the life of this Agreement, maintain comprehensive general liability insurance coverage, with minimum limits in the amount of \$1,000,000.00 each occurrence or equivalent and \$2,000,000.00 in the aggregate, and shall cause the other Party to be named as an additional insured on any applicable insurance policies.

13 MISCELLANEOUS TERMS & CONDITIONS

13.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement between the Parties and shall supersede all prior understandings and agreements relating to the subject matter hereof. This Agreement shall not be assigned.

13.2 Governing Law and Disputes: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. The Parties shall make good faith efforts to directly negotiate any disputes arising from this Agreement. If direct negotiations shall fail, the Parties agree to mediate the dispute with a mediator chosen by agreement between the Parties. If mediation shall fail, any and all legal disputes arising from this Agreement may only be filed in and heard before the courts of Delaware County, Ohio.

13.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary.

13.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

13.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue in full force and effect.

(The remainder of this page is intentionally left blank. Signatures are on the following page.)

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

Date: _____

Approved as to Form

Natalia Harris City Attorney
Delaware, Ohio

Date: _____

DELAWARE COUNTY BOARD OF COMMISSIONERS

By: _____
Gary Merrell, President of the Board
Pursuant to Resolution No. 11-137 and
Resolution No. 21-_____

Date: _____

Approved as to Form

Staff Attorney, Board of Commissioners
Delaware County, Ohio

Date: _____

Fiscal Officer Certifications

Delaware County:

The Delaware County Auditor hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the County treasury or in the process of collection, free from any other encumbrances. The Delaware County Auditor also certifies that it has been confirmed by the Ohio Auditor of State that the City of Delaware has no unresolved findings for recovery issues against them by the State of Ohio.

Date: _____, 2021

George Kaitsa, Auditor of Delaware County, Ohio

City of Delaware

The Finance Director of the City of Delaware hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the City treasury or in the process of collection, free from any other encumbrances, subject to availability of funding approved in the City's 2022 Appropriations ordinance. The Finance Director also certifies that it has been confirmed with the Ohio Auditor of State that Delaware County has no unresolved findings for recovery issued against them by the State of Ohio.

Date: _____, 2021

Justin Nahvi, Finance Director, City of Delaware

**COOPERATION AGREEMENT
BY AND BETWEEN
THE CITY OF DELAWARE
AND
DELAWARE COUNTY
FOR RESURFACING OF STRATFORD ROAD**

This Agreement is made and entered into this _____ day of _____, _____ by and between the Delaware County Board of Commissioners, 91 North Sandusky Street, Delaware, Ohio 43015 (the “County”), and the City of Delaware, 1 S. Sandusky Street, Delaware, Ohio 43015 (the “City”), hereinafter referred to individually as “Party” or collectively as the “Parties”.

1 AUTHORITY

1.1 This Agreement is authorized under, *inter alia*, sections 9.482, 307.15, and 715.02, and Chapter 5557, of the Revised Code.

2 PURPOSE

2.1 The City and County desire to make improvements to Stratford Road, including resurfacing of the pavement from US Route 23 to the Phaseline (the “Project”).

2.2 This Agreement shall establish the terms and conditions whereby the Parties will cooperate to undertake the Project.

3 NOTICES

3.1 Notices served under this Agreement shall be made in writing to the representatives of each Party listed below:

3.1.1 County:

Robert Riley, PE, PS
Chief Deputy Engineer
50 Channing Street
Delaware, OH 43015
email: rriley@co.delaware.oh.us

3.1.2 City:

Jonathan Owen
Capital Project Manager
440 East William Street
Delaware, Ohio 43015
email: jowen@delawareohio.net

4 MANAGEMENT OF PROJECT

4.1 The County, acting through the County Engineer will design, administer bidding and award of the construction contract and manage the construction of the Project, and shall coordinate the same with the Deputy City Engineer, allowing reasonable opportunity for the City to provide comments and approvals of plans, specifications, and estimates for the Project.

5 ESTIMATED COSTS

5.1 The estimated costs of the Project are as follows:

5.1.1	Total Cost of Project:	\$95,400
5.1.2	County Share:	\$61,100
5.1.3	City Share:	\$34,300

5.2 The City and County acknowledge that the estimated costs are based on the County Engineer's opinion of probable construction costs, that the cost sharing as specified above shall apply to the actual work performed in accordance with the plans and specifications for the Project at the awarded contract unit price, and that the share for any lump sum contract items shall be apportioned pro rata based upon the amount of work performed within the City and County jurisdictions as determined by the County Engineer.

6 COST PARTICIPATION

6.1 The County shall pay all construction estimates due to the Contractor upon completion of the work, including partial estimates.

6.2 The City shall reimburse the County for all costs relating to the construction of the Project situated within the City municipal corporation limits.

6.3 The County Engineer shall keep an accurate record of the Project costs and submit an invoice to the City for the City's share of the Project cost at the completion of the work, including any necessary supporting documentation to substantiate the costs.

6.4 The City shall pay the invoice on or before March 1, 2022 subject to the availability of funding approved in the City's 2022 Appropriations ordinance.

7 PERSONNEL

7.1 The Parties each agree to maintain control over their respective personnel, and this Agreement shall not be construed to alter the employment relationship each Party has with its respective personnel. Each Party shall be responsible for the compensation, benefits, and liabilities of its respective personnel and hereby agrees to release the other Party from any responsibility therefor.

8 EQUIPMENT AND FACILITIES

8.1 Each Party to this Agreement shall be responsible for providing its own equipment and facilities. In no way shall this Agreement be construed to require the sale or donation of equipment under the ownership and control of either Party of this Agreement.

9 RECORDS

9.1 The Parties agree that each shall maintain public records concerning this Agreement, pursuant to the laws of the State of Ohio pertaining to public records.

10 TERM

10.1 This Agreement shall take immediate effect upon approval by all Parties hereto and shall continue in full force and effect until final completion of the Project, unless and until modified, superseded, or terminated in accordance with this Section.

10.2 This Agreement may only be amended or terminated in writing with the mutual consent and agreement of the Parties.

11 LEGAL CONTINGENCIES

11.1 In the event a change in law, whether by statute, judicial determination, or administrative action, affects this Agreement or the ability of the Parties to enter into, or continue to operate pursuant to, this Agreement, the Parties mutually agree to immediately institute a review of this Agreement. The Parties agree to negotiate in good faith to address any necessary modifications to this Agreement, to the extent permitted by applicable law.

12 INSURANCE AND LIABILITY

12.1 The Parties are both political subdivisions and lack authority to indemnify.

12.2 Each Party shall, for the life of this Agreement, maintain comprehensive general liability insurance coverage, with minimum limits in the amount of \$1,000,000.00 each occurrence or equivalent and \$2,000,000.00 in the aggregate, and shall cause the other Party to be named as an additional insured on any applicable insurance policies.

13 MISCELLANEOUS TERMS & CONDITIONS

13.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement between the Parties and shall supersede all prior understandings and agreements relating to the subject matter hereof. This Agreement shall not be assigned.

13.2 Governing Law and Disputes: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. The Parties shall make good faith efforts to directly negotiate any disputes arising from this Agreement. If direct negotiations shall fail, the Parties agree to mediate the dispute with a mediator chosen by agreement between the Parties. If mediation shall fail, any and all legal disputes arising from this Agreement may only be filed in and heard before the courts of Delaware County, Ohio.

13.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary.

13.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

13.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue in full force and effect.

(The remainder of this page is intentionally left blank. Signatures are on the following page.)

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

Date: _____

Approved as to Form

Natalia Harris, City Attorney
Delaware, Ohio

Date: _____

DELAWARE COUNTY BOARD OF COMMISSIONERS

By: _____
Gary Merrell, President of the Board
Pursuant to Resolution No. 11-137 and
Resolution No. 21-_____

Date: _____

Approved as to Form

Staff Attorney, Board of Commissioners
Delaware County, Ohio

Date: _____

Fiscal Officer Certifications

Delaware County:

The Delaware County Auditor hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the County treasury or in the process of collection, free from any other encumbrances. The Delaware County Auditor also certifies that it has been confirmed by the Ohio Auditor of State that the City of Delaware has no unresolved findings for recovery issues against them by the State of Ohio.

Date: _____, 2021

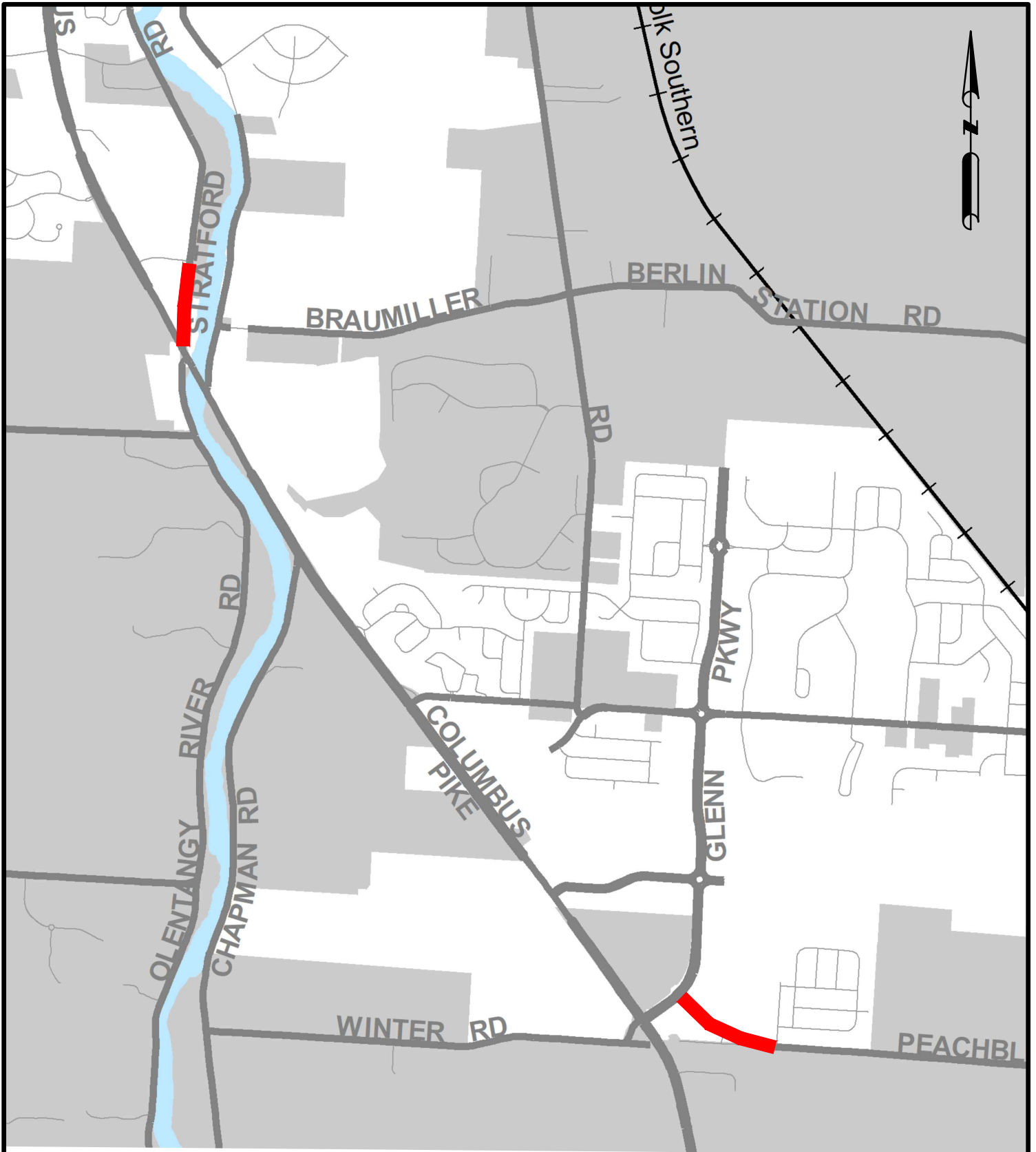
George Kaitsa, Auditor of Delaware County, Ohio

City of Delaware

The Finance Director of the City of Delaware hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the City treasury or in the process of collection, free from any other encumbrances, subject to availability of funding approved in the City's 2022 Appropriations ordinance. The Finance Director also certifies that it has been confirmed with the Ohio Auditor of State that Delaware County has no unresolved findings for recovery issued against them by the State of Ohio.

Date: _____, 2021

Justin Nahvi, Finance Director, City of Delaware



PORTIONS OF PEACHBLOW ROAD AND STRATFORD ROAD RESURFACING WITHIN CITY LIMITS

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

65215090300		NEW	OHIO SPRINGS INC	
PERMIT NUMBER		TYPE	DBA SHEETZ CONVENIENCE STORE	
ISSUE DATE				
10 06 2020				
FILING DATE				
C2 D6				
PERMIT CLASSES				
21	022	B	C86820	
TAX DISTRICT			RECEIPT NO.	

FROM 03/05/2021

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



MAILED 03/05/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/05/2021

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 6521509-0300

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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



Department
of Commerce

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing or not; or
- Ask for your one-time only, 30-day extension.
 - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **must** be:

FAXED to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can fax your response to: (614) 644 – 3166

EMAILED to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can email your response to: LiquorLicensingMailUnit@com.state.oh.us

POSTMARKED, if mailed, no later than the date listed on the notice after "responses must be postmarked no later than." You can mail your response to

Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

In an effort to speed up processing times and reduce paper, the Division respectfully asks that you either fax or email the above notice. In a similar effort, please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff, if you are a township fiscal officer or county clerk, as the Division sends the applicable law enforcement agency the pertinent ownership disclosure information when it notifies them of the permit application.

Licensing Section
6606 Tussing Road
Reynoldsburg, OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750
com.ohio.gov



Delaware Police Department Liquor Permit Report

DPD Report Number L-20-03		Investigating Officer Officer Derek Childs	
Applicant (Primary Shareholder) Ohio Springs Inc.		Company Name: DBA: Sheetz Convenience Store	
Common Name Sheetz		Address 710 Sunbury Rd. Delaware, Ohio 43015	
Applicant Phone Number		Applicant E-Mail Address:	
<input type="checkbox"/> Existing Business	Type of Business Gas Station	Notification Type: New	Date of Report 10/14/20
<input checked="" type="checkbox"/> New Business (Supplement Attached)			
Permit Type			
<input checked="" type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input checked="" type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input type="checkbox"/> D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout. <input type="checkbox"/> D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. <input type="checkbox"/> D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. <input type="checkbox"/> Other D6			

Location Information

Churches, Libraries and or schools within 500 feet <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input type="checkbox"/> No Note: Objections are only permitted for <i>new permits</i> .
Police Calls for Service in past 12 months: 0	Number of Police Reports in past 12 months: 0
Calls for Service excluding calls not related to the business in past 12 months: none	Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No
Nuisance Abatement Pending <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Accessible by Law Enforcement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site compliance checked by Dept. of Commerce <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Applicant Information

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

Determination on Objection

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

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



**Delaware Police Department
Liquor Permit Report**

(Supplement Attached)

Supplement

Supplement Type

New Business Description

Police Department Objection

Community Objection

Other :

Sheetz is a 24 hour operation that wants to be known for more than just being a gas station. They offer a variety of made to order food. Sheetz currently has 43 stores in Ohio, mainly in the north east corner of the state. Sheetz is working to become prevalent in the central Ohio area.

The Sheetz convenience store has applied for a C1 and C2 permit. The C1 permit is for beer only in original sealed container for carry out only. The C2 permit is for wine and mixed beverages in sealed containers for carry out only.

Since this store is currently being constructed, the police department would not have any calls for service. On 10/13/20, an agent with liquor control advised me Sheetz has not done a background check with their agency as of this date. When asked, liquor control checked for liquor violations for all 43 Sheetz locations within the state of Ohio. Sheetz was found to have 7 underage liquor sales violations from 6 stores; Akron 2001, Canton 2011 and 2012, Alliance 2010, Stow 2010, Ravenna 2009 and Chardon in 2010.

The Delaware Police Department finds no reason for an objection to the issuance of liquor permit for the new Sheetz gas station currently in construction at 710 Sunbury Rd.

Ofc. Derek Childs
Investigating Officer Signature

10/15/20
Date

Det. S. Lind
Supervisor Signature

10/15/20
Date



FACT SHEET

AGENDA ITEM NO: 9

DATE: 03/22/2021

ORDINANCE NO: 21-18

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
March 22, 2021 @ 7:20 PM

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Blake Jordan, Director Public Utilities

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTION 917.21(B) OF THE CITY'S CODIFIED ORDINANCES RELATING TO CAPACITY FEES FOR SANITARY SEWER SERVICE PERMITS.

BACKGROUND:

Pursuant to Section 197.01 of the codified ordinances, the City's fees and services charges are reviewed each year with the annual budget. No action is taken if, during the review, fees are found to be within reasonable need of the Fund. During recent annual review staff found that the need for official fee review was warranted. The adjustments in this legislation address sanitary sewer supply service capacity fees. 917.21(b.1) – One equivalent dwelling unit's average daily water consumption will be changed from 400 gallons to 360 gallons.

917.21(b.1.C) – Average sewer consumption will be divided by 360 gallons.
917.21(b.2) – The sanitary sewer capacity fee is now \$3,145 per EDU, a decrease from the previous amount of \$5,385 per EDU.

The new effective date of the fee changes is June 1, 2021.

REASON WHY LEGISLATION IS NEEDED:

Section 197.01(b) of the codified ordinances provides that an ordinance is needed to adjust fees outside of the budget process.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

Previous capacity fee structure was based upon an “incremental cost approach,” as additional facilities to serve new customers were being planned for. The new capacity fee structure is based upon a “combined approach” wherein current assets provide some capacity to accommodate new customers, but the capital improvement plan also identifies significant capital investment to add additional infrastructure.

PRESENTER(S):

R. Thomas Homan, City Manager
Blake Jordan, Public Utilities Director

RECOMMENDATION:

Approval at 3rd Reading

ATTACHMENT(S):

March 2, 2021 Raftelis Financial Consultants, Inc. Capacity Fee Evaluation
PowerPoint

ORDINANCE NO. 21-18

AN ORDINANCE AMENDING SECTION 917.21(B) OF
THE CITY'S CODIFIED ORDINANCES RELATING TO
CAPACITY FEES FOR SANITARY SEWER SERVICE
PERMITS.

WHEREAS, the City recognized an onset of significant growth in and around the City, anticipated continued significant growth in and around the City, and deemed it necessary to expand the City's sanitary sewer system ("Sewer Utility") to accommodate the increasing demand on Sewer Utility caused by the significant growth in and around the City in 2006; and

WHEREAS, the City retained Floyd Browne Group, Inc. ("FBG") who evaluated the cost of expanding the capacity of the Sewer Utility to accommodate future demands on the Sewer Utility and determined an equitable cost allocation method that fairly apportioned the cost of the Sewer Utility expansion to new customers of the Sewer Utility; and

WHEREAS, FBG completed its evaluation and delivered an Annual Utility Capacity Fee Update, dated February 17, 2006 ("the Report"), to the City wherein FBG revised capacity improvement calculations and advised that the current use of meter size as a ratio for determining capacity fees to non-residential development did not adequately reflect the full impact of high-end users on the Sewer Utility system and further recommended that the City implement the "equivalent dwelling unit method" ("EDU") to more accurately determine Sewer Utility capacity fees; and

WHEREAS, this Council reviewed the FBG Report, adopted FBG's findings and recommendations regarding capacity fees including the recommended change to the equivalent dwelling unit method of determining capacity fees for the Sewer Utility, and passed Ordinance No. 06-32, which repealed the then-existing versions of Delaware Codified Ordinance Sections 917.21(b) and 917.21(f) and amended the two sections, respectively; and

WHEREAS, the City's Codified Ordinances require the City to evaluate and update its capacity fees annually; and

WHEREAS, the necessity to keep current or take affirmative action to change or otherwise alter the City's capacity fees is determined during each annual review; and

WHEREAS, the City retained Raftelis Financial Consultants, Inc. ("Raftelis") to evaluate the City's capacity fees due to the changing economic climate; and

WHEREAS, Raftelis completed its evaluation and delivered a Capacity Fee Evaluation, dated March 2, 2021 (“Raftelis Report,” attached), to the City wherein Raftelis recommended the City maintain the “equivalent dwelling unit” (EDU”) method to determine Sewer Utility capacity fees and modify the baseline for an EDU.

WHEREAS, while the City’s current capacity fees are supportable, exploring different methodologies for setting sanitary sewer and water supply services capacity fees provided the City an opportunity to reduce the capacity fees; and

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

SECTION 1. Section 917.21(b) of the City’s Codified Ordinances is hereby amended to read as follows:

- (b) The following capacity fee shall be charged for permits issued to connect into the City sanitary sewer system and shall be paid upon issuance of said permit.
 - (1) All properties connecting to the City of Delaware sanitary sewer system shall be assigned an Equivalent Dwelling Unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of ~~400~~ **360** gallons.
 - A. All single-family residential properties connecting to the sanitary sewer system are assigned one (1) EDU.
 - B. All master metered multi-family residential properties connecting to the sanitary sewer system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by multiplying the number of multi-family residential units by the Single Family Equivalent (SFE) value that follows:

SINGLE FAMILY
EQUIVALENT VALUES

1 BEDROOM	.63
2 BEDROOMS	.75
3 BEDROOMS	.88
4 + BEDROOMS	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

- C. All properties connecting to the sanitary sewer system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by ~~400~~ **360** gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).
- (2) The Sanitary Sewer Capacity fee is ~~\$5,385~~ **\$3,145** per EDU which shall be effective from and after June 1, ~~2006~~ **2021**.
- (3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12-month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than \$1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.

March 2, 2021

Mr. Blake Jordan, P.E.
Director of Public Utilities
City of Delaware, Ohio
225 Cherry Street
Delaware, Ohio 43015

Dear Mr. Jordan:

Raftelis is pleased to submit this letter report presenting the findings of our Capacity Fee Evaluation for the City of Delaware (City).

Section I: Background

Capacity fees (also known as “system development fees” or “impact fees”) are defined as one-time charges assessed against new development as a way to recover a proportional share of the costs of capital facilities constructed to provide service capacity for new customers connecting to the water and sewer utility systems. Typically, the cost basis for setting capacity fees is based on the major system components, or core system assets, that are necessary to serve, and that provide benefit to, all customers. These components typically include reservoirs, water treatment plants, storage tanks, major water transmission lines, wastewater treatment plants, and major wastewater interceptors.

There are four approaches for calculating water and sewer development fees that are recognized in the industry as cost-justified, as described below.

Capacity Buy-In Approach

The Buy-In Approach is most appropriate in cases where the existing system assets provide adequate capacity to provide service to new customers. Under this approach, the fee based upon the proportional cost of each user’s share of existing plant capacity. The cost of the facilities is based on fixed assets records and usually includes escalation of the depreciated value of those assets to current replacement cost dollars. All core assets that provide benefit to the general transmission/collection and treatment systems are included, such as water and wastewater treatment plants, storage, major water transmission mains and wastewater interceptors, and pump/lift stations.

Incremental or Marginal Cost Approach

The Incremental Cost Approach, also referred to as the Marginal Cost Approach, focuses on the cost of adding additional facilities to serve new customers. It is most appropriate in a situation where existing facilities do not have adequate capacity to provide service to new customers, and the cost for new capacity can be tied to an approved capital improvement plan (CIP).

Combined Approach

A combined approach, which is a combination of the Buy-In and Incremental approaches, can also be used when the existing assets provide some capacity to accommodate new customers, but where the

capital improvement plan also identifies significant capital investment to add additional infrastructure to address future growth and capacity needs.

Equity Buy-In Approach

The Equity Buy-In Approach is an industry-accepted methodology more commonly used by water/sewer providers in the Western US. The methodology rests on the premise that customers requesting water service connection are entitled to service at the same price as existing customers. Essentially, the new customer pays an amount equal to the net investment already made by existing users. The key difference between the Equity Buy-In and the other approaches is that the net cost of system capacity is divided by the number of equivalencies currently served by the system.

Section II: Evaluation of Current Capacity Fees

The capacity fees currently assessed by the City were determined in a Capacity Fee Update performed by Floyd Browne Group in 2006¹. At that time, the existing capacity in the City's water and sewer system was no longer adequate to serve new customers and it was clear that significant investments in the City's water and wastewater treatment plants were required to meet long-term capacity needs. For that reason, the fee was developed using the Incremental Cost Approach.

Cost of Future Capacity

Floyd Browne Group relied on several key assumptions in determining the cost to serve future customers, which are summarized below.

- J) *Water Treatment Plant* – Future project costs for the water treatment plant were not well defined at the time of the 2006 Study. Using an assumed \$3 per gallon per day (GPD), the projected 12 million gallons per day (MGD) plant facility was estimated to cost \$36 million. It was assumed that 70% of this cost would serve new capacity and 30% of the cost would be for renewal of existing assets and capacity. The water treatment plant expansion was completed in 2015 and booked at a cost of \$29.4 million; however, the total capacity of the upgraded facility is 7.2 MGD, not 12 MGD as projected, and was built to enable future expansion to meet future capacity.
- J) *Storage and Distribution System* – In order to estimate the cost of infrastructure necessary to deliver the new capacity, a storage and distribution multiplier of 1.65 was applied to the estimated plant cost. This multiplier yields estimated storage and distribution investments of \$41.6 million.
- J) *Wastewater Treatment Plant* – Preliminary project cost estimates of \$25.7 million were available for the wastewater treatment plant. This project increased system capacity by 5 MGD to 10 MGD. The wastewater treatment plant upgrade was completed in 2008 at a cost of \$26.8 million.
- J) *Collection System* – Collection infrastructure would be required to accommodate and deliver the capacity expansion so a multiplier of 1.0 was used to estimate those costs to the City. This results in \$26.8 million of additional costs.

¹ City of Delaware, Ohio - *Utility Capacity Fee Update Report*, Prepared by Floyd Browne Group, dated February 17, 2006.

Once the all-in capacity cost was determined, it was assumed that the capital costs to expand the distribution and collection systems would be phased in over more than 20 years thereby reducing the cost to recover from capacity fees. Exhibit 1 shows the cost buildup of future capacity.

Exhibit 1: 2006 Study – Cost of New Capacity

Description	Water	Sewer
New Capacity (MGD)	6.0	5.0
Treatment Costs	\$ 25,200,000	\$ 25,700,000
Distribution & Collection Multiplier	1.65	1.00
= All-In System Costs	\$ 66,780,000	\$ 51,400,000
<i>Amount to be Financed</i>	<i>\$ 46,000,000</i>	<i>\$ 38,000,000</i>

Equivalent Connections

Before the 2006 Study, the City assessed capacity fees by using meter size capacity ratios to assess fees that increased by meter size. Given the capacity constraints at the time, it was determined that the capacity ratios may understate the potential demand that large users may have on the system. As such, the City changed to assessing fees on a per Equivalent Dwelling Unit (EDU) basis. This means they defined the level of demand associated with a typical, or average, residential customer and scaled it proportionally to match demand characteristics of new facilities.

Floyd Browne Group recommended that the City rely on the Ohio Environmental Protection Agency's (EPA) 1993 guidance of 400 GPD for a single-family home² as the EDU demand. They corroborated this estimate using City master planning per capita design criteria (134 GPD) and census data for the number of City residents per household (2.65). Based on the assumed new incremental capacities of 6 MGD for water and 5 MGD for sewer, the new facilities would be available to serve 15,000 and 12,500 new EDU's for water and sewer, respectively. Over a 20-year period this translates into 750 and 625 EDU per year for water and sewer, respectively.

In order to determine a fee, Floyd Browne Group assumed that all costs would be debt-financed³. The resulting annual payment was divided by the number of EDU's to be added each year, resulting in a capacity fee per EDU. Exhibit 2 breaks down the fee determination.

² Ohio Environmental Protection Agency. 1993. *Sewage: Collection, Treatment, & Disposal*. Appendix: Suggested Sewage Flow Guide.

³ Debt assumptions: 20-year term, 6% interest rate.

Exhibit 2: 2006 Study – Fee Calculation

Description	Water	Sewer
Total Capacity Investment Costs	\$46.0M	\$38.6M
Annual Payment	\$ 4,010,490	\$ 3,365,324
Annual EDU's	750	625
Capacity Fee per EDU	\$ 5,347	\$ 5,385

Section III: Calculation of a New Capacity Fee

The following data and information was requested and provided by City staff to perform the update of the capacity fee calculation:

-) Water and sewer fixed asset data as of December 31, 2019;
-) Construction in progress as of December 31, 2019;
-) Outstanding utility debt and associated debt service;
-) Five-year capital improvement plan (2021-2026);
-) Capacity in existing and future systems; and
-) Water production and sewer flow information.

The City has made substantial investments in the existing systems to provide capacity to new and existing customers, but also planned several capacity-related projects based on its master plan to address future growth in the next five to ten years. To recognize the existing and future capacity to be provided by the systems, Raftelis calculated capacity fees under three different approaches: the Buy-In Approach, the Combined Approach, and the Equity Buy-In Approach. Each of the fee calculations is described in the following three subsections.

Section III.1: Buy-In Approach

The cost, or investment in, the current capacity available to provide utility services to existing and new customers was estimated to assess the capacity fees under the buy-in approach. This analysis was based on a review of fixed asset records and other information as of December 31, 2019. The depreciated value of the assets was first adjusted to reflect an estimated replacement cost to determine the “replacement cost new less depreciation” (RCNLD) value for the assets. The asset values were escalated using the Handy Whitman Index of Public Utility Construction Costs (for the North Central Region). The RCNLD value of the assets excludes non-core equipment, vehicles, and other administrative assets.

Several adjustments were then made to the RCNLD value, which were as follows:

-) *Subtraction of Contributed Assets* – Typically, assets contributed by or paid for by developers are deducted from the calculation since these costs were not “paid” by the existing customers. Roughly \$13 million and \$28 million for water and sewer, respectively, was removed from the RCNLD value since it was categorized as “donated” or “contributed” capital.
-) *Exclude Southeast Highland Sewer RCNLD* – The City made a substantial investment in 2007 for a major sewer conveyance line to expand service in the Southeast Highland area. To recover

the costs of this asset, the City assesses a separate connection surcharge to customers in this tributary area. The cost of this asset is excluded from the capacity charge calculations because it is separately recovered through this surcharge. Carrying costs for this asset are not included in the surcharge and are included in the buy-in calculation.

- J) *Debt Service Principal Credit* - Utilities often borrow funds to construct assets, and revenues from retail rates and charges can be used to make the payments on these borrowed funds. Typically, to ensure that new customers are not being double charged for these assets, once through the capacity fee and again through retail rates and charges, the proportion of the outstanding debt principal that is anticipated to be paid for through retail rates and charges is deducted from the capacity fee calculation. In the City's case, a portion of debt is paid with capacity fees and the rest through user charges. As such, the following adjustments were made:
- 70% of the water treatment plant Ohio Water Development Authority (OWDA) loan is paid through user retail charges. As such, 70% of the principal on that loan was excluded from the fee.
 - 10% of the wastewater treatment plant OWDA loan is paid through user retail charges. As such, 10% of the principal on that loan was excluded from the fee.
 - To recognize the time value of money, the future applicable principal payments were discounted to a present value using the weighted average cost of capital⁴ as the discount rate.
- J) *Debt Service Interest Cost* – Similar to the principal credit, the consideration of which charges recover future costs must be considered with regards to interest. To ensure that new customers are paying their fair share of financing costs related to existing assets, the proportion of the outstanding interest that is anticipated to be paid for through capacity fees is added to the capacity fee calculation.
- 70% of the water treatment plant OWDA loan is paid through user retail charges. As such, 30% of the future interest on the treatment plant loan was included in the fee. In addition, interest on two other OWDA loans was included in the costs since the debt is serviced through the City's water capacity fee fund.
 - 10% of the wastewater treatment plant OWDA loan is paid through user retail charges. As such, 90% of the future interest on the wastewater treatment plant loan was included in the fee. In addition, interest on three other loans (including the Highland Sewer-related debt) is included in the fee since the debt is serviced through the City's sewer capacity fee fund.

The adjusted RCNLD value was then converted to a unit cost of capacity by dividing the RCNLD value by a basic unit measure of cost per gallon per day (GPD) for water and sewer capacity, as shown in Exhibit 3. An additional adjustment is made based on the assumed amount of non-revenue water (i.e. system flushing and backwashing, testing, line loss, etc.). The non-revenue water reduces the amount of capacity available to existing and future customers. The analysis performed herein assumes an average line-loss factor of 15% to adjust for the non-revenue water flows.

As with the loss in the water system, the wastewater system is impacted by inflow and infiltration (I&I) into the wastewater collection facilities. In essence, the impact of I&I reduces the level of capacity that

⁴ Weighted Average Cost of Capital: 3.8% for water and 4.1% for sewer. Cost of debt based on weighted outstanding interest rate. Cost of equity based on Bond Buyer Revenue Bond Indebtedness + 2%.

is available for use by existing and future system customers. Pursuant to discussions with staff and based on typical I&I losses, the wastewater treatment capacity is adjusted for an assumed I&I impact of 20%.

Exhibit 3: Buy-In Cost per GPD of Core Utility Existing Assets

Utility	Water	Sewer
Total Assets (RCNLD)	\$ 96,012,257	\$ 101,554,305
Adjustments:		
Contributed Capital	(13,097,395)	(27,516,819)
Admin/Non-Core Assets	(375,261)	(553,954)
Principal Credit	(12,500,514)	(963,086)
Outstanding Interest	3,786,636	5,966,492
SE Highland Sewer	-	(17,336,624)
Net System Assets	\$ 73,825,723	\$ 61,150,313
Adjusted System Capacity (MGD)	6.12	8.00
Cost per Unit of Capacity (per gal)	\$ 12.06	\$ 7.64

The resulting cost per GPD of capacity becomes the basic building block or starting point for determining the cost-justified level of the capacity fees. Fees for different types of customers are based on this cost of capacity multiplied by the amount of capacity needed to serve each type or class of customer.

The next step is to define the level of demand associated with a typical, or average, residential customer, often referred to as an EDU. The level of demand associated with a typical residential customer is unique for each water and sewer provider. Typically, actual customer peak usage characteristics, master planning information, state guidance, or a combination is relied upon to determine the appropriate EDU-level. Each of these three parameters were considered to determine the recommended EDU-level for the capacity fees. The results of the EDU analyses are shown in Exhibit 4. Additional supporting information can be found in Appendix A.

Exhibit 4: Results of EDU Analysis

Methodology	Calculated Usage per EDU	Description
Actual Residential Usage	343 GPD	Estimates for peak residential usage are determined using actual 2019 usage and applying a series of peaking factors as prescribed in the AWWA M1 manual. Refer to Appendix A for more information.
Master Planning	331 GPD	The City designs the water and sewer systems to accommodate 120 GPD per person. According to the most recent census data, there is an average of 2.76 persons per household in the City of Delaware ⁵ .
Ohio EPA Design Guidance	360 GPD	According to the census data, 3-Bedroom housing units account for over 40% of housing units in the City of Delaware ⁶ . This is applied to the Ohio EPA 120 GPD per bedroom guidance.
Existing EDU and Ohio EPA Design Guidance	400 GPD	Guidance from the Ohio EPA suggests 400 GPD for free standing homes.

Based on a review of the parameters above with the City, Raftelis recommends that the City consider using a daily peak flow per EDU of 343 gpd to 400 gpd. The lower end of this range will require the City to be diligent in monitoring the actual flow with peaking factor to determine if actual flows are generally being maintained. The higher end of this range is consistent with regulatory guidance and largely consistent with peak usage characteristics and master planning efforts. Relying on actual residential usage with peaking factors is uncommon and presents a risk that the calculation may result in a fee that is less than required if the actual usage increases. Raftelis has presented the calculations in this report based on 360 GPD as the baseline for an EDU.

The calculation of the capacity fee is based on the cost per GPD multiplied times the number of gallons per day required to serve each EDU, as shown below in Exhibit 5. The analysis provides a cost-justified level of capacity fees under a “Capacity Buy-In Approach” before consideration of future capacity-related projects.

⁵ 2018 American Community Survey 5-Year Estimates: Statistics for the City of Delaware, OH, Population: 39,219, Occupied Households: 14,203.

⁶ 2018 American Community Survey 5-Year Estimates: Statistics for the City of Delaware, OH, Total Housing Units: 15,073, 3-Bedroom Units: 6,120.

Exhibit 5: Residential Capacity Fee (Capacity Buy-in Approach)

Utility	Water	Sewer
Cost per GPD	\$ 12.06	\$ 7.64
GPD per EDU	360	360
Capacity Buy-In Capacity Fee per EDU	\$ 4,343	\$ 2,752
<i>Existing Capacity Fee</i>	\$ 5,650	\$ 5,385

Section III.2: Combined Approach

To ensure new customers equitably contribute to system expansion, future project costs were included consistent with the Marginal-Incremental Approach. Raftelis used the project costs identified in the City’s five-year CIP that were specified as capacity-related by the City. The total project costs identified by the city for capacity fee recovery is \$9.7 million for water and \$8.7 million for sewer. The net project costs are then divided by the additional capacity to be provided by the capital projects. However, in the City’s case, the projects do not add additional capacity but allow the City to deliver more of their current capacity and to do so more effectively.

In order to determine the fees under the Combined Approach, the adjusted RCNLD values and the net project costs are added together, representing the cost of existing and future capacity. This combined cost is divided by the existing and future adjusted water and sewer capacity which results in a weighted cost per gallon per day, as shown in Exhibit 6.

Exhibit 6: Combined Approach Cost per GPD

Utility	Water	Sewer
Cost of Existing Capacity ¹	\$ 73,825,723	\$ 61,150,313
Net Project Costs	9,675,000	8,740,000
Total Cost of Capacity	\$ 83,500,723	\$ 69,890,313
Adjusted System Capacity (MGD)	6.12	8.00
Cost per Gallon per Day	\$ 13.64	\$ 8.74

(1) Buildup for cost of existing capacity is shown in Exhibit 7.

Similar to the previous approaches, the cost per GPD is then multiplied by the same GPD per adjusted EDU. This calculation is demonstrated in Exhibit 7, and results in a combined fee of \$8,057 per EDU for water and sewer service.

Exhibit 7 : Residential Capacity Fee (Combined Approach)

Utility	Water	Sewer
Cost per GPD	\$ 13.64	\$ 11.64
GPD per EDU	360	360
Combined Approach Capacity Fee per EDU	\$ 4,912	\$ 3,145
<i>Existing Capacity Fee</i>	\$ 5,650	\$ 5,385

Section III.3: Equity Buy-In Approach

The Equity Buy-In Approach builds up the cost of capacity in a similar manner to the Buy-In Approach. The RCNLD of system assets are adjusted for the outstanding principal credit, contributed capital, and administrative or non-core assets. The main difference is that reserve balances, representing existing customers’ “equity” investment in the water and sewer systems, is included. Water and sewer reserve balances as of December 31, 2019 were used for fee development.

The denominator of the Equity Buy-In Approach differs from the Buy-In and combined approaches. Instead of using system capacity, current levels of service are used. The number of equivalencies currently served by the system is determined by using daily flows (maximum day for water and average day for wastewater) and dividing by the established EDU (360 GPD). Ultimately the system capacity costs are divided by the current number of equivalencies served. The calculation of fees under the Equity Buy-In approach is shown in Exhibit 8.

Exhibit 8: Residential Capacity Fee (Equity Buy-In Approach)

Utility	Water	Sewer
RCNLD of System Assets	\$ 96,012,257	\$ 101,554,305
Adjustments:		
Principal Credit	(12,500,514)	(963,086)
Contributed Capital	(13,097,395)	(27,516,819)
Admin/Non-Core Assets	(375,261)	(553,954)
Reserve Balances	13,864,484	12,345,072
Net System Capacity Costs	\$ 83,903,571	\$ 67,528,893
Daily Flows (MGD) ¹	4.6	4.4
GPD per EDU	360	360
Equivalencies (EDUs)	12,833	12,189
Capacity Fee per EDU	\$ 6,538	\$ 5,540

(1) Three-year average maximum daily treated flows for water and daily flows for sewer.

Section IV: Fee Administration

The EDU approach is a well-established basis for developing capacity fees in the water and wastewater industry. Raftelis recommends the City maintain the use of the EDU approach for administering fees for new customers. Multipliers to reduce the expected peak flows for multi-family dwellings is also a well-established basis for developing capacity fees for multi-family dwellings to recognize that a reduction in the number of bedrooms results in a decrease in peak demand.

The City currently applies a multiplier to multi-family units as described above. The current ratios applied to multi-family units offer a reduction to peak flows for every 1-, 2-, and 3-bedroom unit. The multipliers of 63%, 75%, and 88% for 1-, 2-, and 3-bedroom units, respectively, are consistent with benchmarking comparisons to other water providers. Raftelis recommends the City maintain the same multi-family multipliers but adjusted to be consistent with the 360 GPD per EDU. Commercial and industrial customers will continue being assessed charges based on estimated demand.

Section V: Conclusions and Recommendations

This study has explored several common approaches to determining capacity fees using current cost and capacity information. Based on the City’s state of infrastructure development and plans for capacity improvements, Raftelis recommends the City move from the existing fees which were developed using the incremental cost approach to new capacity fees based on the combined cost approach. Raftelis further recommends the City utilize 360 gpd per EDU and revisit the EDU analysis in future capacity fee analyses, and that the City maintain its practice of assessing charges to commercial and industrial customers based on estimated demand. Exhibit 9 shows the cost-justified capacity fees by customer class under the combined approach.

Exhibit 9: Cost-Justified Capacity Fees by Customer Type

Customer Type	EDU	Water Fee	Sewer Fee	Combined Fee
Single Family Residential	1 EDU 360 GPD	\$ 4,912	\$ 3,145	\$ 8,057
Multi-Family Residential (per Unit)	1 Unit, 227 GPD (63%)	\$ 3,094	\$ 1,981	\$ 5,076
	2 Unit, 270 GPD (75%)	\$ 3,684	\$ 2,359	\$ 6,043
	3+ Units, 317 GPD (88%)	\$ 4,322	\$ 2,768	\$ 7,090
Commercial / Industrial	Varies (Estimated Usage ÷ 360)	\$ 4,912	\$ 3,145	\$ 8,057

It is important to point out that the results shown above in Exhibit 9 are based on the cost justified amount for the City’s Capacity Fees, as presented in this report. There is no requirement that this amount has to be charged, and the calculation only sets an amount that can be cost-justified and is within the range of capacity fee charges that are considered reasonable based on sound engineering and financial analysis.

The City must determine the amount to be charged based on considerations such as potential revenues to be generated, impacts on development, maintaining a competitive pricing structure with other regional utilities, and others.

The City should be aware that many variables exist that impact this financial analysis. Infrastructure costs and development units built annually change over time. Unanticipated projects may also be required to address capacity needs. Estimates for peak residential usage also change over time and can decrease or increase. Using historical industry standards provides a certain level of protection in the event estimated peak flows increase. Due to the number of variables, the City should be prepared to work with incoming development to provide for unanticipated projects and address changing variables to ensure the capacity funds are healthy. It is recommended that the City continue its practice of monitoring impacts that affect the capacity needs of the City.

It has been our pleasure working with and supporting the City in this engagement. Our primary focus is to ensure that all of your expectations are met or exceeded throughout this engagement. Do not hesitate to contact me, at 513-818-4145 or jcrea@raftelis.com with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph F. Crea". The signature is fluid and cursive, with the first name "Joseph" and last name "Crea" clearly legible.

Joseph F. Crea
Vice President



Water/Wastewater Capacity Fees

Public Hearing
City Council Meeting 03/22/2021

Background

Capacity fees are evaluated every year as a part of the budget process

- They are based on sound engineering and financial analysis
- They are necessary for providing sewer and water services to development
- They are equitable, and are in line with other similarly sized Ohio communities

The review process for the proposed changes began in early 2019

- There is no one trigger that causes capacity fees to change
- After frequent evaluation of the City's utility systems and pace of development, a determination is made to involve industry experts to evaluate capacity fees

Analysis Results

The City's current capacity fees are supportable - but exploring different methodologies for setting fees has given the City an opportunity to reduce them.

- This reduction, however, will result in the need to more closely monitor our utility systems and pace of development to determine the long-term viability of capacity fee reductions.
- The City is committed to this effort and will adjust sewer and water capacity fees as necessary to maintain its level of service to utility customers and the development community.
- Consultant recommends the continuation of City's current multi-family multipliers.

New Rates

Water Capacity Fee

- Current Rate - \$5,650/EDU(home)
- New Rate - \$4,912/EDU

- **Change of \$738/EDU (13%)**

Sewer Capacity Fee

- Current Rate - \$5,385/EDU(home)
- New Rate - \$3,145/EDU

- **Change of \$2,240/EDU (41%)**

- Existing Combined - \$11,035/EDU
- New Rate Combined - \$8,057/EDU

- **Change of \$2,978/EDU (27%)**



FACT SHEET

AGENDA ITEM NO: 10

DATE: 03/22/2021

ORDINANCE NO: 21-19

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
March 22, 2021 at 7:25 PM

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Blake Jordan, Director Public Utilities

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTION 913.20(B) OF THE CITY'S CODIFIED ORDINANCES RELATING TO CAPACITY FEES FOR WATER SERVICE PERMITS

BACKGROUND:

Pursuant to Section 197.01 of the codified ordinances, the City's fees and services charges are reviewed each year with the annual budget. No action is taken if, during the review, fees are found to be within reasonable need of the Fund. During recent annual review staff found that the need for official fee review was warranted. The adjustments in this legislation address water supply service capacity fees. 913.20(b.1) – One equivalent dwelling unit's average daily water consumption will be changed from 400 gallons to 360 gallons.

913.20(b.1.C) – Average water consumption will be divided by 360 gallons.
913.20(b.2) – The water capacity fee is now \$4,912 per EDU, a decrease from the previous amount of \$5,650 per EDU.

The new effective date of the fee changes is June 1, 2021.

REASON WHY LEGISLATION IS NEEDED:

Section 197.01(b) of the codified ordinances provides that an ordinance is needed to adjust fees outside of the budget process.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

Previous capacity fee structure was based upon an “incremental cost approach,” as additional facilities to serve new customers were being planned for. The new capacity fee structure is based upon a “combined approach” wherein current assets provide some capacity to accommodate new customers, but the capital improvement plan also identifies significant capital investment to add additional infrastructure.

PRESENTER(S):

R. Thomas Homan, City Manager
Blake Jordan, Public Utilities Director

RECOMMENDATION:

Approval at 3rd Reading

ATTACHMENT(S):

March 2, 2021 Raftelis Financial Consultants, Inc. Capacity Fee Evaluation
PowerPoint

ORDINANCE NO. 21-19

AN ORDINANCE AMENDING SECTION 913.20(B) OF
THE CITY'S CODIFIED ORDINANCES RELATING TO
CAPACITY FEES FOR WATER SERVICE PERMITS.

WHEREAS, the City recognized an onset of significant growth in and around the City, anticipated continued significant growth in and around the City, and deemed it necessary to expand the City's public water supply system ("Water Utility") to accommodate the increasing demand on Water Utility caused by the significant growth in and around the City in 2006; and

WHEREAS, the City retained Floyd Browne Group, Inc. ("FBG") who evaluated the cost of expanding the capacity of the Water Utility to accommodate future demands on the Water Utility and determined an equitable cost allocation method that fairly apportioned the cost of the Water Utility expansion to new customers of the Water Utility; and

WHEREAS, FBG completed its evaluation and delivered an Annual Utility Capacity Fee Update, dated February 17, 2006 ("the Report"), to the City wherein FBG revised capacity improvement calculations and advised that the current use of meter size as a ratio for determining capacity fees to non-residential development did not adequately reflect the full impact of high-end users on the Water Utility system and further recommended that the City implement the "equivalent dwelling unit method" ("EDU") to more accurately determine Water Utility capacity fees; and

WHEREAS, this Council reviewed the FBG Report, adopted FBG's findings and recommendations regarding capacity fees including the recommended change to the equivalent dwelling unit method of determining capacity fees for the Water Utility, and passed Ordinance No. 06-33, which repealed the then-existing versions of Delaware Codified Ordinance Sections 913.20(b) and 913.20(f) and amended the two sections, respectively; and

WHEREAS, the City's Codified Ordinances require the City to evaluate and update its capacity fees annually; and

WHEREAS, the necessity to keep current or take affirmative action to change or otherwise alter the City's capacity fees is determined during each annual review; and

WHEREAS, the City subsequently retained Raftelis Financial Consultants, Inc. ("Raftelis") to evaluate the City's capacity fees due to the changing economic climate; and

WHEREAS, Raftelis completed its evaluation and delivered a Capacity Fee Evaluation, dated March 2, 2021 (“Raftelis Report”), to the City wherein Raftelis recommended the City maintain the “equivalent dwelling unit” (EDU”) method to determine Water Utility capacity fees and modify the baseline for an EDU.

WHEREAS, while the City’s current capacity fees are supportable, exploring different methodologies for setting sanitary sewer and water supply services capacity fees provided the City an opportunity to reduce the capacity fees; and

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

SECTION 1. Section 913.20(b) of the City’s Codified Ordinances is hereby amended to read as follows:

(b) The following capacity fee shall be charged for permits issued to connect into the City water system and shall be paid upon issuance of said permit.

(1) All properties connecting to the City of Delaware water system shall be assigned an Equivalent Dwelling Unit (EDU), or multiple thereof, with one (1) EDU being equal to average daily water consumption of ~~400~~ **360** gallons.

A. All single-family residential properties connecting to the sanitary sewer system are assigned one (1) EDU.

B. All master metered multi-family residential properties connecting to the water system shall be assigned, by the Public Utility Director (Director), an EDU multiple calculated by multiplying the number of multi-family residential units by the Single Family Equivalent (SFE) value that follows:

SINGLE FAMILY	
EQUIVALENT VALUES	
1 BEDROOM	.63
2 BEDROOMS	.75
3 BEDROOMS	.88
4 + BEDROOMS	1.0

This division will be calculated to the second decimal place and rounded according to mathematical convention.

C. All properties connecting to the water system which are not residential properties are to be assigned, by the Director, an EDU multiple based upon the properties' estimated daily water consumption (in gallons) divided by ~~400~~ **360** gallons (one EDU). This division will be calculated to the second decimal place and rounded according to mathematical convention. In no event shall a non-residential property be assigned an EDU of less than one (1).

- (2) The Water Capacity fee is ~~\$4,600~~ **\$4,912** per EDU which shall be effective from ~~and after June 1, 2006 through December 31, 2006, and shall be \$5,650 per EDU effective from and after January 1, 2007~~ **June 1, 2021**.
- (3) The EDU multiple established for non-residential properties based on estimated water consumption shall be reviewed twelve (12) months after occupancy is obtained to determine if the estimated daily water consumption is accurate. The director may extend this 12 month time period if accurate consumption data is not available. Any increase or decrease in the EDU multiple based on actual water consumption which results in a capacity fee charge adjustment of more than \$1,000 shall be communicated to the property owner in writing. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days of the date of the amended EDU determination letter. An owner may contest the amended EDU assigned to the property by filing an appeal with the Director within forty-five (45) days of the date of the amended EDU determination letter. The appeal shall be in writing and shall state the grounds for the appeal. The Director shall cause an appropriate investigation to be made to determine whether an adjustment of the EDU multiple for the property is warranted. The appellant shall be notified in writing of the Director's determination with respect to the appeal and any resulting adjustment in the amount of the capacity fee charge. Any additional capacity fee charge or any refund of a previously paid capacity fee charge shall be made within forty-five (45) days or the date of the Director's written response to the appellant.
- (4) The water utility system capacity fee charge for all properties connecting to the water system which are not residential

March 2, 2021

Mr. Blake Jordan, P.E.
Director of Public Utilities
City of Delaware, Ohio
225 Cherry Street
Delaware, Ohio 43015

Dear Mr. Jordan:

Raftelis is pleased to submit this letter report presenting the findings of our Capacity Fee Evaluation for the City of Delaware (City).

Section I: Background

Capacity fees (also known as “system development fees” or “impact fees”) are defined as one-time charges assessed against new development as a way to recover a proportional share of the costs of capital facilities constructed to provide service capacity for new customers connecting to the water and sewer utility systems. Typically, the cost basis for setting capacity fees is based on the major system components, or core system assets, that are necessary to serve, and that provide benefit to, all customers. These components typically include reservoirs, water treatment plants, storage tanks, major water transmission lines, wastewater treatment plants, and major wastewater interceptors.

There are four approaches for calculating water and sewer development fees that are recognized in the industry as cost-justified, as described below.

Capacity Buy-In Approach

The Buy-In Approach is most appropriate in cases where the existing system assets provide adequate capacity to provide service to new customers. Under this approach, the fee based upon the proportional cost of each user’s share of existing plant capacity. The cost of the facilities is based on fixed assets records and usually includes escalation of the depreciated value of those assets to current replacement cost dollars. All core assets that provide benefit to the general transmission/collection and treatment systems are included, such as water and wastewater treatment plants, storage, major water transmission mains and wastewater interceptors, and pump/lift stations.

Incremental or Marginal Cost Approach

The Incremental Cost Approach, also referred to as the Marginal Cost Approach, focuses on the cost of adding additional facilities to serve new customers. It is most appropriate in a situation where existing facilities do not have adequate capacity to provide service to new customers, and the cost for new capacity can be tied to an approved capital improvement plan (CIP).

Combined Approach

A combined approach, which is a combination of the Buy-In and Incremental approaches, can also be used when the existing assets provide some capacity to accommodate new customers, but where the

capital improvement plan also identifies significant capital investment to add additional infrastructure to address future growth and capacity needs.

Equity Buy-In Approach

The Equity Buy-In Approach is an industry-accepted methodology more commonly used by water/sewer providers in the Western US. The methodology rests on the premise that customers requesting water service connection are entitled to service at the same price as existing customers. Essentially, the new customer pays an amount equal to the net investment already made by existing users. The key difference between the Equity Buy-In and the other approaches is that the net cost of system capacity is divided by the number of equivalencies currently served by the system.

Section II: Evaluation of Current Capacity Fees

The capacity fees currently assessed by the City were determined in a Capacity Fee Update performed by Floyd Browne Group in 2006¹. At that time, the existing capacity in the City's water and sewer system was no longer adequate to serve new customers and it was clear that significant investments in the City's water and wastewater treatment plants were required to meet long-term capacity needs. For that reason, the fee was developed using the Incremental Cost Approach.

Cost of Future Capacity

Floyd Browne Group relied on several key assumptions in determining the cost to serve future customers, which are summarized below.

- J) *Water Treatment Plant* – Future project costs for the water treatment plant were not well defined at the time of the 2006 Study. Using an assumed \$3 per gallon per day (GPD), the projected 12 million gallons per day (MGD) plant facility was estimated to cost \$36 million. It was assumed that 70% of this cost would serve new capacity and 30% of the cost would be for renewal of existing assets and capacity. The water treatment plant expansion was completed in 2015 and booked at a cost of \$29.4 million; however, the total capacity of the upgraded facility is 7.2 MGD, not 12 MGD as projected, and was built to enable future expansion to meet future capacity.
- J) *Storage and Distribution System* – In order to estimate the cost of infrastructure necessary to deliver the new capacity, a storage and distribution multiplier of 1.65 was applied to the estimated plant cost. This multiplier yields estimated storage and distribution investments of \$41.6 million.
- J) *Wastewater Treatment Plant* – Preliminary project cost estimates of \$25.7 million were available for the wastewater treatment plant. This project increased system capacity by 5 MGD to 10 MGD. The wastewater treatment plant upgrade was completed in 2008 at a cost of \$26.8 million.
- J) *Collection System* – Collection infrastructure would be required to accommodate and deliver the capacity expansion so a multiplier of 1.0 was used to estimate those costs to the City. This results in \$26.8 million of additional costs.

¹ City of Delaware, Ohio - *Utility Capacity Fee Update Report*, Prepared by Floyd Browne Group, dated February 17, 2006.

Once the all-in capacity cost was determined, it was assumed that the capital costs to expand the distribution and collection systems would be phased in over more than 20 years thereby reducing the cost to recover from capacity fees. Exhibit 1 shows the cost buildup of future capacity.

Exhibit 1: 2006 Study – Cost of New Capacity

Description	Water	Sewer
New Capacity (MGD)	6.0	5.0
Treatment Costs	\$ 25,200,000	\$ 25,700,000
Distribution & Collection Multiplier	1.65	1.00
= All-In System Costs	\$ 66,780,000	\$ 51,400,000
<i>Amount to be Financed</i>	<i>\$ 46,000,000</i>	<i>\$ 38,000,000</i>

Equivalent Connections

Before the 2006 Study, the City assessed capacity fees by using meter size capacity ratios to assess fees that increased by meter size. Given the capacity constraints at the time, it was determined that the capacity ratios may understate the potential demand that large users may have on the system. As such, the City changed to assessing fees on a per Equivalent Dwelling Unit (EDU) basis. This means they defined the level of demand associated with a typical, or average, residential customer and scaled it proportionally to match demand characteristics of new facilities.

Floyd Browne Group recommended that the City rely on the Ohio Environmental Protection Agency's (EPA) 1993 guidance of 400 GPD for a single-family home² as the EDU demand. They corroborated this estimate using City master planning per capita design criteria (134 GPD) and census data for the number of City residents per household (2.65). Based on the assumed new incremental capacities of 6 MGD for water and 5 MGD for sewer, the new facilities would be available to serve 15,000 and 12,500 new EDU's for water and sewer, respectively. Over a 20-year period this translates into 750 and 625 EDU per year for water and sewer, respectively.

In order to determine a fee, Floyd Browne Group assumed that all costs would be debt-financed³. The resulting annual payment was divided by the number of EDU's to be added each year, resulting in a capacity fee per EDU. Exhibit 2 breaks down the fee determination.

² Ohio Environmental Protection Agency. 1993. *Sewage: Collection, Treatment, & Disposal*. Appendix: Suggested Sewage Flow Guide.

³ Debt assumptions: 20-year term, 6% interest rate.

Exhibit 2: 2006 Study – Fee Calculation

Description	Water	Sewer
Total Capacity Investment Costs	\$46.0M	\$38.6M
Annual Payment	\$ 4,010,490	\$ 3,365,324
Annual EDU's	750	625
Capacity Fee per EDU	\$ 5,347	\$ 5,385

Section III: Calculation of a New Capacity Fee

The following data and information was requested and provided by City staff to perform the update of the capacity fee calculation:

-) Water and sewer fixed asset data as of December 31, 2019;
-) Construction in progress as of December 31, 2019;
-) Outstanding utility debt and associated debt service;
-) Five-year capital improvement plan (2021-2026);
-) Capacity in existing and future systems; and
-) Water production and sewer flow information.

The City has made substantial investments in the existing systems to provide capacity to new and existing customers, but also planned several capacity-related projects based on its master plan to address future growth in the next five to ten years. To recognize the existing and future capacity to be provided by the systems, Raftelis calculated capacity fees under three different approaches: the Buy-In Approach, the Combined Approach, and the Equity Buy-In Approach. Each of the fee calculations is described in the following three subsections.

Section III.1: Buy-In Approach

The cost, or investment in, the current capacity available to provide utility services to existing and new customers was estimated to assess the capacity fees under the buy-in approach. This analysis was based on a review of fixed asset records and other information as of December 31, 2019. The depreciated value of the assets was first adjusted to reflect an estimated replacement cost to determine the “replacement cost new less depreciation” (RCNLD) value for the assets. The asset values were escalated using the Handy Whitman Index of Public Utility Construction Costs (for the North Central Region). The RCNLD value of the assets excludes non-core equipment, vehicles, and other administrative assets.

Several adjustments were then made to the RCNLD value, which were as follows:

-) *Subtraction of Contributed Assets* – Typically, assets contributed by or paid for by developers are deducted from the calculation since these costs were not “paid” by the existing customers. Roughly \$13 million and \$28 million for water and sewer, respectively, was removed from the RCNLD value since it was categorized as “donated” or “contributed” capital.
-) *Exclude Southeast Highland Sewer RCNLD* – The City made a substantial investment in 2007 for a major sewer conveyance line to expand service in the Southeast Highland area. To recover

the costs of this asset, the City assesses a separate connection surcharge to customers in this tributary area. The cost of this asset is excluded from the capacity charge calculations because it is separately recovered through this surcharge. Carrying costs for this asset are not included in the surcharge and are included in the buy-in calculation.

- J) *Debt Service Principal Credit* - Utilities often borrow funds to construct assets, and revenues from retail rates and charges can be used to make the payments on these borrowed funds. Typically, to ensure that new customers are not being double charged for these assets, once through the capacity fee and again through retail rates and charges, the proportion of the outstanding debt principal that is anticipated to be paid for through retail rates and charges is deducted from the capacity fee calculation. In the City's case, a portion of debt is paid with capacity fees and the rest through user charges. As such, the following adjustments were made:
- 70% of the water treatment plant Ohio Water Development Authority (OWDA) loan is paid through user retail charges. As such, 70% of the principal on that loan was excluded from the fee.
 - 10% of the wastewater treatment plant OWDA loan is paid through user retail charges. As such, 10% of the principal on that loan was excluded from the fee.
 - To recognize the time value of money, the future applicable principal payments were discounted to a present value using the weighted average cost of capital⁴ as the discount rate.
- J) *Debt Service Interest Cost* – Similar to the principal credit, the consideration of which charges recover future costs must be considered with regards to interest. To ensure that new customers are paying their fair share of financing costs related to existing assets, the proportion of the outstanding interest that is anticipated to be paid for through capacity fees is added to the capacity fee calculation.
- 70% of the water treatment plant OWDA loan is paid through user retail charges. As such, 30% of the future interest on the treatment plant loan was included in the fee. In addition, interest on two other OWDA loans was included in the costs since the debt is serviced through the City's water capacity fee fund.
 - 10% of the wastewater treatment plant OWDA loan is paid through user retail charges. As such, 90% of the future interest on the wastewater treatment plant loan was included in the fee. In addition, interest on three other loans (including the Highland Sewer-related debt) is included in the fee since the debt is serviced through the City's sewer capacity fee fund.

The adjusted RCNLD value was then converted to a unit cost of capacity by dividing the RCNLD value by a basic unit measure of cost per gallon per day (GPD) for water and sewer capacity, as shown in Exhibit 3. An additional adjustment is made based on the assumed amount of non-revenue water (i.e. system flushing and backwashing, testing, line loss, etc.). The non-revenue water reduces the amount of capacity available to existing and future customers. The analysis performed herein assumes an average line-loss factor of 15% to adjust for the non-revenue water flows.

As with the loss in the water system, the wastewater system is impacted by inflow and infiltration (I&I) into the wastewater collection facilities. In essence, the impact of I&I reduces the level of capacity that

⁴ Weighted Average Cost of Capital: 3.8% for water and 4.1% for sewer. Cost of debt based on weighted outstanding interest rate. Cost of equity based on Bond Buyer Revenue Bond Indebtedness + 2%.

is available for use by existing and future system customers. Pursuant to discussions with staff and based on typical I&I losses, the wastewater treatment capacity is adjusted for an assumed I&I impact of 20%.

Exhibit 3: Buy-In Cost per GPD of Core Utility Existing Assets

Utility	Water	Sewer
Total Assets (RCNLD)	\$ 96,012,257	\$ 101,554,305
Adjustments:		
Contributed Capital	(13,097,395)	(27,516,819)
Admin/Non-Core Assets	(375,261)	(553,954)
Principal Credit	(12,500,514)	(963,086)
Outstanding Interest	3,786,636	5,966,492
SE Highland Sewer	-	(17,336,624)
Net System Assets	\$ 73,825,723	\$ 61,150,313
Adjusted System Capacity (MGD)	6.12	8.00
Cost per Unit of Capacity (per gal)	\$ 12.06	\$ 7.64

The resulting cost per GPD of capacity becomes the basic building block or starting point for determining the cost-justified level of the capacity fees. Fees for different types of customers are based on this cost of capacity multiplied by the amount of capacity needed to serve each type or class of customer.

The next step is to define the level of demand associated with a typical, or average, residential customer, often referred to as an EDU. The level of demand associated with a typical residential customer is unique for each water and sewer provider. Typically, actual customer peak usage characteristics, master planning information, state guidance, or a combination is relied upon to determine the appropriate EDU-level. Each of these three parameters were considered to determine the recommended EDU-level for the capacity fees. The results of the EDU analyses are shown in Exhibit 4. Additional supporting information can be found in Appendix A.

Exhibit 4: Results of EDU Analysis

Methodology	Calculated Usage per EDU	Description
Actual Residential Usage	343 GPD	Estimates for peak residential usage are determined using actual 2019 usage and applying a series of peaking factors as prescribed in the AWWA M1 manual. Refer to Appendix A for more information.
Master Planning	331 GPD	The City designs the water and sewer systems to accommodate 120 GPD per person. According to the most recent census data, there is an average of 2.76 persons per household in the City of Delaware ⁵ .
Ohio EPA Design Guidance	360 GPD	According to the census data, 3-Bedroom housing units account for over 40% of housing units in the City of Delaware ⁶ . This is applied to the Ohio EPA 120 GPD per bedroom guidance.
Existing EDU and Ohio EPA Design Guidance	400 GPD	Guidance from the Ohio EPA suggests 400 GPD for free standing homes.

Based on a review of the parameters above with the City, Raftelis recommends that the City consider using a daily peak flow per EDU of 343 gpd to 400 gpd. The lower end of this range will require the City to be diligent in monitoring the actual flow with peaking factor to determine if actual flows are generally being maintained. The higher end of this range is consistent with regulatory guidance and largely consistent with peak usage characteristics and master planning efforts. Relying on actual residential usage with peaking factors is uncommon and presents a risk that the calculation may result in a fee that is less than required if the actual usage increases. Raftelis has presented the calculations in this report based on 360 GPD as the baseline for an EDU.

The calculation of the capacity fee is based on the cost per GPD multiplied times the number of gallons per day required to serve each EDU, as shown below in Exhibit 5. The analysis provides a cost-justified level of capacity fees under a “Capacity Buy-In Approach” before consideration of future capacity-related projects.

⁵ 2018 American Community Survey 5-Year Estimates: Statistics for the City of Delaware, OH, Population: 39,219, Occupied Households: 14,203.

⁶ 2018 American Community Survey 5-Year Estimates: Statistics for the City of Delaware, OH, Total Housing Units: 15,073, 3-Bedroom Units: 6,120.

Exhibit 5: Residential Capacity Fee (Capacity Buy-in Approach)

Utility	Water	Sewer
Cost per GPD	\$ 12.06	\$ 7.64
GPD per EDU	360	360
Capacity Buy-In Capacity Fee per EDU	\$ 4,343	\$ 2,752
<i>Existing Capacity Fee</i>	\$ 5,650	\$ 5,385

Section III.2: Combined Approach

To ensure new customers equitably contribute to system expansion, future project costs were included consistent with the Marginal-Incremental Approach. Raftelis used the project costs identified in the City’s five-year CIP that were specified as capacity-related by the City. The total project costs identified by the city for capacity fee recovery is \$9.7 million for water and \$8.7 million for sewer. The net project costs are then divided by the additional capacity to be provided by the capital projects. However, in the City’s case, the projects do not add additional capacity but allow the City to deliver more of their current capacity and to do so more effectively.

In order to determine the fees under the Combined Approach, the adjusted RCNLD values and the net project costs are added together, representing the cost of existing and future capacity. This combined cost is divided by the existing and future adjusted water and sewer capacity which results in a weighted cost per gallon per day, as shown in Exhibit 6.

Exhibit 6: Combined Approach Cost per GPD

Utility	Water	Sewer
Cost of Existing Capacity ¹	\$ 73,825,723	\$ 61,150,313
Net Project Costs	9,675,000	8,740,000
Total Cost of Capacity	\$ 83,500,723	\$ 69,890,313
Adjusted System Capacity (MGD)	6.12	8.00
Cost per Gallon per Day	\$ 13.64	\$ 8.74

(1) Buildup for cost of existing capacity is shown in Exhibit 7.

Similar to the previous approaches, the cost per GPD is then multiplied by the same GPD per adjusted EDU. This calculation is demonstrated in Exhibit 7, and results in a combined fee of \$8,057 per EDU for water and sewer service.

Exhibit 7 : Residential Capacity Fee (Combined Approach)

Utility	Water	Sewer
Cost per GPD	\$ 13.64	\$ 11.64
GPD per EDU	360	360
Combined Approach Capacity Fee per EDU	\$ 4,912	\$ 3,145
<i>Existing Capacity Fee</i>	\$ 5,650	\$ 5,385

Section III.3: Equity Buy-In Approach

The Equity Buy-In Approach builds up the cost of capacity in a similar manner to the Buy-In Approach. The RCNLD of system assets are adjusted for the outstanding principal credit, contributed capital, and administrative or non-core assets. The main difference is that reserve balances, representing existing customers’ “equity” investment in the water and sewer systems, is included. Water and sewer reserve balances as of December 31, 2019 were used for fee development.

The denominator of the Equity Buy-In Approach differs from the Buy-In and combined approaches. Instead of using system capacity, current levels of service are used. The number of equivalencies currently served by the system is determined by using daily flows (maximum day for water and average day for wastewater) and dividing by the established EDU (360 GPD). Ultimately the system capacity costs are divided by the current number of equivalencies served. The calculation of fees under the Equity Buy-In approach is shown in Exhibit 8.

Exhibit 8: Residential Capacity Fee (Equity Buy-In Approach)

Utility	Water	Sewer
RCNLD of System Assets	\$ 96,012,257	\$ 101,554,305
Adjustments:		
Principal Credit	(12,500,514)	(963,086)
Contributed Capital	(13,097,395)	(27,516,819)
Admin/Non-Core Assets	(375,261)	(553,954)
Reserve Balances	13,864,484	12,345,072
Net System Capacity Costs	\$ 83,903,571	\$ 67,528,893
Daily Flows (MGD) ¹	4.6	4.4
GPD per EDU	360	360
Equivalencies (EDUs)	12,833	12,189
Capacity Fee per EDU	\$ 6,538	\$ 5,540

(1) Three-year average maximum daily treated flows for water and daily flows for sewer.

Section IV: Fee Administration

The EDU approach is a well-established basis for developing capacity fees in the water and wastewater industry. Raftelis recommends the City maintain the use of the EDU approach for administering fees for new customers. Multipliers to reduce the expected peak flows for multi-family dwellings is also a well-established basis for developing capacity fees for multi-family dwellings to recognize that a reduction in the number of bedrooms results in a decrease in peak demand.

The City currently applies a multiplier to multi-family units as described above. The current ratios applied to multi-family units offer a reduction to peak flows for every 1-, 2-, and 3-bedroom unit. The multipliers of 63%, 75%, and 88% for 1-, 2-, and 3-bedroom units, respectively, are consistent with benchmarking comparisons to other water providers. Raftelis recommends the City maintain the same multi-family multipliers but adjusted to be consistent with the 360 GPD per EDU. Commercial and industrial customers will continue being assessed charges based on estimated demand.

Section V: Conclusions and Recommendations

This study has explored several common approaches to determining capacity fees using current cost and capacity information. Based on the City’s state of infrastructure development and plans for capacity improvements, Raftelis recommends the City move from the existing fees which were developed using the incremental cost approach to new capacity fees based on the combined cost approach. Raftelis further recommends the City utilize 360 gpd per EDU and revisit the EDU analysis in future capacity fee analyses, and that the City maintain its practice of assessing charges to commercial and industrial customers based on estimated demand. Exhibit 9 shows the cost-justified capacity fees by customer class under the combined approach.

Exhibit 9: Cost-Justified Capacity Fees by Customer Type

Customer Type	EDU	Water Fee	Sewer Fee	Combined Fee
Single Family Residential	1 EDU 360 GPD	\$ 4,912	\$ 3,145	\$ 8,057
Multi-Family Residential (per Unit)	1 Unit, 227 GPD (63%)	\$ 3,094	\$ 1,981	\$ 5,076
	2 Unit, 270 GPD (75%)	\$ 3,684	\$ 2,359	\$ 6,043
	3+ Units, 317 GPD (88%)	\$ 4,322	\$ 2,768	\$ 7,090
Commercial / Industrial	Varies (Estimated Usage ÷ 360)	\$ 4,912	\$ 3,145	\$ 8,057

It is important to point out that the results shown above in Exhibit 9 are based on the cost justified amount for the City’s Capacity Fees, as presented in this report. There is no requirement that this amount has to be charged, and the calculation only sets an amount that can be cost-justified and is within the range of capacity fee charges that are considered reasonable based on sound engineering and financial analysis.

The City must determine the amount to be charged based on considerations such as potential revenues to be generated, impacts on development, maintaining a competitive pricing structure with other regional utilities, and others.

The City should be aware that many variables exist that impact this financial analysis. Infrastructure costs and development units built annually change over time. Unanticipated projects may also be required to address capacity needs. Estimates for peak residential usage also change over time and can decrease or increase. Using historical industry standards provides a certain level of protection in the event estimated peak flows increase. Due to the number of variables, the City should be prepared to work with incoming development to provide for unanticipated projects and address changing variables to ensure the capacity funds are healthy. It is recommended that the City continue its practice of monitoring impacts that affect the capacity needs of the City.

It has been our pleasure working with and supporting the City in this engagement. Our primary focus is to ensure that all of your expectations are met or exceeded throughout this engagement. Do not hesitate to contact me, at 513-818-4145 or jcrea@raftelis.com with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph F. Crea".

Joseph F. Crea
Vice President



Water/Wastewater Capacity Fees

Public Hearing
City Council Meeting 03/22/2021

Background

Capacity fees are evaluated every year as a part of the budget process

- They are based on sound engineering and financial analysis
- They are necessary for providing sewer and water services to development
- They are equitable, and are in line with other similarly sized Ohio communities

The review process for the proposed changes began in early 2019

- There is no one trigger that causes capacity fees to change
- After frequent evaluation of the City's utility systems and pace of development, a determination is made to involve industry experts to evaluate capacity fees

Analysis Results

The City's current capacity fees are supportable - but exploring different methodologies for setting fees has given the City an opportunity to reduce them.

- This reduction, however, will result in the need to more closely monitor our utility systems and pace of development to determine the long-term viability of capacity fee reductions.
- The City is committed to this effort and will adjust sewer and water capacity fees as necessary to maintain its level of service to utility customers and the development community.
- Consultant recommends the continuation of City's current multi-family multipliers.

New Rates

Water Capacity Fee

- Current Rate - \$5,650/EDU(home)
- New Rate - \$4,912/EDU

- **Change of \$738/EDU (13%)**

Sewer Capacity Fee

- Current Rate - \$5,385/EDU(home)
- New Rate - \$3,145/EDU

- **Change of \$2,240/EDU (41%)**

- Existing Combined - \$11,035/EDU
- New Rate Combined - \$8,057/EDU

- **Change of \$2,978/EDU (27%)**



FACT SHEET

AGENDA ITEM NO: 11

DATE: 03/22/2021

ORDINANCE NO: 21-20

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Natalia S. Harris, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT, SUPPLEMENTING THE 2021 APPROPRIATIONS.

BACKGROUND:

In 2020 T & R Properties, Inc. claimed damages for capacity fees paid to connect to the City's sanitary sewer and water supply systems in 2019, at which time the City was in the process of reviewing its capacity fees. The City maintains that the fees paid by T & R Properties, Inc. to connect to the City's sanitary sewer and water supply systems are supportable and defensible. After discussion, the City and T & R Properties, Inc. reached a negotiated agreement to settle their dispute to their satisfaction without the City admitting any liability or wrongdoing concerning fees charged by the City to connect to its sanitary sewer and water supply systems.

REASON WHY LEGISLATION IS NEEDED:

Pursuant to the City Charter, the City Manager needs authority from Council to execute the Settlement Agreement and an ordinance is needed to make the appropriation for the City's monetary obligation under the agreement.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S): A monetary payment of \$279,540.00 will be made to T&R as part of the agreement.

POLICY CHANGES:

PRESENTER(S):

Natalia S. Harris, City Attorney

RECOMMENDATION:

Approval at 3rd Reading

ATTACHMENT(S):

Settlement Agreement

ORDINANCE 21-20

AN ORDINANCE AUTHORIZING THE CITY
MANAGER TO EXECUTE A SETTLEMENT
AGREEMENT, SUPPLEMENTING THE 2021
APPROPRIATIONS.

WHEREAS, in 2020 T & R Properties, Inc. claimed damages for fees paid to connect to the City's sanitary sewer and water supply systems in 2019; and

WHEREAS, after review, assessment and consultation, the City maintains that the fees paid by T & R Properties, Inc. to connect to the City's sanitary sewer and water supply systems are supportable and defensible; and

WHEREAS, the City and T & R Properties, Inc. discussed their respective positions and reached a negotiated agreement to settle their dispute to the satisfaction of both the City and T & R Properties, Inc. without the City admitting any liability or wrongdoing concerning fees charged by the City to connect to its sanitary sewer and water supply systems.

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

SECTION 1: The City Manager is authorized to enter into a settlement agreement with T & R Properties, Inc.

SECTION 2: It is hereby appropriated from the unencumbered balance of the Water Capacity Fund (Fund 536) \$143,127 to:

Capacity Fee Refund (53618400/560020) \$143,127 for purpose of satisfying the City's obligation under the agreement referenced in Section 1 hereof.

SECTION 3: It is hereby appropriated from the unencumbered balance of the Wastewater Capacity Fund (Fund 546) \$136,413 to:

Capacity Fee Refund (54619000/560020) \$136,413 for purpose of satisfying the City's obligation under the agreement referenced in Section 1 hereof.

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.

PASSED: _____, 2021

YEAS ___ NAYS ___

ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Agreement”) is made and entered into by and between the City of Delaware, Ohio (“City of Delaware”) and T & R Properties, Inc. (“T & R”), and is effective on the date last executed below (“Effective Date”). The City of Delaware and T & R collectively are referred to as “Parties.”

RECITALS

WHEREAS, the City of Delaware, by and through its Codified Ordinances, requires all residential and non-residential property developments to pay sewer and water capacity fees (the combined fees considered the “Capacity Fees”) in order to connect to the City of Delaware’s public sewer and water systems; and

WHEREAS, T & R is a real estate development and property management company primarily engaged in developing multi-family housing developments, in addition to property management and developing mixed-use and commercial projects. T & R was established in 1983 and has overseen residential development projects within the City of Delaware since the company’s establishment; and

WHEREAS, in 2019, after receiving all necessary approvals, T & R facilitated construction of a multi-family housing community in the City of Delaware, named the Flats on Houk Apartments (the “Flats on Houk”), and paid the required Capacity Fees to connect the Flats on Houk to the City’s sewer and water systems; and

WHEREAS, on June 30, 2020, a lawsuit being Case No. 2:20 CV 3284 was filed in the United States District Court, Southern District of Ohio against the City of Delaware by a plaintiff real estate developer challenging the Capacity Fees, including the methodologies employed to calculate and assess the Capacity Fees, and alleging various causes of action arising from and exclusively related to the City of Delaware’s Capacity Fees; and

WHEREAS, thereafter, beginning in July 2020, T & R, through legal counsel, made written demand to the City of Delaware and its officials for claimed monetary damages regarding the Capacity Fees paid for the Flats on Houk connection, in advance of potentially joining the lawsuit as either a co-plaintiff or class member, or filing an independent lawsuit; and

WHEREAS, specifically, T & R demanded, in advance of litigation, that the City of Delaware should lower the Capacity Fees moving forward and compensate T & R for the Capacity Fees it paid for the Flats on Houk; and

WHEREAS, after review, assessment, and consultation, the City of Delaware maintains that the Capacity Fees currently set forth in its Codified Ordinances are supportable and defensible, and that the claims raised in the pending lawsuit entirely lack merit; and

WHEREAS, without admitting any liability or wrongdoing, the City of Delaware, through legal counsel, engaged in extensive communications with T & R to discuss a proposed monetary settlement amount, in addition to discussions with City Council regarding a proposed legislative change and reduction to the current Capacity Fees; and

WHEREAS, the Parties have agreed to a final settlement amount of Two Hundred Seventy-Nine Thousand, Five Hundred Forty Dollars and No Cents (\$279,540.00) to T & R, and to support legislation that will result in a reduction in Capacity Fees contingent on the following parameters; and

WHEREAS, assuming the necessary legislative approval by City Council, the City of Delaware will commit to a change in the Capacity Fees based on the advice and recommendations of industry experts that will result in, at minimum, a fifteen percent (15%) decrease in the Capacity Fees for all residential connections; and

WHEREAS, the Parties hereto, in good faith, and in the interests of full and final compromise, settlement, and satisfaction of all claims between them related to the City of Delaware's Capacity Fees, desire to resolve and settle their dispute outside of any formal litigation.

NOW, THEREFORE, in consideration of the exchange of valuable consideration and upon the mutual promises, covenants, and commitments, the sufficiency of which is agreed and acknowledged, the Parties hereby agree as follows:

1. **Authority.** The Parties represent and warrant that they have full and complete authority to make, sign, execute, and deliver this Agreement.
2. **Settlement Payment to T & R.** In consideration for all promises, covenants, representations, commitments, and releases contained in this Agreement, the City of Delaware shall directly pay to T & R Properties the total gross amount of Two Hundred Seventy-Nine Thousand, Five Hundred Forty Dollars and No Cents (\$279,540.00) ("Settlement Payment").
3. **Prospective Legislative Change to Capacity Fees.** Subject to and contingent upon approval by City Council, the City of Delaware further agrees to commit to a legislative change in the Capacity Fees based upon the advice and recommendation of City administrative staff and separately-retained, City-selected industry experts. The upcoming legislation will result in a prospective decrease of, at minimum, fifteen percent (15%) in the Capacity Fees. Should this legislative change as stated herein not be enacted, this Agreement and all respective obligations herein shall be nullified.
4. **Legislative Discretion to Establish Capacity Fees.** By accepting the Settlement Payment and all terms set forth in this Agreement, T & R acknowledges and agrees that the City holds exclusive discretion to set the Capacity Fees, now and in the future, and this Agreement will not limit any future legislation to adjust the Capacity Fees.

5. **Affidavit.** In conjunction with issuing the Settlement Payment, the Parties shall agree on the form of an affidavit to be reviewed and signed under oath by T & R memorializing previous statements made by T & R regarding the fact that the Capacity Fees do not prevent T & R from creating affordable housing available for all racial populations.
6. **Execution of Agreement.** Upon mutual agreement on both the form of the affidavit referenced in Section 5 and all other terms set forth in this Agreement, the Parties shall simultaneously execute both on the Effective Date during a closing. Within twenty (20) days of the Effective Date, the City shall cause the Settlement Payment to be issued directly to T & R.
7. **Release and Waiver of Claims.** T & R, its agents, representatives, heirs, successors, assigns, attorneys, and other parties on whose behalf T & R could bring a legal action, hereby fully releases, acquits, and forever discharges the City of Delaware, its officials (elected and appointed), employees, agents, administrators, representatives, insurers, attorneys, successors and/or assigns, of and from any and all claims, demands, actions, causes of action, suits, debts, liens, contracts, liabilities, agreements, costs, expenses, or losses of any type, whether known or unknown, fixed or contingent, suspected or unsuspected, accrued or unaccrued, which T & R now has or may have related to, or arising out of, the City of Delaware's Capacity Fees and/or which is the subject of a lawsuit being Case No. 2:20 CV 3284, captioned *Seattle House, LLC (individually and on behalf of others similarly situated) vs. City of Delaware, Ohio*, filed in the United States District Court, Southern District of Ohio, including any and all claims which could have been asserted therein; provided, however, that this release shall not apply to any rights, duties, or obligations arising under, or actions to be taken pursuant to, this Agreement.
8. **Compromise Settlement.** This Agreement is the result of a compromise of disputed claims. Neither this Agreement nor any of the actions to be taken hereto shall ever at any time, for any reason or purpose, be construed as, or be deemed to be evidence of, an admission of liability, culpable conduct, or other wrongdoing on the part of the Parties.
9. **Application of Agreement.** All terms of this Agreement shall be applicable to and binding upon the Parties, their agents and related assigns. Nothing in this Agreement is intended to confer any benefit upon any third party unless expressly stated herein.
10. **Entire Agreement.** This Agreement constitutes and contains the entire agreement and understanding between the Parties as to the matters addressed herein and supersedes all prior and contemporaneous oral and written agreements, representations and discussions. The Parties intend for this Agreement to be complete and shall not be subject to any claim of mistake of fact or law. This Agreement is intended to avoid the uncertainty of litigation and to be final and complete.

11. **Applicable Law.** This Agreement shall be governed by the laws of the State of Ohio, without regard to any potential conflict of laws.
12. **Duty to Act in Good Faith.** The Parties shall act in good faith and in accordance with this Agreement, and not participate in, encourage, condone, or take any action to facilitate any challenge to the terms of this Agreement.
13. **No Assignment.** The Parties represent they have not assigned any rights or otherwise transferred or granted, or purported to assign, transfer or grant, to any person or entity any claim or right to assert any claim of any kind or character, or any portion thereof that they have against the opposing party.
14. **Amendment.** This Agreement shall not be amended or modified, except in writing, and signed by the Parties.
15. **Severability.** Should any provision or term of this Agreement be declared or determined by any court of competent jurisdiction to be illegal, invalid, unenforceable, or void, such declaration or determination shall not affect the remaining terms of this Agreement, which shall remain independent, fully legal, valid, and enforceable pursuant to the terms of this Agreement.
16. **Construction.** This Agreement shall be considered to have been jointly drafted by the Parties, and it is agreed that it shall be governed by and construed in accordance with the laws of the State of Ohio regardless of conflicts of laws rules.
17. **Disputes and Controversies among the Parties Concerning this Agreement.** The Parties agree that the Delaware County Court of Common Pleas shall have continuing jurisdiction to enforce this Agreement, if necessary. Any dispute or controversy among the Parties regarding the interpretation or enforcement of this Agreement or arising out of or concerning this Agreement shall be presented to the Court of Common Pleas, Delaware County, Ohio. It is further understood and agreed that if, at any time, a violation of any term of this Agreement is asserted by any Party hereto, that Party shall have the right to seek specific performance from that Court, which shall be in addition to any other relief to which the aggrieved Party is entitled.
18. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.
19. **Acknowledgment.** The Parties acknowledge that they: have read carefully this Agreement; are satisfied with all of the Agreement's terms; had adequate time to review and consider this Agreement and to consult with their legal counsel with respect thereto; entered into this Agreement voluntarily and of their own free will; and agree to all provisions contained herein.

WHEREFORE, the Parties hereto have read all of the foregoing, understand the same, and agree to all of the provisions contained herein.

CITY OF DELAWARE, OHIO

T & R PROPERTIES, INC.

By: _____

R. Thomas Homan

Its: City Manager

Date: _____

By: _____

Its:

Date: _____

APPROVED:

Approved as to form

Natalia S. Harris
Delaware City Attorney



FACT SHEET

AGENDA ITEM NO: 12

DATE: 03/22/2021

ORDINANCE NO:

RESOLUTION NO: 21-14

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Natalia S. Harris, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION APPOINTING A MEMBER TO THE DELAWARE GENERAL HEALTH DISTRICT BOARD AND SPECIFYING THE TERM OF THE APPOINTMENT.

BACKGROUND: The City is part of the Delaware General Health District (“DGHD”). The DGHD has a Board that consists of 8 total members – 2 of which are representatives from the City of Delaware. The appointments of the City DGHD Board representatives are made by the City Manager and approved by City Council (previously the appointments were made by the Mayor). The procedural change is premised on provisional language contained in R.C. 3709.07. The term of service for each City Board representative is five years from the date of appointment.

REASON WHY LEGISLATION IS NEEDED:

[Ohio Revised Code Section 3709.07](#) provides the appointments of the City’s representatives shall be made by the City Manager and approved by this Council. [Ohio Revised Code Section 3709.02](#) sets forth the 5-year term for the Board appointments.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

R. Thomas Homan, City Manager

RECOMMENDATION:

ATTACHMENT(S)

RESOLUTION NO. 21-14

A RESOLUTION APPOINTING A MEMBER TO THE DELAWARE GENERAL HEALTH DISTRICT BOARD AND SPECIFYING THE TERM OF THE APPOINTMENT.

WHEREAS, Ohio Revised Code Section 3709.07 permits one or more city health districts to unite with a general health district to form a single district; and

WHEREAS, on August 27, 2001, this Council passed Ordinance No. 01-110, which authorized and directed the City Manager to sign a contract for union of a city health district with the (then) Delaware City-County General Health District; and

WHEREAS, on August 28, 2001, the City Manager executed a *Contract for Union of a City Health District with the General Health District* (“Contract”); and

WHEREAS, the Contract established the combined district shall be known as the Delaware General Health District (“DGHD”); and

WHEREAS, the Contract establishes the DGHD Board shall consist of a total of eight (8) members, two (2) of whom shall represent the City of Delaware and be appointed for terms expiring five years from the date of their appointment; and

WHEREAS, pursuant to R.C. 3709.07 the appointments of the City’s representatives shall be made by the City Manager and approved by this Council.

WHEREAS, the City Manager has appointed Dr. Mark Hickman to serve as one of the two City representatives on the DGHD Board.

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

SECTION 1. The following appointment is hereby approved: Delaware General Health District Board of Health – Dr. Mark Hickman, City Representative: Re-Appointment (term expiring March 31, 2026)

SECTION 2. This resolution shall be effective immediately upon its passage.

PASSED: _____, 2021

YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



TO: TOM HOMAN, CITY MANAGER
FROM: JUSTIN NAHVI, FINANCE DIRECTOR
SUBJECT: FEBRUARY 2021 FINANCIAL REPORT
DATE: 3/5/2021

BACKGROUND

The purpose of this report is to provide a brief review of the revenues and expenditures for the following funds: General Fund, Fire/EMS Income Tax Fund, Recreation Center Income Tax Fund, Stormwater Fund, Water Fund, Wastewater Fund, and Refuse Fund.

Actual revenues and expenditures are compared to the budget to assess potential overages/shortages in budgeted categories. Comparisons with figures from last fiscal year are also included to indicate the differences by year, since budgeting techniques remain relatively uniform from one year to the next.

Appendix A details the year-to-date activity for all of the city's active funds. It is important to note the ending balance, encumbrances, and unencumbered balance. The unencumbered balance is the amount remaining in the fund if the city were to expend all the monies listed as encumbrances. The ending balance is the amount of funds available to the city as of February 28, 2021, and ties to the amount listed in Appendix B.

Appendix B is the Financial Statement for the city as of February 28, 2021. This statement provides a listing of the city's funds held at various financial institutions. Also presented are the interest earned to date, weighted average interest rate, and the weighted average maturity (days).

Appendix C is the Debt Schedule for the city through February 28, 2021. All principal and interest payments that have been paid to date are included in the schedule.

Appendix D is a graphical representation of the water and sewer utility consumption billed on a monthly basis in terms of units billed as well as dollars.

GENERAL FUND

The General Fund is the main operating fund for the city and is used to account for all financial transactions which are not reported in other funds. Major sources of revenue include income tax and property tax. Please refer to page three for a breakdown of the revenues and expenditures through February 28, 2021.

Revenues

The General Fund revenues are performing as expected. However, the following revenue sources require additional explanations:

- Property Taxes – Settlement revenue is received after the 1st and 2nd half real estate collection periods in March and August respectively.
- Intergovernmental – Total intergovernmental receipts were \$551,270 or 269.0% greater than the amount received during the same period in the prior year. This increase is attributed to the receipt of \$405,203 in a grant reimbursement received for the East William Street project.
- Income Tax – Year-to-date receipts total \$2,592,369 which is \$133,355 or 5.4%, greater than amount the City received during the same period in the prior year. The increase is attributed to employer withholding distributions to the City which increased 6.8% in the current year as compared to year-to-date collections in the prior year.
- Charges for Services – Chargebacks for the General Fund related services attributed to special revenue and enterprise funds through the end of February were \$487,306.

Expenditures

The General Fund expenditures performed as expected through the end of February. However, the following expenditures require additional explanations:

- Transfers – Transfers to the following funds have been made to the Recreation Fund (\$193,117) as well as the Streets Maintenance Fund (\$76,439).

**GENERAL FUND
STATEMENT OF REVENUE AND EXPENDITURES
FEBRUARY 2021**

	2020 ACTUAL YTD FEB 28	2021 ACTUAL YTD FEB 28	2021 TOTAL BUDGET	2021 % of BUDGET
REVENUES				
Property Taxes	-	-	1,539,292	0.00%
Intergovernmental Receipts	149,414	551,270	1,487,000	37.07%
Income Taxes	2,459,014	2,592,369	15,576,300	16.64%
Fines & Forfeitures	14,358	61,321	100,000	61.32%
Fees, Licenses, & Permits	437,958	368,227	2,410,000	15.28%
Miscellaneous	20,470	264,552	403,000	65.65%
Other Financing	20,013	-	5,000	0.00%
Earnings on Investments	118,624	13,681	40,000	34.20%
Charges for Services	294,208	487,306	4,318,839	11.28%
Total Revenues	3,514,060	4,338,726	25,879,431	16.77%
EXPENDITURES				
Council	29,502	22,477	182,796	12.30%
City Manager	155,602	150,496	915,052	16.45%
Admin Services	67,628	44,660	422,199	10.58%
Economic Development	44,300	80,289	480,102	16.72%
Legal Affairs	145,578	110,607	870,128	12.71%
Finance	423,523	376,960	2,253,943	16.72%
General Admin	1,091,158	428,727	5,894,309	7.27%
Risk Management	5,905	1,100	339,600	0.32%
Police	1,628,125	1,527,450	10,128,465	15.08%
Planning	222,911	243,998	1,555,748	15.68%
Engineering	271,570	267,188	2,155,656	12.39%
Building Maintenance	86,851	79,109	677,876	11.67%
Total Expenditures	4,172,654	3,333,061	25,875,874	12.88%

FIRE/EMS INCOME TAX FUND

The Fire/EMS Income Tax Fund is a Special Revenue Fund which means that the resources are restricted to only funding expenditures that support the Fire Department. Please refer to page five for a breakdown of the revenues and expenditures through February 28, 2021.

Revenues

Several sources of revenue support this fund, including intergovernmental as well as income tax collections.

- EMS Service Agreement - The city contracts with Delaware County to provide EMS services to certain unincorporated portions of the County. To date, the City has received \$189,008 in reimbursements.
 - For the 2021 fiscal year, the per unit reimbursement rate will be \$223.08 for EMS transport and \$111.54 per non-transport runs.
- Income Tax – Year-to-date receipts total \$1,812,709 which is \$92,267, or 5.4%, greater than amount the City received during the same period in the prior year. The increase is attributed to employer withholding distributions to the City which increased 6.8% in the current year as compared to year-to-date collections in the prior year.

Expenditures

Fire/EMIS Income Tax Fund expenditures performed as expected through February 28, 2021.

**FIRE/EMS INCOME TAX FUND
STATEMENT OF REVENUE AND EXPENDITURES
FEBRUARY 2021**

	2020 ACTUAL YTD FEB 28	2021 ACTUAL YTD FEB 28	2021 TOTAL BUDGET	2021 % of BUDGET
REVENUES				
Intergovernmental Receipts	174,696	189,008	753,000	25.10%
Income Taxes	1,720,442	1,812,709	10,995,889	16.49%
Miscellaneous	30	10,024	3,500	286.41%
Other Financing	1,175	-	3,000	0.00%
Transfer In	-	-	268,257	0.00%
Total Revenues	1,896,343	2,011,741	12,023,646	16.73%
EXPENDITURES				
Personal Services	1,534,861	1,211,242	9,820,895	12.33%
Charges & Services	219,968	263,478	1,169,814	22.52%
Materials & Supplies	91,185	69,689	464,806	14.99%
Capital Outlay	25,747	51,878	1,943,007	2.67%
Refunds	26,746	22,566	500,000	4.51%
Transfer	-	99,056	396,224	25.00%
Debt	-	-	515	0.00%
Total Fire Expenditures	1,898,507	1,717,908	14,295,261	12.02%

**REC CENTER INCOME TAX FUND
RECREATION LEVY SUMMARY
FEBRUARY 2021**

Account #	Description	2014 Expended	2015 Expended	2016 Expended	2017 Expended	2018 Expended	2019 Expended	2020 Expended	2021 Expended	2021 Encumbered	2021 Remaining Budget	Total 2014 - 2021
Phase 1 - \$20,000,000												
233-0233-5230	Design	7,090	0	0	0	0	0	0	0	0	0	7,090
5513	Other Park Improvements	14,981	0	0	0	0	0	0	0	0	0	14,981
5521	National Guard City Alternatives	117,500	0	0	0	0	0	0	0	0	0	117,500
5533	Veterans Park Restroom/Shelter	0	100,000	150,000	0	0	0	0	0	0	0	250,000
	Total	139,571	100,000	150,000	0	0	0	0	0	0	0	389,571
Phase 2 - \$3,800,000												
233-0233-5501	Houk Rd. Site Improvements	0	0	0	0	0	235,000	0	0	0	0	235,000
5522	Park Asphalt Projects	306,291	59,111	27,841	0	0	0	0	0	0	0	393,243
5523	Park Seal Coating Projects	36,025	100,894	0	0	0	0	0	0	0	0	136,919
5524	Smith Park Trail	27,461	3,699	205,818	0	0	0	0	0	0	0	236,978
5525	Park Irrigation	0	0	0	0	0	0	0	0	0	0	0
5526	Park Aeration	20,109	0	0	0	0	0	0	0	0	0	20,109
5527	Parks General Construction Projects	113,737	6,250	12,645	57,797	148,270	48,464	0	0	0	0	387,163
5528	Dog Park	32,354	34,003	0	0	0	0	0	0	0	0	66,357
5529	Drainage & Excavation Projects	2,608	0	0	0	0	0	0	0	0	0	2,608
5530	Miscellaneous Park Improvements	42,715	0	0	18,532	0	0	0	0	0	0	61,247
5531	Veterans Park Parking Lot Addition	337,203	0	0	0	0	0	0	0	0	0	337,203
5532	Wayfinding and Signage	0	0	0	21,160	2,590	61,357	30,758	0	6,785	28,000	150,650
5534	Veterans Park Playtoy	0	152,551	94,449	0	0	0	0	0	0	0	247,000
5535	Splashpad Construction	5,300	479,956	51,627	12,791	34,302	0	0	0	0	0	583,976
5536	Parkland Acquisition/Improvement	0	722,272	428,577	0	0	0	0	0	0	0	1,150,849
5537	Park Improvements Contingency	3,040	0	0	0	0	0	0	0	0	0	3,040
5538	Pickleball Courts	0	17,035	0	0	0	0	0	0	0	0	17,035
5710	In House Design	0	4,237	0	0	0	0	0	0	0	0	4,237
	Total	926,843	1,580,008	820,957	110,280	185,162	344,821	30,758	0	6,785	28,000	4,033,614
	Phase 1 Totals	139,571	100,000	150,000	0	0	0	0	0	0	0	389,571
	Phase 1 Reimbursements	72,000										72,000
	Phase 1 Net Cost	67,571	100,000	150,000	0	0	0	0	0	0	0	317,571
	Phase 1 Net Cost 2009-2013											19,609,505
	TOTAL PHASE 1 COSTS											19,927,076
	Phase 2 Totals	926,843	1,580,008	820,957	110,280	185,162	344,821					3,968,071
	Phase 2 Reimbursements		212,722									212,722
	TOTAL PHASE 2 COSTS	926,843	1,367,286	820,957	110,280	185,162	344,821					3,755,349
	TOTAL ALL PHASES											23,682,425

STORMWATER FUND

The Stormwater Fund is an Enterprise Fund that was established to account for the costs of repairing, replacing, and improving the city's storm drainage system. User fees sustain the expenditures of this fund. Please refer to page eight for a breakdown of the revenues and expenditures through February 28, 2021.

Revenues

The Stormwater Fund revenues are performing as expected. However, the following revenue sources require additional explanations:

- Charges for Services – Year-to-date service charges totaled \$158,051 which is \$342 (0.2%) less than the amount collected during the same period in the prior year.
-

Expenditures

The Stormwater Fund expenditures performed as expected through the end of February. However, the following expenditures require additional explanations:

- Transfers – A transfer in the amount of \$900,000 was processed to the Stormwater Capital Fund in the month of February. Capital expenditures were previously realized within the Stormwater Fund. For the 2021 Adopted Budget, the Stormwater Capital Fund was established to account for capital expenditures going forward.

**STORMWATER FUND
STATEMENT OF REVENUE AND EXPENDITURES
FEBRUARY 2021**

	2020 ACTUAL YTD FEB 28	2021 ACTUAL YTD FEB 28	2021 TOTAL BUDGET	2021 % of BUDGET
REVENUES				
Miscellaneous	718	2,761	2,350	117.47%
Charges for Services	158,393	158,051	829,500	19.05%
Total Revenues	159,111	160,812	831,850	19.33%
EXPENDITURES				
Stormwater Operations				
Personal Services	41,990	40,309	261,315	15.43%
Charges & Services	12,035	12,030	203,828	5.90%
Materials & Supplies	9,713	7,434	95,676	7.77%
Capital Outlay	-	-	20,000	0.00%
Transfer	9	900,000	900,000	100.00%
Total Ops Expenditures	63,747	959,773	1,480,819	64.81%

WATER FUND

The Water Fund was established to account for the treatment and distribution of water to resident and commercial users. This fund is also an Enterprise Fund, with user fees financing the expenditures. Please refer to page ten for a breakdown of the revenues and expenditures through February 28, 2021.

Revenues

The Water Fund revenues are performing as expected. However, the following revenue sources require additional explanations:

- Charges for Services – Included in this category are Services Charges & Collections.
 - Meter Charges – Year-to-date meter charges for water consumption totaled \$863,090 which is \$54,307 or 5.9% less than the amount collected same period from the prior year.
 - Capacity Fees – Year-to-date receipts total \$353,661 and these fees are deposited into the Water Capacity Fee Fund (Fund 536).

Expenditures

The Water Fund expenditures performed as expected through February 28, 2021.

**WATER FUND
STATEMENT OF REVENUE AND EXPENDITURES
FEBRUARY 2021**

	2020 ACTUAL YTD FEB 28	2021 ACTUAL YTD FEB 28	2021 TOTAL BUDGET	2021 % of BUDGET
REVENUES				
Miscellaneous	4,883	1,747	25,000	6.99%
Other Financing	6,549	-	10,000	0.00%
Earnings on Investments	47,761	1,963	7,500	26.17%
Charges for Services	940,262	873,278	5,680,427	15.37%
Total Revenues	999,456	876,988	5,722,927	15.32%
EXPENDITURES				
Water Administration				
Personal Services	54,770	64,934	324,395	0.00%
Charges & Services	58,529	283,216	1,063,862	26.62%
Materials & Supplies	41	-	750	0.00%
Capital Outlay	-	-	25,000	0.00%
Refunds	706	2,782	10,000	27.82%
Transfers	121,667	-	1,952,379	0.00%
Total Admin Expenditures	235,714	350,932	3,376,386	10.39%
Water Treatment				
Personal Services	154,053	118,510	947,336	12.51%
Charges & Services	174,477	164,550	791,975	20.78%
Materials & Supplies	37,186	31,699	414,874	7.64%
Capital Outlay	-	-	94,500	0.00%
Refunds	-	-	-	0.00%
Total Treat Expenditures	365,715	314,758	2,248,685	14.00%
Water Distribution				
Personal Services	101,341	69,961	627,619	11.15%
Charges & Services	18,012	20,841	138,496	15.05%
Materials & Supplies	61,848	55,252	288,650	19.14%
Capital Outlay	-	-	15,000	0.00%
Refunds	-	-	-	0.00%
Total Dist Expenditures	181,201	146,054	1,069,765	13.65%
Total Expenditures	782,630	811,745	6,694,836	12.12%

WASTEWATER FUND

The purpose of the Wastewater Fund is to provide wastewater collection and treatment service to resident and commercial users. This fund is also an Enterprise Fund, with user fees financing the expenditures. Please refer to page twelve for a breakdown of the revenues and expenditures through February 28, 2021.

Revenues

The Sewer Fund revenues are performing as expected. However, the following revenue sources require additional explanations:

- Charges for Services – Included in this category are Services Charges & Collections.
 - Meter Charges – Year-to-date meter charges for wastewater treatment totaled \$1,081,936 which is \$27,630 or 2.5% less than the amount collected during same period from the prior year.
 - Capacity Fees – Year-to-date receipts total \$285,510 and these fees are deposited into the Wastewater Capacity Fee Fund (Fund 546).

Expenditures

The Wastewater Fund expenditures performed as expected through February 28, 2021.

**WASTEWATER FUND
STATEMENT OF REVENUE AND EXPENDITURES
FEBRUARY 2021**

	2020 ACTUAL YTD FEB 28	2021 ACTUAL YTD FEB 28	2021 TOTAL BUDGET	2021 % of BUDGET
REVENUES				
Miscellaneous	1,127	-	25,000	0.00%
Other Financing	7,423	-	15,000	0.00%
Earnings on Investments	45,675	2,110	23,000	9.17%
Charges for Services	1,146,774	1,125,070	7,009,424	16.05%
Total Revenues	1,200,999	1,127,180	7,072,424	15.94%
EXPENDITURES				
Sewer Administration				
Personal Services	46,595	37,298	324,440	0.00%
Charges & Services	18,392	262,089	1,117,987	23.44%
Materials & Supplies	-	-	900	0.00%
Capital Outlay	-	-	25,000	0.00%
Refunds	101	-	8,500	0.00%
Transfers	137,167	-	3,237,090	0.00%
Total Admin Expenditures	202,254	299,387	4,713,917	6.35%
Sewer Treatment				
Personal Services	156,900	122,047	984,939	12.39%
Charges & Services	133,462	207,309	1,240,058	16.72%
Materials & Supplies	29,363	24,347	272,483	8.94%
Capital Outlay	-	-	-	0.00%
Refunds	-	-	-	0.00%
Total Treat Expenditures	319,725	353,703	2,497,480	14.16%
Sewer Collection				
Personal Services	46,385	-	299,174	0.00%
Charges & Services	32,020	34,425	245,976	14.00%
Materials & Supplies	25,522	39,382	179,038	22.00%
Capital Outlay	-	-	16,500	0.00%
Refunds	-	33,214	-	0.00%
Total Col Expenditures	103,928	107,021	740,688	14.45%
Total Expenditures	625,906	760,112	7,952,085	9.56%

REFUSE FUND

The Refuse Fund accounts for the costs of providing refuse services. This fund is an Enterprise Fund which means that the main source of revenue is the monthly fees charged to residents for this service. Please refer to page fourteen for a breakdown of the revenues and expenditures through February 28, 2021.

Revenues

The Refuse Fund revenues are performing as expected. However, the following revenue sources require additional explanations:

- Charges for Services – Year-to-date receipts total \$618,352 which is \$4,616 or 0.8% greater than the amount received from the same period in the prior year.

Expenditures

The Refuse Fund expenditures performed as expected through February 28, 2021.

**REFUSE FUND
STATEMENT OF REVENUE AND EXPENDITURES
FEBRUARY 2021**

	2020 ACTUAL YTD FEB 28	2021 ACTUAL YTD FEB 28	2021 TOTAL BUDGET	2021 % of BUDGET
REVENUES				
Miscellaneous	3,365	45,000	-	0.00%
Other Financing	-	-	10,000	0.00%
Earnings on Investments	3,336	148	13,500	1.10%
Charges for Services	613,736	618,352	3,749,000	16.49%
Transfer In	-	-	50,000	0.00%
Total Revenues	620,438	663,501	3,822,500	17.36%
EXPENDITURES				
Refuse Administration				
Personal Services	-	-	-	0.00%
Charges & Services	9,262	25,427	497,002	5.12%
Materials & Supplies	-	-	-	0.00%
Capital Outlay	5,985	-	-	0.00%
Refunds	47	75	300	25.00%
Transfers	61,863	-	-	0.00%
Total Admin Expenditures	77,157	25,502	497,302	5.13%
Refuse Collection				
Personal Services	134,272	83,863	806,002	10.40%
Charges & Services	209,103	208,138	1,393,444	14.94%
Materials & Supplies	17,304	37,929	215,009	17.64%
Capital Outlay	-	-	1,111,176	0.00%
Refunds	-	-	-	0.00%
Total Collect Expenditures	360,678	329,930	3,525,631	9.36%
Refuse Recycling				
Personal Services	78,856	68,288	486,408	14.04%
Charges & Services	50,445	54,286	290,643	18.68%
Materials & Supplies	4,851	3,013	128,608	2.34%
Capital Outlay	-	1,742	307,742	0.57%
Refunds	-	-	-	0.00%
Total Recycle Expenditures	134,152	127,330	1,213,401	10.49%
Total Expenditures	571,988	482,761	5,236,334	9.22%

APPENDIX A

YEAR TO DATE FUND REPORT
February 28, 2021

Fund #	FUND	BEGINNING BALANCE	YTD REVENUES	YTD EXPEND	ENDING BALANCE	ENCUMB	UNENCUMB BALANCE
101	General Fund	6,983,031.34	4,343,544.19	3,333,061.41	7,993,514.12	865,280.61	7,128,233.51
200	Street Maintenance & Repair	104,616.68	398,395.66	503,012.34	0.00	267,635.70	(267,635.70)
201	State Highway Improvement	39,903.60	26,110.47	0.00	66,014.07	0.00	66,014.07
202	License Fee	364,450.04	90,928.58	16,973.53	438,405.09	40,380.00	398,025.09
204	Performance Bond	552,151.00	884,147.00	0.00	1,436,298.00	0.00	1,436,298.00
210	Recreation	16,995.52	193,617.57	210,613.09	0.00	71,381.89	(71,381.89)
212	Oak Grove Cemetery	201,988.79	33,923.66	33,122.69	202,789.76	100,060.56	102,729.20
215	Tree Replacement	212,453.78	8,463.00	0.00	220,916.78	0.00	220,916.78
222	Airport	276,740.87	80,273.04	126,059.40	230,954.51	55,970.70	174,983.81
223	Hangars	184,909.89	18,015.00	9,889.64	193,035.25	0.00	193,035.25
231	Fire/EMS Income Tax	10,063,975.44	2,011,740.89	1,717,907.67	10,357,808.66	1,405,137.54	8,952,671.12
233	Rec Center Income Tax	4,815,002.65	389,024.74	4,835.47	5,199,191.92	6,785.00	5,192,406.92
235	Airport TIF	163,387.07	0.00	0.00	163,387.07	0.00	163,387.07
236	Glenn Road TIF	2,338,996.22	266.11	181,383.08	2,157,879.25	177,201.92	1,980,677.33
237	Sky Climber TIF	0.00	0.00	0.00	0.00	17,904.39	(17,904.39)
238	Mill Run TIF	0.00	0.00	0.00	0.00	0.00	0.00
240	Municipal Court	2,408,686.30	486,000.76	336,570.99	2,558,116.07	18,234.68	2,539,881.39
241	Court IDIAM	24,001.06	7,678.86	206.66	31,473.26	473.36	30,999.90
250	Drug Enforcement	51,289.68	200.00	0.00	51,489.68	0.00	51,489.68
251	Court Alcohol Treatment	624,074.63	4,436.85	0.00	628,511.48	0.00	628,511.48
252	OMVI Enforcement/Education	5,707.65	403.00	0.00	6,110.65	0.00	6,110.65
253	Police Judgement	23,324.02	0.00	0.00	23,324.02	877.03	22,446.99
254	Police Fed Judgement	13,885.77	1.61	0.00	13,887.38	7,500.00	6,387.38
255	Park Exaction Fee	79,629.07	0.00	0.00	79,629.07	0.00	79,629.07
256	Court Computer Legal Research	742,067.00	26,735.00	5,124.61	763,677.39	72,039.61	691,637.78
257	Court Special Projects	622,876.17	27,381.50	34,135.40	616,122.27	51,201.26	564,921.01
259	Court Probation Services	707,004.01	40,991.22	2,313.80	745,681.43	752.00	744,929.43
261	Police Disability Pension	0.00	0.00	0.00	0.00	0.00	0.00
262	Fire Disability Pension	0.00	0.00	0.00	0.00	0.00	0.00
272	Community Promotion	2,651.63	4,817.93	0.00	7,469.56	50,000.00	(42,530.44)
280	Local Coronavirus Relief	0.00	0.00	0.00	0.00	0.00	0.00
291	CDBG	0.00	0.00	1,265.20	(1,265.20)	2,084.80	(3,350.00)
292	Police Fed Treasury Seizures	3,541.85	1,934.27	0.00	5,476.12	850.00	4,626.12
295	ED Revolving Loan	300,624.04	16,022.03	37.15	316,608.92	176,825.00	139,783.92
296	Housing Program Income	0.00	0.00	0.00	0.00	0.00	0.00

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YEAR TO DATE FUND REPORT
February 28, 2021

Fund #	FUND	BEGINNING BALANCE	YTD REVENUES	YTD EXPEND	ENDING BALANCE	ENCUMB	UNENCUMB BALANCE
300	General Bond Retirement	492,654.88	57.29	0.00	492,712.17	0.00	492,712.17
301	Park Improvement Bond	48,165.20	5.60	0.00	48,170.80	4,000.00	44,170.80
302	SE Highland Bond	34.44	0.00	0.00	34.44	0.00	34.44
410	Capital Improvement	2,449,344.45	0.00	1,016,738.26	1,432,606.19	1,378,593.35	54,012.84
412	OPWC	0.00	0.00	0.00	0.00	0.00	0.00
415	Point Project	1,126,493.80	113,937.15	676,070.94	564,360.01	875,922.44	(311,562.43)
430	FAA Airport Grant	0.00	5,597.86	0.00	5,597.86	0.00	5,597.86
431	FAA Alloc/Improvement Grant	89,765.41	0.00	6,219.85	83,545.56	9,136.00	74,409.56
440	Equipment Replacement	213,611.45	0.00	192,097.00	21,514.45	471,393.00	(449,878.55)
491	Parks Impact Fee	2,518,138.33	57,913.93	68,608.18	2,507,444.08	330,001.73	2,177,442.35
492	Police Impact Fee	486,957.21	10,843.65	0.00	497,800.86	0.00	497,800.86
493	Fire Impact Fee	622,208.16	17,615.43	0.00	639,823.59	0.00	639,823.59
494	Municipal Impact Fee	507,884.92	19,764.80	0.00	527,649.72	0.00	527,649.72
496	Glenn Rd S Construction	1,385,273.45	30,163.31	0.00	1,415,436.76	0.00	1,415,436.76
498	Glenn Rd N	290,330.29	33.76	0.00	290,364.05	0.00	290,364.05
501	Golf Course	221,143.30	2,720.50	8,423.21	215,440.59	3,002.00	212,438.59
520	Parking Lots	44,994.76	5,948.08	9,173.24	41,769.60	1,584.00	40,185.60
523	Stormwater	3,761,276.68	160,811.92	959,773.09	2,962,315.51	100,101.70	2,862,213.81
524	Stormwater Capital	(1,927,151.51)	900,000.00	372,901.20	(1,400,052.71)	55,640.31	(1,455,693.02)
530	Water	2,058,415.83	876,987.53	811,744.58	2,123,658.78	200,488.53	1,923,170.25
531	Water Construction	1,398,500.42	0.00	707,998.35	690,502.07	35,981.38	654,520.69
533	Water Reserve	2,000,000.00	0.00	0.00	2,000,000.00	0.00	2,000,000.00
535	Water Customer Deposit	190,359.63	(8,054.72)	289.43	182,015.48	0.00	182,015.48
536	Water Capacity Fee	11,662,148.66	353,660.51	388,391.17	11,627,418.00	158,448.38	11,468,969.62
540	Wastewater	4,092,154.36	1,127,180.28	760,111.69	4,459,222.95	301,796.37	4,157,426.58
541	Wastewater Construction	3,960,063.37	0.00	310,642.87	3,649,420.50	209,610.42	3,439,810.08
543	Wastewater Reserve	2,000,000.00	0.00	0.00	2,000,000.00	0.00	2,000,000.00
546	Wastewater Capacity Fee	8,376,102.10	285,509.71	1,161,457.90	7,500,153.91	213,604.96	7,286,548.95
548	SE Highland Wastewater	244,100.11	112,000.00	0.00	356,100.11	0.00	356,100.11
550	Refuse	1,199,261.65	663,501.23	482,760.97	1,380,001.91	976,551.13	403,450.78
601	Garage Rotary	46,938.31	210,475.00	122,169.69	135,243.62	118,829.89	16,413.73
602	IT Rotary	18,532.22	785,603.00	468,952.58	335,182.64	78,215.22	256,967.42
610	Health Insurance	2,010,396.95	349,766.77	1,269,850.60	1,090,313.12	7,751.64	1,082,561.48
620	Workers Compensation	3,651,058.38	8,420.58	161,813.50	3,497,665.46	1,000.00	3,496,665.46
701	Fire Donation	1,283.36	0.00	0.00	1,283.36	0.00	1,283.36
702	Parks/Rec Donation	7,749.03	0.00	0.00	7,749.03	0.00	7,749.03
703	Police Donation	9,336.60	0.00	411.32	8,925.28	0.00	8,925.28
704	Mayors Donation	1,448.15	150.00	0.00	1,598.15	0.00	1,598.15
705	Project Trust	1,124,540.63	82,000.00	0.00	1,206,540.63	0.00	1,206,540.63

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**YEAR TO DATE FUND REPORT
February 28, 2021**

707	Unclaimed Funds	57,589.32	0.00	0.00	57,589.32	0.00	57,589.32
708	Municipal Court Unclaimed Funds	106,921.77	437.53	23.12	107,336.18	0.00	107,336.18
709	Development Reserve	678,717.04	0.00	0.00	678,717.04	0.00	678,717.04
710	Reserve Account	1,213,864.04	0.00	0.00	1,213,864.04	0.00	1,213,864.04
750	Cemetery Perpetual Care	37,204.40	4.33	0.00	37,208.73	0.00	37,208.73
801	State Highway Patrol	7,085.84	6,826.16	13,912.01	(0.01)	0.00	(0.01)
803	State Building Permit	632.01	1,407.71	1,252.67	787.05	0.00	787.05
811	Berkshire JEDD	153,198.73	90,368.13	153,525.41	90,041.45	2,751.70	87,289.75
		90,566,693.90	15,366,709.97	16,641,824.96	89,291,578.91	8,922,980.20	80,368,598.71

APPENDIX B

**CITY OF DELAWARE, OHIO
FINANCIAL STATEMENT
FEBRUARY 28, 2021**

	Weighted Average Interest Rate	YTD Interest Earned	Weighted Average Maturity (Days)	Ending Balance
<u>Checking/Depository</u>				
Checking (Operating & Payroll)*		-		20,117,869
Total Bank Deposits		\$ -		\$ 20,117,869
 <u>Investments</u>				
Star Ohio	0.09%	10,762		69,173,709
Total Investments		\$ 10,762		\$ 69,173,709
 TOTAL BANK DEPOSITS & INVESTMENTS		 \$ 10,762		 \$ 89,291,579

* The city participates in an Earning Credit Allow ance program. The City maintains a minimum balance in the checking account so that a credit is earned that then offsets the monthly service charge.

I certify that the balances stated above are true to the best of my know ledge.

Justin Nahvi
Finance Director

FEBRUARY 28, 2021
Date

Tom Homan
City Manager

FEBRUARY 28, 2021
Date

APPENDIX C

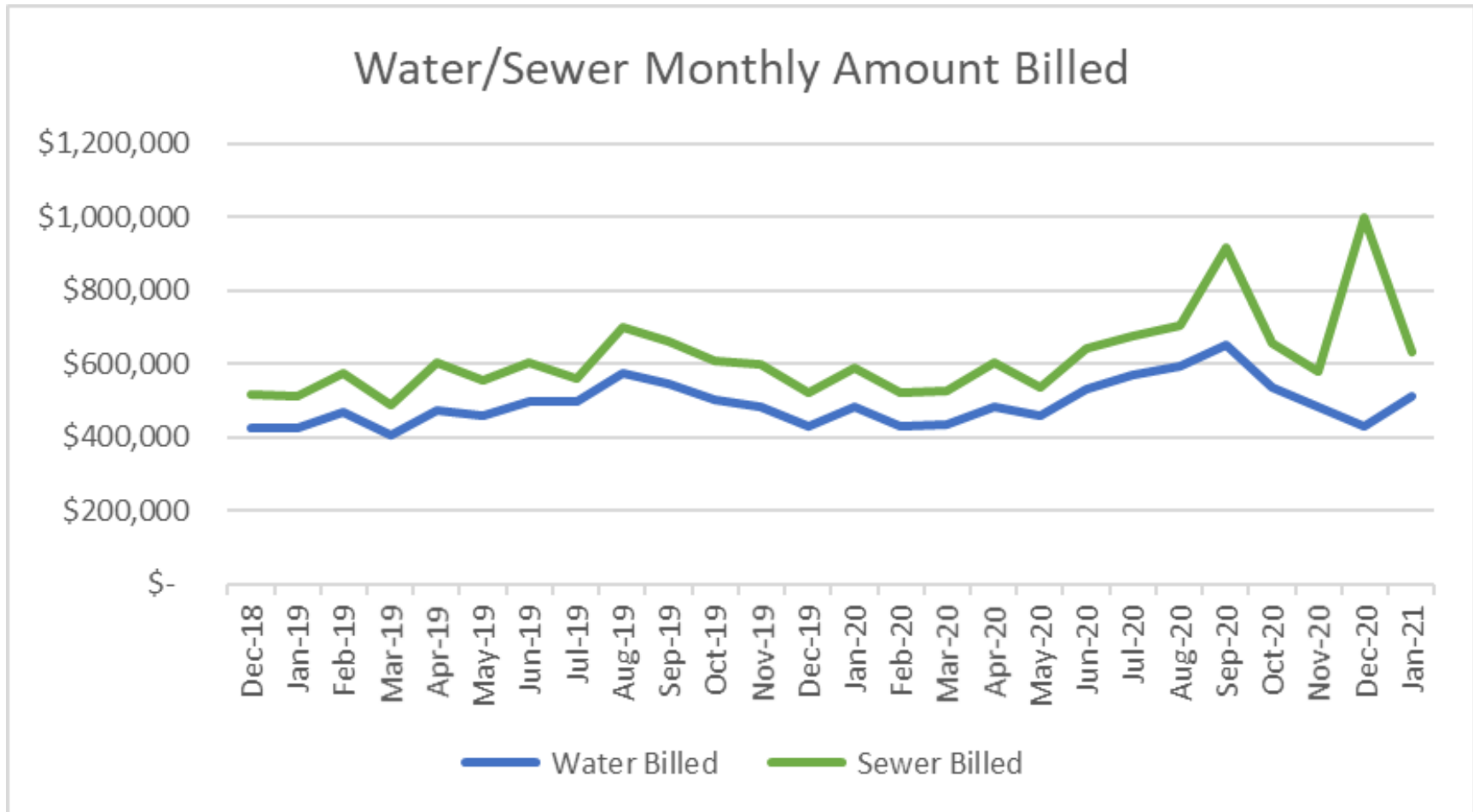
**CITY OF DELAWARE
DEBT SCHEDULE
FEBRUARY 2021**

	Outstanding Balance 2/28/2021	General	Fire/EMS	Rec Levy	Police Impact Impact Fee	Municipal Impact Fee	Glenn Rd. TIF/NCA	Water User Fee	Water Capacity Fee	Sewer User Fee	Sewer Capacity Fee
2019 GO Bonds	\$19,780,000	\$ 3,615,000					\$ 6,280,000				\$ 9,885,000
2017 General Obligation Bonds	\$ 5,405,000	\$ 587,605	\$ 2,485,000						\$ 1,820,494		\$ 511,901
2015 General Obligation Bonds	\$ 4,930,000		\$ 350,000	\$ 2,215,000			\$ 2,365,000				
2013 General Obligation Bonds	\$ 4,740,000		\$ 1,725,000		\$ 534,750	\$ 1,190,250	\$ 1,290,000				
2012 General Obligation Bonds	\$ 1,265,000	\$ 565,148	\$ 114,852								\$ 585,000
OWDA Water Projects	\$27,804,208							\$17,819,341	\$ 9,984,867		
OWDA Sewer Projects	\$ 9,253,262									\$ 797,631	\$ 8,455,631
2020 Recreation Levy Bonds	\$12,085,000			\$12,085,000							
Total Long Term Debt	\$85,262,470	\$ 4,767,753	\$ 4,674,852	\$14,300,000	\$ 534,750	\$ 1,190,250	\$ 9,935,000	\$17,819,341	\$11,805,360	\$ 797,631	\$19,437,532
Fund Balance Reserves 2/28/21		\$ 8,064,774	\$10,360,221	\$ 5,046,592	\$ 494,181	\$ 519,499	\$ 3,740,367	\$ 4,790,304	\$11,510,484	\$ 9,958,313	\$ 7,514,334
Annual Debt Service		\$ 767,721	\$ 702,262	\$ 2,431,580	\$ 136,700	\$ 353,500	\$ 999,126	\$ 1,285,727	\$ 964,722	\$ 152,695	\$ 3,003,987
2021 Revenue		\$25,879,431	\$12,023,646	\$ 2,326,517	\$ 102,500	\$ 170,500	\$ 3,419,300	\$ 7,722,927	\$ 2,000,000	\$ 8,572,424	\$ 4,080,000

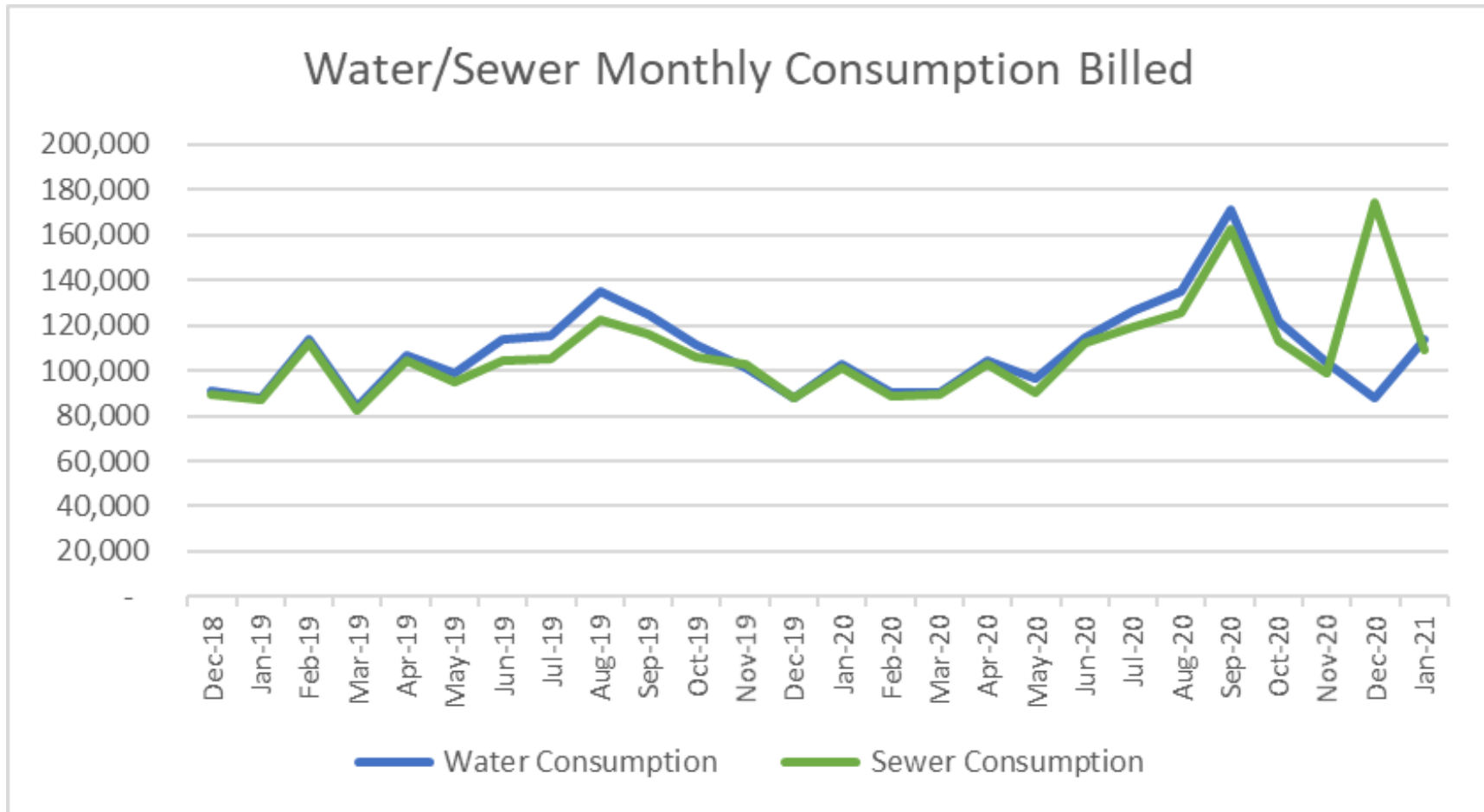
APPENDIX D

Billing Month	Consumption Period	Water Customers	Water Consumption	Water Billed	Sewer Customers	Sewer Consumption	Sewer Billed	Refuse Customers	Refuse Billed	Stormwater ERU	Stormwater Billed
Jan-19	Dec-18	12,928	91,066	\$ 425,547	12,691	89,468	\$ 515,265	14,235	\$ 293,242	36,466	\$ 91,166
Feb-19	Jan-19	12,951	88,253	\$ 423,755	12,711	86,832	\$ 511,264	14,247	\$ 293,493	27,873	\$ 69,681
Mar-19	Feb-19	12,957	113,997	\$ 469,192	12,716	111,840	\$ 576,244	14,316	\$ 294,918	27,908	\$ 69,771
Apr-19	Mar-19	12,983	84,044	\$ 403,182	12,742	82,418	\$ 485,058	14,294	\$ 294,455	27,947	\$ 69,868
May-19	Apr-19	13,050	106,911	\$ 474,402	12,810	104,035	\$ 601,199	14,349	\$ 295,593	27,949	\$ 69,873
Jun-19	May-19	13,096	99,139	\$ 456,613	12,854	95,180	\$ 553,500	14,395	\$ 296,542	28,008	\$ 70,020
Jul-19	Jun-19	13,134	113,613	\$ 494,816	12,890	104,409	\$ 604,106	14,464	\$ 297,966	27,991	\$ 69,978
Aug-19	Jul-19	13,151	115,139	\$ 499,167	12,914	105,412	\$ 559,491	14,495	\$ 298,591	28,039	\$ 70,097
Sep-19	Aug-19	13,172	134,924	\$ 575,052	12,930	122,650	\$ 697,696	14,519	\$ 299,099	28,052	\$ 70,129
Oct-19	Sep-19	13,207	125,047	\$ 544,381	12,965	116,228	\$ 661,645	14,573	\$ 300,203	28,083	\$ 70,208
Nov-19	Oct-19	13,243	111,664	\$ 504,206	13,000	106,141	\$ 608,906	14,599	\$ 300,738	28,011	\$ 70,028
Dec-19	Nov-19	13,211	100,944	\$ 483,479	12,966	103,133	\$ 596,428	14,595	\$ 300,649	27,976	\$ 69,941
Jan-20	Dec-19	13,270	87,728	\$ 431,208	13,024	87,642	\$ 522,014	14,631	\$ 301,390	36,363	\$ 90,907
Feb-20	Jan-20	13,219	102,900	\$ 480,375	12,975	101,172	\$ 587,089	14,382	\$ 296,269	28,119	\$ 70,297
Mar-20	Feb-20	13,240	90,393	\$ 431,582	12,994	88,700	\$ 522,680	14,651	\$ 301,820	28,156	\$ 70,390
Apr-20	Mar-20	13,278	90,392	\$ 433,859	13,031	89,541	\$ 527,488	14,707	\$ 302,973	28,156	\$ 70,390
May-20	Apr-20	13,333	104,347	\$ 483,078	13,086	102,909	\$ 601,266	14,681	\$ 302,426	28,247	\$ 70,616
Jun-20	May-20	13,386	96,858	\$ 460,005	13,138	90,592	\$ 534,923	14,687	\$ 302,549	28,221	\$ 70,552
Jul-20	Jun-20	13,415	114,917	\$ 528,781	13,166	111,910	\$ 642,513	14,727	\$ 303,372	28,240	\$ 70,600
Aug-20	Jul-20	13,402	126,267	\$ 569,456	13,156	119,040	\$ 675,202	14,755	\$ 303,959	28,348	\$ 70,870
Sep-20	Aug-20	13,473	134,662	\$ 592,850	13,227	125,526	\$ 706,345	14,837	\$ 305,640	28,245	\$ 70,612
Oct-20	Sep-20	13,475	171,441	\$ 649,461	13,227	162,429	\$ 916,105	14,857	\$ 306,057	28,318	\$ 70,796
Nov-20	Oct-20	13,506	121,983	\$ 537,031	13,257	113,341	\$ 656,170	14,867	\$ 306,269	28,368	\$ 70,921
Dec-20	Nov-20	13,513	103,585	\$ 481,446	13,260	99,078	\$ 576,854	14,897	\$ 306,879	28,387	\$ 70,967
Jan-21	Dec-20	13,596	88,116	\$ 429,022	13,344	174,469	\$ 1,000,075	14,926	\$ 307,486	36,651	\$ 91,627
Feb-21	Jan-21	13,589	113,480	\$ 510,649	13,337	108,889	\$ 634,005	14,984	\$ 308,666	28,450	\$ 71,124

APPENDIX D



APPENDIX D



MONTHLY INCOME TAX REVENUES

2019-2021

	2019				% OF	2020				% OF	2021				% OF
	W/H	PERSONAL	BUSINESS	TOTAL		ACTUAL	W/H	PERSONAL	BUSINESS		TOTAL	ACTUAL	W/H	PERSONAL	
JANUARY	1,570,681	603,605	80,207	2,254,493		1,706,358	637,606	44,177	2,388,141		2,124,476	695,732	32,121	2,852,329	
FEBRUARY	1,616,403	398,566	112,062	2,127,031		1,757,517	309,713	92,790	2,160,019		1,576,434	230,011	132,193	1,938,638	
SUBTOTAL	3,187,085	1,002,171	192,269	4,381,524	15.21%	3,463,875	947,319	136,967	4,548,160	15.79%	3,700,910	925,743	164,314	4,790,967	16.60%
MARCH	1,308,699	737,799	133,499	2,179,997		1,597,825	513,367	158,820	2,270,012		-	-	-	-	
APRIL	1,941,656	2,595,734	781,735	5,319,125		1,942,011	774,039	198,985	2,915,035		-	-	-	-	
MAY	1,440,447	242,575	54,049	1,737,070		1,436,969	284,090	63,824	1,784,883		-	-	-	-	
JUNE	1,696,517	732,504	153,590	2,582,612		1,486,251	546,475	182,455	2,215,181		-	-	-	-	
JULY	1,630,973	329,142	27,910	1,988,025		1,564,181	1,991,877	459,118	4,015,176		-	-	-	-	
AUGUST	1,393,601	220,627	97,863	1,712,090		1,813,509	215,388	47,643	2,076,540		-	-	-	-	
SEPTEMBER	1,742,714	764,332	253,449	2,760,494		1,470,918	797,195	287,393	2,555,506		-	-	-	-	
OCTOBER	1,688,264	281,632	96,126	2,066,022		1,803,650	308,140	128,510	2,240,300		-	-	-	-	
NOVEMBER	1,563,442	258,284	79,136	1,900,863		1,848,195	180,009	82,625	2,110,829		-	-	-	-	
DECEMBER	1,683,645	368,333	124,744	2,176,722		1,457,238	428,683	190,989	2,076,910		-	-	-	-	
TOTALS	19,277,043	7,533,133	1,994,369	28,804,544		19,884,622	6,986,582	1,937,329	28,808,533		3,700,910	925,743	164,314	4,790,967	

	Total Receipts	FEBRUARY Receipts	% of Annual Collections	Projection based on ten year trend!
				FEBRUARY 2021 RECEIPTS = \$4,790,967
2011	17,765,717	2,589,216	14.57%	
2012	19,658,101	2,811,267	14.30%	HIGH = 14.30% \$33,501,377
2013	20,557,766	3,459,151	16.83%	LOW = 16.83% \$28,472,762
2014	21,537,420	3,557,429	16.52%	
2015	22,852,743	3,631,795	15.89%	LAST 3 YR
2016	24,975,316	3,932,183	15.74%	AVG = 15.15% \$31,621,517
2017	25,898,396	3,932,183	15.18%	
2018	27,829,347	4,022,494	14.45%	*2021 BUDGETED RECEIPTS \$28,857,906
2019	28,804,544	4,381,524	15.21%	
2020	28,808,533	4,548,160	15.79%	
		10 Year Avg.	15.45%	

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: March 18, 2021

1. **Calendar**
See Attached

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

March

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Council Work Session 6:30 pm	2	3 Civil Service 3:00 pm Planning 6:30 pm	4	5	6
7	8 Council Meeting 7 pm	9	10 BZA 6:30 pm	11	12	13
14	15	16 Parks and Recreation Advisory Board 6:30 pm	17 Planning Work Session – Comprehensive Plan Review 6:30 pm	18	19	20
21	22 Council 7 pm	23	24 HPC 6:30 pm	25	26	27
28	29	30 Finance Committee 3 p.m.	31			

April

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Work Session 6:30 p.m.	6	7 Planning Commission 6:30 p.m.	8	9	10
11	12 City Council 7 p.m.	13 Sister City Advisory Board 6 p.m.	14 Board of Zoning Appeals 6:30 p.m.	15 Airport Commission 6:30 p.m.	16	17
18	19 Parking and Safety 6 p.m.	20	21	22 Virtual Public Involvement Meeting: US 23 and Hull Drive Safety Improvements 6:30 p.m.	23	24
25	26 City Council 7 p.m.	27 Shade Tree Commission 6:30 p.m.	28 Historic Preservation Commission 6:30 p.m.	29	30	

CONTRACT APPROVAL - 03/22/21

VENDOR	EXPLANATION OF AGREEMENT	2021 AMOUNT	DEPARTMENT	DATE
Lincoln Construction	Certificate of Substantial Completion	N/A	CMO	3/16/2021
RJE Business Furniture	City Hall furniture add-ons	\$18,060.46	CMO	3/16/2021
Lincoln Construction	Change Order 06	\$8,160.00	CMO	3/11/2021
ms consultants	General Economic Development Svcs.	\$18,000.00	ED	3/11/2021
OWU	Emergency Medical Services	N/A	Fire	3/16/2021
Granicus	Graphic Design Approval	N/A	IT	3/8/2021
St. Mary's	Field Use Agreement	N/A	Parks	3/15/2021
DYAA	Field Use Agreement	N/A	Parks	3/11/2021
Delaware Girls Lacrosse	Field Use Agreement	N/A	Parks	3/11/2021
Delaware Lacrosse	Field Use Agreement	N/A	Parks	3/11/2021
Lady Pacer Softball	Field Use Agreement	N/A	Parks	3/11/2021
Planning Next	Change order additional services for Comp Plan	\$5,000.00	Planning	3/11/2021
City of Marysville	Special Prosecutor's Agreement	N/A	Prosecutor	3/15/2021
American Structurepoint, Inc.	Bernard Ave. Phase II Drainage Impts	\$23,600.00	Public Utilities	3/11/2021
Complete Gen. Construction	2021 RRFB Safety Project	\$180,000.00	Public Works	3/16/2021
Resource International	Professional Services Contract	\$553,700.00	Public Works	3/16/2021
Ohio Public Works Commission	2020 Pavement Maint. Program	N/A	Public Works	3/11/2021
Norfolk Southern Railway	The Point - NS Engineering Svcs.	\$135,500.00	Public Works	3/11/2021
Gosula Holdings, Ltd.	MOU for Cottswold Extension	N/A	Public Works	3/4/2021