

**CITY OF DELAWARE
CITY COUNCIL
CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
6:00 P.M. REGULAR MEETING
&
7:00 P.M. JOINT MEETING WITH DELAWARE CITY SCHOOL BOARD
WILLIS EDUCATIONAL CENTER
74 WEST WILLIAM STREET**

MONDAY, FEBRUARY 10, 2020

REGULAR AGENDA

6:00 P.M.

February 10, 2020

1. ROLL CALL
2. INVOCATION – Pastor Kale Booher, Life Point Church
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on January 27, 2020, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on November 19, 2019, as recorded and transcribed.
 - B. Acceptance of the Motion Summary of the Public Works/Public Utilities meeting held on August 6, 2019, as recorded and transcribed.
 - C. Acceptance of the Motion Summary of the Planning Commission meeting held on January 15, 2020, as recorded and transcribed.
 - D. Establish February 24, 2020 @ 7:30 p.m. as a date and time for a second reading and public hearing for Ordinance No. 20-05, an ordinance amending Section 901 of the City of Delaware Codified Ordinances to bring the rules and regulations into conformance with the current right of way best management practices.
 - E. Establish February 24, 2020 @ 7:35 p.m. as a date and time for a second reading and public hearing for Ordinance No. 20-06, an ordinance revising Section 909 of the City of Delaware Code of Ordinances establishing General Rules and Regulations for the

maintenance and repair of sidewalk within public right of way.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. FIFTH READING of Ordinance No. 19-63, an ordinance accepting the annexation of 43.847± acres of land more or less, description and map are attached hereto as exhibits “A” and “B” for the annexation known as The Evans Farm Delaware LLC Annexation by Andrew Wecker, agent for the petitioners.
9. 6:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 20-01, an ordinance levying a \$5.00 Motor Vehicle License Charge as authorized by Section 4504.173 of the Ohio Revised Code.
10. CONSIDERATION of Ordinance No. 20-05, an ordinance amending Section 901 of the City of Delaware Codified Ordinances to bring the rules and regulations into conformance with the current right of way best management practices.
11. CONSIDERATION of Ordinance No. 20-06, an ordinance revising Section 909 of the City of Delaware Code of Ordinances establishing General Rules and Regulations for the maintenance and repair of sidewalk within public right of way.
12. CONSIDERATION of Ordinance No. 20-07, an ordinance approving a Preliminary Development Plan request for the Delaware General Health District for a new office building at 470 South Sandusky Street on approximately 9.4 acres on property zoned PO/I (Planned Office/Institutional District).
13. CONSIDERATION of Ordinance No. 20-08, an ordinance approving a Combined Preliminary and Final Development Plan for K2 Development for Glenwood Commons Shopping Center for an approximate 96,100 square foot retail building located at 1180 Sunbury Road and zoned B-3 PMU (Community Business District with a Planned Mixed-Use Overlay District) on approximately 14.198 acres.
14. CONSIDERATION of Ordinance No. 20-09, an ordinance supplementing the 2020 Appropriations Ordinance to provide additional funding for Pavement Maintenance Projects and declaring an emergency.
15. CONSIDERATION of Resolution No. 20-14, a resolution authorizing the

City Manager to enter into a Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) for the US 23/US 36 Exit Bin Wall Improvements Project (ODOT Project ID No. 98141), to execute contracts, and construct the project.

16. CONSIDERATION of Resolution No. 20-15, a resolution authorizing the City Manager to enter into a Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) for the resurfacing of portions of State Route 37 between Troy Road and US 36.
17. CONSIDERATION of Resolution No. 20-16, a resolution accepting negotiated changes to the Fraternal Order of Police, Office and Clerical Employees (FOP Clerical) Agreement with the City of Delaware.
18. CITY MANAGER'S REPORT
 - A. Discussion on recommendation regarding pool rates for Jack Florance Pool (see enclosed report).
19. COUNCIL COMMENTS
20. ADJOURNMENT

**JOINT MEETING OF
DELAWARE CITY COUNCIL
AND
DELAWARE CITY SCHOOL BOARD
WILLIS EDUCATIONAL CENTER
74 WEST WILLIAM STREET**

JOINT MEETING AGENDA

7:00 P.M.

February 10, 2020

1. ROLL CALL
 - A. Delaware City Schools
 - B. Delaware City Council
2. UPDATE on COSI Science Festival – Kyle Kridler, Assistant City Manager and Craig Heath, Assistant Superintendent
 - A. PROCLAMATION presented to Tajudeen Bakare, COSI STEM Star

Award Recipient

3. 2020 DEVELOPMENT UPDATE – Dave Efland, Planning and Community Development Director
4. SCHOOL DISTRICT UPDATE – Heidi Kegley, Superintendent
5. DISCUSSION
6. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8024 FORM NO. 10148

Held January 27 2020

6:30 P.M. EXECUTIVE SESSION; Mrs. Keller motioned to enter into executive session at 6:33 p.m. This motion was seconded by Mr. Farrell and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Mayor Carolyn Kay Riggle. Absent from the discussion was Vice-Mayor Kent Shafer. Following the discussion at 6:56 p.m., it was moved by Mrs. Keller that Council move into open session, seconded by Mr. Farrell and approved by a 6-0 vote.

The regular meeting of Council held January 27, 2020 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, and Mayor Riggle who presided. Absent from the meeting was Vice-Mayor Kent Shafer. The invocation was given by Pastor Donnie Ackers, Eastside Mission Church, followed by the Pledge of Allegiance.

Staff Present: Blake Jordan, Public Utilities Director, Dean Stelzer, Finance Director, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Sean Hughes, Economic Development Director, Ted Miller, Parks and Natural Resource Director, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

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

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the Regular Meeting of Council held on January 13, 2020 as recorded and transcribed.

APPROVAL of the Work Session meeting of Council held on January 6, 2020, as recorded and transcribed.

Motion: Mr. Jones motioned to approve the Motion Summary of the regular meeting of Council held on January 13, 2020, and the Work Session meeting of Council held on January 6, 2020, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Sister City Advisory Board Meeting held on October 8, 2019, as recorded and transcribed
- B. Acceptance of the Motion Summary of the Planning Commission Meeting held on December 4, 2019, as recorded and transcribed.
- C. Acceptance of the Motion Summary of Airport Commission meeting

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6004 FORM NO. 10148

Held January 27 2020

- held on May 16, 2019, as recorded and transcribed.
- D. Resolution No. 20-08, a resolution establishing a 6:00 p.m. start time for the February 10, 2020 City Council Meeting.
 - E. Resolution No. 20-09, a resolution appointing the initial appointed member of the Board of Directors of the Berkshire Township Joint Economic Development District No. 2 representing owners of businesses located with the district.
 - F. Resolution No. 20-10, a resolution appointing members to various boards, commissions, and/or committees, and specifying the term of the appointments.
 - G. Resolution 20-11, a resolution authorizing the City Manager to submit grant applications to the Federal Aviation Administration and the Ohio Department of Transportation, and to enter into required agreements for the design and construction of Ramp B Pavement Resurfacing Improvements.
 - H. Resolution No. 20-12, a resolution authorization the addition of a mid-block crosswalk to Carson Farms Park between 736-748 Canal Street and 735-745 Canal Street and modification of certain traffic control signage to add a No Parking zone on the north and south sides of Canal Street 20 feet west and east of the mid-block crosswalk.
 - I. Establish February 10, 2020 at 6:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 20-01, an ordinance levying a \$5.00 Motor Vehicle License Charge as authorized by Section 4505.173 of the Ohio Revised Code.

Motion: Mrs. Keller motioned to approve the Consent Agenda, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

There was no public participation.

ITEM 7: COMMITTEE REPORT

Mrs. Keller informed Council that the Historic Preservation Commission met for an informal review.

Mayor Riggle provided an update on Sister City Advisory Board and Airport Commission meeting discussion items.

ITEM 8: PRESENTATION

- A. Presentation on Black History Month 2020 by Reverend Tracey Sumner Sr., Delaware African American Heritage Council

Mayor Riggle presented a proclamation for Black History Month.

ITEM 9: STAFF INTRODUCTION

- A. Justin Nahvi, Finance Director

ITEM 10: ORDINANCE NO. 19-63 [Fourth Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 43.847± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE EVANS FARM DELAWARE LLC ANNEXATION BY ANDREW WECKER, AGENT FOR THE PETITIONERS. (This ordinance was tabled at the November 25, 2019 until January 13, 2020 meeting date)

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 1014B

Held January 27 20 20

The Clerk read the ordinance for the fourth time. Council to take Ordinance No. 19-63 to a fifth reading per the Applicant's request. A discussion was held with the Applicants proposal compared to the City's proposal regarding compensation for the NCA to the City amount and timeline.

APPLICANT:

Tony Eyerman
1550 Lewis Center Road
Lewis Center Road
Lewis Center, Ohio 43035

Dan Griffith
1550 Lewis Center Road
Lewis Center, Ohio 43035

ITEM 11: RESOLUTION NO. 20-13 [First Reading]

A RESOLUTION ACCEPTING NEGOTIATED CHANGES TO THE OHIO COUNCIL #8 AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AND LOCAL 3934 (AFSCME-CLERICAL) EMPLOYEES AGREEMENT WITH THE CITY OF DELAWARE.

The Clerk read the resolution for the first time.

Motion: Mr. Jones motioned to adopt Resolution No. 20-13, seconded by Mr. Farrell. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 20-01 [First Reading]

AN ORDINANCE LEVYING A \$5.00 MOTOR VEHICLE LICENSE CHARGE AS AUTHORIZED BY SECTION 4504.173 OF THE OHIO REVISED CODE.

The Clerk read the ordinance for the first time. A public hearing and second reading was scheduled for February 10, 2020 at 6:30 p.m.

ITEM 13: ORDINANCE NO. 20-02 [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN EXPANSION TO CHARTER NEX AT 1188 SOUTH HOUK ROAD ON PROPERTY ZONED M-2 (GENERAL MANUFACTURING DISTRICT) WHICH ENCOMPASSES APPROXIMATELY 21.783 ACRES.

The Clerk read the ordinance for the first time.

APPLICANT:

Ed Bush
1188 South Houk Road
Delaware, Ohio

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 20-02, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-02, seconded by Mr. Jones. Motion approved by a 6-0 vote.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held January 27 2020

ITEM 14: ORDINANCE NO. 20-03 [First Reading]
AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY GRDEN LLC, FOR WINTERBROOK PLACE PHASE 1 ON 30.452 ACRES CONTAINING 66 SINGLE FAMILY LOTS ON PROPERTY ZONED R-3 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON WINTERBOURNE DRIVE, SIENNA GLENN DRIVE, MAHOGANY DRIVE, GARDENIA LANE AND SILVER PINE LANE.

The Clerk read the ordinance for the first time.

Motion: Mr. Farrell motioned to suspend the rules for Ordinance No. 20-03, seconded by Mr. Jones. Motion approved by a 5-1 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-03, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 15: ORDINANCE NO. 20-04 [First Reading]
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY GRDEN LLC, FOR WINTERBROOK PLACE PHASE 1 ON 30.452 ACRES CONTAINING 66 SINGLE FAMILY LOTS ON PROPERTY ZONED R-3 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON WINTERBOURNE DRIVE, SIENNA GLENN DRIVE, MAHOGANY DRIVE, GARDENIA LANE AND SILVER PINE LANE.

The Clerk read the ordinance for the first time.

Motion: Mr. Hoffman motioned to suspend the rules for Ordinance No. 20-04, seconded by Mr. Jones. Motion approved by a 5-1 vote.

Motion: Mr. Hoffman motioned to adopt Ordinance No. 20-04, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 16: FINANCE DIRECTOR'S REPORT
Mayor Riggle provided a proclamation to Mr. Stelzer recognizing his upcoming retirement from the City of Delaware.

ITEM 17: CITY MANAGER'S REPORT
Mr. Homan reminded Council of the upcoming Chamber Dinner. He discussed plans for the tentative April 18 bus tour. He reminded Council that on February 10, Council will meet at 6:00 p.m. in Council Chambers for the regular meeting of Council and then proceed to Willis Education Center for the joint meeting with the Delaware City School Board. Mr. Homan will be working with the Clerk to schedule a Finance Meeting. Council was also reminded on the scheduled work session on February 3 at 6:30 p.m.

ITEM 18: COUNCIL COMMENTS
Council individually thanked Mr. Stelzer for his public service and wished him well in his upcoming retirement.

Mrs. Keller reminded staff that she will be out of town and will be unable to attend the February 10 meeting.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held January 27 20 20

Mr. Hoffman discussed the importance of teaching and remembering Black History Month.

Mr. Farrell thanked staff for their time on providing him tours and orientation on the different departments.

Mr. Hellinger requested that Council refocus the use of Executive Session. He also discussed his thoughts regarding annexation into the City for residential compared to commercial.

Mayor Riggle informed Council that she recently attended the Martin Luther King Jr. Breakfast, Ohio Wesleyan Community Day, Main Street Annual Dinner, and the State of the City presentation. She will be out of town Friday, January 31 until Sunday, February 2.

ITEM 19: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting, seconded by Mr. Hoffman. The meeting adjourned at 8:31 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

PARKS AND RECREATION ADVISORY BOARD
MOTION SUMMARY
November 19, 2019

ITEM 1. Roll Call

Chairman Bricker called the meeting to order at 6:30 p.m.

Members Present: Cassie Cunningham, Bob Dalton, Gary Hayward, Jill Staugler, Maria Schul, Vice-Chairwoman Dianna Hibinger, and Chairman Joshua Bricker

Members Absent: Michael Rush, Corie Thompson and Angela MacWhinney

City Staff Present: Ted Miller, Parks and Natural Resource Director

YMCA Staff Present: Lolita Haverlock, Regional VP of Operations and Roger Hanafin, Associate Executive Director

Motion to Excuse: Vice-Chairwoman Hibinger motioned to excuse Ms. MacWhinney, Mr. Rush, and Ms. Thompson, seconded by Mr. Dalton. Motion approved by a 7-0 vote.

ITEM 2. APPROVAL of the Motion Summary for the meeting held September 17, 2019 as recorded and transcribed.

Motion: Mr. Hayward motioned to approve the Motion Summary for the meeting held September 17, 2019 as recorded and transcribed, seconded by Vice-Chairwoman Hibinger. Motion approved by a 7-0 vote.

ITEM 3. PUBLIC COMMENTS

There was no public comment.

ITEM 4. UPDATE of YMCA Recreation Services, Programs and Events
Mr. Hanafin introduced himself to the Board and his new role at the YMCA. He discussed outreach and different advertising methods to inform the public, especially non-members, of special events. The YMCA uses the City's social media pages, newsletter, and recreation sites to help get the information to the public. He also discussed reaching out to other community agencies. The Daddy-Daughter Dance had a date change and will be held January 11, 2020. He requested volunteers to assist at the event and thanked Ms. Cunningham for her and the Ohio Wesleyan University Soft Ball Team for their volunteer efforts at the Halloween event.

ITEM 5. UPDATE of Parks and Natural Resources and Park Activities
A. Healthy Kids Running Series – 2020

Mr. Miller informed the Board that the Healthy Kids Running Series would begin in the Spring of 2020 and was not expected to conflict with spring sports.

B. Wetland Park named Mill Run Park

Mr. Miller discussed the recommendation to rename the informally named Wetland Park to Mill Run Park due to the Mill Run feature that is in the area. Chairman Bricker discussed that he was not opposed to the name, but that the name did remind him of a development in the Hilliard, Ohio area. A discussion was held on having a bird sanctuary in the area named after Ohio Wesleyan University zoology professor and Ornithologist, Dr. Jed Burt.

Motion: Mr. Hayward motioned to recommend the naming of the park area Mill Run Park, seconded by Mr. Dalton. Motion approved by a 7-0 vote.

C. Potential Names for the neighborhood park west of Veterans Park

Mr. Miller discussed that amenities were discussed at the Neighborhood Park meeting and that it was discussed to have loop trails, and preservation of the agriculture field and woodland areas. He discussed having an obstacle course located in the area and a natural play area in woods. He discussed that the area will not have a designated parking lot and will serve more locals in the area, and could be a potential satellite park to Veteran's Park. The timeline for construction would be the Spring of 2020 and part of the funding is from impact fees. Mr. Hayward discussed that there was good turnout at the park meeting and they received a lot of input. The Board discussed naming the park after someone that influenced the community and not after a neighborhood.

D. Donor Tree Proposed at Mingo Recreation Center

Mr. Miller discussed the location inside the Mingo Recreation Center that the memorial tree plaques would be located. He discussed that a tree would still be planted outside, but the plaque would be inside.

E. Potential Options for Spray and Play Fixtures

Mr. Miller discussed the option to have the fixtures remain and add a soft surface around the structures to create a fall zone. Mr. Bricker recommended that he provide statistics if the soft surface reduces injury. Ms. Cunningham voiced a concern that the soft surface will still not prevent children from climbing the structure. Mr. Hayward discussed that staff was only notified of 2 injuries in the playground. Mr. Miller discussed the cost for the soft surface compared to the estimated cost to replace the

nozzles.

ITEM 6. STAFF COMMENTS

The Clerk provided information on the upcoming Main Street Delaware's Home for the Holiday event.

ITEM 7. MEMBERS COMMENTS

Ms. Hibinger discussed that she received a complaint from tennis players at Smith Park not having access to their court from the Pickleball players.

Mr. Hayward requested an update regarding the YMCA relationship. Mr. Miller discussed that they are expecting the new rate plans shortly and that the survey presented by the YMCA was for members only and that the Community Needs Assessment will address the community concerns and needs as a whole.

ITEM 8. ADJOURNMENT

Motion: Vice-Chairwoman Hibinger moved to adjourn the Parks and Recreation meeting, seconded by Mr. Hayward. The meeting adjourned at 7:33 p.m.



Chairperson



Elaine McCloskey, Clerk

PUBLIC WORKS/PUBLIC UTILITIES COMMITTEE
MOTION SUMMARY
August 6, 2019

ITEM 1. Roll Call

Vice-Chairman Browning called the meeting to order at 6:02 p.m.

Members Present: Councilmember George Hellinger and Vice-Chairman Jim Browning

Members Absent: Chairman Chris Jones

City Staff Present: Bill Ferrigno, Public Works Director/City Engineer and Blake Jordan, Public Utilities Director and Kyle Kridler, Assistant City Manager

Motion to Excuse: Mr. Hellinger motioned to excuse Mr. Jones, seconded by Mr. Browning. Motion approved by a 2-0 vote.

ITEM 2. APPROVAL of the Motion Summary of the Public Works/Public Utilities Committee meeting held May 7, 2019 as recorded and transcribed.

Motion: Vice-Chairperson Browning moved to approve the Motion Summary of the Public Works/Public Utilities Committee meeting held May 7, 2019, seconded by Mr. Hellinger. Motion approved by a 2-0 vote.

ITEM 3. PUBLIC COMMENTS

ITEM 4. DISCUSSION on Honorary Street Naming Policy

Mr. Ferrigno request for honorary signage for Elmer W.B. Curry and Rutherford B. Hayes. He reviewed the presented policy and discussed the qualifications that includes individuals will be considered 10 years posthumously. He discussed that the signs will be done in-house with a simplistic design. Mr. Ferrigno explained that the signage would only be honorary and would not rename the street and will be posted adjacent to the designated street name sign.

Motion: Mr. Hellinger motioned to move forward with policy development for a honorary street naming and present to Council as a resolution for their consideration, seconded by Vice-Chairman Browning. Motion approved by a 2-0 vote.

ITEM 5. DISCUSSION on Cluster Mailbox Guidelines

Mr. Ferrigno discussed the request by the USPS in moving towards a Cluster Mail Box Unit installation for residential, single-family residences. In lieu of each single-family residence having their own mailbox at their address, mailboxes are now required to be at a centralized location. He discussed that the aesthetics will be worked on by the Planning Department.

ITEM 6. DISCUSSION of 2020 Resurfacing Program

Mr. Ferrigno discussed the existing funding sources for the Resurfacing Program, including the State Gas Tax Increase. He discussed the Proposed Annual Resurfacing Program Expenditures and Annual Paving Program. He discussed the annual cost for the different classification of road and how many miles and resurfacing cycle. He summarized the 5-Year Arterial/Collector Resurfacing Grant Program.

ITEM 7. REVIEW of ODOT Safety Fund Applications

A. U.S. 23/Drive Median Improvements

Mr. Ferrigno discussed that ODOT is supporting the closure of the median at U.S. 23 and Hull Drive.

B. E. Central Avenue and Lake Street Intersection Improvement

Mr. Ferrigno discussed the higher rate for collisions due to the higher rate of congestion. This will cause the need for more safety needs and safety funding.

ITEM 8. UPDATE on Riverby Sewer


Mr. Jordan provided an update and that the County Commissioners have approved to fund the project. He discussed that the project will be funded upfront and the HOA will be assessed.

ITEM 9. STAFF COMMENTS

ITEM 10. MEMBER COMMENTS

ITEM 11. ADJOURNMENT

Motion: Vice-Chairman Browning motioned to adjourn the Public Works/Public Utilities Committee meeting. The meeting adjourned at 6:58 p.m.



Chairman



Elaine McCloskey, Clerk

**PLANNING COMMISSION
JANUARY 15, 2020
MOTION SUMMARY**

ITEM 1. Roll Call

Chairman Simpson called the meeting to order at 6:31 p.m.

Members Present: Robert Badger, Jim Halter, Dean Prall, Andy Volenik, Mayor Carolyn Kay Riggle, Vice-Chairman George Mantzoros and Chairman Stacy Simpson

Staff Present: Jon Roseler, Project Engineer, Carrie Fortman, Project Engineer, Jordan Selmek, Zoning Officer and Dave Efland, Planning and Community Development Director

ITEM 2. INTRODUCTION of Jon Roseler, Project Engineer

ITEM 3. APPROVAL of the Motion Summary of the Planning Commission meeting held on December 4, 2019, as recorded and transcribed.

Motion: Mr. Prall motioned to approve the Motion Summary for the Planning Commission meeting held on December 4, 2019, as recorded and transcribed, seconded by Mr. Volenik. Motion approved with a 6-0-1 (Simpson) vote.

ITEM 4. REGULAR BUSINESS

A. 2019-2796: A request by Dublin Building Systems for approval of a Combined Preliminary and Final Development Plan for an expansion to Charter Nex located at 1188 South Houk Road on property zoned M-2 (General Manufacturing District) which encompasses approximately 21.783 acres.

Anticipated Process

a. Staff Presentation

Mr. Selmek reviewed the subject property location on the west side of Houk Road. There is an existing 65,000 square foot manufacturing building that was constructed in 1997. The applicant is proposing a 30,000 square foot addition to the rear of the building with two loading docks. In addition, a 2,600 square foot wood pallet shed would be located on the north elevation on the existing building and 1,050 square foot addition the cafeteria located on the southeastern portion of the building. He discussed the materials for the building would be similar to existing materials.

b. Applicant Presentation

APPLICANT:

Rich Irelan
Dublin Building Systems
6233 Avery Road
Dublin, Ohio

Ed Bush
Charter NEX
1188 South Houk Road
Delaware, Ohio

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

Mr. Irelan voiced no concerns regarding staff conditions. Mr. Bush discussed the nature of the business and not expecting an increase in traffic, but the creation of a higher value product.

c. Public comment (not a public hearing)

There was no public participation.

d. Commission Action

Motion: Vice-Chairman Mantzoros motioned to approved 2019-2796, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved with a 7-0 vote.

B. Winterbrook Place

- (1) 2019-2890: A request by Grden LLC for approval of a Final Development Plan for Winterbrook Place Phase 1 on 30.452 acres containing 66 single family lots on property zoned R-3 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Winterbourne Drive, Sienna Glenn Drive, Mahogany Drive, Gardenia Lane and Silver Pine Lane.
- (2) 2019-2892: A request by Grden LLC for approval of a Final Subdivision Plat for Winterbrook Place Phase 1 on 30.452 acres containing 66 single family lots on property zoned R-3 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Winterbourne Drive, Sienna Glenn Drive, Mahogany Drive, Gardenia Lane and Silver Pine Lane.

Anticipated Process

a. Staff Presentation

Mr. Efland reviewed the subject project site and zoning. He reviewed that City Council approved a Rezoning Amendment, conditional Use Permit and Preliminary Development Plan for the development. The property site was annexed into the City in June 2019. The applicant is requesting the Final Development Plan and Final Subdivision Plat for Phase 1. Phase 1 was originally planned for the other part of the property site, but due to wetlands in this area the applicant decided to start construction on the eastern portion of the site fronting Peachblow Road. After mitigation of the wetlands issues, the next phase to be constructed would be the eastern portion of the site. He discussed the property site layout and setbacks. Mr. Efland discussed staff condition 14. A discussion was held regarding the requirement for mailbox clusters.

Mr. Prall questioned if there would be fencing along the roads near retention ponds. Ms. Fortman discussed that the retention ponds will be evaluated to determine if they meet the criteria for fencing during the review process.

b. Applicant Presentation

APPLICANT:

Bob Grden
Grden, LLC
10590 Wellington Blvd.
Powell, Ohio

Jeff Strung
EMH&T
5500 New Albany Rd.
Columbus, Ohio 43054

Mr. Strung discussed that they had a conversation with AEP to get permission to place fencing residential properties. He voiced concern over the landscape plan near the power lines and he recommended allowing for evergreen shrubs in the place of trees to avoid the need of trimming around the power lines.

c. Public comment (not a public hearing)

There was no public participation.

d. Commission Action

Motion: Mr. Badger motioned to approve 2019-2890, along with all staff conditions and recommendations, seconded by Mr. Volenik. Motion approved by a 7-0 vote.

Motion: Mr. Badger motioned to approve 2019-2892, along with all staff conditions and recommendations, seconded by Mr. Volenik. Motion approved by a 7-0 vote.

- C. 2019-2873: A request by American StructurePoint for review of a Concept Plan for Merchant's Retail for a Self-Indoor Storage Facility and Commercial Outparcel on 8.276 acres located on the north side of West Central Avenue between Fire Station 303 and Locust Curve Drive on property zoned B-1 (Neighborhood Business District).

Anticipated Process

a. Staff Presentation

Mr. Efland discussed the property location which is located on the north side of West Central Avenue just west of Fire station 303 and just east of Locust Curve Drive. The applicant is proposing to divide the site into two parcels that would include a self-storage facility on approximately 7.066 acres and a 1.21 acre commercial out parcel. The proposed development would have two access points with a right-in/right-out on West Central Avenue and a private shared service road that extends west from Lexington Boulevard thru the Fire Station 303 property to the subject site. Mr. Efland discussed the plan to have a self-storage indoor facility and two outdoor facilities. A security fence would surround the property. Mr. Efland discussed the recommended color scheme of beige/tan colors and the use of Delaware Blue Vein Limestone. Information was provided over the plans to preserve as many of the existing trees on the lot as possible and clarification was given regarding the access to the back drive to Fire Station 303.

Mr. Halter discussed if the access point on Central Avenue could be combined with the Fire Station 303. Ms. Fortman discussed the preference for the access to be separate to designate the access to the fire station to be for fire and EMS vehicles only. Ms. Fortman to speak with staff on the request for clarification.

b. Applicant Presentation

APPLICANT:

Shawn Goodwin
American StructurePoint

2550 Corporate Exchange Drive, Suite 300
Columbus, Ohio 43231

Mr. Goodwin discussed the Commissions opinion on the use of the parcel as a storage facility. Mr. Prall voiced his agreement to the use as a storage facility and recognized other uses that the property could be used for, such as a restaurant. Chairman Simpson discussed previous residents concerns when it was proposed to have a Dollar General on the property. He recommended that the applicant meet with the residents over the proposal for the input. Mr. Halter voiced his support of the project and that the use will not generate a lot of extra traffic. Chairman Simpson requested clarification if boats can be stored outside of the property. Mr. Goodwin discussed that there would not be room for outdoor storage of boats. Mr. Prall recommended establishing a tree preservation for the area of trees that are to be reserved. Mr. Goodwin discussed their goal to save as many trees as possible.

Mr. Efland discussed the recommended color scheme and that the next steps would be to complete a tree survey. The Commission was in favor of the applicant moving forward with an application with a Conditional Use with a Mixed Use PMU.

c. Public comment (not a public hearing)

There was no public participation.

d. No Action by Commission

ITEM 5. PLANNING DIRECTOR REPORT

ITEM 6. COMMISSION MEMBER COMMENTS AND DISCUSSION

Vice-Chairman Mantzoros discussed the Council Work Session that was held January 6, 2020 to discuss the US 23 Corridor.

Mr. Prall discussed the benefits to the meeting time starting at 6:30 p.m.

ITEM 7. NEXT REGULAR MEETING: February 5, 2020

ITEM 8. ADJOURNMENT:

Motion: Chairman Simpson moved for the Planning Commission meeting to adjourn. The meeting adjourned at 7:56 p.m.


Chairperson


Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: 8

DATE: 02/10/2020

ORDINANCE NO: 19-63

RESOLUTION NO:

READING: FIFTH

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dave Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE ACCEPTING THE ANNEXATION OF 43.847± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE EVANS FARM DELAWARE, LLC ANNEXATION BY ANDREW WECKER, AGENT FOR THE PETITIONERS.

BACKGROUND:

02/10/2020 UPDATE: Negotiations continue, but no substantive update since Council's last meeting. Staff recommends continuing to a sixth reading.

01/27/2020 UPDATE: Please see attached memo dated January 23, 2020.

01/13/2020 UPDATE: On December 27, 2019, the Applicant shared a projection of possible revenues should Evans Farm be a part of the Delaware South NCA. The intent behind this projection would be an equivalent financial contribution made by the Applicant. Staff is currently reviewing these projections.

11/18/2019 UPDATE: In consultation with the applicant's attorney, staff has determined that the date the annexation must be voted on is March 9, 2020, which is a significant extension from the previously calculated date. The City

continues to work with the applicant on a resolution to the overlapping of New Community Authorities.

This process involves several steps and actions by the County and City in order for an annexation to ultimately be accepted by the City. The City took the first city step in the process which required determination of services the City could provide – the Resolution of Services passed August 12, 2019 via Resolution 19-37. The legislation before City Council currently is the final acceptance of annexation which would bring the property into the City. City Council must decide to accept, accept with conditions, or deny the annexation. If no action is taken by the ORC dictated time frame ending on March 9, 2020, ORC dictates that the annexation will be automatically denied. The Applicant has brought a concept plan forward to Planning Commission for initial feedback which was generally well received by the Commission. The Applicant has previously stated they wished to begin their zoning, preliminary plan, and preliminary plat process prior to annexation acceptance though Staff has not received applicants as of the date of writing. At this time the earliest hearing date for these if applied for today would be the January 6, 2020 Planning Commission meeting.

Perhaps the most important issue remaining to be agreed upon with the annexation is related to the inclusion of the property into the Delaware South New Community Authority as other properties are within this southeast area of the community. Evans Farm is already included within its own NCA which is a complicating factor in this discussion. City administration has offered the Applicant several alternatives that would address the issue but no conclusion has been reached as of the time of writing. The options presented include: (1) Pay the present value of the expected Delaware South NCA revenue that would have been collected if they joined the Delaware South NCA; (2) Direct the existing Evans Farm NCA to pay the City what the Delaware South NCA charge would collect until the Delaware South NCA debt is paid.

Multiple readings of this annexation are anticipated as a result. Because the final ORC required deadline is March 9, 2020, Council's 3/19/20 is the final meeting date at which a decision would need to be made to avoid an automatic ORC denial of the annexation.

Finally, as was noted in the Fact Sheet for the Resolution of Services for this annexation, Staff suggests several conditions of annexation that will provide certainty and clarity to the City as well as the Applicant:

1. The applicant shall include the property in the Delaware South New Community Authority or make an equivalent financial contribution as determined by the City.
2. A \$1,000 per dwelling unit additional transportation fee shall be required similar to other properties in the area to ensure needed transportation improvements in the area.

3. The property is within the South East Highland trunk sewer district requiring an additional sewer capacity charge of \$3,200 per dwelling unit in addition to the standard and customary capacity fees of the city in effect at the time of permitting.
4. The extension of any needed infrastructure for water, sewer, or roadways shall be at the cost to the development and as required by the City through the normal and customary development review process.
5. Transportation considerations to be determined in final form through the zoning and development review process:
 - a. Road connectivity shall be required to adjacent property.
 - b. Any roadway connections to Peachblow Rd. shall be coordinated with the Delaware County Engineer as well as the city.

REASON WHY LEGISLATION IS NEEDED:

The Ohio Revised Code provides the process that annexations must follow throughout Ohio. This legislation is the final City step in the process to formally accept the annexation of the property. The City has until March 9, 2020 to pass this acceptance of annexation Ordinance or it is considered by ORC to be denied.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

Dave Efland, Planning and Community Development Director

RECOMMENDATION:

ATTACHMENT(S)

Memo
County Resolution
Petition
Map
City Resolution

ORDINANCE NO. 19-63

AN ORDINANCE ACCEPTING THE ANNEXATION OF 43.847± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS “A” AND “B” FOR THE ANNEXATION KNOWN AS THE EVANS FARM DELAWARE, LLC ANNEXATION BY ANDREW WECKER, AGENT FOR THE PETITIONERS.

WHEREAS, Andrew Wecker, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 43.847 acres of land, more or less, the description and map are attached hereto as Exhibits A and B; and

WHEREAS, Andrew Wecker, as agent for the petitioners on August 5, 2019 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on August 5, 2019; and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation, which was completed when City Council passed a Resolution of Services on August 12, 2019 via Resolution 19-37; and

WHEREAS, the proposed annexation applied for in the petition to the Delaware County Commissioners has been approved, by them for annexation to the City of Delaware on September 5, 2019 (See attached). The territory to be annexed is described in the attached Exhibits “A” and “B”; and

WHEREAS, the certified transcript of the proceedings for annexation, with an accurate map of the territory, together with the petition of annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk of Council, and have been for more than sixty days.

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

SECTION 1. That Council hereby accepts the annexation of 43.847 acres of land, description and plat of which are hereby attached as Exhibits “A” and “B” on the annexation known as the Evans Farm Delaware, LLC by Andrew Wecker, agent for the petitioners with the following conditions that:

1. The applicant shall include the property in the Delaware South New Community Authority or make an equivalent financial contribution as determined by the City.



MEMORANDUM

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Alycia Ballone, Budget and Management Analyst
DATE: January 23, 2020
RE: Ordinance No 19-63 - Evans Farm Annexation Update

Background Summary:

The main issue requiring resolution is that of the inclusion of the proposed annexation into the Delaware South New Community Authority. Evans Farm currently is included within its own NCA at a rate of 10 mills. The land proposed to be annexed was identified by the City to be included in the South NCA, which has a rate of 7.5 mills. Rather than pass the full 17.5 mills burden onto the future homeowner, the City and the Applicant are working to find a solution beneficial to all parties and equitable to those already in the South NCA.

Update:

In late December 2019, the Applicant shared a proposed payment (attached) based on their projections of the South NCA revenues. The proposal assumed a 2 percent inflation rate, a home market value of \$400,000, and a rate of completion of 10 homes in 2021 and 25 homes annually in 2022 through 2024. The revenues were calculated at 7 mills and resulted in a total proposed payment of \$194,360.

Staff reviewed this projection in early January and countered the Applicant's proposal with an alternate version (attached) making the following modifications: updating the millage to the current South NCA rate of 7.5 mills, revising the first year of collection to be 2022 which is more consistent with the construction realities likely for this site, and extending the length of the NCA to 2027 consistent with City projections. Using the Applicant's rate of construction, a market value of \$400,000 and inflation rate of 2 percent, Staff's projected NCA revenues were \$403,389.

Staff further broke the calculation down into a per house rate based on the year built to allow the developer to better align the payment required with when a building permit might be issued: \$6,624 for a 2021 build, \$5,574 for a 2022 build, \$4,503 for a 2023 build, \$3,410 for a 2024 build, \$2,296 for a 2025 build and \$1,159 for a 2026 build. Each payment would be made on a per house basis and collected with the building permit. At the rate of construction the Applicant provided, the per house rates sum to the \$403,389 in projected South NCA

revenues. Increasing the rate of construction or building the remaining 24 lots would increase the overall sum.

Staff's proposal was given to the Applicant. The Applicant has since countered the proposal with a one-time payment of \$250,000 to be made in 2023. While Staff has not had the opportunity to review this one-time payment in detail, a one-time guaranteed payment could potentially be beneficial while giving more certainty to receiving funds in the event that construction slows or stops for some unforeseen reason.

Mr. Eyerman will be attending Monday night's meeting and will be available to answer any questions.

The included attachments show both the Applicant's projections and City Staff's projections.

City of Delaware Staff Projections

Market Value:	\$400,000
Inflation:	2%

Remaining Lots:	24
-----------------	----

Number of Lots Built by Year					
2021	2022	2023	2024	2025	2026
10	25	25	25	0	0

	MV of 2021 Lots	MV of 2022 Lots	MV of 2023 Lots	MV of 2024 Lots	MV of 2025 Lots	MV of 2026 Lots	Total MV	NCA Revenues @ 7.5 mills
2022	\$ 4,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000,000	\$ 10,500
2023	\$ 4,080,000	\$ 10,200,000	\$ -	\$ -	\$ -	\$ -	\$ 14,280,000	\$ 37,485
2024	\$ 4,161,600	\$ 10,404,000	\$ 10,404,000	\$ -	\$ -	\$ -	\$ 24,969,600	\$ 65,545
2025	\$ 4,244,832	\$ 10,612,080	\$ 10,612,080	\$ 10,612,080	\$ -	\$ -	\$ 36,081,072	\$ 94,713
2026	\$ 4,329,729	\$ 10,824,322	\$ 10,824,322	\$ 10,824,322	\$ -	\$ -	\$ 36,802,693	\$ 96,607
2027	\$ 4,416,323	\$ 11,040,808	\$ 11,040,808	\$ 11,040,808	\$ -	\$ -	\$ 37,538,747	\$ 98,539
Total							\$	403,389

Projected Rate per Lot by Year Built

	2021	2022	2023	2024	2025	2026	Total Paid
per Lot Rate	\$ 6,624	\$ 5,574	\$ 4,503	\$ 3,410	\$ 2,296	\$ 1,159	
Total	\$ 66,235	\$ 139,338	\$ 112,563	\$ 85,253	\$ -	\$ -	\$ 403,389

Applicant Projections

Evans Farm Project (Peachblow Site)

DRAFT

Projected NCA Revenues

Projected Taxable Market Values (1)

NCA Revenue Received	10 Lots - Built 2021 Market Value (2)	25 Lots - Built 2022 Market Value (2)	25 Lots - Built 2023 Market Value (2)	25 Lots - Built 2024 Market Value (2)	Total Market Value	Total NCA Revenues (7 Mills)
2023	4,000,000	0	0	0	4,000,000	9,800
2024	4,080,000	10,200,000	0	0	14,280,000	34,986
2025	4,161,600	10,404,000	10,404,000	0	24,969,600	61,176
2026	4,244,832	10,612,080	10,612,080	10,612,080	36,081,072	88,399
Total						\$194,360

(1) Assumes 2% inflation during build out (2021 - 2024) and 1% thereafter.

(2) Assumes Single Family market value of \$400,000 with 10 lots completed in 2021 and 25 completed annually from 2022 to 2024.



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrator
Dawn Huston

Clerk to the Commissioners
Jennifer Walraven

September 6, 2019

RECEIVED

SEP 9 2019

City of Delaware
Attn: Elaine McCloskey
1 South Sandusky Street
Delaware, Ohio 43015

RE: Annexation of 43.847 acres
Berlin Township to the City of Delaware

Dear Ms. McCloskey:

The Delaware County Commissioners in Regular Session on September 5, 2019 adopted a Resolution granting Prayer of Petition for 43.847 acres, more or less, from Berlin Township to the City of Delaware.

I am herewith forwarding a certified copy of the Commissioners' Journal Resolution, a copy of the annexation petition and a copy of all other papers in the Commissioners' annexation folder.

If you have questions, please call me at 740-833-2105.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Dinovo".

Sarah Dinovo,
Assistant Clerk to the Commissioners



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrator
Dawn Huston

Clerk to the Commissioners
Jennifer Walraven


RESOLUTION NO. 19-776

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, ANDREW WECKER, ESQ., ATTORNEY AT LAW, REQUESTING ANNEXATION OF 43.847 ACRES OF LAND IN BERLIN TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Benton, seconded by Mr. Merrell to acknowledge that on August 5, 2019, the Clerk to the Board of Commissioners received a petition requesting annexation of 43.847 acres from Berlin Township to the City of Delaware.

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

I, Sarah Dinovo, Assistant Clerk to the Board of Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of Commissioners of Delaware County duly adopted August 12, 2019 and appearing upon the official records of the said Board.



Sarah Dinovo
Assistant Clerk to the Commissioners



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrator
Dawn Huston

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 19-859

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, ANDREW WECKER ESQ., ATTORNEY AT LAW, REQUESTING ANNEXATION OF 43.847 ACRES OF LAND IN BERLIN TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve the following resolution:

WHEREAS, on August 5, 2019, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Andrew Wecker Esq., Attorney At Law , agent for the petitioners, requesting annexation of 43.847 acres, more or less, from Berlin Township to the City of Delaware; and

WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Berlin;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 43.847 acres, more or less, from Berlin Township to the City of Delaware.

Vote on Motion

Mr. Benton

Aye

Mr. Merrell

Aye

Mrs. Lewis

Absent

Jeff Benton
County Commissioner

Absent

Barb Lewis
County Commissioner

Gary Merrell
County Commissioner



RESOLUTION CERTIFICATION

I, Elaine McCloskey, being the duly appointed as Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Resolution No. 19-37 as passed on August 12, 2019 by the Delaware City Council.



Elaine McCloskey
Elaine McCloskey
Clerk of City Council

RECEIVED
2019 AUG 13 PM 2:51
DELAWARE COUNTY COMMISSIONERS

This Resolution Certification dated this 13 day of August in the year 2019.

RESOLUTION NO. 19-37

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 43.847± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE EVANS FARM DELAWARE, LLC ANNEXATION BY ANDREW WECKER, AGENT FOR THE PETITIONERS.

WHEREAS, Andrew Wecker, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 43.847 acres of land, more or less, the description and map are attached hereto, and

WHEREAS, Andrew Wecker, as agent for the petitioners on August 5, 2019 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on August 5, 2019, and

WHEREAS, the Ohio Revised Code, Section 709.023 (c), requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation.

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

SECTION 1. That upon annexation to the City of Delaware of 43.847± acres more or less as delineated on the attached Exhibits, the City will provide the following services by the approximate date indicated as to each, provided all necessary lines, hydrants, and other apparatus are installed by the property owner as required by the City and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Delaware:

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

SECTION 2. That the Council of the City of Delaware, pursuant to Ohio Revised Code Section 709.023(D), hereby consents to the annexation.

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

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

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

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

PASSED: August 12, 2019

YEAS 4 NAYS 1
ABSTAIN

ATTEST: Glenn McCuskey
CITY CLERK

Cliff K. Rugg
MAYOR

Manos, Martin & Pergram Co., LPA

Attorneys at Law

50 North Sandusky Street
Delaware, Ohio 43015-1926
Fax 740-362-3288

Andrew P. Wecker
740-363-1313, ext. 217
e-mail: awecker@mmpdlaw.com

August 5, 2019

HAND-DELIVERED

Ms. Jennifer M. Walraven
Clerk to the Board of County Commissioners
101 North Sandusky Street, 1st Floor
Delaware, OH 43015

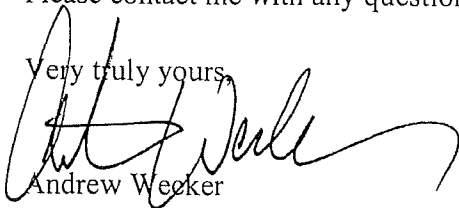
Dear Jennifer:

RE: Annexation Petition for 43.545 acres by Evans Farm Delaware, LLC

Enclosed are the original and seven copies of a petition for annexation and the approved legal description and drawing, as well as the list of adjacent property owners. Also enclosed is this law firm's check in the amount of \$250 payable to the Delaware Board of County Commissioners.

Please contact me with any questions. Thank you.

Very truly yours,



Andrew Wecker

tjh
Enclosures
c/enc. Evans Farm Delaware, LLC (via email)
c Stephen D. Martin, Esq.
(T13162-145)

RECEIVED
DELAWARE COUNTY
BOARD OF COUNTY COMMISSIONERS
AUG 13 2019 11:14

RECEIPT

No. 152734

DATE August 5, 2019

FROM Manos, Martin, Pergram \$ 250.00

FOR RENT _____ DOLLARS

FOR annexation of 43.545 acres Berlin Twp to City of Delaware

ACCT.	
PAID	
DUE	

CASH
 CHECK
 MONEY ORDER
 CREDIT CARD

FROM _____ TO _____

BY *Samuel K. O'Neil* A-1152 F-4161



MANOS, MARTIN & PERGRAM CO., LPA

CLIENT ADVANCES ACCOUNT
50 NORTH SANDUSKY STREET
DELAWARE, OH 43015-1926
(740) 363-1313

8/2/2019

96

PAY TO THE ORDER OF Delaware Board of County Commissioners

\$ **250.00

Two Hundred Fifty Only*****

DOLL

Verena O. Huffman
AUTHORIZED SIGNATURE

MEMO

Annexation Petition, 13162-145

⑈009678⑈ ⑈044⑈03086⑈ ⑈10550⑈

PETITION FOR ANNEXATION – EXPEDITED TYPE 2

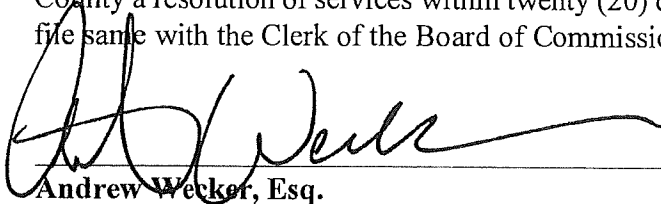
I, the undersigned, being the sole owner of 43.847± acres of real estate in the territory hereinafter described, hereby petitions for the annexation of the following described territory from **Berlin Township** to the **City of Delaware**, Delaware County, Ohio, being filed under **Sections 709.021(A)** and **709.023(A)** of the Revised Code of Ohio.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as **Exhibit “A”**, as prepared by Daniel L. Quick, P.S., Registered Surveyor No. 7803.

Petitioner has attached hereto and made a part of this petition an accurate map or plat of the territory sought to be annexed, marked **Exhibit “B”**, also as prepared by Daniel L. Quick, P.S., Registered Surveyor No. 7803. Among other things as noted on Exhibit “A” and Exhibit “B”, the described territory is contiguous with the **City of Delaware**, Ohio.

Andrew Wecker, Esq., attorney at law, is hereby appointed agent for the undersigned Petition as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition, with specific authorization to correct any discrepancy or mistake noted by the Delaware County Engineer in examination of the Petition or the Exhibits to the Petition. Any such amendment shall be made by the presentation of amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petition.

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



Andrew Wecker, Esq.

Manos, Martin & Pergram Co., LPA
50 North Sandusky Street
Delaware, OH 43015

740-363-1313 phone / 740-362-3288 fax
awecker@mmpdlaw.com

Return original to:

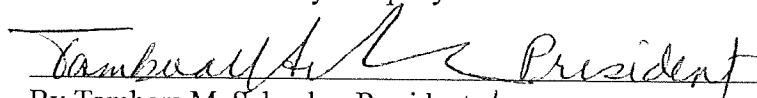
Clerk of the Board of the Delaware County Commissioners
101 North Sandusky Street, Delaware, OH 43015

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

SIGNATURE OF PETITIONER, TYPED NAME AND ADDRESS

DATE

EVANS FARM DELAWARE, LLC
an Ohio limited liability company

 President

8/15/2019

By Tambera M. Schueler, President
P. O. Box 694
Lewis Center, OH 43035-0694

ATTACHMENTS:

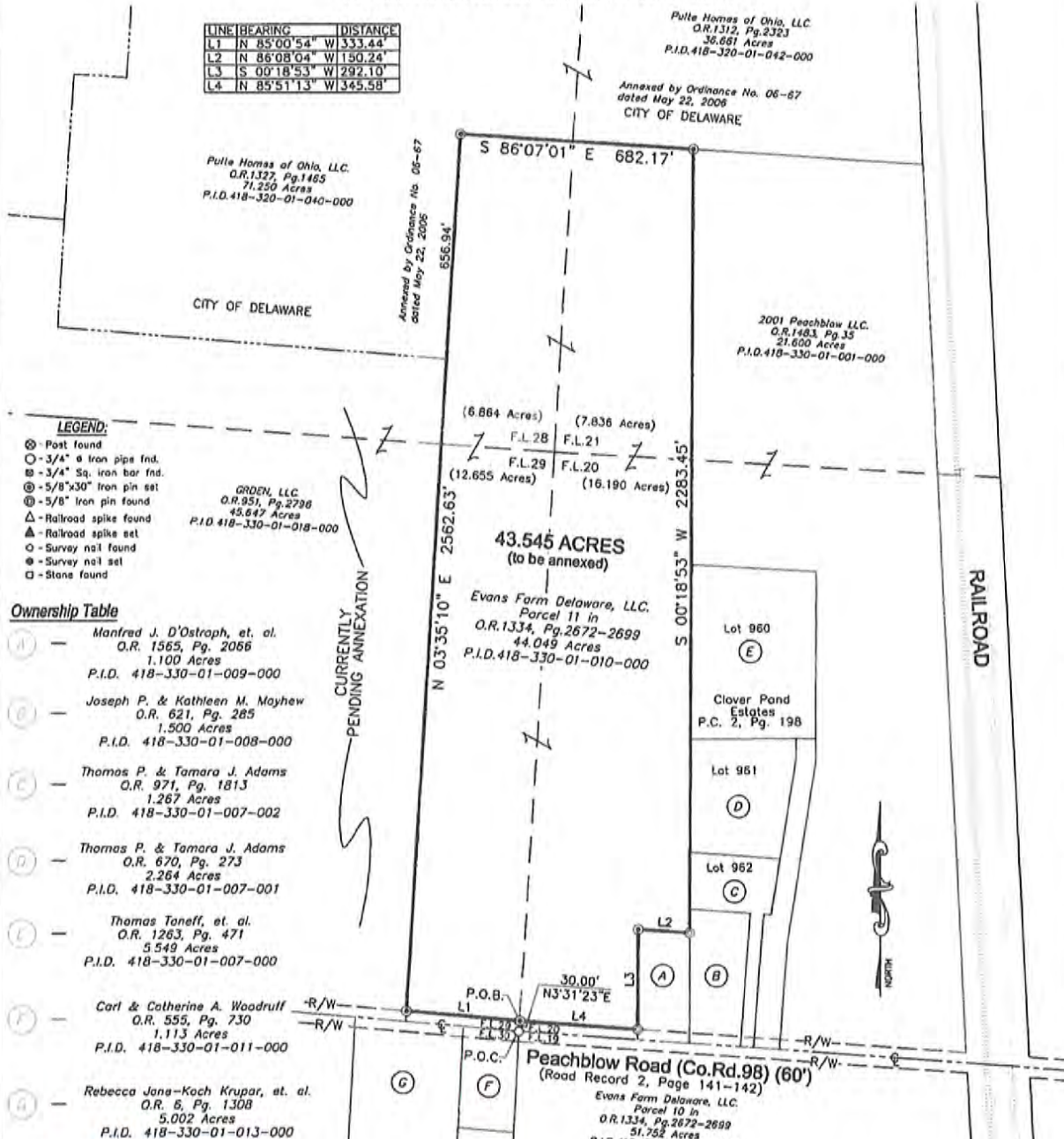
Exhibit "A" – Legal Description of 43.847 Acre Tract for Annexation to the City of Delaware from the Township of Berlin by Daniel L. Quick, P.S., Registered Surveyor No. 7803, Korda/Nemeth Engineering, Inc.

Exhibit "B" – Map of Territory to be Annexed Type II Annexation Plat by Daniel L. Quick, P.S., Registered Surveyor No. 7803, Korda/Nemeth Engineering, Inc.

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF DELAWARE, OHIO
 BEING PART OF FARM LOTS 20, 21, 28, AND 29, SECTION 3, TOWNSHIP 4, RANGE 18,
 U.S.M.L., BERLIN TOWNSHIP, DELAWARE COUNTY, STATE OF OHIO.

Basis of Bearings: The bearings shown upon this plot are referenced to the Ohio State Plane Coordinate System, North Zone, NAD83 (NSRS 2011) and with centerline of Peachblow Road being N 85° 51' 13" W.

LINE	BEARING	DISTANCE
L1	N 85°00'54" W	333.44
L2	N 86°08'04" W	150.24
L3	S 00°18'53" W	292.10
L4	N 85°51'13" W	345.58



LEGEND:

- ⊙ Post found
- 3/4" ⌀ Iron pipe fnd.
- ⊗ 3/4" Sq. Iron bar fnd.
- ⊕ 5/8"x30" Iron pin set
- ⊖ 5/8" Iron pin found
- △ Railroad spike found
- ▲ Railroad spike set
- Survey nail found
- Survey nail set
- Stone found

GRDEN, LLC
 O.R. 951, Pg. 27298
 45.647 Acres
 P.I.D. 418-330-01-018-000

Ownership Table

- (A) Manfred J. D'Ostroph, et. al.
 O.R. 1565, Pg. 2066
 1.100 Acres
 P.I.D. 418-330-01-009-000
- (B) Joseph P. & Kathleen M. Mayhew
 O.R. 621, Pg. 285
 1.500 Acres
 P.I.D. 418-330-01-008-000
- (C) Thomas P. & Tamara J. Adams
 O.R. 971, Pg. 1813
 1.267 Acres
 P.I.D. 418-330-01-007-002
- (D) Thomas P. & Tamara J. Adams
 O.R. 670, Pg. 273
 2.264 Acres
 P.I.D. 418-330-01-007-001
- (E) Thomas Tonoff, et. al.
 O.R. 1263, Pg. 471
 5.549 Acres
 P.I.D. 418-330-01-007-000
- (F) Carl & Catherine A. Woodruff
 O.R. 555, Pg. 730
 1.113 Acres
 P.I.D. 418-330-01-011-000
- (G) Rebecca Jans-Koch Krupar, et. al.
 O.R. 6, Pg. 1308
 5.002 Acres
 P.I.D. 418-330-01-013-000

DELAWARE COUNTY ENGINEER
 Map Department
 I hereby certify that this document is a true copy of the original on file in the Map Department
 CHRIS E. BAUSERMAN, P.E., P.S.
 COUNTY ENGINEER
 7/24/19

CERTIFICATION:

I hereby certify that this plot is a true and correct representation of an area of land to be annexed into the City of Delaware, Ohio.

REGISTERED SURVEYOR NO. 7803 DATE 6/27/19



NOTES:

- 1) Total acreage of the territory is 43.545 acres.
- 2) There are no County Roads within the territory however 679.02 feet of County Road 98 borders the territory along the south.
- 3) The total length of contiguity with the City of Delaware is 1339.11 feet.
- 4) The total length of the perimeter of the territory is 6649.61'.
- 5) The percentage of perimeter contiguity is 20.14%.
- 6) No island of unincorporated area is being created by this annexation.
- 7) This map is based on an actual field survey performed by Korda/Nemeth Engineering Inc.

Scale 1" = 300 feet
 0 75 150 300 600

REFERENCES:

- 1) Road Record 2, Page 141-142
- 2) Survey by Terry W. Mezhorn date 06-23-98

Map of territory to be annexed to the City of Delaware, Ohio	Korda/Nemeth Engineering, Inc. - Consulting Engineers 1820 Woodloch Drive, Suite 200 - Columbus, Ohio 43218-7079 TEL 614-627-1900 FAX 614-627-6991 WEB www.kordainc.com	DATE	6/27/19	JOB#	2018-7010
		REVISED	7/25/19	DRAWN	CLD
		ENG.		CHK'D.	TW
				NORTH	



Description of territory to be annexed to the City of Delaware, Ohio

Situated in the State of Ohio, County of Delaware, Township of Berlin, Farm Lots 20, 21, 28 and 29, Section 3, Township 4, Range 18 in the United States Military Lands and being part of the 44.049 acre tract conveyed to Evans Farm Delaware, LLC by deed of record in Official Record 1334, Page 2672-2699 and being further described as follows:

Commencing at a ¾" diameter iron pipe found at the common corner of Farm Lot 19, Farm Lot 20, Farm Lot 29 and Farm Lot 30 in Section 3, Township 4, Range 18, USML, said point being in the grantors southerly line and in the centerline of Peachblow Road (County Road 98) (60 feet wide);

Thence along the common line between Farm Lot 20 and Farm Lot 29, North 3°31'23" East for a distance of 30.00 feet to an iron pin set in the northerly right of way line of Peachblow Road and being the **Point of Beginning**;

Thence along the northerly right of way line of Peachblow Road and being 30 feet distant from and parallel to the centerline of Peachblow Road and the southerly line of Farm Lot 29, **North 85°00'54" West** a distance of **333.44 feet** to an iron pin set in the grantor's westerly line and in the easterly line of a 45.647 acre tract conveyed to GRDEN, LLC by deed of record in Official Record 951, Page 2796;

Thence along the easterly line of said 45.647 acre tract, the grantor's westerly line and the easterly line of a 71.250 acre tract conveyed to Pulte Homes of Ohio, LLC by deed of record in Official Record 1327, Page 1465, **North 03°35'10" East** a distance of **2562.63 feet** to an iron pin set at the grantor's northwesterly corner;

Thence along the grantor's northerly line, the southerly line of said 71.250 acre tract, the southerly line of a 36.661 acre tract conveyed to Pulte Homes of Ohio, LLC by deed of record in Official Record 1312, Page 2323, **South 86°07'01" East** a distance of **682.17 feet** to an iron pin set at the grantor's northeasterly corner and the northwesterly corner of a 21.60 acre tract conveyed to 2001 Peachblow LLC by deed of record in Official Record 1483, Page 35;

Thence along the grantor's easterly line, the westerly line of said 21.60 acre tract, the westerly line of Clover Pond Estates Subdivision (Plat Cabinet 2, Slide 198) and the westerly line of a 1.50 acre tract conveyed to Joseph P. and Kathleen M. Mayhew by deed of record in Official Record 621, Page 285, **South 00°18'53" West** a distance of **2283.45 feet** to a 5/8" diameter iron pin found at the northeasterly corner of a 1.10 acre tract conveyed to Manfred J. D'Ostroph, et. al. by deed of record in Official Record 1565, Page 2066;



Thence along the grantor's southerly line and the northerly line of said 1.10 acre tract **North 86°08'04" West** a distance of **150.24 feet** to an iron pin set at the northwesterly corner of said 1.10 acre tract;

Thence along the grantor's easterly line and the westerly line of said 1.10 acre tract **South 00°18'53" West** a distance of **292.10 feet** a 5/8" diameter iron pin found in the northerly right of way line of Peachblow Road;

Thence along the northerly right of way line of Peachblow Road and being 30 feet distant from and parallel to the centerline of Peachblow Road and the southerly line of Farm Lot 20, **North 85°51'13" West** a distance of **345.58 feet** to the **Point of Beginning** and containing **43.545 acres**, more or less, and subject to all other legal easements and rights of way.

Of the above described tract, all 43.545 acres, more or less, is located within Auditor's Parcel Number 418-330-01-010-000. Of the above described tract, 16.190 acres, more or less, is located within Farm Lot 20, 7.836 acres, more or less, is located within Farm Lot 21, 6.864 acres, more or less, is located within Farm Lot 28, 12.655 acres, more or less, is located within Farm Lot 29.

The basis of bearing of North 85°51'13" West on the centerline of Peachblow Road is referenced to the Ohio State Plane Coordinate System North Zone NAD 83 (NSRS 2011).

All iron pins set are 30" x 5/8" rebars with a yellow plastic identification cap bearing the inscription "Korda Engineering" and PS 7803".

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor No. 7803 from an actual field survey performed by Korda/Nemeth Engineering Inc. This instrument was prepared for an annexation request and it's use for any other purpose is strictly prohibited.

D. L. Quick

Daniel L. Quick, PS 7803
Korda/Nemeth Engineering, Inc.

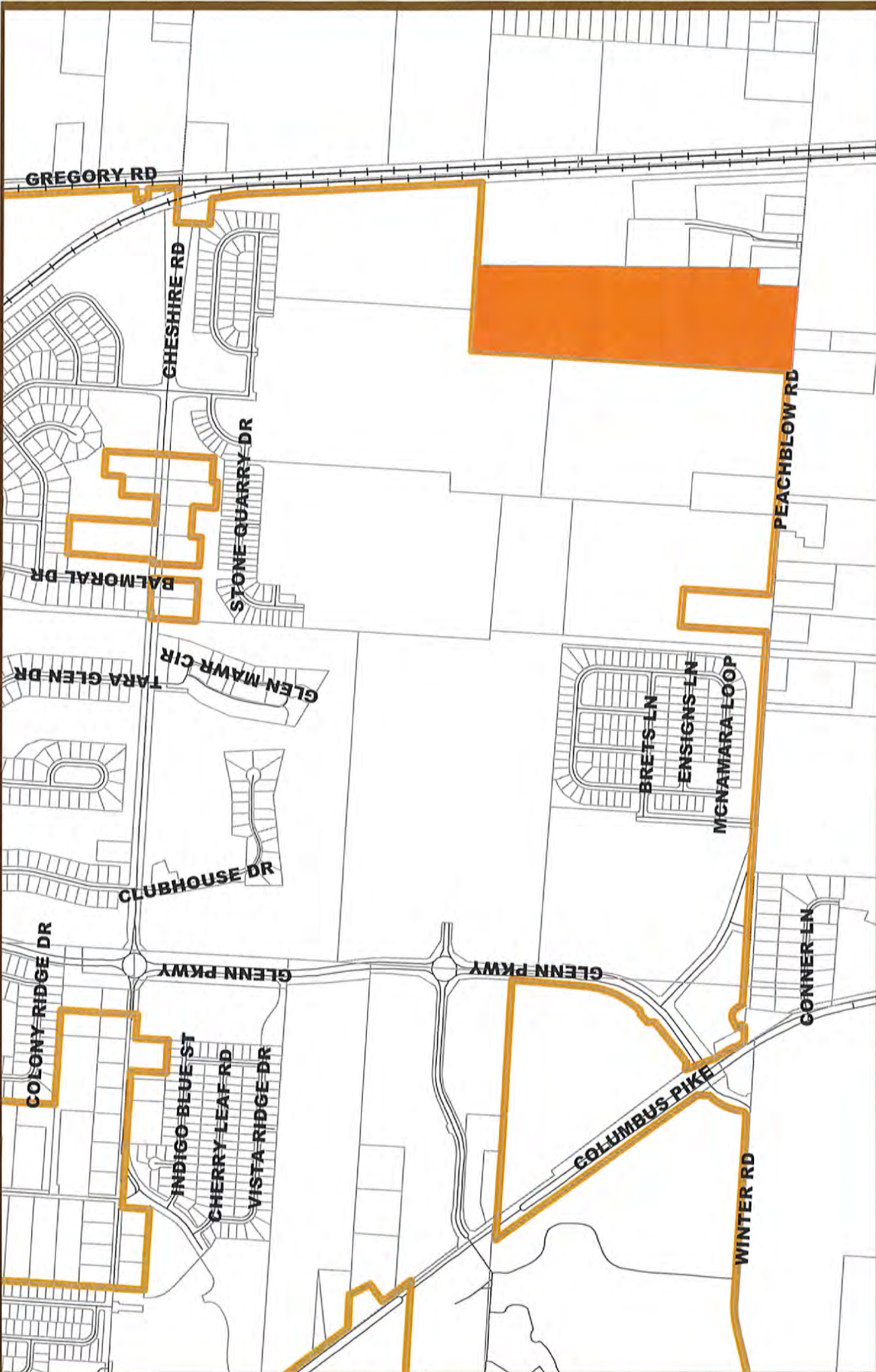
June 27, 2019
Date
Rev: 7/25/19

DELAWARE COUNTY ENGINEER
Map Department
I Herby certify that this document is a true copy of the original on file in the Map Department.
CHRIS E. BAUSERMAN, P.E., P.S.,
COUNTY ENGINEER
[Signature] 7/26/19
Department Manager Date





Evans Farms LLC
Annexation Location Map



Annexation Petition

**Adjacent Property Owners
To Parcel No. 418-330-01-010-000**

Owner	Parcel No.	Taxpayer/Tax Mailing Address
2001 Peachblow LLC	418-330-01-001-000	2001 Peachblow Road Lewis Center, OH 43035-9297
Thomas P. Adams and Tamara J. Adams	418-330-01-007-001	1795 Peachblow Road Lewis Center, OH 43035-9103
Manfred J. D'Ostroph and Marla K. Gaskill, Trustees	418-330-01-009-000	1765 Peachblow Road Lewis Center, OH 43035-9103
GRDEN LLC	418-330-01-018-000	10590 Wellington Boulevard Powell, OH 43065-8766
Kenney Asset Management, LLC	418-330-01-014-000	470 Olde Worthington Road Westerville, OH 43082-7957
Rebecca Jane Krupar and James Matthew Koch	418-330-01-013-000	1522 Peachblow Road Lewis Center, OH 43035-9102
Joseph P. Mayhew and Kathleen M. Mayhew	418-330-01-008-000	1787 Peachblow Road Lewis Center, OH 43035-9103
Pulte Homes of Ohio, LLC	418-320-01-040-000 418-320-01-042-000	4900 Tuttle Crossing Boulevard Dublin, OH 43016-1532
Thomas Taneff and Hollie M. Cox, Co-Trustees	418-330-01-007-000	1799 Peachblow Road Lewis Center, OH 43035-9103
Carl Woodruff and Catherine A. Woodruff	418-330-01-011-000	1600 Peachblow Road Lewis Center, OH 43035-9102



FACT SHEET

AGENDA ITEM NO: 9

DATE: 02/10/2020

ORDINANCE NO: 20-01

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
February 10, 2020 @ 6:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE LEVYING A \$5.00 MOTOR VEHICLE LICENSE CHARGE AS AUTHORIZED BY SECTION 4504.173 OF THE OHIO REVISED CODE.

BACKGROUND:

02/10/2020 Update: Staff recommends that the public hearing be continued to the February 24 Council meeting to allow for more public input.

01/27/2020: In 2019 the Ohio General Assembly approved legislation allowing for local jurisdictions to increase the amount of vehicle license fees collected in their respective districts. Revenue generated from the increase can be used for the maintenance and repair to the local street network. The City of Delaware's road maintenance program remains underfunded by an estimated \$1.6 million annually. The provision of adequate maintenance of all transportation elements included in street and traffic operations and roadway paving is not sustainable under existing funding limitations. Additional funds could help reduce the inventory of over one-hundred local residential streets in need of immediate resurfacing. Additional funds could also help improve the level of service in maintaining public bikeways, parking lots and alleys. It has been identified as a city priority to identify and establish additional funding resources that can be directed toward the maintenance and repair of the existing roadway infrastructure within the city.

REASON WHY LEGISLATION IS NEEDED:

Local jurisdictions must enact legislation updating the required license fee amounts before additional fees can be collected.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Increases annual revenues available for road maintenance by an estimated \$180,000.00

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager

RECOMMENDATION:

Approval following continued public hearing at the February 24, 2020 meeting.

ATTACHMENT(S)

2020 Roadway Maintenance Program (Draft)

Roadway Maintenance Fact Sheet (Draft)

Inventory of Poor & Very Poor Residential Streets in need of resurfacing

Testimony of City Manager Tom Homan from 2011 and 2017 regarding Permissive License Fees.

ORDINANCE NO. 20-01

AN ORDINANCE LEVYING A \$5.00 MOTOR VEHICLE LICENSE CHARGE AS AUTHORIZED BY SECTION 4504.173 OF THE OHIO REVISED CODE.

WHEREAS the City is responsible for the maintenance and repair of 171 miles of local, collector and arterial streets throughout the community; and

WHEREAS the City's Roadway Maintenance Program includes the maintenance of traffic signals, streetlights, guardrail, road signs, pavement markings, winter snow and ice removal, bikeways, public parking lots, sidewalks, curb ramps, street repairs and paving; and

WHEREAS there are over 100 public streets in Delaware in need of immediate maintenance and repair at an estimated cost exceeding \$8 million; and

WHEREAS the available revenues for roadway maintenance and repair has not kept up with the cost of providing adequate maintenance to the existing street network within the city; and

WHEREAS in order to establish a sustainable roadway maintenance program, an estimated \$1.6 million in additional annual revenue is necessary; and

WHEREAS an increase in the allowable license plate tax collections will provide an estimated \$180,000 in annual revenue for use on street maintenance.

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

SECTION 1: There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways of the City of Delaware, Ohio, pursuant to §4504.173 of the Ohio Revised Code for the purposes of planning, constructing, improving, maintaining, and repairing public roads, highways, and streets, and to provide additional revenue for the purposes authorized by Section 4504.173(A)(2) of the Ohio Revised Code; and to supplement revenue already available for such purposes.

SECTION 3. Such tax shall be at the rate of \$5.00 per motor vehicle per year, on each and every motor vehicle the district of registration of which, as defined in §4503.10 of the Ohio Revised Code, is in the City of Delaware, Ohio.

SECTION 4. As used in this Ordinance, the term "motor vehicle" shall include all vehicles within the definition of motor vehicle in the Ohio Revised Code.

SECTION 5. The annual tax imposed by this ordinance shall apply to and be in effect for registrations beginning January 1, 2021, or at the earliest time legally authorized, and shall continue in effect and apply during each registration thereafter.

SECTION 6. The annual tax imposed by this ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio, or to a Deputy Registrar, at the time of application for registration of a motor vehicle is made pursuant to the Ohio Revised Code.

SECTION 7. All revenues derived from the annual tax herein levied shall be used by the City of Delaware, Ohio for the purposes specified in this ordinance, or any other purpose authorized by state law.

SECTION 8. The Clerk of Council is directed to mail a certified copy of this Ordinance to the Bureau of Motor Vehicles, Tax Distribution Section in Columbus, Ohio upon passage.

SECTION 9. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Public Works Department

2020 Roadway Maintenance Program

*Submitted by William L. Ferrigno, P.E., Public Works Director/City Engineer
Revised January 21, 2020*

This update summarizes the funding resources and corresponding expenditures for the 2020 Roadway Maintenance Program, with recommendations for additional funding required to support a sustainable street, traffic and pavement maintenance operation. As growth continues across the City, the need to dedicate additional resources toward the maintenance and repair of existing highway pavement and traffic management infrastructure becomes more pressing. At existing funding levels, the Roadway Maintenance Program is not sustainable. An additional \$1.6 million in annual funding is recommended to fully support a sustainable roadway maintenance program.

2020 Roadway Maintenance Program – Funding	
Ohio Gas Tax	\$2,045,000
License Fees	\$698,000
Ohio Public Works Commission Grant (OPWC)*	\$495,000
Delaware County OPWC Grant Match*	\$150,000
<u>General Fund Revenue (Income Tax)</u>	<u>\$1,266,572</u>
Total Revenues	\$4,654,572

*\$645,000 of the funding is available through a competitive grant application process and is not a guaranteed annual revenue source.

2020 Roadway Maintenance Program – Expenses
<u>Street Maintenance</u> : \$1,838,025 allocated for staffing and the maintenance and repairs to public streets including potholes, patching, crack sealing, parking lots, bikepaths, sidewalk, curbs, bridge maintenance, and snow and ice removal.
<u>Traffic Maintenance</u> : \$966,547 for staffing and the maintenance and repairs to traffic signals, street lights, pavement markings, roadway signage and guardrails.
<u>Street Resurfacing</u> : \$1,850,000 for paving residential and arterial streets.

Roadway Maintenance Program – Annual Funding Levels

<u>Street Paving</u>	<u>Current</u>	<u>Recommended</u>
Pavement Resurfacing & Preservation	\$1,850,000	\$3,050,000
Alley Resurfacing	\$0	\$50,000
	\$1,850,000	\$3,100,000
<u>Street Maintenance</u>	<u>Current</u>	<u>Recommended</u>
Pavement Repairs	\$310,000	\$400,000
Pedestrian Paths & Bikeways	\$35,000	\$100,000
Public Parking Lots	\$60,000	\$130,000
Bridge Maintenance	\$50,000	\$50,000
Sidewalk & ADA Ramp Repairs	\$200,000	\$200,000
Curb Repairs	\$0	\$150,000
Snow & Ice Removal	\$200,000	\$200,000
	\$855,000	\$1,230,000
<u>Traffic Maintenance</u>	<u>Current</u>	<u>Recommended</u>
Streetlights	\$55,000	\$55,000
Street Signage	\$40,000	\$40,000
Pavement Markings	\$105,000	\$105,000
Traffic Signal System	\$185,000	\$200,000
Guardrail Maintenance	\$45,000	\$75,000
	\$430,000	\$475,000
Totals	\$3,135,000	\$4,805,000

The difference between the current available and proposed funding is \$1.67 million

Roadway Maintenance Program Activities

Street Resurfacing & Pavement Preservation – The street network in Delaware is made up of 171 miles of Arterial, Collector and Local roadway. Based on the age and condition of Delaware’s overall street network, a sustainable pavement maintenance program requires an estimated \$3.1 million in annual funding. Each new mile of roadway constructed in Delaware increases the overall annual street resurfacing program cost by an estimated \$20,000 per year for local streets and \$28,000 for collector streets. The anticipated useful life of an asphalt pavement surface of any given street varies depending on pavement age, traffic volumes, and how well it has been preserved, and can generally be expressed in ranges from 10-15 years for arterials, 15–25 years for collectors, and 20–30 years for local residential streets. Delaying pavement maintenance work including preservation treatments and surface course replacement, ultimately results in shorter pavement life cycles, higher repair costs, and an overall increase in the cost of establishing a sustainable pavement maintenance program. Based on the current condition of Delaware’s local streets, additional funding is required to address all streets throughout the community.

The City road network has increased by 67% (68.6 miles) in the past 25 years while the cost of asphalt has more than doubled.

Annual Pavement Maintenance Costs (2020)							
Pavement Network	% City Responsibility	CL Miles	Area (SF)	Life Cycle Costs			
				AVG YRS	Area/Year	\$/SF	Annual Cost
Local Streets	100	94.31	12,890,946	25	515,638	2.93	1,510,819
Collector Streets	100	43.07	6,614,175	20	330,709	2.93	968,977
Arterials	100	10.13	2,218,158	15	147,877	3.25	480,601
SR/US Arterials	20	13.96	3,115,859	10	311,586	1.50	93,476
US23	0	9.77	3,489,002	10	N/A	N/A	0
Alleys	100	9.1	509,789	20	25,489	1.50	38,234
Totals		171.24	28,328,140		1,331,299		3,092,106

Alley Maintenance – The city has 78 public alleys with a combined length of 9.1 miles, many of which are in serious disrepair. Alleys provide primary, and in some cases, the only access for many resident’s properties, and as such, greater consideration to alley maintenance should be included as part of a sustainable pavement maintenance program. The last comprehensive alley improvements by the City were completed in the 1990’s. Alley maintenance by the City is currently limited to pothole repair and patching. Public alleys require resurfacing the same as the local residential streets, and as such should be repaved every 20-25 years.

Pavement Maintenance & Repairs – Annual pavement maintenance work performed by the Public Works Street crew includes pothole repairs, pavement patching, berm and edge repairs, crack filling and sealing, and pavement base repairs. Much of this work is completed by the Public Works Street crew, though contractors are used for some activities such as crack sealing and concrete repairs. Though the local and collector street network has expanded by over 70% in the last 25 years, the staffing level dedicated to the maintenance and repair of our public streets has remained stagnant. As such it becomes increasingly difficult to maintain the same level of service regarding street maintenance and repair efforts through the Street Division.

Pedestrian & Bike Paths - The City's inventory of pedestrian and bikeway trails continues to increase as new development and capital initiatives expand the public system. The current network totals just over 24 miles of pathway requiring ongoing maintenance, and ultimately pavement replacement. Like asphalt streets, paved paths require routine maintenance and eventually resurfacing. The majority of maintenance work over the past several years has been limited to surface sealing, crack sealing and edge repairs. Each additional mile of new bikeway constructed adds an estimated \$4,500 per year to the overall cost of network maintenance. Applying conservative estimates for the longevity of a properly maintained bikeway and assuming a pavement life cycle of 25 years, an annualized program cost of \$100,000 is estimated for the existing public pathway network.

Public Parking Lots – The City maintains 28 public parking lots including the downtown lots, public buildings, and park properties. The pavement requires both routine asphalt maintenance and eventual replacement as surfaces deteriorate. Parking areas are sealed and restriped every five years. Pavement replacement is anticipated every 20-30 years. Based on the current inventory of parking lots, the annualized maintenance cost is estimated at \$130,000.

The City maintains 24 miles of public pedestrian paths and bikeway, 28 public parking lots and 22 bridge structures

Bridge Maintenance – The City is responsible for the full maintenance and replacement responsibility of sixteen vehicular, and six multi-use path bridges. An additional eighteen State bridges within Delaware require minor maintenance by the City for items including pothole repair, crack sealing, crash barrier, striping, and signage. The City allocates \$50,000 per year to address minor bridge maintenance needs as identified through annual bridge inspections. Separate large bridge projects are identified through the 5-Year Capital Improvement Plan and include initiatives such as the Springfield Branch Trail Bridge over US23, the old clay mine rail tunnel under North Street, and the Delaware Run Bridge on Houk Road.

Sidewalks & ADA Ramps – The City completed the successful Safe Walks Program in 2017 capping a 10-year initiative to address residential sidewalk safety community wide. Nevertheless, sidewalks continue to deteriorate requiring ongoing maintenance. The City responds to customer driven complaint as a means to address sidewalk deficiencies throughout the community. In some cases, the repairs become the responsibility of the abutting property owner; However, the majority of

deficiencies are city responsibility and are associated with sidewalk sections heaving from the tree roots. \$150,000 has been allocated to address sidewalk repairs with an additional \$50,000 for ADA ramp repairs by the Public Works crew. An estimated 3,775 feet missing sidewalk has been identified through the last inventory with a construction cost estimated at \$280,000, though no funding is currently available to address this work.

Curb Repairs – Many of the City's 174 miles of local, collector and arterials streets include both concrete and sandstone curb in various states of disrepair. The appropriate time to address curb repairs is when a street is being resurfaced, though limited funding prevents implementation of such an approach. As a result, the need to address deteriorating curb conditions continues to grow. Some communities include curb repair as part of their resurfacing program while others assess the cost of repairs to abutting property owners. Additional funding is required to include spot curb repair as part of the annual resurfacing efforts by the city.

Snow & Ice Removal – The Street Division is responsible for snow plowing operations throughout the winter season. This work requires on average, the application of 2,500 to 3,000 tons of road salt and 110,000 gallons of pretreatment brine solution during the winter season. Participation in the annual ODOT Road Salt Fill Program provides cost control and reliable material availability for the season. The use of salt brine allows for the more efficient, effective and reduced waste of road salt, maximizing level of service to the community while lowering environmental impacts. Because winter temperatures and precipitation vary widely in Ohio, the total materials and labor dedicated toward snow and ice management vary by year making it difficult to determine consistent budgetary needs.

Streetlights - The City currently maintains 2,312 streetlights, a number continually increasing with each new residential development. In addition to the cost of routine lamp, photo-eye, and ballast replacements, future cost increases are anticipated to address conduit and wiring repairs, and the re-painting of streetlight poles as the equipment ages. In 2018, the City implemented new streetlight standards requiring more energy efficient LED fixtures to be installed, replacing the former High-Pressure Sodium (HPS) lamps. The City is evaluating the cost to replace all remaining HPS lamps with LED fixtures. Such an initiative would be included as part of a future 5-Year Capital Improvement Plan and could cost upward of \$875,000.

The City maintains
62 traffic signals,
2,312 streetlights
and 8,986 traffic
control signs

Street Signage – The City maintains 8,986 regulatory, warning, directional and informational signs throughout the community. Retro-reflectivity standards apply to all regulatory and warning signage, of which we have a total of 3,765 (excluding parking). The City adopted the “expected sign life” methodology in 2014 to abide by the standards and has focused on regulatory and warning sign replacements on Expressway and Arterial roadways. The majority of sign maintenance and repair is performed by the Public Works Traffic crew.

Pavement Markings – Pavement markings on roadways have important functions in providing guidance and information to the road user, especially during reduced visibility conditions at night and/or rainy and foggy conditions. To maintain the appropriate level of highway safety, the City must maintain pavement markings by restriping arterials every 2-4 years, collectors every 6 years, and

local streets every 10 years. The majority of 'short line work' i.e. crosswalks, stop bars and pavement symbols is managed by the Traffic crew, while 'long line work' is managed through state bid contractors who has the equipment to perform the long line striping.

Traffic Signals & Equipment – The City maintains 62 traffic signals and 24 school zone flasher units, with two additional signals anticipated over the next two years. The total number of traffic signals and school zone flashers has doubled since the early 1990's, not including the more recent installation of RRFB's and speed feedback signs. The Traffic Division implemented a maintenance program in 2015 which includes routine maintenance/replacement of signal components. This program has greatly reduced the number of unexpected call-outs for emergency signal malfunctions; however, there is still need for additional funding to replace aged equipment.

The City maintains seven rectangular rapid flashing beacons (RRFB's) installations throughout the community and has plans to install three in 2020, and an additional three in future years at a cost of \$15,000 per pair. Study and local results support that these devices increase motorist awareness of the presence of pedestrians in crossings and as a result, a reduction in the number of accidents and injuries. The use of dynamic speed feedback signs (DSFB) offer a means to appease neighborhood concerns over speeding through the provision of visual enforcement measures, and for a relatively modest cost of \$7,000 per installation. Eligibility criteria was developed which yielded 18 identified locations for potential installation with the first permanent installations planned for 2020.

The Traffic Division is responsible for addressing maintenance of traffic operations for the 40 planned special events and approximately 10,000 utility locate requests received annually for all underground street lighting, traffic signal lines, and fiber cable owned by the City. City owned utilities must be identified and marked within 48-hours of a request being submitted. In Delaware, this activity requires 50% of a traffic technician's time on an annual basis.

Guardrail Maintenance – The City currently maintains an inventory of 13.6 miles of roadside barrier in various locations throughout the City. Over 85% of all roadside barrier is located on US23, US42, US36, and SR37. \$50,000 is budgeted annually for the maintenance of existing guardrail, excluding accident related guardrail repairs, generally covered through insurance claim reimbursements. The City has identified ten locations requiring an estimated 4,200 LF of new guardrail to address highway safety. These installations will protect traffic at locations that include sharp curves, steep embankments and bodies of water. The cost to complete the installations is estimated at \$130,000 and will be included in future 5-Year Capital Improvement Plans.

The Facts about Road Maintenance in Delaware

Additional Funding Would Help

The city needs an additional \$1.6 million in annual funding to fully support a sustainable street maintenance program

The City Road Network has Increased by 69%

In 1995 the City maintained 102 miles of roadway. In just 25 years the total miles of roadway the City maintains has increased to 171 miles

Is the New Gas Tax Helping?

The State enacted an additional Motor Fuels Sales Tax "Gas Tax" in 2019 providing the City with an additional \$758,000 per year for our local street maintenance program, and helping close a \$2.5 million gap in annual roadway maintenance

Where Does the Money Go?

- Street paving
- Potholes & Patching
- Snow Plowing
- Crack sealing
- Bikeways
- Public Parking Lots
- Traffic Signals
- Street lights
- Pavement Striping
- Guardrail
- Street signs

Your Tax Dollars Don't Go as Far

In 1995 the cost of asphalt paving was just under \$30.00 per ton. Today that figure has increased over 300% to \$90 per ton for street paving; and the cost today to pave a mile of residential street can exceed \$300,000

What do we Maintain?

US 23	10 miles
US & State Routes	14 miles
Local Arterials	10 miles
Collector Streets	43 miles
Local streets	94 miles
Alleys	9 miles

Street Surfaces Wears Out

Residential streets need to be repaved every 20 to 30 years depending on its condition and how well it's been maintained.

We Need to Pave More Residential Streets in Delaware

There are currently over 100 residential streets in Delaware in need of paving at an estimated cost of \$8 million.

**Local Street Resurfacing Program (DRAFT)
'Poor' & 'Very Poor' Rated Streets**

Revised January 22, 2020

Street	Length(ft)	CL Miles	Area SF	Cost
ABLEMARLE CIRLE	927	0.18	22,257	\$72,334
ASH ST	930	0.18	22,329	\$72,571
ASPEN CT	859	0.16	20,621	\$67,017
BERNARD AVE	985	0.19	19,223	\$62,474
BOULDER DR	1,320	0.25	42,255	\$137,329
BOWTOWN RD	2,897	0.55	52,138	\$169,448
BRANCH ST	748	0.14	11,963	\$38,880
BRIDGEPORT WAY	1,672	0.32	40,123	\$130,398
CALM ST	769	0.15	12,311	\$40,009
CAPITAL CT	202	0.04	5,241	\$17,035
CARLISLE AVE	294	0.06	4,710	\$15,308
CASTLETON WAY	650	0.12	16,239	\$52,777
CATHERINE ST	518	0.10	15,529	\$50,468
CHAMBERLAIN ST	684	0.13	14,366	\$46,689
CHAMBERLAIN ST	592	0.11	9,464	\$30,758
CHANNING ST	1,471	0.28	32,359	\$105,166
CHATHAM LN	174	0.03	4,527	\$14,713
CHATHAM LN E	299	0.06	7,769	\$25,251
CHATHAM LN W	326	0.06	8,466	\$27,515
COBBLESTONE DR	1,408	0.27	45,066	\$146,465
COLOMET DR	1,622	0.31	40,543	\$131,763
COURT ST	509	0.10	9,157	\$29,759
DARLINGTON RD	416	0.08	8,311	\$27,009
DAVIDSON LN	638	0.12	30,646	\$99,601
DOGWOOD DR	930	0.18	22,329	\$72,569
EAST BRANCH RD	384	0.07	9,972	\$32,409
EAST POINT XING	1,291	0.24	27,112	\$88,113
ELIZABETH ST	996	0.19	33,864	\$110,058
FAIR AVE	2,218	0.42	46,001	\$149,502
FIRESTONE DR	1,617	0.31	42,051	\$136,664
FLINTWOOD DR	735	0.14	19,114	\$62,122
FOLEY ST	255	0.05	5,103	\$16,585
FOREST AVE	1,773	0.34	49,642	\$161,335
GIBRALTAR CT	210	0.04	5,462	\$17,751
GOLD DUST DR	156	0.03	4,061	\$13,197

GRAND CIRCUIT BLVD	974	0.18	31,161	\$101,274
GRANITE CT	345	0.07	8,969	\$29,148
GRISWOLD ST	291	0.06	8,733	\$28,384
HALSTEAD CT	154	0.03	3,707	\$12,048
HAMMOND ST	362	0.07	6,523	\$21,201
HAMMOND ST	173	0.03	3,106	\$10,096
HAVENS RD	757	0.14	15,145	\$49,222
HAYES ST	772	0.15	16,209	\$52,679
HEARTHSTONE DR	2,886	0.55	75,034	\$243,861
HICKORY LN	1,351	0.26	24,314	\$79,019
HILLSIDE DR	2,399	0.45	41,451	\$134,717
HILLS-MILLER RD	796	0.15	17,513	\$56,917
KENSINGTON DR	2,452	0.46	61,289	\$199,191
LANDEMERE CT	241	0.05	5,788	\$18,812
LEWIS ST	483	0.09	14,481	\$47,062
LITTLE ST	486	0.09	14,080	\$45,759
LUSK LN	558	0.11	6,143	\$19,966
MAPLE STREET	812	0.15	17,000	\$55,250
MASON AVE	1,060	0.20	21,202	\$68,907
MINERAL CT	207	0.04	5,386	\$17,505
N FRANKLIN ST	4,102	0.78	126,263	\$410,354
N WASHINGTON ST	3,466	0.66	92,551	\$300,792
N WASHINGTON ST	1,614	0.31	38,634	\$125,562
NEIL ST	717	0.14	10,044	\$32,642
NOBLE ST	1,455	0.28	33,353	\$108,396
NORTH ST	1,386	0.26	30,482	\$99,065
NORTHHAMPTON CT	449	0.09	10,786	\$35,053
NUTTER FARMS LN	1,709	0.32	61,510	\$199,906
OAK HILL AVE	2,518	0.48	63,132	\$205,180
OHIO ST	450	0.09	7,647	\$24,854
OHIOHEALTH BLVD	786	0.15	37,706	\$122,544
ORCHARD LN	610	0.12	10,976	\$35,673
OWEN-FRALEY RD	2,295	0.43	39,010	\$126,782
PADDOCK CT	141	0.03	3,532	\$11,479
PAGE CT	236	0.04	6,130	\$19,922
PARK LN	639	0.12	11,493	\$37,353
PARKER ST	537	0.10	9,664	\$31,407
PENICK AVE	1,053	0.20	33,701	\$109,528
PERKINS ST	599	0.11	10,176	\$33,071
PICKAWAY ST	349	0.07	6,289	\$20,441
PINOAK CT	390	0.07	9,361	\$30,423
POTTER ST	1,635	0.31	39,388	\$128,010
PROVIDENCE LN	1,549	0.29	39,824	\$129,428
REID ST	1,110	0.21	19,973	\$64,914
RENNER ST	1,041	0.20	14,568	\$47,345
ROCK CREEK DR	2,840	0.54	90,879	\$295,356
ROSS ST	617	0.12	13,565	\$44,087

SHELDON ST	717	0.14	11,479	\$37,307
SMITH ST	439	0.08	7,896	\$25,661
SOUTH ST	658	0.12	11,190	\$36,368
SPRING ST	1,470	0.28	51,434	\$167,161
STILSON ST	728	0.14	11,642	\$37,837
SUNBURY RD	129	0.02	3,861	\$12,549
SUPREME CT	442	0.08	11,498	\$37,370
SYCAMORE LN	911	0.17	33,664	\$109,408
TARPY'S LN	796	0.15	14,335	\$46,590
TAYLOR AVE	429	0.08	13,730	\$44,621
THORNAPPLE TRL	565	0.11	13,551	\$44,039
TODD ST	177	0.03	3,177	\$10,327
TODD ST EXT.	683	0.13	12,300	\$39,976
TOLEDO ST	576	0.11	13,834	\$44,960
VANDEMAN AVE	735	0.14	12,497	\$40,615
VERNON AVE	4,013	0.76	45,000	\$146,250
VINE ST	873	0.17	12,218	\$39,709
W FOUNTAIN AVE	1,735	0.33	48,594	\$157,930
W HULL DR	351	0.07	11,233	\$36,507
W LINCOLN AVE	368	0.07	7,368	\$23,946
WALNUT ST	156	0.03	1,562	\$5,076
WEBB ST	600	0.11	12,000	\$38,999
WILLOW ST	449	0.09	8,535	\$27,737
WOODLAND AVE	675	0.13	13,498	\$43,869
YORK AVE	723	0.14	17,361	\$56,424
YORKSHIRE RD	907	0.17	22,668	\$73,670
		19.63	2,454,317	\$7,976,531

Notes:

Included streets have condition ratings as 'Poor' or 'Very Poor' per the 2018 pavement condition evaluation.

Average cost to repave streets in "Poor" to "Very Poor" is \$400,000 per mile including anticipated base repairs, shoulder repairs, areas of full depth replacement, pavement planing, use of SAMI, and pavement overlay.

May 24, 2011

Chairman Widener, Ranking Minority Member Skindell and members of the Finance Committee.

My name is Tom Homan, City Manager for the City of Delaware. I have been with the city for 12 years and have served at the municipal level for nearly 28 years. I also am co-chair of the Mid-Ohio Regional Planning Commission Regional Policy Roundtable.

To begin, on behalf of the City of Delaware, I want to make the following point clear: We are not going to waste the committee's time by bemoaning that fact that the Local Government Fund is going to be reduced in HB 153. We recognize the enormous challenges facing our state – and our obligation to assist.

With that as a starting point, let me quickly tell you a little about where I live. Delaware has just over 34,000 residents and celebrated its 200th birthday three years ago. We are full-service, county-seat municipality with all of the urban complexity, opportunity and challenges that come with over two centuries of existence. Located within the Columbus metro area, we are neither a first-ring suburb nor a prototypical suburban community. Rather, the City of Delaware is a separate and distinct locale, with distinct challenges apart from other more prototypical suburban locales.

Infrastructure, both public and private, is in some cases as old as the City itself and, while the quality of life is high, the City has significantly more low- and moderate-income households; as well as a higher percentage in poverty than surrounding jurisdictions. Highlighting this urban core versus

surrounding area distinction, individuals are nearly twice as likely to be in poverty if they live in the City of Delaware as opposed to living elsewhere in Delaware County.

As I said earlier, we recognize the shared sacrifice currently required. This is not a new concept for our City, amid retrenchment and reductions. We've all heard the phrase, "doing more with less." In Delaware, we're "doing more with creativity."

Reflecting that, the City of Delaware and Delaware County last year consolidated all 9-1-1 services after a decade of hard work. Let me give you one more current example of our continuing efforts to look at new and different ways of doing things:

Delaware and the YMCA of Central Ohio are exploring the possibility of having the YMCA oversee all of our city's recreation programming. This public-private partnership would be a major change in how a key quality of life service is operated and delivered, but our times call for such big ideas.

City staff always works creatively to guide the City forward, and we anticipated cuts to the Local Government Fund. But HB 153, as proposed, goes even deeper than expected, with a 50-percent cut – 25 percent in 2012 and another 25 percent in 2013. In Delaware, this would mean a loss of \$573,000 a year; coupled with discontinuation of the personal property tax reimbursement, the City would be put into the position of losing close to \$750,000, annually.

Loss of funding in this amount cannot be entirely offset through spending reductions and will impact our ability to deliver core services. The one I'd like to focus on in the next few minutes is the City's road infrastructure and its maintenance.

As a county seat, Delaware is located at the crossroads for two U.S. highways and three state routes. Together, these five represent nearly 80 lane miles, one quarter of our City's total throughway miles.

The City is responsible for 100 percent of the maintenance of these routes, including base repair, striping, signage, crack seal, potholes, snow and ice removal, mowing and guard rail repair. For resurfacing, the City is responsible for 20 percent of costs; and over the last four years we have spent nearly \$600,000 in resurfacing all or parts of the five routes.

Despite this outlay, our resurfacing program falls further behind because costs have escalated and revenues have not kept pace. The industry norm is a 20-year resurfacing cycle; with our current outlay, we face a 50-year cycle. Resurfacing costs, more than most other construction costs, have increased significantly over the last decade – the cost of standard mill/fill resurfacing has nearly doubled from 46 cents a square foot in 2001 to 90 cents in 2011 – while revenue from gas taxes and license fees has remained flat.

We currently are working with ODOT District 6 on resurfacing U.S. 36 in our City. The estimated cost is \$1.4 million. Using the state's 80/20 program, our resurfacing share will be approximately \$280,000. But the base repair cost, in which the state does not participate, will be \$400,000. This one

project, alone, could end up costing the city \$680,000 – some of which would have been supported by the Local Government Fund.

The result: Delaware will be unable to advance a single local resurfacing program in 2011 or 2012, as the costs associated with resurfacing U.S. 36 will require the majority of available funding.

Along with the Local Government Fund, a revenue source on which we depend to pay resurfacing costs comes from the motor vehicle license tax. As a municipality, we collect \$10 for license plates. This fee is capped at \$10 and last was adjusted, I believe, 24 years ago in 1987. I am requesting consideration of allowing local jurisdictions the ability to adjust this permissive fee to help fund resurfacing projects.

Additionally, current law requires cities to maintain all state routes that pass through their jurisdiction. This is a significant expense. I am requesting the following on the behalf of local governments to offer some immediate relief to local budgets:

That ODOT assume a *portion* of the cost to maintain state routes, similar to what is done for resurfacing. An ODOT-commissioned study released this week on just this subject said a *total* state takeover of maintenance wasn't feasible, primarily because of cost involved. My request is that this study serve as a starting point, not the final word, and that a formula for a more-equitable maintenance cost-share – perhaps based on total vehicular traffic – be explored.

This would be a means to ensure equality among jurisdictions throughout the state and not unfairly burden cities when, for example, compared to townships, which are not required to maintain state routes, and other cities where traffic volume is less and maintenance costs are not as great.

Delaware supports the Governor's Strategies for Local Government Reform, in particular Mandate Relief and Shared Service and Collaboration.

Mandate Relief, like mandates themselves, is well intentioned, but often misses the mark of actually providing relief, due in part to the complexity of the mandate itself. Here is one example: The state's environmental MS4 (Municipal Separate Storm Water) Program. It is federally mandated, but administered and enforced by Ohio EPA. I would suggest that local government be at the table with the administration and legislature to craft and implement mutually agreeable and reasonable measures.

As was mentioned at the outset, Delaware already is embracing shared services – in the area of 911 communications and potentially in other areas of our recreation programming operation. I support providing local governments incentives to pursue shared services. I do, however, urge caution when it comes to pooled health insurance. While this can work, it should not be mandated. Delaware has operated an ASO – Administrative Services Only – health insurance program for more than 20 years and consistently the percentage of cost increase has fallen well below the national average. I believe that Delaware's success in controlling our health insurance dollars is due to local control of the plan design. We offer wellness incentives and annual diagnostic tests that promote healthier living

behavior which, in turn, results in a more productive workforce and lower health insurance costs across the board.

Finally, I leave you with this simple but very important question: Is this proposed cut to the Local Government Fund to be forever? We are willing to share in the sacrifice; will we also share in the recovery? This was the intention of this longstanding state-local funding partnership when it was created in the 1930s at the height of the Great Depression and reinforced when the state income tax was put into place in the early 1970s.

I thank you for this opportunity to provide testimony, and ask that you carefully consider House Bill 153 and its considerable impact on your local communities.

I am happy to answer any questions.

**Tom Homan
City Manager, City of Delaware**

**Testimony to Senate Transportation, Commerce and
Workforce Committee March 14, 2017**

Chair LaRose and members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to speak to you today about how Ohio roadways and infrastructure can be better funded – especially as it relates to local governments.

As the City of Delaware's representative on the board of the Mid-Ohio Regional Planning Commission, I chaired a task force that over six years examined local government's use of license plate fees as a means to take care of our roads and bridges, and the dedicated revenue stream these fees provide our region for those limited purposes. The task force recommended that permissive authority be granted to three entities - cities, townships and counties - by \$5 dollars each.

The license plate fee is paid when purchasing or renewing your license plate with the BMV. It is optional and can be levied by counties, municipalities and townships on vehicle registrations.

Revenue from the fee can only be used for the purpose of planning, constructing, improving, maintaining, and repairing public roads, highways, streets and bridges.

The total combined fee by all local governments (county, township or municipality) cannot exceed \$20. Unfortunately this has not been increased since 1987 – 30 years ago. Clearly, the revenue generated from license plate fees is not an “end-all, be-all” of local government funding. But at a time when costs to maintain these roads is at an all-time high, license fees are one more tool in our tool box to alleviate the strain on our funding.

We maintain that imposing license plate fees should remain an option – not a mandate – for local governments, but that the capped fee amount of \$20 should be increased by a modest amount in order to meet today’s needs and be brought up to inflation.

As this committee considers granting Ohio counties an additional \$5 permissive authority, we request that equity be extended across all boundaries, and that Ohio municipalities and townships receive the same consideration. Over the next 25 years, the estimated costs of maintaining locally owned roads and bridges are approximately \$41 billion.¹The state has recommended that Ohio’s local agencies, and even metropolitan planning organizations, will need to employ an array of strategies to close the projected funding gap to address transportation needs.² It only makes sense that the state explores giving more flexibility to local municipalities to use the optional license fee as one of many tools. This option should be included as one of the Senate Transportation, Commerce and Workforce Committee’s ultimate recommendations.

In the City of Delaware, the cost of construction materials has experienced substantial increases over the past 15 years. A ton of asphalt cost \$22 in 2000; in 2016, it costs \$72 – an increase of 227 percent. As a result, the purchasing power of all funds available for transportation improvements, including license fees, is now significantly reduced.

In addition, the demands on a city like Delaware to maintain state and federal highway links within our jurisdiction hinder our ability to adequately maintain our local system without additional funding. My city includes 49 lane miles of federal and state highway to maintain. This is a full 15 percent of our local road network, requiring \$1.25 million in resurfacing and maintenance dollars. The remaining 85 percent, or 264 lane miles of local streets, must be second in priority.

The fee you are being asked to consider is not mandatory, but a permissive fee. As currently occurs, local governments will vary on how they utilize this option. For this reason, granting additional permissive authority would not be an automatic increase across the state. It is simply one more option for local communities.

We look forward to a continued conversation on license plate fees as a viable option to increase transportation funding.

Thank you for this opportunity. I am happy to answer your questions.

¹ Source: *Access Ohio 2040, Ohio Dept. of Transportation; May 2014, at 11.*

² Source: *Access Ohio 2040, Ohio Dept. of Transportation; May 2014, at 11.*



FACT SHEET

AGENDA ITEM NO: 10

DATE: 02/10/2020

ORDINANCE NO: 20-05

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
February 24, 2020 @ 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTION 901 OF THE CITY OF DELAWARE CODIFIED ORDINANCES TO BRING THE RULES AND REGULATIONS INTO CONFORMANCE WITH THE CURRENT RIGHT OF WAY BEST MANAGEMENT PRACTICES.

BACKGROUND:

The revision amends the language of Chapter 901 of the City Codified Ordinances to bring the Rules & Regulations into conformance with the current best management practices employed by the city in managing the various construction activities taking place within the public right of way. Modifications serve to revise the permitting process to be in conformance with current administrative responsibilities and assignments within the Public Works Department. Amendments to language is included in regard to improving the requirements associated with the provision of acceptable maintenance of traffic plans and implementation during construction operations within the public right of way, and the associated public notification process requirements. Adjustments to right of way permitting and inspection fees are proposed under separate ordinance.

REASON WHY LEGISLATION IS NEEDED:

To allow for appropriate and efficient right of way permit administration, construction inspection, maintenance of traffic, and public notification for all activities within the public right of way.

COMMITTEE RECOMMENDATION:

Recommendation for approval by the Public Works Committee by 3-0 vote on 2/4/20 meeting.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

Included more stringent regulation concerning the planning and implementation of adequate maintenance of traffic operations, and public notification process for private construction activities occurring within the public right of way.

PRESENTER(S):

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

RECOMMENDATION:

Approval following public hearing

ATTACHMENT(S)

Revise Section 901

ORDINANCE NO. 20-05

AN ORDINANCE AMENDING SECTION 901 OF THE CITY OF DELAWARE CODIFIED ORDINANCES TO BRING THE RULES AND REGULATIONS INTO CONFORMANCE WITH THE CURRENT RIGHT OF WAY BEST MANAGEMENT PRACTICES.

WHEREAS, the City of Delaware regulates excavation, construction and utility maintenance work occurring within dedicated public right of way; and

WHEREAS, changes in personnel, division of responsibilities between departments within the city, and a need for more stringent regulation of work performed within the public right of way necessitate adjustments to the procedures employed in managing right of way activities; and

WHEREAS, Chapter 901 of the STREETS, UTILITIES AND PUBLIC SERVICES CODE shall be modified to account for the current best management practices in place.

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

SECTION 1. That Chapter 901 is hereby amended to read as follows: (See Sections 901 attached hereto)

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

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

CHAPTER 901. - EXCAVATIONS^[1]

Footnotes:

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Editor's note— [Ord. 12-71, passed Oct. 29, 2012](#), repealed the former Ch. 901, §§ 901.01—901.16, 901.99, and enacted a new Ch. 901 as set out herein. The former Ch. 901 pertained to similar subject matter and derived from Ord. 04-195, passed Dec. 13, 2004.

Cross reference— Barricades and warning lights - see GEN. OFF. 521.03

State Law reference— Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01; Openings by the Municipality - see Ohio R.C. 723.02; Excavation liability - see Ohio R.C. 723.49 et seq.; Changing established grade - see Ohio R.C. 727.07; Compulsory service connections - see Ohio R.C. 729.06, 743.23, 743.37; Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10

901.01. - General provisions.

- (a) Authority. Any person or agency desiring to excavate within or to occupy public right of way for the purpose of constructing, servicing, or maintaining public or private infrastructure or property must first obtain a **RIGHT OF WAY** ~~public way~~ permit.
- (b) Permit Activities. There are three types of activities covered by this permit:
 - (1) Excavation: For excavations within a roadway, alley, sidewalk or driveway, or the non-paved area within the right of way for any purpose whatsoever. A separate permit is required for each project submission.
 - (2) Occupancy: For partial or complete closure of any public street, alley or sidewalk with vehicles, equipment or materials for the purpose of providing maintenance, repair, or replacement to any privately owned utility, building or property at or above grade. A separate permit is required for each project submission.
 - (3) Blanket: At the sole discretion of the City, an approved **RIGHT OF WAY** ~~public way~~ permit may be designated as a blanket permit and be available to applicants that routinely occupy the public right-of-way for the maintenance or repair to privately owned aerial utilities, installation of aerial service connections, or for tree trimming services, and that are able to perform such work with minimal disruption to traffic and without any excavation within the right-of-way. Blanket permits are issued for a period of one year, beginning January 1st, and require the submission of a ten-thousand-dollar bond (\$10,000.00), letter of credit, or other surety acceptable to the City Manager. In all cases, recipients of blanket permits are subject to the requirements of the Ohio Manual of Uniform Traffic Control Devices and are responsible for notifying the City of the schedule and location of all proposed activities. **ALL ROAD AND LANE CLOSURES SHALL BE DONE IN CONFORMANCE WITH THE CITY'S MAINTENANCE OF TRAFFIC AND PUBLIC NOTIFICATION REQUIREMENTS POLICY.**
- (c) Exemptions: **RIGHT OF WAY** ~~Public way~~ permits as defined by this chapter, are not issued for the routine distribution or delivery of mail, newspapers, or services to businesses and residences such as landscaping service, furniture delivery, moving services; nor for construction activities associated with a new residential or commercial development project site, provided such activities are covered under a separately approved building permit or engineering plan; or for activities performed by the City, its contractors and agents.
- (d) Permit Application, Review and Approval: Permit applications shall be made to the City on approved forms and shall be subject to approval, approval with conditions, denial, or returned with a request for additional information and/or correction. No work may begin until a permit has been approved,

except for emergency repairs as defined in Section 901.05. Activities requiring the partial or complete closure of a public roadway or alley are subject to the additional maintenance of traffic requirements established in this chapter **AND SHALL NOT BE CONSIDERED APPROVED UNTIL ALL SUCH REQUIREMENTS HAVE BEEN SATISFIED.**

- (e) Permit Issuance: With the exception of a permit with blanket designation, permits shall be issued for a maximum period of 180 days. At the sole discretion of the City and upon request by the applicant, a permit may be extended beyond the 180-day period as may be required to complete the work.
- ~~(f) Advance Notification Requirements: The following advanced notification requirements regarding the commencement of certain permit activities shall apply to all work requiring excavation within the public right-of-way, or any work that requires the partial or full closure of the travel lane of any public street. Notification shall be made only after receipt of an approved permit, and by either direct communication with the City Inspector, or by submitting written notification directly to the City. Notifications must include the approved permit number, contractor name and telephone number and the proposed work schedule. Work commencing without appropriate notification may be subject to the City ordering the work to cease.~~
 - ~~(1) Minimum notification. A minimum 24-hour advance notification shall be made to the City for all projects requiring any excavation work whatsoever within the public right-of-way except for sidewalk and driveway approach work meeting the requirements of Section 901.06(a).~~
 - ~~(2) Lane closures. Prior to establishing a lane closure of any public roadway, a minimum of (3) working days advance notice shall be provided by contacting the City as indicated on the permit.~~
 - ~~(3) Full road closure. Prior to establishing implementing the complete closure of a street, a minimum of (5) working days advance notice shall be provided to the City to allow for proper notification of Safety and Emergency Forces, local industry and businesses and media as deemed necessary by the City.~~
- (g) Liability. The issuance of a Public Way Permit does not relieve the applicant from liability for any damage that might occur to the roadway, the public, or personal property while performing work authorized by the permit. The permit applicant is further responsible for making any and all repairs, deemed necessary by the City, to work performed that has failed within a period of one (1) year from the date the work was completed.
- (h) High Impact Areas. For purposes of this regulation, High Impact Areas are generally defined below and described as areas that may require the additional approval of other government agencies as well as special construction and restoration materials, specifications and procedures. Areas considered high impact generally include, but are not necessarily limited to US23, US36, US42, SR37, SR521 and the Downtown Streetscape Improvement Areas.

([Ord. 12-71. Passed 10-29-12](#))

901.02. - Form of permit application.

The **RIGHT OF WAY** ~~Public Way~~ Permit application shall include sufficient detail to adequately describe the nature of work to be performed within the public right of way, project schedule, contractors involved, impacts to surrounding properties, and any other information necessary to fully describe the proposed activities. The permit application is subject to periodic modifications at the discretion of the City.

([Ord. 12-71. Passed 10-29-12](#))

901.03. - Permit plans.

Whenever an excavation activity is to be performed within the right of way, the permit application shall be accompanied by detailed work plans. The plans shall be of suitable size, clarity and scale to

show the nature of the work to be performed. All existing public and private utilities within the proposed work area shall be shown on the plans, in as much as information is available from searching City and private utility records. All conflicts with any City facility shall be resolved to the satisfaction of the City.

([Ord. 12-71. Passed 10-29-12](#))

901.04. - Restoration.

Whenever an applicant has been granted authority to excavate in the public right of way the applicant shall be required to return the right of way to essentially the same condition it was prior to the work and by such time as indicated in the approved permit for the work. The permanent restoration of any sidewalk, tree lawn, curb, street pavement, etc. shall occur no later than thirty (30) days after the completion of any utility repair or installation activity within the public right of way except in high impact areas as defined in Section 901.01(h), which requires pavement restoration be completed within seven (7) days. Construction activity completed November through April shall have all grading and seeding issues resolved no later than May 31st.

([Ord. 12-71. Passed 10-29-12](#))

901.05. - Emergency repairs.

When a private utility owner or its contractor must occupy any street or public right of way in order to complete emergency repairs as further defined below, the same shall complete the work as deemed necessary and submit a **RIGHT OF WAY** ~~public way~~ permit and the associated fees, no later than the following working day. For the purpose of this section, emergency repairs shall be considered those activities which require immediate action to address imminent danger and risk to the public and/or surrounding properties, i.e. natural gas line leaks, water main breaks, downed power lines **REQUIRING IMMEDIATE RESPONSE**. The owner or contractor making emergency repairs shall notify the City of Delaware Police Department at the commencement of repair activity regarding the schedule of work, impact to traffic, and to request City assistance in managing traffic issues. The owner or contractor is responsible for furnishing, erecting and maintaining all required traffic signage, barricades, detours etc. as required by the Ohio Manual of Uniform Traffic Control Devices.

([Ord. 12-71. Passed 10-29-12](#))

901.06. - Inspections.

Inspection of work performed under all **RIGHT OF WAY** ~~public way~~ permits shall be completed by the City or an assigned agent. All excavation and paving activities within the public right-of-way, excluding sidewalk and driveway approach repairs, require a minimum 24-hour advance notification. Required inspections include:

- (a) Sidewalk, Driveway or Curb. Concrete forms inspection required before placement of concrete. The ~~permittee~~ **APPLICANT** shall call the ~~Planning and Community Development~~ **PUBLIC WORKS** Department by 9:00 a.m. to schedule a required inspection for that day. Specific **DATES AND** times are not guaranteed.
- (b) Utility Connections. Connections or repair to any public water line, sanitary or storm sewer requires inspection before backfill operation begins.
- (c) Backfill Compaction. Backfill installation shall be performed in accordance with City specifications and is subject to inspection and testing as directed by the City.
- (d) Final Inspection. A final inspection is required to verify conformance with permit requirements, including final grading and seeding.

- (e) It is the applicant's responsibility to schedule inspections. Failure to obtain an inspection may result in the required re-excavation and installation of the work area in the presence of proper inspection personnel. In addition, the failure of a contractor to properly notify the City of his work and to schedule inspections may result in the denial by the City of any future permit applications.

([Ord. 12-71. Passed 10-29-12](#))

901.07. - Maintenance of traffic.

A MAINTENANCE OF TRAFFIC (MOT) PLAN SHALL BE PROVIDED WITH THE RIGHT OF WAY APPLICATION FOR ALL PARTIAL OR FULL CLOSURES OF A PUBLIC ROAD. ALL ROAD AND LANE CLOSURES SHALL BE DONE IN CONFORMANCE WITH THE CITY'S MAINTENANCE OF TRAFFIC AND PUBLIC NOTIFICATION REQUIREMENTS POLICY. A RIGHT OF WAY PERMIT REQUIRING AN APPROVED MOT PLAN IS NOT CONSIDERED APPROVED UNTIL THE ASSOCIATED MOT PLAN HAS BEEN SUBMITTED, REVIEWED AND APPROVED BY THE CITY. WHERE APPROVED BY THE CITY, A STANDARD OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (OMUTCD) TRAFFIC CONTROL CASE, OR AN OHIO DEPARTMENT OF TRANSPORTATION (ODOT) MAINTENANCE OF TRAFFIC STANDARD DRAWING MAY BE UTILIZED IF APPLICABLE TO THE PROJECT. HOWEVER, ALL ARTERIAL STREETS SHALL PROVIDE A CUSTOM MOT PLAN SPECIFIC TO THE PROJECT IN ACCORDANCE WITH OMUTCD REQUIREMENTS. FOR ALL FULL STREET CLOSURES, A SIGNED DETOUR MUST BE INCLUDED IN THE APPROVED MOT PLAN. WHERE THE TERM "ROAD CLOSURE" OR "CLOSURE" IS USED, IT SHALL REFER TO BOTH FULL ROAD CLOSURES AND PARTIAL ROAD CLOSURES. PARTIAL ROAD CLOSURES INCLUDE LANE CLOSURE AND SHOULDER CLOSURES.

~~For work that requires partial or complete closure of a public street, the applicant shall submit a maintenance of traffic application and associated traffic control/detour plan with the permit application, permits identifying partial or full road closure require up to ten (10) working days to review. Work requiring lane restrictions or a road closures is subject to the additional advance notification requirements of Section 901.04(f). Maintenance of traffic applications and plans shall be reviewed by the Engineering, Public Works, Police, and Fire Departments. Traffic control devices shall be furnished, erected, maintained, and removed by the applicant, or designated representative, in accordance with guidelines published in the Ohio Department of Transportation Temporary Traffic Control Manual. Any specific condition attached to the approved permit by the City shall take precedence over both the manual and plan notes. All traffic control devices used for night work including barrels, cones, barricades etc., must be equipped with high intensity reflective film and amber flashing beacons.~~

([Ord. 12-71. Passed 10-29-12](#))

901.08. - Excavation in new pavement.

Excavating within pavement less than two years old shall not be permitted if alternate utility installation methods are available i.e. directional boring. In the event excavation in pavement is necessary, the applicant may be subject to additional pavement repair requirements including but not limited to full width pavement replacement, heat welding, sealing, and restriping.

([Ord. 12-71. Passed 10-29-12](#))

901.09. - Failure to perform.

Failure of applicant to complete any of the required work specified on an approved permit, or within the allotted time frame or to City specification may result in the City revoking the permit, issuing a stop work order, and contracting out the remaining construction activities and repairs as required. The applicant will be responsible for all administrative, material and labor costs associated with the repair in addition to any fines as identified in Section 901.99.

([Ord. 12-71. Passed 10-29-12](#))

901.10. - Parking meters.

Whenever the permitted activities being performed restrict the use of City Parking Meters, the applicant requesting the permit shall be responsible for contacting the City Police Department and making appropriate arrangements for specified meters to be temporarily bagged or removed as necessary for the work.

([Ord. 12-71. Passed 10-29-12](#))

901.11. - Steel roadway plates.

The City requires that all applicants/contractors placing steel roadway plates on any public street or alley to notify the City Public Works Department upon placement. The contractor shall supply the name and telephone contact information of a designated 24-hour emergency contact person along with the location of each plate and the approximate number of days each plate shall be in place. All plates placed over excavations are to be held in place by the use of a minimum of four pins or by the placement of bituminous asphalt continuously or all four edges and must be marked with an orange construction barrels or safety cones at the adjacent edge of pavement.

([Ord. 12-71. Passed 10-29-12](#))

901.12. - Emergency contact.

Prior to the commencement of any activity within the public right of way, the applicant shall provide the City with the name and phone number of a designated 24-hour emergency contact. The contact shall be authorized and capable of addressing situations that develop involving the applicants work after normal working hours or on weekends.

([Ord. 12-71. Passed 10-29-12](#))

901.13. - Dumpsters/storage containers.

A public way permit is required for all dumpsters, large waste receptacles and storage containers placed within the public right of way. Permits may be issued to a property owner, contractor of the vendor who supplies the units. The vendor shall be responsible for providing a dumpster or container in compliance with current City regulations. When placed on a public street, each unit shall be protected by placement of orange reflectorized barrels or safety cones to alert motorists of the presence of the unit. The name and contact information of the unit owner shall be visible on the side of each unit. This regulation does not apply to waste containers placed on private property for routine waste collection service.

([Ord. 12-71. Passed 10-29-12](#))

901.14. - Special duty **LAW ENFORCEMENT** police officers.

The applicant shall be responsible for requesting, scheduling, and paying for the cost of the services of **A LAW ENFORCEMENT OFFICER (LEO) UNIFORMED Special Duty Police Officers as REQUIRED BY THE MAINTENANCE OF TRAFFIC AND PUBLIC NOTIFICATION POLICY AND AS** determined necessary by the City. Applicants shall be notified prior to permit approval to discuss the requirement of special duty officers. ~~Special duty officers shall be required at all times when working within signalized street intersections.~~ The City will determine the number of officers required. City of Delaware Officers are to be utilized when available and may be requested by contacting the Delaware Police Department. **LEO'S FROM OTHER JURISDICTIONS SHALL BE USED ONLY AFTER THE DELAWARE CITY POLICE DEPARTMENT DETERMINES THAT IT CANNOT PROVIDE THE OFFICER(S) AND APPROVES THE USE OF AN LEO FROM ANOTHER JURISDICTION.**

([Ord. 12-71. Passed 10-29-12.](#))

901.15. - Fees and deposits. **PERMIT AND INSPECTION FEES**

ALL PERMIT APPLICANTS SHALL BE REQUIRED TO PAY REVIEW AND INSPECTION FEES AS ESTABLISHED IN 197.02 OF THE ADMINISTRATIVE CODE.

All permit applicants shall be required to pay certain fees as set forth in this section to cover the administrative costs of issuing permits and performing inspections. The fees are listed on the current Public Way Permit and Inspection Fees Schedule.

(a) ~~Permit Fees: Permit fees shall be charged for the following permit activities and are due at the time an approved permit is picked up.~~

- ~~• Excavation within the public right-of-way.~~
- ~~• Occupancy of a public street, alley or any part of the public right-of-way.~~
- ~~• Dumpsters/storage containers placed on a public street or within the right-of-way.~~
- ~~• Sidewalk/driveway: No fees charged for individual sidewalk or driveway permits.~~
- ~~• Blanket permit designation for work meeting the criteria of Section 901.01(b)(3).~~

(b) ~~Inspection Fees: Applicants are responsible for paying inspection fees for the following activities at the time an approved permit is picked up.~~

- ~~• Excavation within a paved roadway in which more extensive inspection coverage may be deemed necessary depending on the severity of the excavation size, depth and location.~~
- ~~• Excavation outside pavement limits but within the public right-of-way.~~

(c) ~~Additional Inspection Fees: If, in the opinion of the City, additional inspections are necessary in the form of a stand-by construction inspector being assigned to monitor the associated construction activity, the applicant shall be notified prior to approval of the permit application to discuss the inspection requirements. The applicant shall be responsible to pay for the cost of such stand-by inspection services at the current City hourly rate for construction inspection services and shall be invoiced for the total stand-by construction inspection fees once it has been determined that the work has been completed in a satisfactory manner.~~

~~(d) — Pavement Repair Deposit: A pavement repair deposit, separate from other required permit and inspection fees, may be required at the discretion of the City. These funds are utilized to cover any cost incurred by the City to modify a pavement repair that was improperly installed or otherwise constructed.~~

([Ord. 12-71. Passed 10-29-12](#))

Cross reference— Fee Schedule, § 197.02.

901.16. - Right to decline.

The City of Delaware reserves the right to decline additional permit requests by applicants that are in violation of the requirements of any provision of this chapter. No permit shall be issued until the violations are corrected to the satisfaction of the City.

([Ord. 12-71. Passed 10-29-12](#))

901.99. - Penalty.

Whoever violates any provision of this section shall be deemed guilty of a minor misdemeanor and fined one hundred dollars (\$100.00). Any such violation shall be considered a separate offense for each successive day continued, in accordance with this section.

([Ord. 12-71. Passed 10-29-12](#))



FACT SHEET

AGENDA ITEM NO: 11

DATE: 02/10/2020

ORDINANCE NO: 20-06

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
February 24, 2020 @ 7:35 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE REVISING SECTION 909 OF THE CITY OF DELAWARE CODE OF ORDINANCES ESTABLISHING GENERAL RULES AND REGULATIONS FOR THE MAINTENANCE AND REPAIR OF SIDEWALK WITHIN PUBLIC RIGHT OF WAY.

BACKGROUND:

Changes to how the city manages sidewalk permitting and inspection services have occurred over the past several years necessitating updates to current regulations governing sidewalk work. With the completion of the ten-year Safe Walks initiative where over ten-thousand sections of sidewalk were repaired or replaced throughout the community, revisions to how future maintenance activity on public sidewalks are managed are included in the code update. It is important to periodically update regulations that allow for the continued repair of deficient sidewalk sections across the city as they are reported or identified through evaluation.

REASON WHY LEGISLATION IS NEEDED:

To allow for the continued maintenance of deficient public sidewalk throughout the community.

COMMITTEE RECOMMENDATION:

Recommendation for approval by the Public Works Committee by 3-0 vote on 2/4/20 meeting.

FISCAL IMPACT(S):

Continued maintenance of public sidewalks in accordance with available funding established in the current 5-year CIP.

POLICY CHANGES:

Replaces former Safe Walks maintenance initiative with simplified annual approach to sidewalk maintenance.

PRESENTER(S):

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

RECOMMENDATION:

Approval following public hearing

ATTACHMENT(S)

Revise Section 909

ORDINANCE NO. 20-06

AN ORDINANCE REVISING SECTION 909 OF THE CITY OF DELAWARE CODE OF ORDINANCES ESTABLISHING GENERAL RULES AND REGULATIONS FOR THE MAINTENANCE AND REPAIR OF SIDEWALK WITHIN PUBLIC RIGHT OF WAY.

WHEREAS, the City of Delaware has over one-hundred and seventy-one miles of public street, the majority of which includes public sidewalks along both sides; and

WHEREAS, the sidewalks deteriorate over time such that repairs are required to maintain a safe pedestrian access network throughout the community; and

WHEREAS, Section 729.01 of the Ohio Revised Code specifies that property owners with sidewalks and curbing abutting their property are responsible for the maintenance and repair thereof; and

WHEREAS, Chapter 909 of the City of Delaware STREETS, UTILITIES AND PUBLIC SERVICES CODE shall be modified to include updated language pertaining to the responsibilities of the property owner in the maintenance and repair of sidewalk abutting their properties and details of an annual sidewalk maintenance program administered by the City.

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

SECTION 1. That Chapter 909 is hereby replaced to read as follows:
(See Sections 909 attached hereto)

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

VOTE ON RULE SUSPENSION

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR

CHAPTER 909. - SIDEWALKS, CURBS AND GUTTERS⁶¹

Footnotes:

--- (5) ---

Cross reference— Offenses relative to sidewalks - see GEN. OFF. Ch. 521

State Law reference— Sidewalks and gutters - see Ohio R.C. 729.01 et seq.; Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.; Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10

GENERAL PROVISIONS

909.01. - Authority.

Chapter 903 of the Delaware City Code authorizes the City Manager to adopt and update standard construction specifications as required. Chapter 909 of the Delaware City Code and the provisions of section 729.01 of the Ohio Revised Code, require property owners to be responsible for the maintenance, repair, and if necessary, replacement of that portion of sidewalk and curb/gutter abutting their property line against any public street or alley in order that publicly accessible sidewalks be maintained in a safe condition.

(Ord. 10-39. Passed 6-28-10)

909.02. – **CONSTRUCTION, MAINTENANCE & REPAIR RESPONSIBILITY.**

The construction, maintenance and repair of sidewalks, handicap ramps, and curb/gutter is divided into specific responsibility:

- (a) Existing Sidewalk and Curb. Existing sidewalks and curbing within publicly dedicated right-of-way for public streets and alleys are the responsibility of the abutting property owner for all required maintenance, repair and replacement activities, and all associated costs thereof. Maintenance activities shall include, but not be limited to sweeping and the removal of leaves, snow, and ice as may be required to maintain a safe access for pedestrian movement.
- (b) Existing Handicap Ramps. Existing handicap ramps constructed within publicly dedicated right-of-way are the responsibility of the City to repair and replace as required, including the inclined ramp, landing area, and transition section of sidewalk. Such repairs shall be performed by the City. The daily maintenance of the handicap ramps remains the responsibility of the abutting property owner as described in subsection (a) hereof.
- (c) New Development. All new developments within the City are required to include the construction of sidewalks and handicap ramps within the public right-of-way along all public streets, and along private streets and parking areas per City specifications and as further required and defined within Section 1111.10 of the City Code.
 - (1) Single-family residential development. Residential subdivisions must include the construction of all required handicap ramps per plan as part of the initial infrastructure construction, prior to the acceptance of the public improvements by the City. The City will only inspect and approve completed handicap ramps and will not inspect forms for handicap ramps prior to the placement of concrete. The construction of sidewalk fronting residential lots may be deferred until the construction of the associated residence on any particular lot; however, in no circumstance shall the construction of the walk be deferred for a period exceeding thirty months from the date of acceptance of public improvements for that development section.
 - (2) Multi-family residential development. Multi-family developments shall include the design and construction of sidewalks that meet the current Americans with Disabilities Act Accessibility Guidelines (ADAAG) **AND PUBLIC RIGHT OF WAY ACCESS GUIDELINES**

(PROWAG), and conform to City requirements. Sidewalks shown on approved plans may be constructed in phases in association with the construction of specific buildings, and are to be completed, inspected, and approved by the City prior to the occupancy of any adjacent building. **IT IS THE RESPONSIBILITY FOR THE PROPERTY OWNER, PROPERTY MANAGER OR OTHER ENTITY RESPONSIBLE FOR THE CONDITION OF THE PROPERTY TO MAINTAIN SIDEWALKS INCLUDING BUT NOT BE LIMITED TO SWEEPING, REMOVAL OF LEAVES, SNOW AND ICE, AND ALL REPAIRS AS MAY BE REQUIRED TO MAINTAIN A SAFE ACCESS FOR PEDESTRIAN MOVEMENT.**

- (3) Commercial developments. Commercial developments shall include the design and construction of sidewalks that meet the current Americans with Disabilities Act Accessibility Guidelines (ADAAG) **AND PUBLIC RIGHT OF WAY ACCESS GUIDELINES (PROWAG)** and conform to City requirements. Sidewalks shown on approved plans are to be constructed, inspected, and approved by the City prior to the occupancy of any new facility associated with the development. **IT IS THE RESPONSIBILITY FOR THE PROPERTY OWNER, PROPERTY MANAGER OR OTHER ENTITY RESPONSIBLE FOR THE CONDITION OF THE PROPERTY TO MAINTAIN SIDEWALKS INCLUDING BUT NOT BE LIMITED TO SWEEPING, REMOVAL OF LEAVES, SNOW AND ICE, AND ALL REPAIRS AS MAY BE REQUIRED TO MAINTAIN A SAFE ACCESS FOR PEDESTRIAN MOVEMENT.**
- (d) Street Tree Damage. Sidewalk within existing public right-of-way or public access easements that has been damaged by the root system of a City street tree existing within the street tree planting area between the sidewalks and pavement edge shall be the responsibility of the City for necessary repair and replacement. In the event that the repair requires significant tree roots to be cut away so that in the opinion of the City Arborist, the tree will not survive and must be removed, the City shall have the tree removed, and replace the tree with a new tree of appropriate species as recommended by the City ~~Street Tree Commission~~.
- (e) Enhanced Walkway **SURFACES** Areas. Property owners whose individual properties abut an ~~enhanced walkway~~ **SIDEWALK** that **INCLUDES ENHANCED AREAS CONSTRUCTED AT THE REQUEST OF THE CITY**, ~~has been constructed by the City as part of an area enhancement project~~, are not responsible for the repair and replacement of the enhanced portion of the walkway. Enhanced **AREAS** ~~walkways~~ include exposed brick and paver sidewalks, and ornamental tree gratings and castings.
- (f) Asphalt Walkways and Bikeways. Property owners, whose individual properties abut an asphalt pedestrian path or bikeway that has been constructed as part of the designated City bikeway and pedestrian pathway network, are not responsible for repair and replacement of the asphalt bikeways.
- (g) Utility Boxes and Appurtenances. Owners of utility access structures including meter pits, utility valve boxes, basement access doors, communication pull boxes, etc. that protrude more than ~~½-inch~~ **¼-INCH** above the adjacent sidewalk surface are responsible for adjusting such appurtenance to be flush with the sidewalk section and if necessary, replacement of the sidewalk section.

(Ord. 10-39. Passed 6-28-10)

CONSTRUCTION AND MAINTENANCE SPECIFICATIONS

909.03. - Design and construction specifications.

All public and private sidewalk, curbing, and handicap ramps shall be designed and constructed in conformance with the current City Design and Construction Specifications as authorized under Section 903.01 of the City Code and be in conformance with current Federal ADAAG requirements **AND PROWAG GUIDELINES.**

(Ord. 10-39. Passed 6-28-10)

909.04. - Maintenance and Repair Criteria.

The City shall apply the following criteria singly, or in combination, in the determination of whether sidewalk shall be repaired or replaced **TO RESTORE A SAFE WALKING SURFACE.**

- (a) Adjoining sections or parts thereof whose edges differ vertically by more than ~~¼-INCH one-half inch.~~
- (b) ~~Adjoining~~ **SECTIONS WITH OPEN JOINTS OR GAPS GREATER THAN ½-INCH** ~~five-eighths of an inch in width.~~
- (c) Sections **WITH LOOSE OR MISSING PIECES.** ~~that are cracked so that pieces are missing or loose.~~
- (d) ~~Sections sloping away from the street unless so constructed by design.~~
- (e) Sections with cross-slopes exceeding **2.08%** ~~three-fourths inches vertical per one foot horizontal.~~
- (f) ~~Sections that cause an abrupt change in the longitudinal grade of the sidewalk.~~
- (g) Sections with deteriorating surfaces presenting loose aggregate.
- (h) ~~Sections containing structures such as cellar doors, grates, water boxes, meter pits, which protrude above the sidewalk more than one-half inch so that they present a tripping hazard.~~
- (i) ~~Sidewalk constructed without approval of the City.~~

(Ord. 10-39. Passed 6-28-10)

INSPECTION AND REPAIR

909.05. – **INSPECTIONS** ~~General purpose.~~

The City shall conduct ~~annual~~ evaluations of the condition of existing sidewalks within public right of way for the purpose of determining the presence of ~~specific sidewalk deficiencies requiring repair~~ per the criteria established in Section 909.04 of these regulations. ~~The community shall be sub-divided into sidewalk evaluation zones which are inspected over a ten-year cycle; however any property in the City may be inspected for sidewalk deficiencies at any given time.~~ A deficiency report shall be generated in association with the sidewalk inspections that identifies deficient sections of sidewalk on specific properties, and **AN ESTIMATED COST** ~~the costs associated with making repairs.~~ ~~City Council shall consider passage of a resolution of necessity requiring property owners identified in the report to complete the required repairs within a specified time frame.~~ Notification shall be sent to the associated property owner requiring the repairs be completed.

(Ord. 10-39. Passed 6-28-10)

909.06. – PROPERTY OWNER NOTIFICATION TO COMPLETE REPAIRS

THE PROPERTY OWNER SHALL BE NOTIFIED IN WRITING OF AN IDENTIFIED SIDEWALK DEFICIENCY WITHIN A SECTION OF SIDEWALK ABUTTING THEIR RESPECTIVE PROPERTY AND BE PROVIDED A TIMEFRAME BY WHICH THE DEFICIENCY SHALL BE CORRECTED IN ACCORDANCE WITH ACCEPTABLE REPAIR STANDARDS.

909.07. - REPAIRS BY PROPERTY OWNER.

PROPERTY OWNERS, OR THEIR CONTRACTOR, ARE RESPONSIBLE TO SUBMIT A COMPLETED PUBLIC RIGHT OF WAY PERMIT FOR ALL REPAIR ACTIVITY, TO SCHEDULE

REQUIRED PRELIMINARY AND FINAL CONSTRUCTION INSPECTIONS, AND TO COMPLETE ALL SIDEWALK REPAIRS IN ACCORDANCE WITH CURRENT CITY CONSTRUCTION SPECIFICATIONS.

Property owners electing to complete the required repair of sidewalks identified in the notice from the City are responsible for following all current City right-of-way and construction policy, criteria, and specifications as follows:

- ~~(a) Time Frame. A property owner must have the required repairs completed by the date established in the Resolution of Necessity.~~
- ~~(b) Permits. The property owner, or their contractor, is responsible for completing and submitting the required public way permits to work within the right-of-way. Permit and inspection fees are waived for property owners making repairs to existing sidewalk under the City safe walks program or on their own.~~
- ~~(c) Inspections. The property owner, or their contractor, is responsible for scheduling the required construction inspections for the necessary sidewalk repair work, including the initial sidewalk forms inspection and final finished inspection.~~

(Ord. 10-39. Passed 6-28-10)

909.08. - FAILURE TO COMPLETE REPAIRS/RESOLUTION OF NECESSITY

IN THE EVENT THAT A PROPERTY OWNER FAILS TO COMPLETE THE REQUIRED REPAIRS AS SPECIFIED IN THE INITIAL NOTIFICATION TO COMPLETE REPAIRS, THE CITY WILL CONSIDER PASSAGE OF A RESOLUTION OF NECESSITY REQUIRING THE WORK TO BE COMPLETED BY THE PROPERTY OWNER, AND IF NECESSARY, CAUSING THE WORK TO BE COMPLETED SHOULD THE PROPERTY OWNER FAIL TO COMPLETE THE WORK. PROPERTY OWNERS SHALL BE NOTIFIED BY CERTIFIED LETTER OF THE REQUIREMENTS OF THE RESOLUTION OF NECESSITY INCLUDING ESTIMATED COST OF REPAIRS, TIMEFRAME TO COMPLETE THE WORK AND THE RIGHT TO APPEAL THE REQUIREMENTS. SHOULD THE CITY MAKE REPAIRS, THE ENTIRE COST OF THE REPAIRS SHALL BE INVOICED TO THE PROPERTY OWNER, AND UPON FAILURE TO MAKE PAYMENT, ASSESS THE COSTS AGAINST THE PROPERTY OVER A FIVE (5) YEAR PERIOD AND INCLUDE INTEREST AT THE RATE OF 7%.

~~In the event that a property owner fails to complete the required repair of deficient sections of sidewalk which abut his or her property in accordance with the time-frame prescribed by the Resolution of Necessity passed by City Council, the City shall cause the work to be completed. The entire cost of the repairs shall be invoiced to the property owner and upon failure to make payment, assessed against the property based on the actual unit costs associated with the various improvements over five (5) years at the rate of 7%.~~

(Ord. 10-39. Passed 6-28-10)

909.09. - APPEAL PROCESS.

The property owner may appeal the City's notice requiring the identified repairs to be made to sidewalk abutting their property by submitting a written request for further evaluation to the City.

- (a) Re-evaluation by Engineer. Upon receipt of a written appeal, a meeting will be established between the property owner and City representatives at the identified property to review the findings of the initial inspection, explain the evaluation criteria with the property owner, and answer any questions regarding the required work.
- (b) Review by Public Works Committee. If the property owner is not satisfied with the information presented during the meeting with the City representative, the property owner can request to be placed on the agenda of the next scheduled Public Works Committee meeting for additional consideration. The decision by the Public Works Committee shall be final.

(Ord. 10-39. Passed 6-28-10)

909.10. - SIDEWALK MAINTENANCE PROGRAM.

City Council may elect to instruct the **PUBLIC WORKS DIRECTOR** ~~Director of Engineering Services~~ to initiate and administer ~~an annual~~ **CITY WIDE** sidewalk maintenance and repair program, and to permit all property owners with identified sidewalk deficiencies requiring such repair, to electively be included and subsequently invoiced for the costs associated with completing repairs on their respective properties.

(Ord. 10-39. Passed 6-28-10)



FACT SHEET

AGENDA ITEM NO: 12

DATE: 02/10/2020

ORDINANCE NO: 20-07

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN REQUEST FOR THE DELAWARE GENERAL HEALTH DISTRICT FOR A NEW OFFICE BUILDING AT 470 SOUTH SANDUSKY STREET ON APPROXIMATELY 9.4 ACRES ON PROPERTY ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT).

BACKGROUND:

See attached report

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 7-0 on February 5, 2020.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval as submitted with the documented conditions.

ATTACHMENT(S)

See attached

ORDINANCE NO. 20-07

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN REQUEST FOR THE DELAWARE GENERAL HEALTH DISTRICT FOR A NEW OFFICE BUILDING AT 470 SOUTH SANDUSKY STREET ON APPROXIMATELY 9.4 ACRES ON PROPERTY ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT).

WHEREAS, the Planning Commission at its meeting of February 5, 2020 recommended approval of a Preliminary Development Plan request by the Delaware General Health District for a New Office Building at 470 South Sandusky Street on approximately 9.4 acres on property zoned PO/I (Planned Office/Institutional District) (PC Case 2020-0035).

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

SECTION 1. That the Preliminary Development Plan request by the Delaware General Health District for a New Office Building at 470 South Sandusky Street on approximately 9.4 acres on property zoned PO/I (Planned Office/Institutional District), is hereby confirmed, approved, and accepted with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The new office building shall utilize the existing northernmost curb cut from South Sandusky Street to access the development while the southernmost curb cut would be eliminated.
3. An emergency only curb cut with a gravel driveway (approved by the Fire Department) shall extend from Magnolia Drive on the western portion of the site into the development. Bollards shall (as approved by the Fire Department) shall separate the emergency access drive from Magnolia Drive.
4. The dumpster and associated enclosure shall be enclosed by brick or stone that matches the building with wood doors painted or stained to match.
5. A tree survey shall be submitted that achieves compliance with Chapter 1168 shall be submitted during the Final Development Plan process.

6. Shade trees shall be planted along South Sandusky Street per the zoning code.
7. Interior parking lot landscaping and foundation landscaping shall be planted per the zoning code.
8. Perimeter buffering adjacent to the single-family houses to the north, south and west shall be installed per the zoning code or shall obtain a variance for such.
9. Street trees along South Sandusky Street shall be planted and/or replaced per the zoning code.
10. Any landscape plans shall be reviewed and approved by the Shade Tree Commission.
11. The lighting plan shall achieve compliance with the zoning code and approved by the City.
12. Any signage shall be documented on the Final Development Plan and achieve compliance with the adopted Gateways and Corridor Plan.
13. The entire development would have to achieve compliance with the minimum engineering, public works and fire department requirements.
14. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
15. The applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval.
16. The existing house shall achieve compliance with the Ohio Building Code to be utilized for storage.

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

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

CASE NUMBER: 2020-0035

REQUEST: Preliminary Development Plan

PROJECT: Delaware General Health District

MEETING DATE: February 5, 2020

APPLICANT/OWNER

Delaware County General Health District
30 North Franklin Street
Delaware, Ohio 43015

REQUEST

2020-0035: A request by the Delaware General Health District for approval of a Preliminary Development Plan for a New Office Building at 470 South Sandusky Street on approximately 9.4 acres on property zoned PO/I (Planned Office/Institutional District).

PROPERTY LOCATION & DESCRIPTION

The subject 9.4-acre site is located on the west side of South Sandusky Street between English Terrace and Birch Bend at 470 South Sandusky Street. The subject site is zoned PO/I (Planned Office Institutional District) while the properties to the north and west are zoned R-3 (One-Family Residential District), the properties to the south are zoned R-3 and PO/I and the properties to the east are zoned B-3 (Community Business District).

BACKGROUND/PROPOSAL

In 2019, the Delaware General Health District purchased the property from Yogi Divine. This site was the former Leroy Jenkins property. The City razed the main Yogi Divine building in 2014 utilizing Moving Ohio Forward Grant money from the Ohio Attorney General's Office but the existing house on the western portion of the site was not razed.

The General Health District is moving from their current offices in downtown Delaware and are constructing a 30,000 square foot office building with the potential to expand by 10,000 square feet to accommodate their main offices at this location. The development would utilize the northern most existing curb cut on South Sandusky Street that would extend into a 214-space parking located east and west of the proposed building which is located in the center of the linear site. An emergency only access curb cut is located on Magnolia Drive at the western portion of the site. The existing house located on the western portion of the site would remain and be utilized for storage. A detention basin is located just south of the proposed building.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map recommends a future land use of Institutional for the subject site in the Stratford Sub-Area which is consistent with proposed institutional use.
- **ZONING:** As previously mentioned, the zoning for the subject site is PO/I which permits an office use in this zoning district. The subject office use would require Preliminary and Final Development Plan approval by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS:** The new office building would utilize the existing northernmost curb cut from South Sandusky Street to access the development while the southernmost curb cut would be eliminated. An emergency only curb cut with a gravel driveway (approved by the Fire Department) would extend from Magnolia Drive on the western portion of the site into the development. Bollards (as approved by the Fire Department) would separate the emergency access drive from Magnolia Drive. Between the two aforementioned curb cuts is a 214-space parking lot that would provide access to three sides of office building. No traffic improvements would be required per the City Engineer. Ultimately, the entire development would have to achieve compliance with the minimum engineering, public works and fire department requirements.

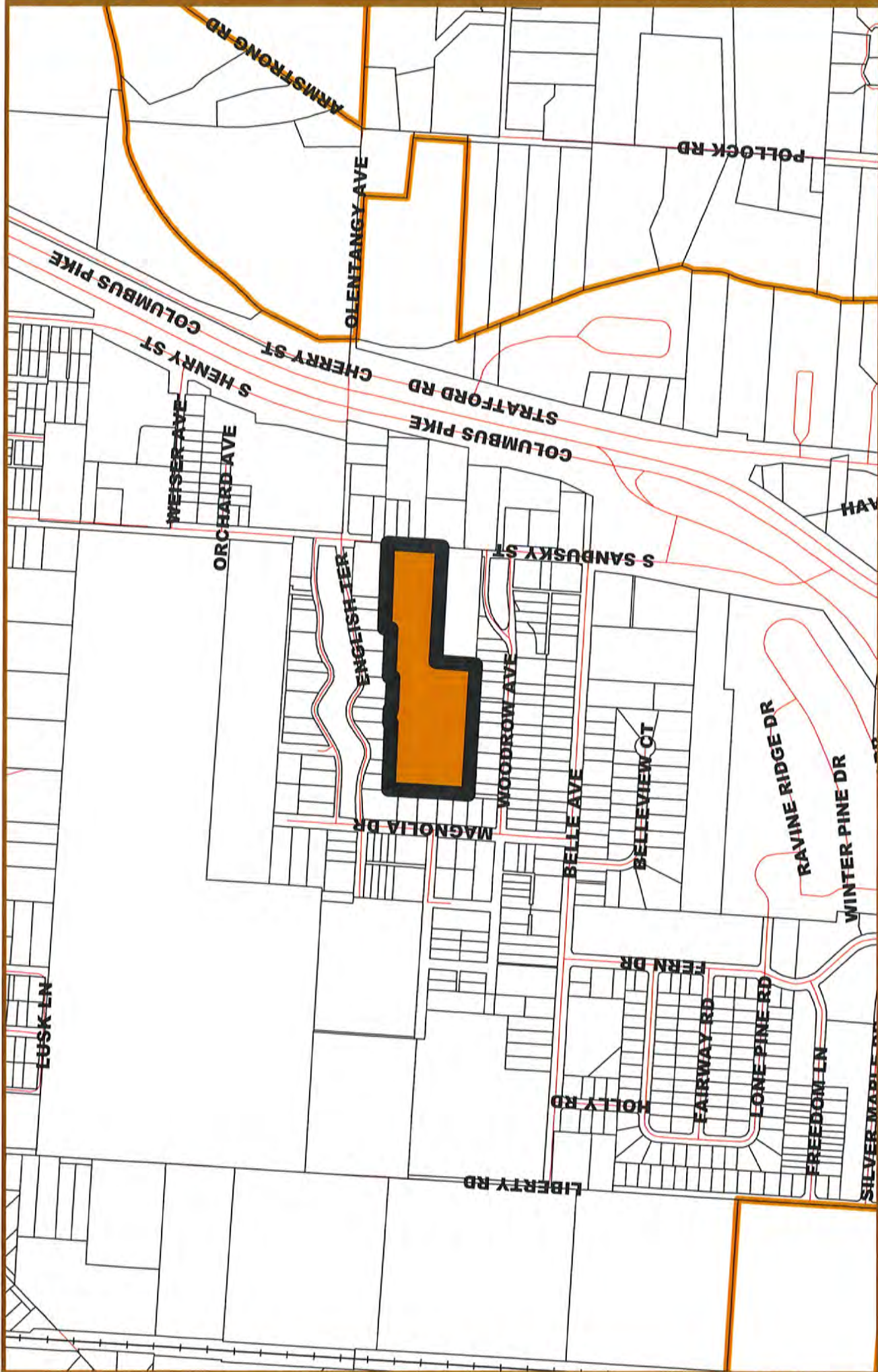
- **PEDESTRIAN CONNECTIVITY:** There is not any proposed bike path in this area per the adopted Bicycle and Pedestrian Master Plan 2017. However, there is an existing sidewalk along the frontage of the subject site along South Sandusky Street that would have to be maintained.
- **SITE CONFIGURATION:** The proposed one story 30,000 square foot office building is located in the center of the linear 9.4 acres site with the main access to the site from South Sandusky Street and an emergency access only curb cut on Magnolia Drive. The main entrance into the building is on the east elevation while there are secondary entrances on the north and west elevations. The plans identify a future 10,000 square foot expansion on the southwestern portion of the proposed building. The site would have 214 parking spaces (while only 150 parking spaces are required for an office use) with public spaces located east of the building and employee and fleet vehicle spaces to the west of the building. The existing house just west of the proposed building would remain and be utilized as storage. The existing house would have to achieve compliance with the Ohio Building Code to be utilized for storage. Currently the house is approved for a residential use only from a building code perspective. A dumpster and associated enclosure are located just west of the building. The dumpster and associated enclosure shall be enclosed by a brick or stone wall that matches the building with wood doors painted or stained to match. A detention basin is located just south of the building. Along the northern property and western property lines are a hodgepodge of chain link and privacy fences that has been constructed by each owner over time.
- **LANDSCAPING & SCREENING:** The applicant would be required to provide a comprehensive landscape plan that would include street trees, front yard trees, interior parking lot landscaping, foundation landscaping and perimeter buffering. There are existing street trees along South Sandusky Street that would need to be maintained or replaced while shade trees would also be required to be planted in this area. Per the zoning code, perimeter buffering would be required where the site abuts single family residential houses to the north, west and south. The buffering shall be a dense landscaping of trees and/or shrubs that forms a solid, continuous visual screen within 3 years of installation or a non-living opaque structure such as a wall or solid fence that is compatible with the principal structure. The exact type and location of all landscaping requirements shall be determined during the Final Development Plan approval process. All landscaping plans shall be reviewed and approved by the Shade Tree Commission.
- **TREE REMOVAL & REPLACEMENT:** There appears to be some qualified trees (6 inches in caliper or larger) scattered throughout the site that may be removed during construction. The applicant shall provide a tree survey for the entire site that documents the type, number and caliper inches of trees that would be removed and preserved. The Final Development Plan would need to identify which trees are being preserved and eliminated and any removal and replacement would need to achieve compliance with Chapter 1168 Tree Preservation Requirements.
- **GATEWAYS & CORRIDORS PLAN:** Any proposed signage would need to be documented during the Final Development Plan approval process. Also, any monument signage shall achieve compliance with the minimum zoning requirements and the adopted Gateways & Corridors Plan.
- **LIGHTING:** The applicant provided a lighting plan that identifies 11 light poles throughout the parking lot that would be 20 feet high with cut off style light fixtures. All the light poles would be required to be black. Also, they are also identifying lighting on the building. All lighting plans would need to be submitted, reviewed and approved by the City that achieves compliance with the minimum zoning requirements.
- **BUILDING DESIGN:** The owner is proposing a one-story 30,000 square foot modern style building with a shed roof that extends into a gable style appearance. The main entrance would be on the east elevation fronting South Sandusky Street. The main entrance would have aluminum storefront double doors and window system with an expanse of windows above the main entrance. The east (front) and north elevation would have a Delaware blue vein wainscoting while the walls of the entire building would be comprised of tan vertical metal panels. The shed roof would be pitched from north to south to create an aesthetic entrance design feature. The front elevation would have several bays off windows to provide light for the office uses. The north elevation would have a secondary entrance with a canopy for vehicles near the rear of the building with several bays of window along the eastern portion of the elevation. The south elevation would have a secondary entrance with a large expanse of glass bookended by a bay of windows to provide an abundance of natural light on this elevation. The western elevation would service as the of rear of the building from a function perspective and have an overhead door, man doors and windows. The pitched roof would be

comprised of metal with several skylights to provide natural light to the entire building. The mechanical equipment on the roof appears to be screened from public view by louvers. The unique modern architecture design appears to provide an abundance of natural light to the office use and appears to achieve compliance the City design guidelines for this intuitional use. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color. Also, the applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval. Overall, staff is very supportive of this use on this site which would continue the South Sandusky Street rejuvenation and provide an anchor institution to the area.

STAFF RECOMMENDATION (2020-0035– PRELIMINARY DEVELOPMENT PLAN)

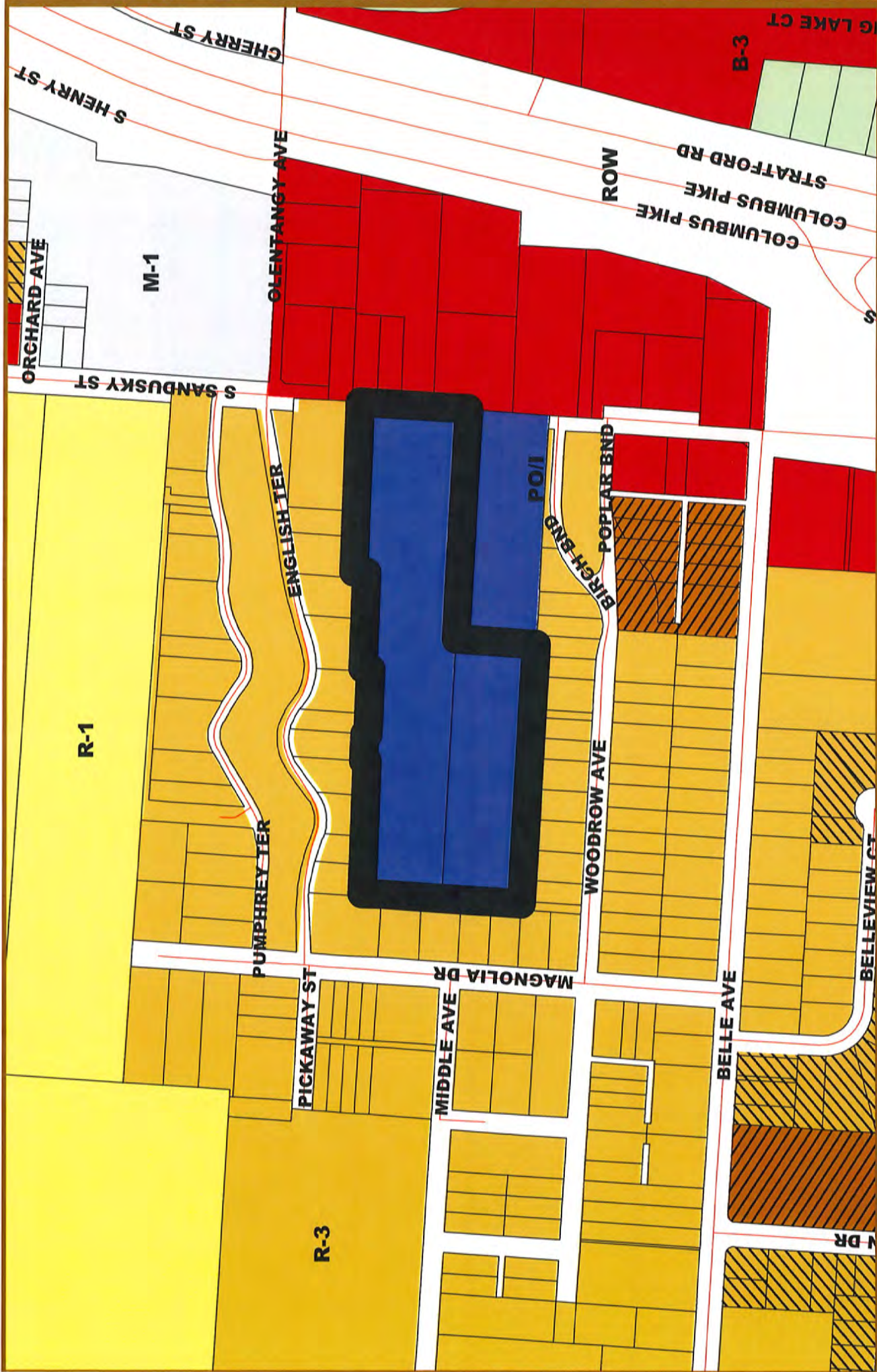
Staff recommends approval of a request by the Delaware General Health District for a Preliminary Development Plan for a New Office Building at 470 South Sandusky Street on approximately 9.4 acres on property zoned PO/I (Planned Office/Institutional District).

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The new office building shall utilize the existing northernmost curb cut from South Sandusky Street to access the development while the southernmost curb cut would be eliminated.
3. An emergency only curb cut with a gravel driveway (approved by the Fire Department) shall extend from Magnolia Drive on the western portion of the site into the development. Bollards shall (as approved by the Fire Department) shall separate the emergency access drive from Magnolia Drive.
4. The dumpster and associated enclosure shall be enclosed by brick or stone that matches the building with wood doors painted or stained to match.
5. A tree survey shall be submitted that achieves compliance with Chapter 1168 shall be submitted during the Final Development Plan process.
6. Shade trees shall be planted along South Sandusky Street per the zoning code.
7. Interior parking lot landscaping and foundation landscaping shall be planted per the zoning code.
8. Perimeter buffering adjacent to the single-family houses to the north, south and west shall be installed per the zoning code or shall obtain a variance for such.
9. Street trees along South Sandusky Street shall be planted and/or replaced per the zoning code.
10. Any landscape plans shall be reviewed and approved by the Shade Tree Commission.
11. The lighting plan shall achieve compliance with the zoning code and approved by the City.
12. Any signage shall be documented on the Final Development Plan and achieve compliance with the adopted Gateways and Corridor Plan.
13. The entire development would have to achieve compliance with the minimum engineering, public works and fire department requirements.
14. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
15. The applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval.
16. The existing house shall to achieve compliance with the Ohio Building Code to be utilized for storage.



2020-0035
Preliminary Development Plan
Delaware General Health District - 470 South Sandusky Street
Location Map





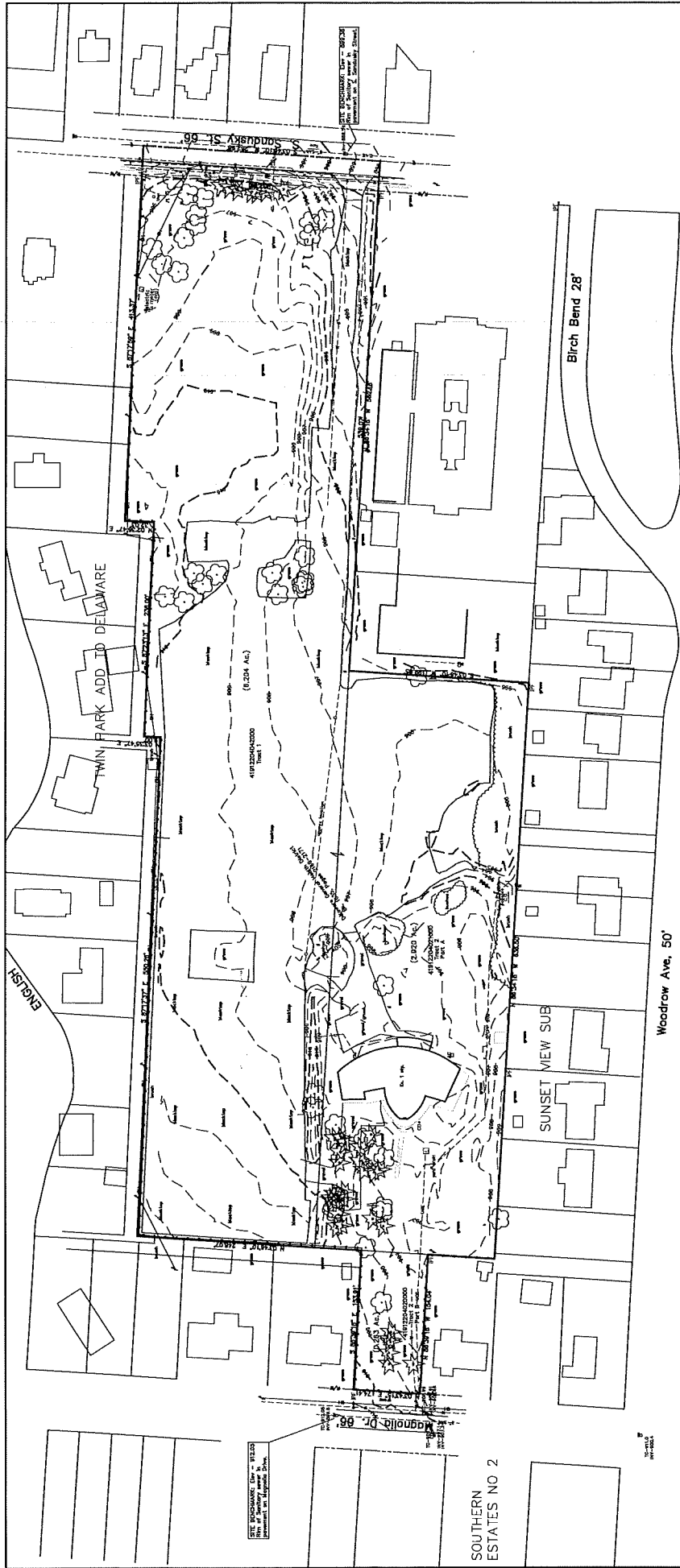
2020-0035
 Preliminary Development Plan
 Delaware General Health District - 470 South Sandusky Street
 Zoning Map





2020-0035
Preliminary Development Plan
Delaware General Health District - 470 South Sandusky Street
Aerial (2016) Map

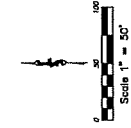




LEGEND

- PRO Iron Pipe
- PH + Iron Pipe (cast)
- W Water Main
- SE Sewer
- EM Electric
- ST Storm Sewer
- GC Gas
- CC Curb
- OB Obsolete
- ME Manhole
- PA Pavement
- LA Light Pole
- TR Tree
- MB Manhole
- DB Deck
- PT Pipe
- SL Slump
- WV Water Valve
- FD Fire Hydrant
- AP Access Point
- PC Pavement
- CC Concrete

Surveyed by: [Name]
 Date: [Date]
 Vertical Datum: MAND. 88.

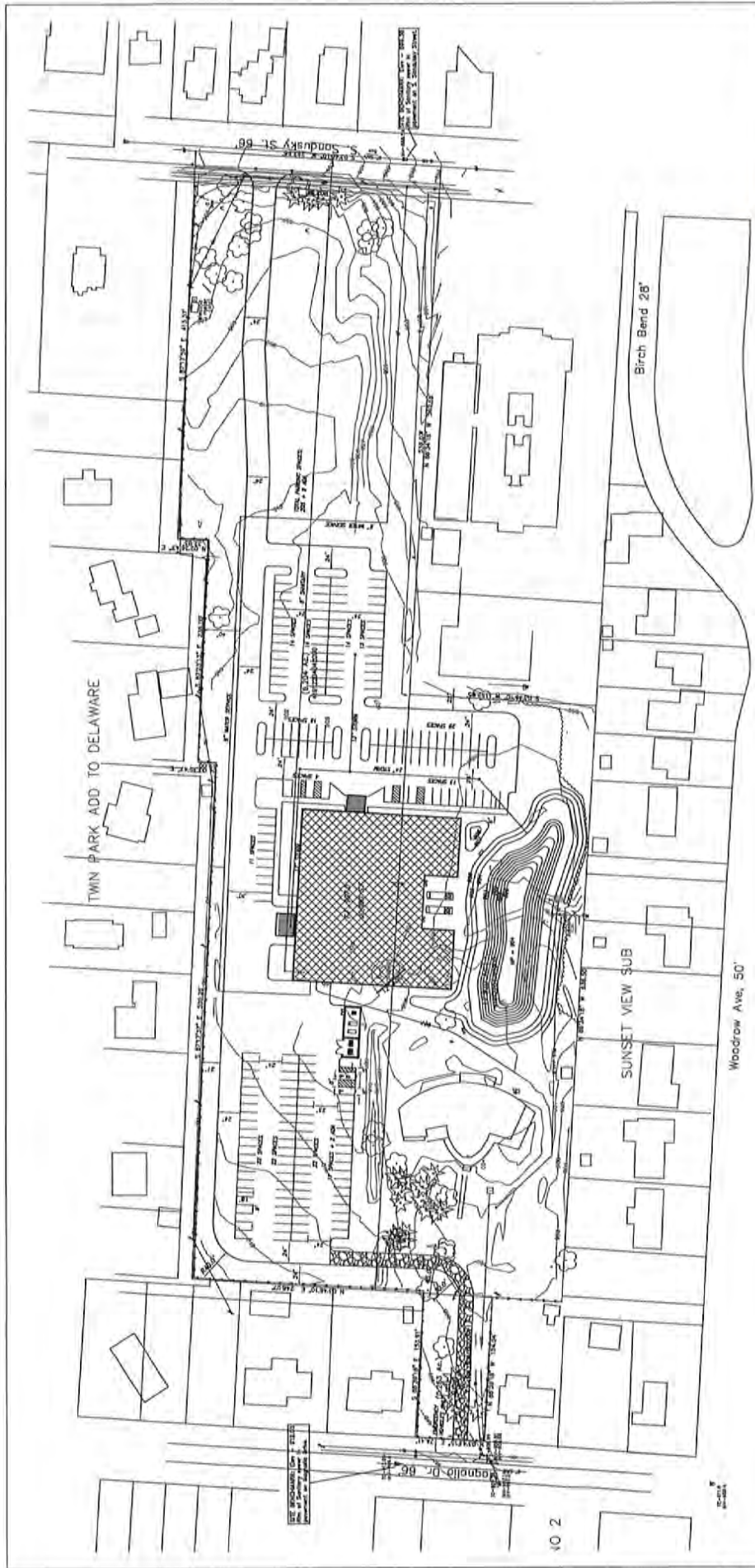


The information on this plan was prepared by the engineer and is based on the information provided to him by the owner. The engineer is not responsible for the accuracy of the information provided to him by the owner. The engineer is not responsible for the accuracy of the information provided to him by the owner. The engineer is not responsible for the accuracy of the information provided to him by the owner.

PARADEL & ASSOCIATES, INC.
 10000 WOODROW AVENUE
 SUITE 100
 DELAWARE, OHIO 43015
 (614) 233-1100

Being a 9.39 acre tract located in Lot 17, Sec. 1, T4, R19 City of Delaware, Delaware County, Ohio

DATE: 8/1/18
 DRAWING NO.: 13291
 SHEET: 1 OF 1



New Headquarters Building
 101 East Main Street
 Dover, DE 19901
 Delaware General Health District
 Health Building
 101 East Main Street
 Dover, DE 19901

Dwg. Descr.: 22, Title Descr.: MW 1927D

SITE LAYOUT PLAN C200

PRELIMINARY DEVELOPMENT PLAN JANUARY 2022



WOODROW AVE. 50'

SUNSET VIEW SUB

BIRCH BEND 28'

TWIN PARK ADD TO DELAWARE

SANDUSKY ST. 66'

10 2



1 PLAN FIRST FLOOR CONCEPT PLAN
302' x 152'



#	DATE	CHANGE DESCRIPTION

DELAWARE GENERAL HEALTH
 415 JACOBY ST
 DELAWARE OHIO 43015

300 SPRUCE STREET
 SUITE 300
 COLUMBUS, OHIO 43215
 PHONE: 614-451-4854
 J. MOODY-NOLLAN FAX: 614-254-8881

CONCEPT PLAN

10/02/19
 Designer: Mike [unreadable]
 Proj #
A1
 PROCESSING
 DRAWING
 NOT FOR
 CONSTRUCTION
 SCHEDULE DESIGN



1 NORTH ELEVATION
3/32" = 1' = 0"



2 SOUTH ELEVATION
3/32" = 1' = 0"



3 EAST ELEVATION
3/32" = 1' = 0"



4 WEST ELEVATION
3/32" = 1' = 0"

#	DATE	CHANGE DESCRIPTION

DELAWARE GENERAL HEALTH DISTRICT
COLUMBIAN ONE EAST

300 SPRUCE STREET
SUITE 300
COLUMBUS, OHIO 43215
PHONE: (614) 481-4884
MCCOY-NOLAN FAX: (614) 282-8881

EXTERIOR ELEVATIONS

PROJECT NO: 1002019
DRAWN BY: [Name] CHECKED BY: [Name]
PAGE #

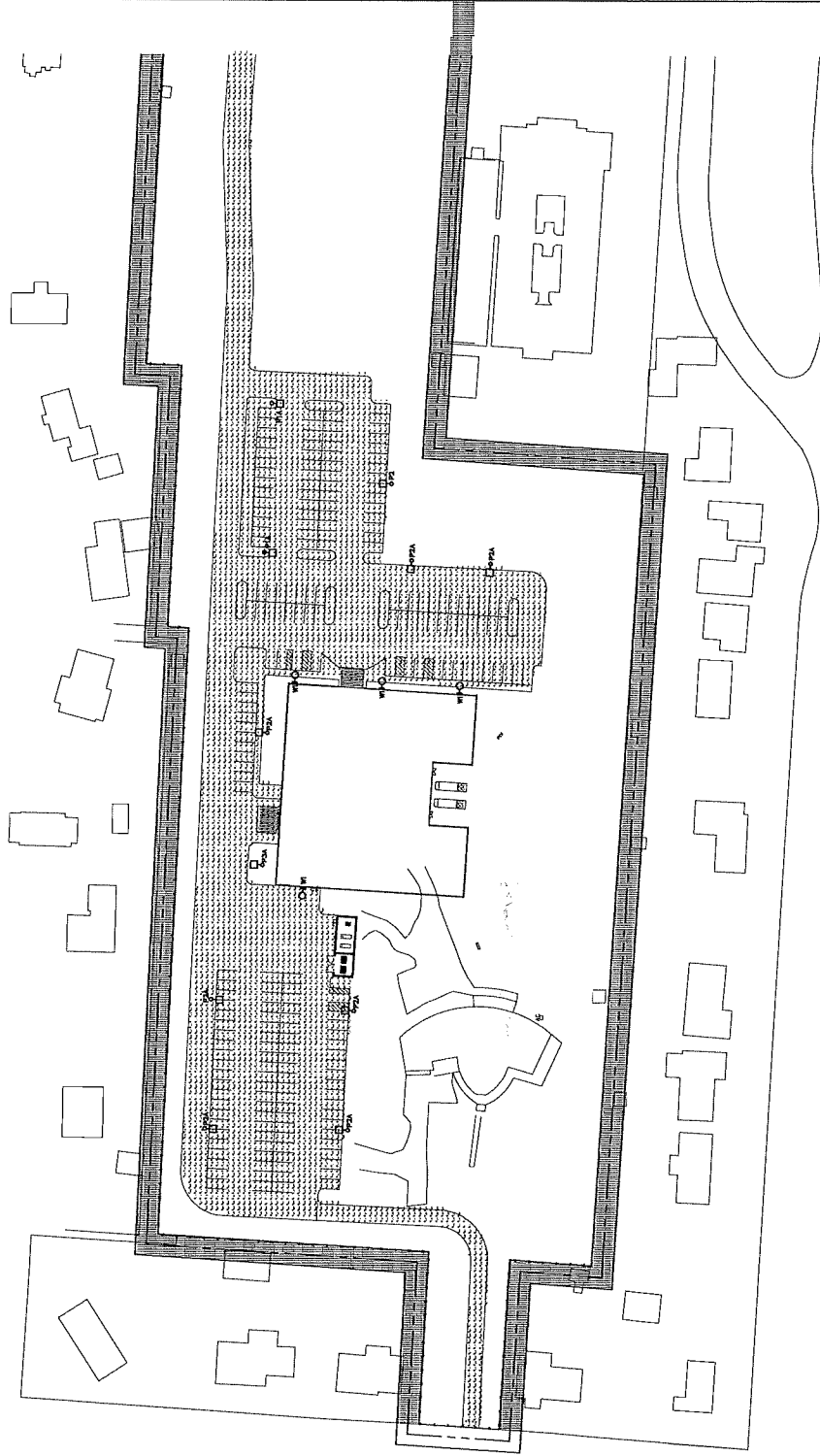
PROGRESS NOT FOR CONSTRUCTION

A2

SCHEMATIC DESIGN

CALCULATION SUMMARY

DESCRIPTION	UNITS	AVERAGE	MAXIMUM	MINIMUM	MINIMUM/AVG	MAXIMUM/AVG
BTC	FC	0.52	4.50	0.50	N/A	N/A
PROPERTY BOUNDARY TO 1/2"=1'-0" RECORD	FC	0.52	0.54	0.50	N/A	N/A



SITE ELECTRICAL PLAN
SCALE: 1" = 30'-0"

10/2019
DRAWN BY: [blank] CHECKED BY: [blank]
Proj. #
E001
SCHEMATIC DESIGN

PROGRESS DRAWING NOT FOR CONSTRUCTION

300 SPRUCE STREET
COLUMBUS, OHIO 43215
PHONE: (614) 461-4664
FAX: (614) 280-3881

DEL AWARE GENERAL HEALTH
DISTRICT
475 SANDHURST ST.
COLUMBUS, OHIO 43215

DATE: [blank]
CHANGE DESCRIPTION: [blank]

PRATER
Engineering Associates, Inc.
8130 Wilson Road
Columbus, OH 43235
Phone: (614) 798-4888
Fax: (614) 798-2222

FIXTURE SCHEDULE

PANEL	FIXTURE NUMBER	DESCRIPTION	MANUFACTURER	DETAILS NUMBER	LAMPS	REMARKS
01	W	WALL MOUNTED RECESSED	UTRONA	0009 F1 LED 200 T8H 400 700 400 700 400 700 400 700	200W LED T8H 400 700 400 700	12'-0" WALL MOUNTING
02	P1A	POLE MOUNTED LED RECESSED TYPE 1 DISTRIBUTION	UTRONA	0011 LED F1 400 700 400 700	120W LED T8H 400 700 400 700	12'-0" WALL MOUNTING, POLE MOUNTED RECESSED TYPE 1 DISTRIBUTION
03	P1	POLE MOUNTED LED RECESSED TYPE 2 DISTRIBUTION	UTRONA	0012 LED F1 400 700 400 700	120W LED T8H 400 700 400 700	12'-0" WALL MOUNTING, POLE MOUNTED RECESSED TYPE 2 DISTRIBUTION
04	P1A	POLE MOUNTED LED RECESSED TYPE 3 DISTRIBUTION	UTRONA	0013 LED F1 400 700 400 700	120W LED T8H 400 700 400 700	12'-0" WALL MOUNTING, POLE MOUNTED RECESSED TYPE 3 DISTRIBUTION
05	P1A	POLE MOUNTED LED RECESSED TYPE 4 DISTRIBUTION	UTRONA	0014 LED F1 400 700 400 700	120W LED T8H 400 700 400 700	12'-0" WALL MOUNTING, POLE MOUNTED RECESSED TYPE 4 DISTRIBUTION

D-Series Size 1 LED Area Luminaire

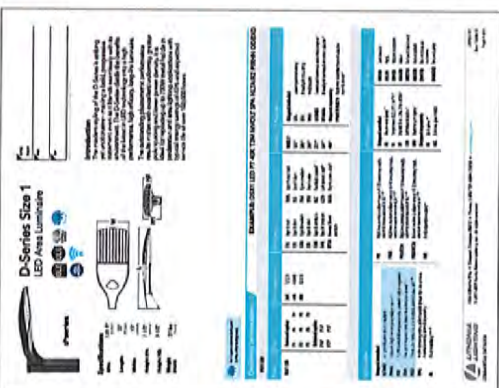
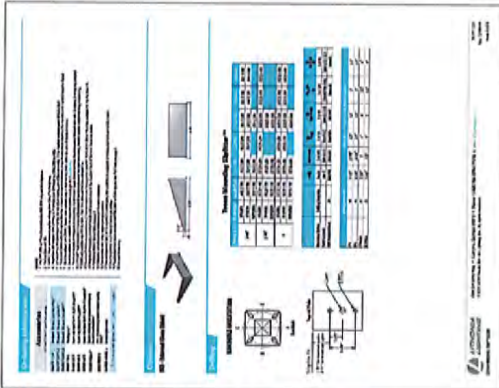
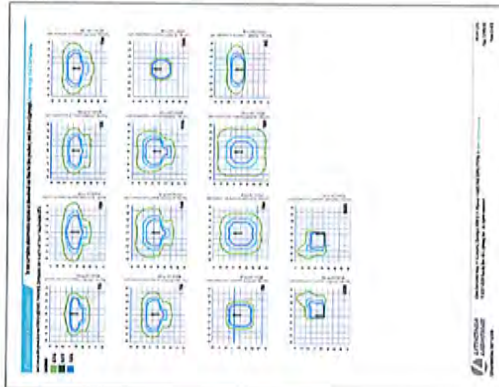
Product Details: This luminaire is designed for use in a variety of applications, including parking garages, industrial facilities, and outdoor lighting. It features a high-efficiency LED light source and a durable, weather-resistant housing.

Model	Power (W)	Height (ft)	Beam Spread (ft)	Footcandle (fc)
D100	100	10	10	100
D200	200	10	10	200
D300	300	10	10	300
D400	400	10	10	400
D500	500	10	10	500

D-Series Size 1 LED Area Luminaire

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D200	200	10	10	200
D300	300	10	10	300
D400	400	10	10	400
D500	500	10	10	500



NO.	DATE	CHANGE DESCRIPTION

DELAWARE GENERAL HEALTH DISTRICT
201 JEFFERSON ST
WILMINGTON, DE 19801
BY: JAMES DRISCOLL

300 SPRUCE STREET
SUITE 300
COLUMBUS, OHIO 43215
PHONE: (614) 451-4884
FAX: (614) 293-8881

DRAWING TITLE: **SITE ELECTRICAL PLAN**

DATE: 10/20/19

DESIGNED BY: AMR

CHECKED BY: CHD

PROJECT: E002

PHASE: SCHEMATIC DESIGN

PROGRESS: DRAWING NOT FOR CONSTRUCTION

FOR OFFICE USE ONLY

PRAETER
Engineering Associates, Inc.

4132 Wilson Road
Dublin, Ohio 43017
TEL: (614) 788-3344
FAX: (614) 788-3344

DATE: 10/20/19
DRAWN BY: AMR
CHECKED BY: CHD
PROJECT: E002
PHASE: SCHEMATIC DESIGN



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



Project # _____

Case # 2020 - 0035
PPP - \$4,220

Planning Commission

- | | |
|--|--|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Preliminary Development Plan |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance |

- Substitution of a Non-Conforming Use
- Vacation-Alley
- Vacation-Easement
- Vacation-Street
- Board of Zoning Appeals
- Appeal Administrative Decision or Interpretation
- Conditional Use Permit
- Substitution of Equal or Less Non-Conforming Use
- Variance



Subdivision/Project Name DELAWARE GENERAL HEALTH DISTRICT Address 470 S. SANDUSKY ST, DELAWARE 43015

Acreage 9.4 Square Footage 30,000 Number of Lots NA Number of Units NA

Zoning District/Land Use POI Proposed Zoning/Land Use POI Parcel # 419-122-04-021-000
419-122-04-042-000
419-122-04-022-000

Applicant Name DELAWARE GENERAL HEALTH DISTRICT Contact Person SHELIA HIDDLESON

Applicant Address 1 & 3 WEST WINTON STREET

Phone 740-368-1700 Fax 740-368-1736 E-mail SHIDDLESON@DELAWAREHEALTH.ORG

Owner Name DELAWARE GENERAL HEALTH DISTRICT Contact Person DAVID LETTERLE

Owner Address 1 & 3 WEST WINTON STREET, DELAWARE, OHIO 43015-0519

Phone 740-368-1700 Fax 740-368-1736 E-mail DLETTERLE@DELAWAREHEALTH.ORG

Engineer/Architect/Attorney MOONY NOLAN Contact Person WILLIAM L. SOUBRES, AIA

Address 300 SPEARS ST, SUITE 300, COLUMBUS, OHIO 43021

Phone 614-461-4664 Fax NA E-mail BSOUBRES@MOONYNOLAN.COM

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

Shelia Hiddleson

Owner Signature

Shelia Hiddleson, RN, MS
Health Commissioner

USA A. RINGER

Agent Printed Name

USA A. RINGER

Agent Signature

Sworn to before me and subscribed in my presence this 8th day of JANUARY, 2020



Notary Stamp

Daniel W. Delk

Notary Public

Daniel W. Delk
Notary Public, State of Ohio
My Commission Expires 05-27-2021



FACT SHEET

AGENDA ITEM NO: 13

DATE: 02/10/2020

ORDINANCE NO: 20-08

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR K2 DEVELOPMENT FOR GLENWOOD COMMONS SHOPPING CENTER FOR AN APPROXIMATE 96,100 SQUARE FOOT RETAIL BUILDING LOCATED AT 1180 SUNBURY ROAD AND ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) ON APPROXIMATELY 14.198 ACRES.

BACKGROUND:

See attached staff report. The Applicant provided revised renderings to the Commission at the February 5, 2020 meeting.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.05 Final Development Plan requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission recommended approval by a vote of 7-0 on February 5, 2020 with revisions to the elevation as documented in the conditions and revised building elevations which are included in the packet.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

Revised Renderings Dated February 5, 2020

Staff Report

ORDINANCE NO. 20-08

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR K2 DEVELOPMENT FOR GLENWOOD COMMONS SHOPPING CENTER FOR AN APPROXIMATE 96,100 SQUARE FOOT RETAIL BUILDING LOCATED AT 1180 SUNBURY ROAD AND ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) ON APPROXIMATELY 14.198 ACRES.

WHEREAS, the Planning Commission at its meeting of February 5, 2020 recommended approval of a Combined Preliminary and Final Development Plan for K2 Development for Glenwood Commons Shopping Center for an approximate 96,100 square foot retail building located at 1180 Sunbury Road and zoned B-3 PMU (Community Business District with a Planned Mixed-Use Overlay District) on approximately 14.198 acres and (PC Case 2020-0010).

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

SECTION 1. That the Combined Preliminary and Final Development Plan for K2 Development for Glenwood Commons Shopping Center for an approximate 96,100 square foot retail building located at 1180 Sunbury Road and zoned B-3 PMU (Community Business District with a Planned Mixed-Use Overlay District) on approximately 14.198 acres, is hereby confirmed, approved, and accepted with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The parking lot shall be brought up to grade where needed and the parking spaces re-stripped per the engineering requirements.
3. The wainscoting and pilasters (columns) on the building shall be Delaware blue vein limestone or equivalent instead of the proposed golden buckeye limestone.
4. The decorative EIFS cornice with metal coping on the Hobby Lobby Building shall be extended in at least a "stepped" cornice form to the TJ Maxx, Ulta Beauty and Five Below Buildings.

5. The western elevation of the Hobby Lobby shall be revised per the submitted plan on February 5, 2020.
6. The EIFS on the TJ Maxx and Ulta Beauty shall be permitted to be white behind the letter band only and shall be a beige color for the rest of the EIFS sign band area per staff review and approval. The China White EIFS Cornice above 5-Below shall be tan to match all other cornices.
7. The eastern elevation of the TJ Maxx shall be revised per the submitted plan on February 5, 2020.
8. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
9. All roof top mechanical equipment shall be screened from public view.
10. The applicant shall submit all building elevations along with material and color samples for all buildings for staff review and approval.
11. The dumpster enclosure(s) shall be constructed of brick or stone to match the building and have wood doors painted or stained to match.
12. The lighting plan shall be reviewed and approved by the City and all lighting shall meet the requirements of the approved development text and the current zoning code.
13. The existing interior parking lot trees, shrubs and mulch shall be upgraded and/or replaced to complement the new building.
14. Each tenant shall be responsible to submit a sign permit that shall achieve compliance with the approved Comprehensive Sign Plan and the current zoning code.
15. The future tenant space is not included in this application and shall require a separate Preliminary and Final Development Plan approval.

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

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

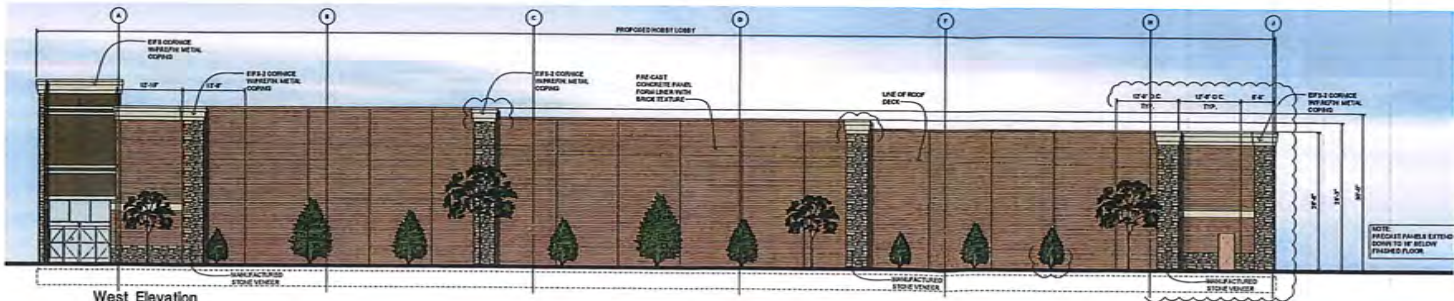
PASSED: _____, 2020

YEAS___NAYS___
ABSTAIN ___

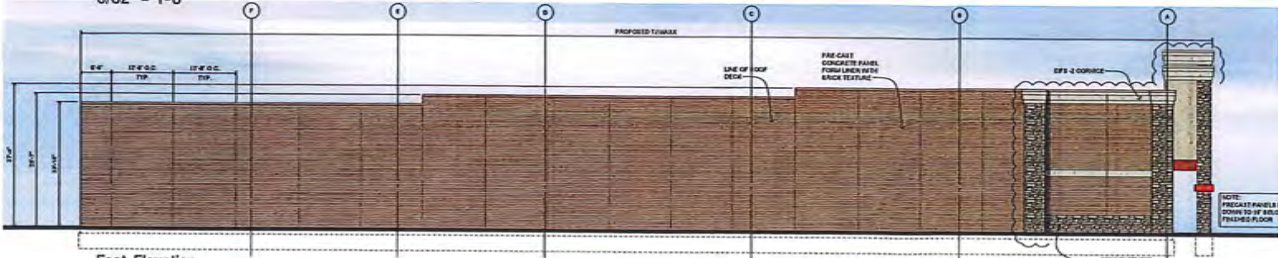
ATTEST:

CITY CLERK

MAYOR



West Elevation
3/32" = 1'-0"



East Elevation
3/32" = 1'-0"

Material	Color
BRICK	ENDSLEY - DESSERT FINGERBREAD LIGHT GREY 11.5" X 11.5" X 8"
MANUFACTURED STONE	COLLIERED STONE - LAMINATION GOLDEN BUCKLE/VEVE
METAL COPING-1	EXCEPTIONAL METALS - STONEN'S STONE
METAL COPING-2	EXCEPTIONAL METALS - ALUMINUM
EFS-1	GRAYIT - CHINA WHITE
EFS-2	GRAYIT - SANDLEWOOD SAGE
EFS-3	GRAYIT - BUCKOON
ALUMINUM STOREFRONT SYSTEM	CLEAR ANODIZED ALUMINUM
GLASS-GLAZING	GLASS

Issued for:
SBA SUBMITTAL 21 DEC 2019
OWNER REVIEW 31 JAN 2020

Zoning Compliance Review

PC APPROVED
Signature *[Signature]*
Date 2/5/20

project:

Proposed
Commercial Development
Sunbury Rd. & I-96 Run Crossing
Dellaware, OH

Richard J. Cleve, AIA, NCARB
Consulting Architect
ROGVOY ARCHITECTS
32500 TELEGRAPH ROAD
SUITE 200
BRYNSPAWN FARMAL HIGHWAY
ANNAS-2104
PH 419.440.7700 FX 419.440.7700
ARCHITECTS@ROGVOY.COM



North Elevation
3/32" = 1'-0"



North Elevation
3/32" = 1'-0"

drawing:
Exterior Elevations

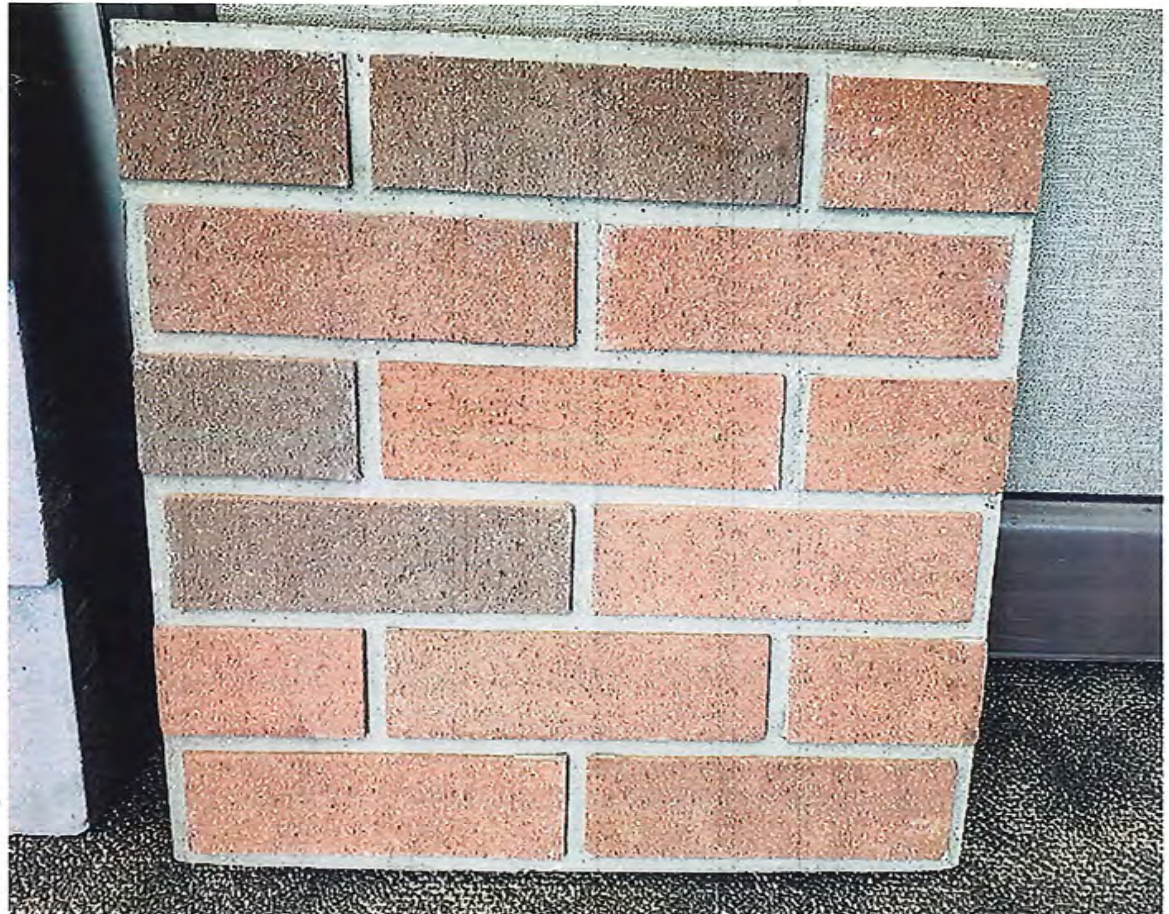
DO NOT SCALE DRAWING

Issue date: 19 DEC 2019
Drawn: SDB
Checked: MD
Approved: MD

file number: 19027
sheet:



BRICK FORMLINER EXAMPLE



EMBEDDED BRICK EXAMPLE

Zoning Compliance Review

Commercial
Development

Sunbury Rd. & Mill Run Crossing
Delaware, Ohio
RAPC#19027

PC Approved 2/5/20
Signature Date



PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2020-0010

REQUEST: Combined Preliminary & Final Development Plan

PROJECT: Glenwood Commons

MEETING DATE: February 5, 2020

APPLICANT/OWNER

K2 Development
30300 Telegraph Road, Suite 280
Bingham Farms, MI 48025

REQUEST

2020-0010: A request by K2 Development for approval of a Combined Preliminary and Final Development Plan at Glenwood Commons Shopping Center for an approximate 96,100 square foot Retail Building located at 1180 Sunbury Road and zoned B-3 PMU (Community Business District with a Planned Mixed-Use Overlay District) on approximately 14.198 acres.

PROPERTY LOCATION & DESCRIPTION

The approximate 14.198 acre site is located on the south side of US 36/37 between Mill Run Crossing and Glenn Road within the Glenwood Commons Shopping Center. Specifically, the site is the previously planned Home Depot site located between the Meijer's and Kohls. The subject site is zoned B-3 PMU (Community Business District with a Planned Mixed-Use Overlay District) as are the surrounding parcels within the Glenwood Commons Shopping Center.

BACKGROUND/PROPOSAL

In January 2007 City Council (Ordinance 06-142) approved a mixed-use commercial, office and residential rezoning for 150 acres which included Glenwood Commons Shopping Center. In 2013 City Council (Ordinance 01-13) approved a Zoning Amendment and Preliminary Development Plan for the Quail Pass apartment development. Since 2006 several big box buildings (Kohls, Meijer's, etc.) and a few outbuildings (Mattress Firm, Raising Cane, etc.), were constructed.

Now the developer is proposing to construct an approximate 96,100 square foot building that would include four tenants (Hobby Lobby, TJ Maxx, Ulta Beauty and Five Below) and one future tenant space (approximately 12,540 square feet) which could yield an approximate 108,640 square foot retail building that would be located between the Kohls and Meijer's on the former Home Depot site.

STAFF ANALYSIS

- **ZONING:** As previously mentioned, the zoning for the subject site is B-3 PMU. Under the current zoning, the proposed retail building is a permitted use. A Combined Preliminary and Final Development Plan approval of the application would be required by the Planning Commission and City Council. The future tenant space (approximately 12,540 square feet) is not included in this application and would require a separate Preliminary and Final Development Plan approval.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS:** The roadway network, parking lot and utility infrastructure for Glenwood Commons Shopping Center was constructed in 2008 and the subject building (96,100 square foot) would be constructed between the Meijer's and Kohls. The rear of the building would be accessed from Mill Run Crossing from a roundabout where the loading docks, dumpsters and the like are located. Therefore, the access to the site would remain as currently constructed. Also, the parking lot would need to be seal coated, brought up to grade where needed and the parking spaces re-stripped per the engineering requirements.
- **SITE CONFIGURATION:** The applicant is proposing a 96,100 square foot building to be divided into a 55,000 square foot Hobby Lobby, an 8,500 square foot Five Below, an 10,500 square foot Ulta Beauty and 22,000 square foot TJ Maxx. The development area also allows for a 12,540 square foot future tenant space

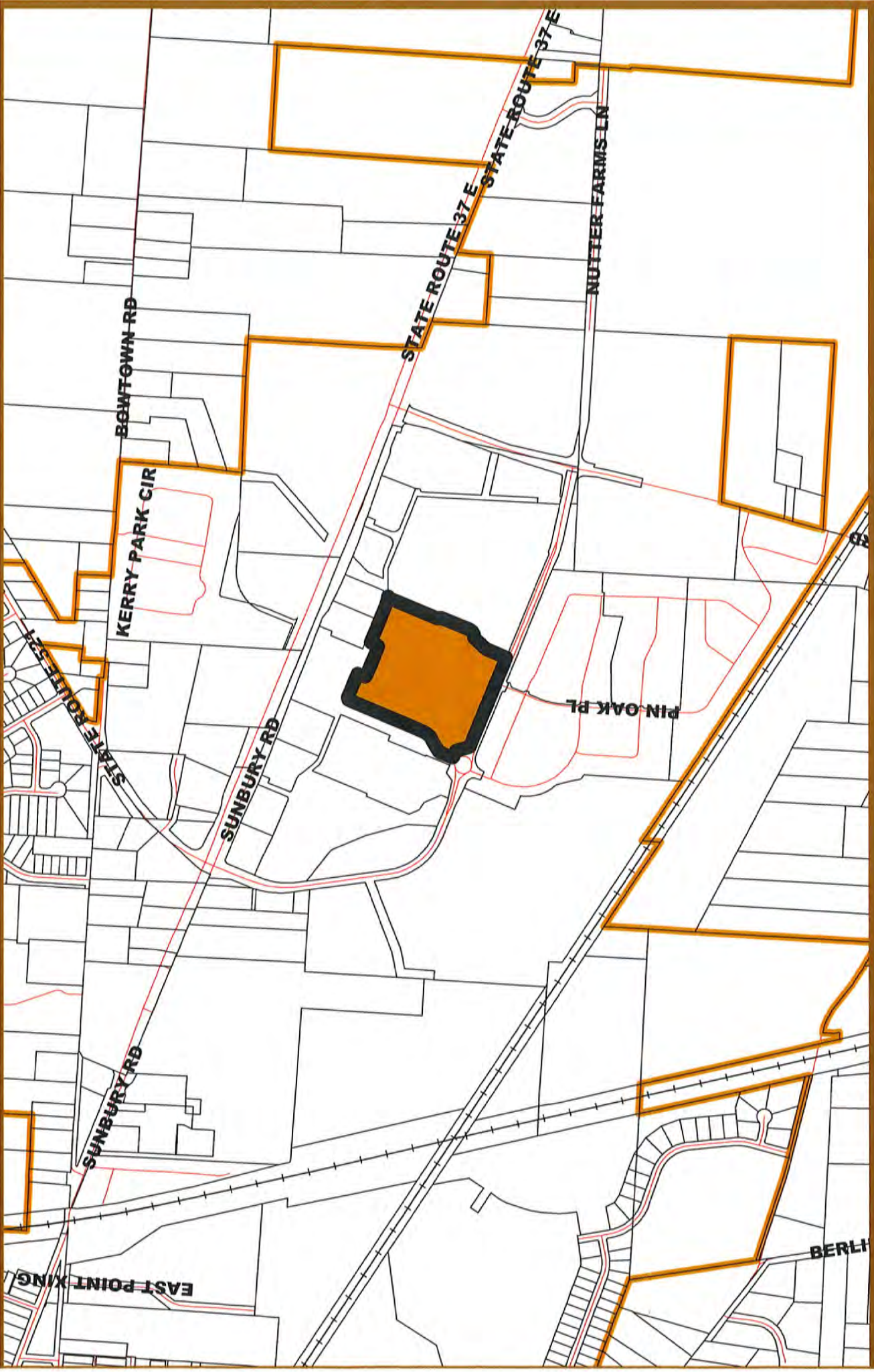
just east of TJ Maxx. As mentioned above, the roadway network, parking lots and utility infrastructure for Glenwood Commons was constructed in 2008 and the subject building would be constructed between the Meijer's and Kohls. The approved development text (Ordinance13-01) encourages shared parking of up to 30% with the adjacent uses and the parking requirements were approved with the in the original plan. There is a significant amount of additional parking just east and west of the site in the Kohls and Meijer's parking lot. Therefore, the existing parking spaces meet the parking requirements. The Hobby Lobby and TJ Maxx would have truck docks located to the rear of the building along with dumpsters for each use. The dumpster enclosures shall be constructed of brick or stone to match the building and have wood doors painted or stained to match. This will meet the design requirements of dumpster enclosures of the rest of the shopping center. Storm water would be detained in the Glenwood Commons regional detention basins which are already constructed.

- **TREE REMOVAL & REPLACEMENT:** There is not any qualifying trees (6 inches in caliper or larger) on the subject site that would be removed.
- **LANDSCAPING & SCREENING:** When Glenwood Commons Shopping Center was constructed, the shopping center developer installed street trees along US 36/37, interior parking lot landscaping and perimeter landscaping. The applicant would have to install foundation landscaping and replace any existing landscaping that may be removed during construction. Also, the existing interior parking lot trees, shrubs and mulch shall be upgraded and/or replaced to complement the new building.
- **LIGHTING:** The developer installed the appropriate light poles and fixtures in the parking lot that achieved compliance with the development text in 2008. The applicant is installing building lights along the south and west elevations per the submitted illumination plan. The City would have to ensure the revised lighting plan achieves compliance with approved development text and the zoning code.
- **SIGNAGE:** The developer had a Comprehensive Sign Plan for Glenwood Commons per the approved development text. The Comprehensive Sign Plan governs the use and application of all signage for the development. Each tenant shall be responsible to submit a sign permit that shall achieve compliance with the approved Comprehensive Sign Plan.
- **BUILDINGS:** The entire shopping center has design standards per the approved development of the existing buildings and shall be adhered to with any new building. The proposal for the front elevations of the buildings would be comprised of pre-cast concrete panel with embedded clay masonry units that would be desert ironspot light color while the sides and rear of the building would be pre-cast concrete panel form liner with brick the texture that would be the same desert ironspot light color (see attached examples of Edicott thin brick and Versa-Brix). In general, the proposed building achieves compliance with the design requirements except for the following critical design elements that need to be amended: 1. The wainscoting and pilasters (columns) on the buildings shall be a Delaware blue vein limestone or equivalent as approved by staff instead of the proposed Golden Buckeye color; 2. The decorative EIFS cornice with metal coping on the Hobby Lobby building shall be extended in at least a "stepped" cornice form to the TJ Maxx, Ulta Beauty and Five Below buildings; 3. The western elevation of the Hobby Lobby building shall be upgraded to pre-cast concrete panel with embedded clay masonry with wainscoting and pilasters to better match the adjacent Office Depot design which is adjacent to the public drive aisle coming out of the roundabout on Mill Run Crossing; 4. The EIFS of the TJ Maxx shall be revised from the proposed China White color to a beige color to match the other buildings and conform with plan requirements of the center (Home Depot had a non-white EIFS accents for example despite their corporate colors being orange and white). Also, the amount of the EIFS material shall be reduced to be in better scale with the other developments (other buildings in the development utilized integral brick or the equivalent to the reduce the amount of EFIS around the sign area); 5. The eastern side elevation of TJ Maxx shall be pre-cast concrete panel with embedded clay masonry units that would be desert ironspot light color to match the front of the building. In addition, all roof top mechanical equipment shall be screened from public view. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.

STAFF RECOMMENDATION (2020-0010 – COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN)

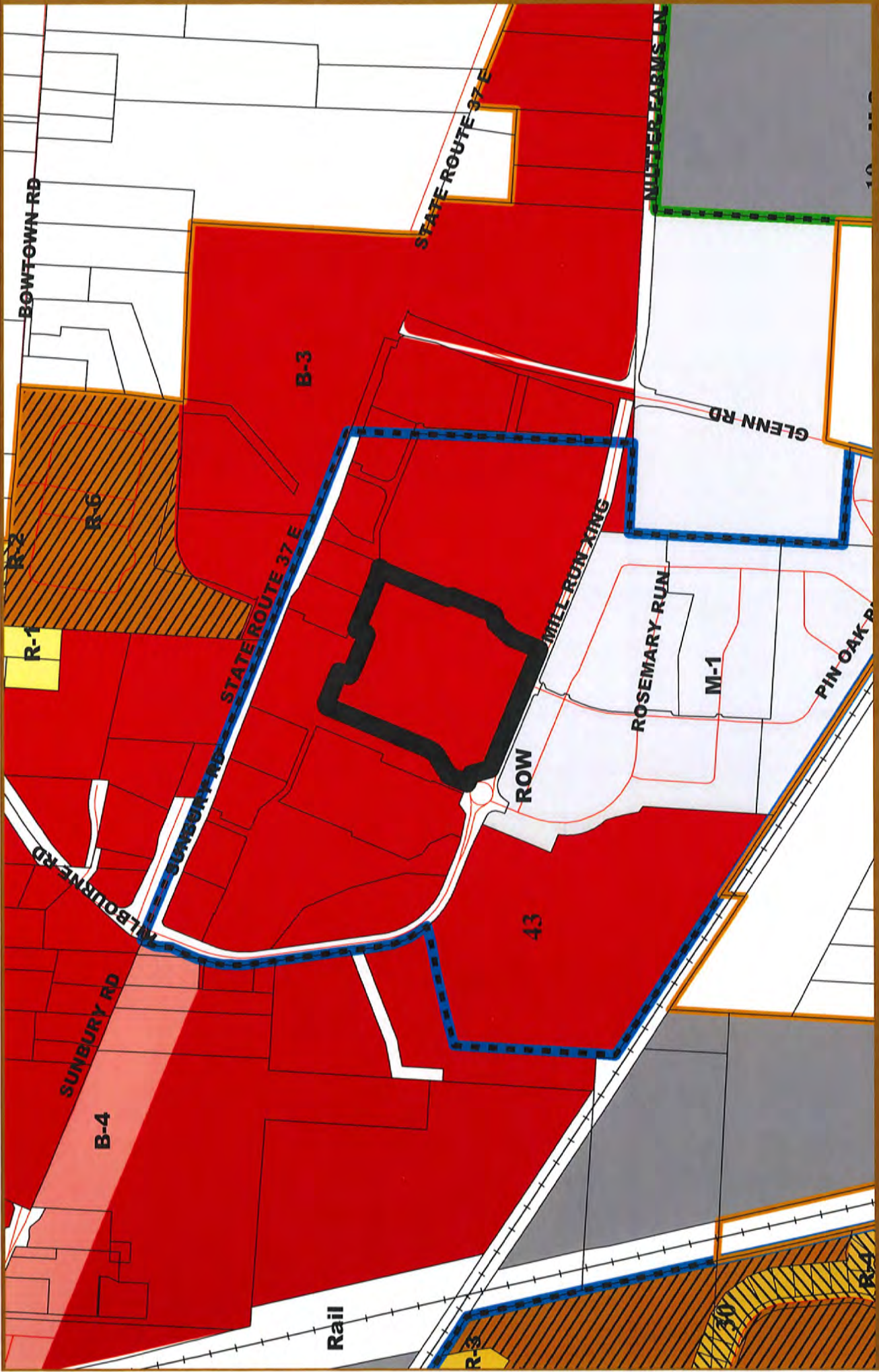
Staff recommends approval of a request by K2 Development for a Combined Preliminary and Final Development Plan at Glenwood Commons Shopping Center for an approximate 96,100 square foot Retail Building located at 1180 Sunbury Road and zoned B-3 PMU (Community Business District with a Planned Mixed-Use Overlay District) on approximately 14.198 acres, with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The parking lot shall need to be seal coated, brought up to grade where needed and the parking spaces re-stripped per the engineering requirements.
3. The wainscoting and pilasters (columns) on the building shall be Delaware blue vein limestone or equivalent instead of the proposed golden buckeye limestone.
4. The decorative EIFS cornice with metal coping on the Hobby Lobby Building shall be extended in at least a “stepped” cornice form to the TJ Maxx, Ulta Beauty and Five Below Buildings.
5. The western elevation of the Hobby Lobby building shall be upgraded to pre-cast concrete panels with embedded clay masonry with wainscoting and pilasters that would be Delaware blue vein or equivalent in color.
6. The EIFS on the TJ Maxx building shall be revised from the proposed China White color to a beige color to match the other buildings. Also, the amount of the EIFS material shall be reduced to be in better scale with the other buildings.
7. The eastern side elevation of TJ Maxx shall be pre-cast concrete panel with embedded clay masonry units that would be dessert ironspot light color to match the front elevation.
8. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
9. All roof top mechanical equipment shall be screened from public view.
10. The applicant shall submit all building elevations along with material and color samples for all buildings for staff review and approval.
11. The dumpster enclosure(s) shall be constructed of brick or stone to match the building and have wood doors painted or stained to match.
12. The lighting plan shall be reviewed and approved by the City and all lighting shall meet the requirements of the approved development text and the current zoning code.
13. The existing interior parking lot trees, shrubs and mulch shall be upgraded and/or replaced to complement the new building.
14. Each tenant shall be responsible to submit a sign permit that shall achieve compliance with the approved Comprehensive Sign Plan and the current zoning code.
15. The future tenant space is not included in this application and shall require a separate Preliminary and Final Development Plan approval.



2020-0010
 Combined Preliminary and Final Development Plan
 Glenwood Commons Shopping Center - 1180 Sunbury Road
 Location Map





2020-0010
 Combined Preliminary and Final Development Plan
 Glenwood Commons Shopping Center - 1180 Sunbury Road
 Zoning Map





2020-0010
Combined Preliminary and Final Development Plan
Glenwood Commons Shopping Center - 1180 Sunbury Road
Aerial (2016) Map



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NO.	DESCRIPTION	DATE

REVISIONS

DEVELOPMENT PLAN SUBMITTAL 1/25/10

MICHAEL E. NENKIRK PE
 Civil Engineer
 306 North Market Street, Suite 801
 Mt. Carmel, OH 45208
 Phone: 513.241.3400
 mnenkirk@merrill.com

SCALE: 1"=50'
 DRAWN BY: RM, TLL
 DESIGNER: TLL
 CHECKED BY: TLL
 ENGINEER: MEN
 PROJECT: RESIDUAL ACQUISITION
 CLIENT: 12000 Commercial Development



CERTIFIED BY: _____
 DATE: _____

JOB TITLE: **COMMERCIAL DEVELOPMENT DELAWARE, OH**
 DRAWING TITLE: **EXISTING CONDITIONS**

FILE LOCATION:	DRAWING NUMBER:
	C1.1

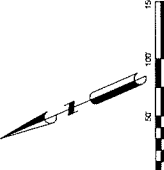
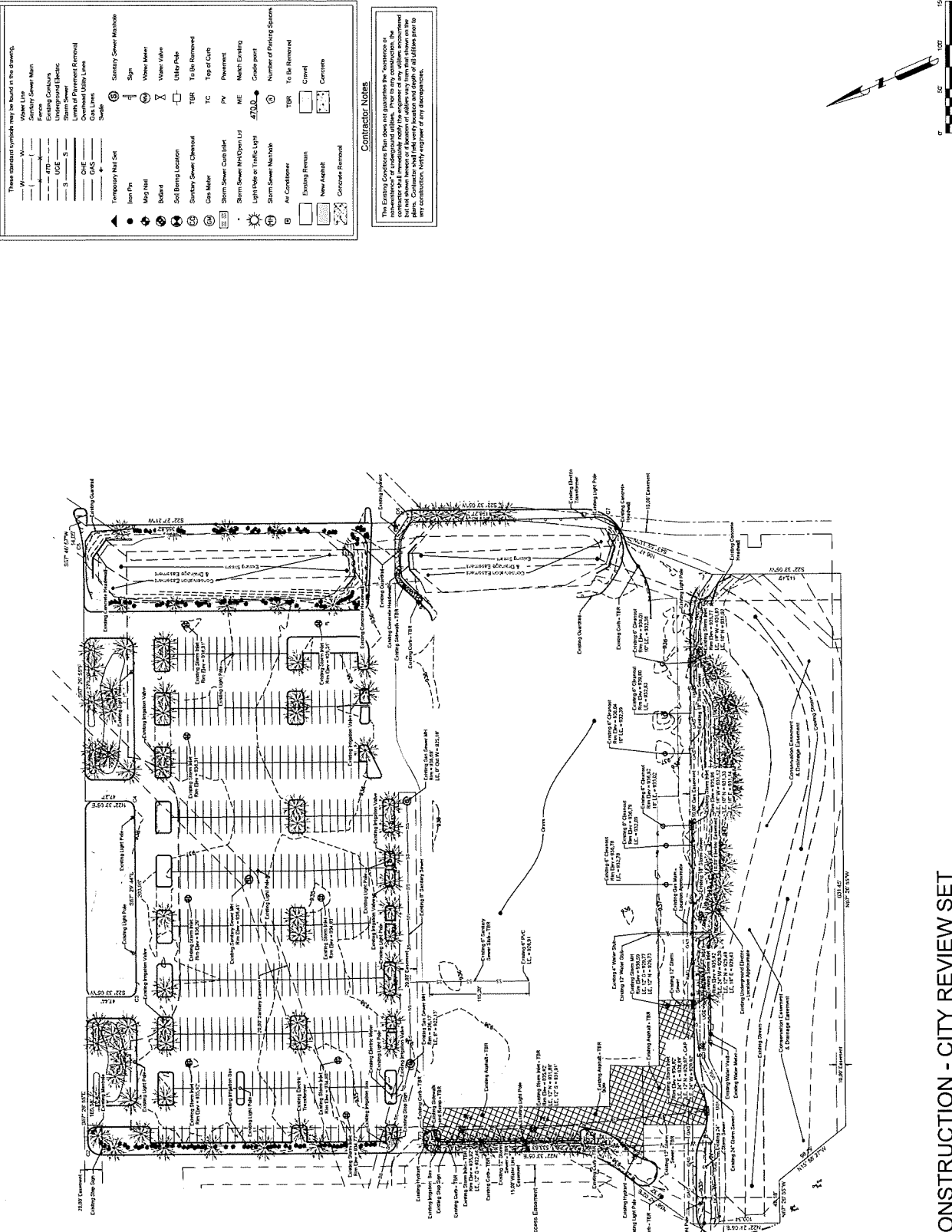
Legend

These standard symbols may be found in this drawing.

	Temporary Nail Set		Sanitary Sewer Manhole
	Iron Pin		Sign
	Mail Hole		Storm Sewer Catch Basin
	Ballast		Storm Sewer Manhole Lid
	Soil Boring Location		Light Pole or Traffic Light
	Sanitary Sewer Cleanout		Storm Sewer Manhole
	Gas Meter		Air Conditioner
	Top of Curb		Existing Retention
	Pavement		New Asphalt
	To Be Removed		Concrete Retention
	Marked Existing		
	ME Marked Existing		
	TC Marked Existing		
	T&E Marked Existing		
	To Be Retained		
	Chisel		
	Concrete		

Contractor Notes

The Existing Conditions Plan does not guarantee the "existence or absence" of any underground utilities or structures. It is the contractor's responsibility to verify the location and depth of all utilities prior to any construction. Verify the location of all utilities prior to any construction. Verify the location of all utilities prior to any construction.



NOT FOR CONSTRUCTION - CITY REVIEW SET

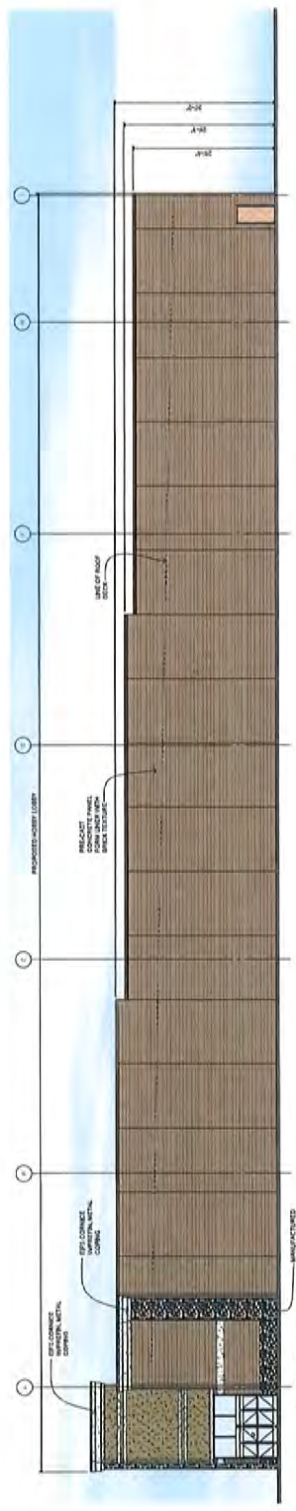
Issued for:
 2500 TELETYPE ROAD
 BOWLING GREEN, OH 43402-3404
 PROJECT:

Proposed
Commercial Development
 Sunbury Rd & Mill Run Crossing
 Delaware, OH

Contractor:
ROGVOY
 ARCHITECTS
 2500 TELETYPE ROAD
 BOWLING GREEN, OH 43402-3404
 PHONE: 614.479.7100 FAX: 614.479.7100
 WWW.ROGVOYARCHITECTS.COM

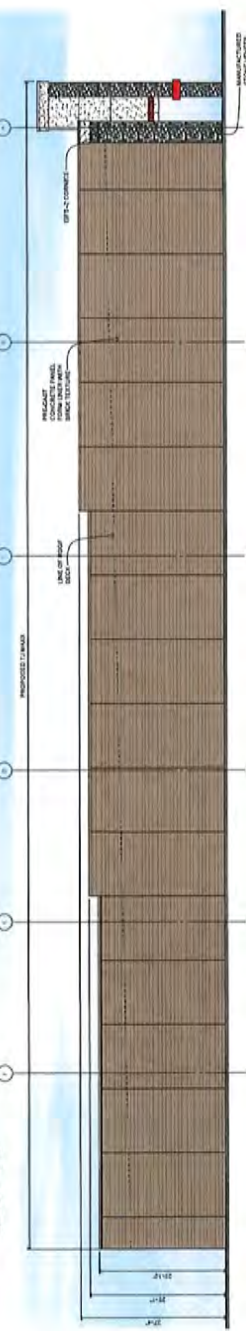
drawing:
Exterior Elevations
 DO NOT SCALE DRAWING
 DATE: 09 DEC 2016
 DRAWN BY: J. ROY
 CHECKED BY: J. ROY
 APPROVED BY: J. ROY
 SHEET NUMBER: 19027
 SHEET:

A-3

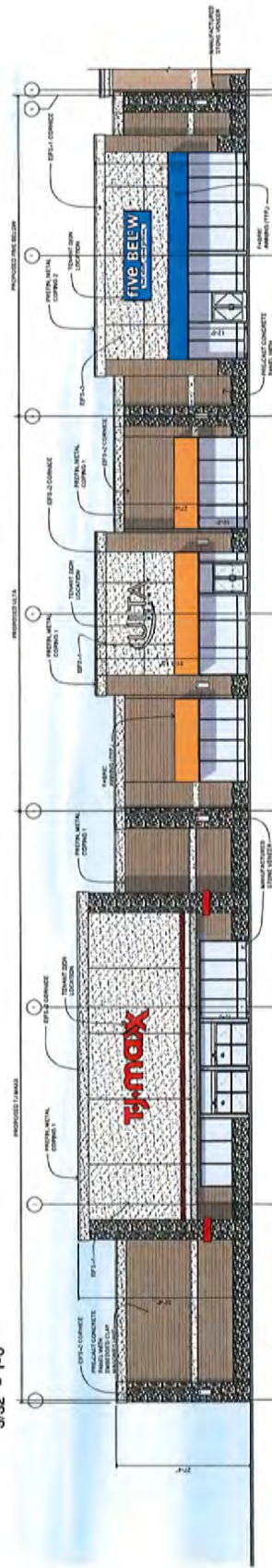


West Elevation
 3/32" = 1'-0"

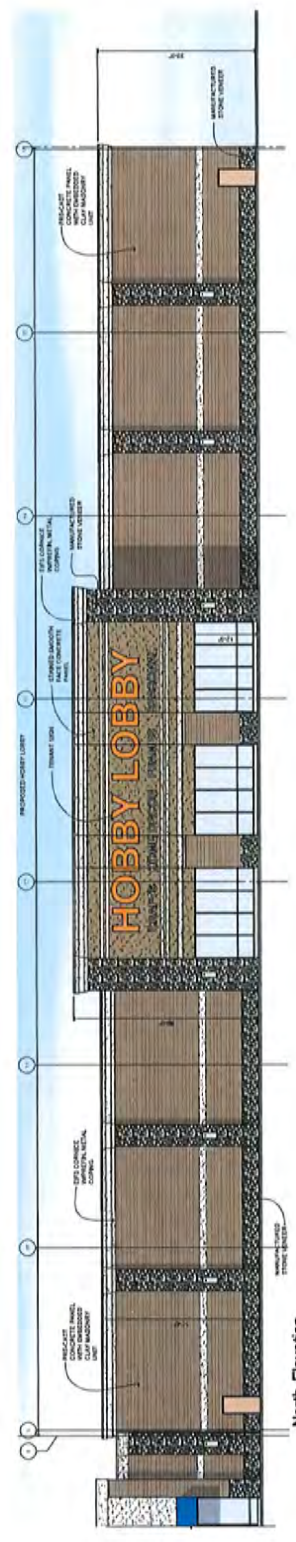
Material	Color
BRICK	BRICK
MANUFACTURED STONE	MANUFACTURED STONE
METAL CORNICE-1	EXCEPTIONAL METALS
METAL CORNICE-2	EXCEPTIONAL METALS
EPFL-1	EPFL-1
EPFL-2	EPFL-2
EPFL-3	EPFL-3
MANUFACTURED STONE VENEER	MANUFACTURED STONE VENEER
GLASS/ALUMINUM	GLASS/ALUMINUM
GLASS	GLASS



East Elevation
 3/32" = 1'-0"



North Elevation
 3/32" = 1'-0"



North Elevation
 3/32" = 1'-0"

Issued for: 10/11/2017, 10:55:23 AM

project

Commercial Development

Proposed

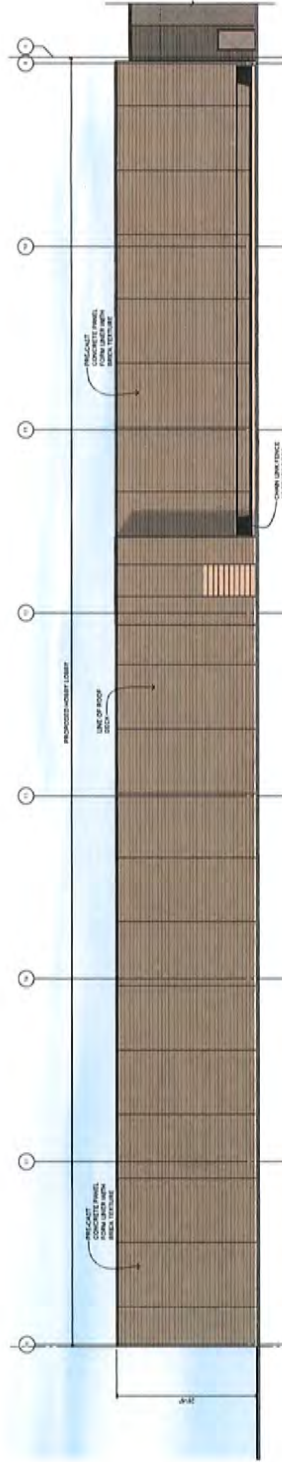
Gunbury Rd & Hill Run Crossing
Delaware, OH



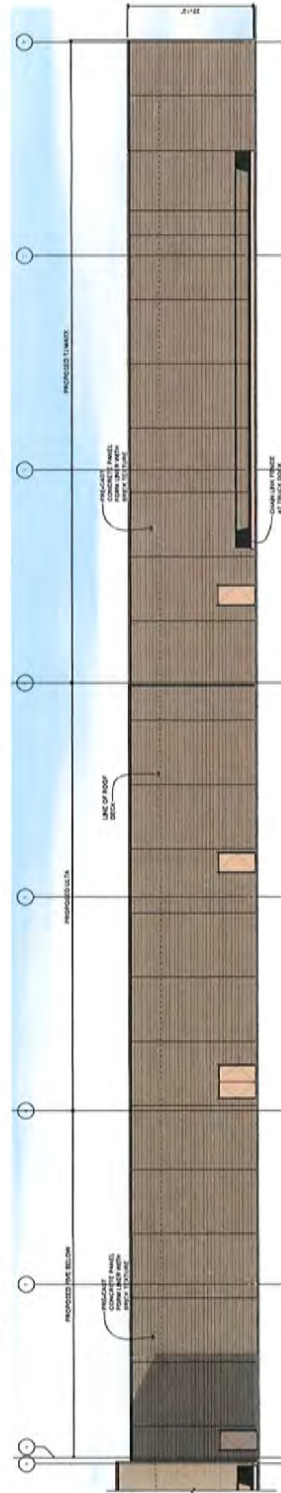
ROGVOIJ
ARCHITECTS

23820 TELEGRAPH ROAD
BOWLING GREEN, OH 43401
PHONE: 614.885.3000
FAX: 614.885.3001
WWW.ROGVOIJARCHITECTS.COM

Material	Color
BRICK	ENGLISH
MANUFACTURED STONE	AUTUMN STONE
METAL COPING-1	BRASS STAIN
METAL COPING-2	BRASS STAIN
EPDM	GREEN
EPDM	GREEN
EPDM	GREEN
PAVING	PAVING
SKYLIGHTING	GLASS



South Elevation
3/32" = 1'-0"



South Elevation
3/32" = 1'-0"

drawing
Exterior
Elevations

DO NOT SCALE DRAWING
ISSUE DATE: 08 DEC 2018
DRAWN BY: JMB
CHECKED BY: JMB
APPROVED BY: JMB

File number: 19027
sheet

Sheet No.
19027-SP-1
19027-SP-2
19027-SP-3
19027-SP-4
19027-SP-5
19027-SP-6
19027-SP-7
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19027-SP-9
19027-SP-10

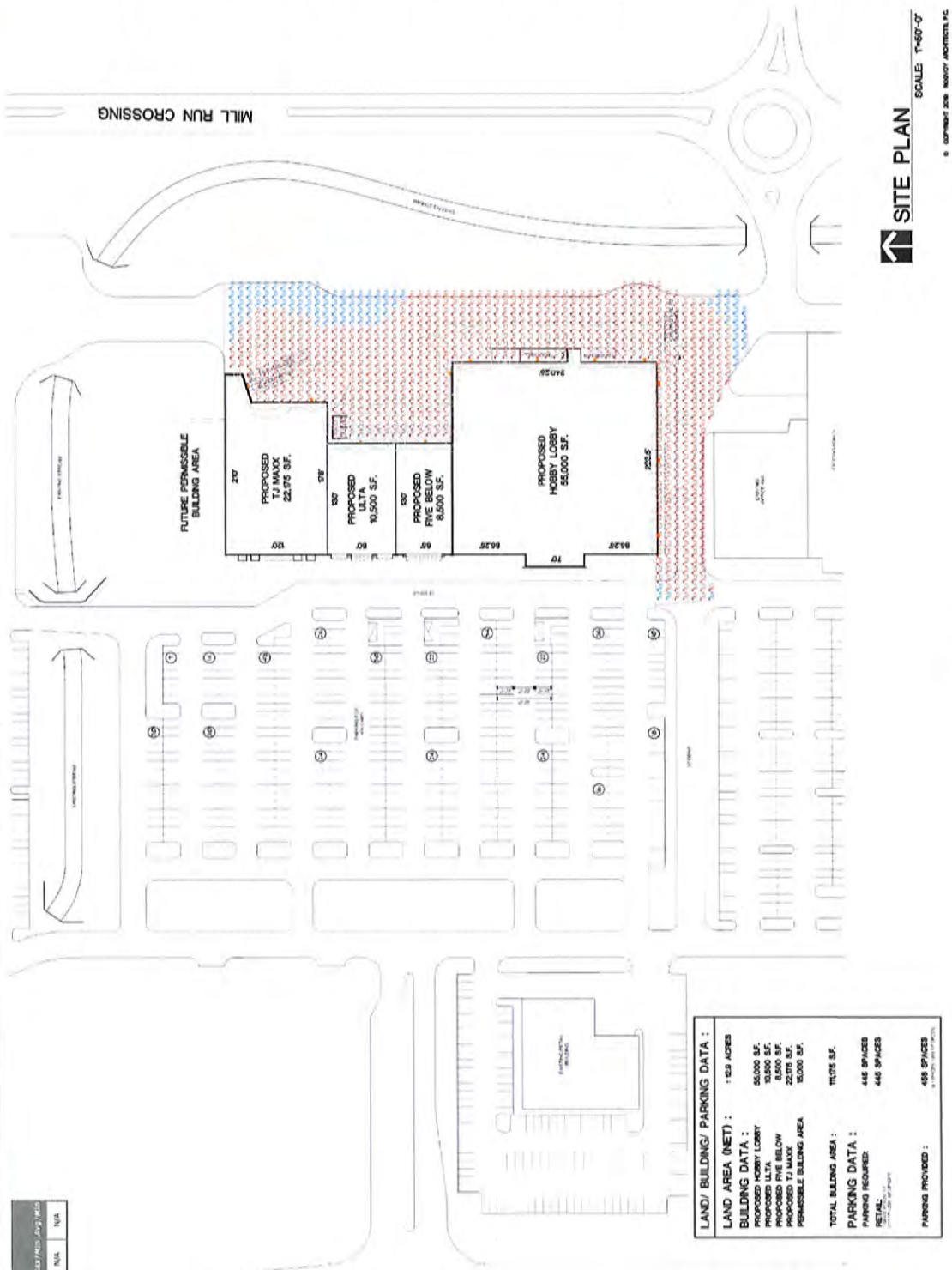
Project

Proposed
Commercial Development
Sunbury Road and Mill Run Crossing
Sunbury, Delaware, Ohio

ROGVOIJ
ARCHITECTS
3200 TULLAMORE ROAD
SUITE 200
MILLSBORO, DE 19966
TEL: 302.391.1000
WWW.ROGVOIJ.COM

Drawing
Conceptual Site Plan
00' = 10' SCALE (GENERAL)
DATE: 12/18/2019
PROJECT: 19027
DRAWN BY: JLD
CHECKED BY: JLD
APPROVED BY: JLD

SP-1
SCALE: 1"=60'-0"



Symbol	Label	Usage	Symbol	Label	Usage	Symbol	Label	Usage
[Symbol]	WEG	Walkway	[Symbol]	WEG	Walkway	[Symbol]	WEG	Walkway
[Symbol]	WEG	Walkway	[Symbol]	WEG	Walkway	[Symbol]	WEG	Walkway
[Symbol]	WEG	Walkway	[Symbol]	WEG	Walkway	[Symbol]	WEG	Walkway

STATISTICS

Category	Symbol	Aug	Max	Min	Max/Min/Avg/Std	Min	Max
WEG Lighting	+	0.0	0.0	0.0	0.0/0.0/0.0/0.0	0.0	0.0

LAND/ BUILDING/ PARKING DATA :

LAND AREA (NET) :	1.59 ACRES
BUILDING DATA :	
PROPOSED T1 MAXX	22,875 SF
PROPOSED ULTA	10,500 SF
PROPOSED FIVE BELOW	22,875 SF
PROPOSED HOBBY LOBBY	55,000 SF
PERMISSIBLE BUILDING AREA	150,000 SF
TOTAL BUILDING AREA :	111,250 SF
PARKING DATA :	
PARKING REQUIRED:	446 SPACES
RETAIL	446 SPACES
PARKING PROVIDED :	450 SPACES

SITE PLAN
SCALE: 1"=60'-0"
© COPYRIGHT 2019 ROGVOIJ ARCHITECTS, P.C.

Scale: 1"=60'

ORDERING GUIDE

GENERAL INFORMATION

Model	19027
Material	Aluminum
Finish	White
Dimensions (H x W x D)	12.5 x 12.5 x 12.5
Weight	0.5 lbs
Lead Time	4-6 weeks

ACCESSORIES AND SERVICES (ORDERED SEPARATELY)

Item	Description	Quantity
1	19027-01-01	1
2	19027-01-02	1
3	19027-01-03	1
4	19027-01-04	1
5	19027-01-05	1

NOTES:

1. All dimensions are in inches unless otherwise specified.
2. Lead time is based on current inventory levels.
3. Custom finishes are available upon request.
4. Minimum order quantity is 10 units.

FEATURES

- High-quality aluminum construction
- Available in multiple finishes
- Energy-efficient LED lighting
- Easy installation and maintenance

CONTROL TECHNOLOGY

WISCAPE

INSTALLATION INSTRUCTIONS

1. Prepare the mounting surface.
2. Attach the mounting brackets.
3. Connect the power wires.
4. Test the lighting fixture.

WARRANTY

5-year limited warranty on the lighting fixture.

Item	Description	Quantity
1	19027-01-01	1
2	19027-01-02	1
3	19027-01-03	1
4	19027-01-04	1
5	19027-01-05	1

PROPOSED DEVELOPMENT GLENWOOD COMMONS DELAWARE, OHIO

COMPREHENSIVE SIGN TEXT

PURPOSE

The purpose of this document is to define enforceable standards for governing the use and application of signs for the Glennwood Commons Shopping Center.

These standards are intended to:

- (a) Enhance and protect the economy and physical appearance of the community.
- (b) Promote and maintain a visually attractive high value retail center.
- (c) Promote the effective use of signs as a means of communication to both pedestrian and vehicular traffic within the center itself and on adjacent roadways.
- (d) Reduce any adverse effects on adjacent public and/or private property and to improve pedestrian and traffic safety.
- (e) Prohibit all signs not expressly permitted within this document.
- (f) Conformance with Zoning Code and Approved Development Text.
- (g) Unless noted otherwise in this sign text, all signs shall conform to the then current requirements of the Zoning Code and Development Text for the property. All signs and modifications thereof must obtain approval of a sign permit prior to the installation of any sign.

PERMIT REQUIRED

No sign, including any temporary sign, shall be placed or erected without first obtaining approval of a sign and other applicable permits from the City of Delaware.

MAIN IDENTIFICATION SIGN

There will be two freestanding Main ID signs at the center. Effective position, height, illumination, design and square footage of the Main ID signs are as proposed and shall not be modified except as approved by the City of Delaware. The Main ID signs will be allowed internal illumination. Two Main ID signs at each right in/right out entry drives along US36/SR37 as proposed.

CENTER IDENTIFICATION SIGNS

The primary purpose of this sign shall be identification of the shopping center "Glennwood Commons", this sign will consist of a freestanding monument. Effective position, height, illumination, design and square footage of the Center ID sign is as proposed and shall not be modified except as approved by the City of Delaware. One Center ID sign located within the median at the main signalized entry drive along US36/SR37 as proposed.

DIRECTIONAL SIGNS

Directional Signs shall include the shopping center name as well as tenant names and directional arrows, but shall not include any commercial message or tenant logos. Effective position, height, illumination, design and square footage of the Directional signs are as approved in the Final Development Plan and shall not be modified except as approved by the City of Delaware. Provision of directional signs are at Owner's discretion and will be in accordance with design parameters unless otherwise modified with approval by the City of Delaware.

OUTPARCEL SIGNS

Each outparcel will realize a sign package as outlined below:

- (a) Signs shall be of a design consistent with the aesthetics of the shopping center.
- (b) These signs will enhance and promote safe traffic flow in and around the outparcel.
- (c) Under no circumstances shall they interfere with the line of sight of vehicular traffic either exiting or entering the drive.
- (d) Freestanding signs are not permitted.
- (e) Tenants will be allowed up to a total of two wall signs as follows. One (1) per frontage of a public or private street with the sq. ft. area to be as defined in the Wall Sign section of this document.

TEMPORARY SIGNS

- (a) Window Signs. Temporary window signs include any sign other than the name and/or logo of the business and shall not exceed twenty percent (20%) of the window in which the sign(s) is located, inclusive of any other signs. No temporary window sign shall be located at or above the door height. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring frame to frame (NOTE: shall not include the gross window area of the storefront).
- (b) Banners. Banners as defined in the then current City of Delaware Zoning Code shall only be authorized during the initial grand opening of the business for a seven (7) day period commencing on the day the business opens to the public.
- (c) Free-standing Signs. Temporary free-standing signs are prohibited.
- (d) Real Estate Signs. Real estate signs shall be located in the window(s) of the premises that are for sale or lease.

PERMANENT WINDOW SIGNS

Permanent window signs include store names and logos and are permitted to be placed on storefront windows or doors. Only one such permanent window sign shall be permitted per storefront, shall not exceed four (4) inches in height, and must have a gold-leaf, silver-leaf, or etched glass appearance. Such signs shall not exceed twenty percent (20%) of the window in which the sign(s) is located, inclusive of any other signs. No signs shall be placed in any spandrel glass. For the purposes of this section, window area shall be determined measuring from frame to frame and shall not include the total window area of the storefront.

RESTAURANT MENU SIGNS

Menu signs shall be constructed and installed in accordance with the then current City of Delaware Zoning Code.

AWNING GRAPHICS

Awning graphics are not permitted.

**PROPOSED DEVELOPMENT
GLENWOOD COMMONS
DELAWARE, OHIO
COMPREHENSIVE SIGN TEXT**

WALL SIGNS

Wall signs will be realized through a combination of internally and externally illuminated channel letters and dimensional graphic elements.

Standards

- (a) The advertising or informative content of all wall signs shall be limited to letters designating the store name or type of store only and shall not contain advertising devices, slogans, symbols or marks unless they are part of the company's logo or trademark and fit within the confines of the tenant criteria. No websites or phone numbers will be allowed unless they are part of a company's registered trademark.
- (b) One wall sign per Tenant will be allowed except as noted in tenant criteria section below.
- (c) All wall signs are to be flush mounted directly to building. Wall signs mounted on raceways will not be allowed.
- (d) Two lines of text are allowable within the confines of the tenant criteria and specifications.
- (e) All signs shall be fabricated and installed in compliance with all applicable building and electrical codes, bear a certified UL label, and carry a full one-year warranty.
- (f) Signage shall be constructed of suitable materials for weather exposure and shall conform to all applicable limitations set forth in this document. Landlord shall designate the sign company to install such signs if a conflict should arise.

WALL SIGNS (cont)

Tenant Criteria

- (a) All signage requests will need to be submitted to landlord and subject to landlord approval prior to submitting to the City.
- (b) Tenants will realize their wall signs using internally illuminated face-lit channel letters or externally illuminated and reverse channel letter (halo glow) lighting, which the latter is preferred by the City of Delaware.
- (c) All signs on the exterior portions of the demised premises of the tenant's space may be located only as designated by Landlord in the sign band (with the exception of supplemental signs). Each storefront has a designated sign band as shown on the exterior elevations. The sign band is defined as the storefront area that could receive a sign. Each storefront space will be allowed 100% of the storefront sign band height and width as depicted on the attached elevations. Unless authorized by the City of Delaware no modifications shall be made to the approved sign band size or location and only one (1) wall sign is permitted for each storefront space. The sign band for each outparcel shall be determined with the approval of the Final Development Plan for each outparcel.
- (d) Supplemental Wall Signs:
 - (1) Tenants having occupancies of 100,000 sq. ft. or greater with multiple public entrances and/or designated separate entrances shall be allowed supplemental wall signs over those entrances as proposed (i.e., Home Improvement - Lumber). Letter height on supplemental wall signage will not exceed 36" and shall be subject to the approval of the City of Delaware.
 - (2) One supplemental exterior wall sign will be allowed for each individual sublet licensee business located inside a major anchor, consisting of the 100,000 sq. ft. or greater, and no more than three such signs.

GLENWOOD COMMONS
DELAWARE

PROPOSED DEVELOPMENT GLENNWOOD COMMONS DELAWARE, OHIO

COMPREHENSIVE SIGN TEXT

EXEMPT SIGNS

Traffic Directionals

All traffic directional signs (stop, yield, no parking, loading zone, handicap parking, fire zone, etc.)

Incidental Signs

Signs that are incidental provided that they contain no commercial message and do not exceed two square feet in area. Examples of these are "ATM", "enter", "exit", restroom identification signs, etc. as approved by the City of Delaware.

Official Signs

Any official or public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance, by a public utility company or by order of a court of competent jurisdiction.

Window Signs

Window signs indicating hours of operation may be mounted on the entry door or the window immediately adjacent to the entry door. They must encompass an area no larger than two square feet and be etched glass, gold leaf, or silver leaf in appearance.

Address Signs

Uniform "address" numbers for each tenant above the front entry door(s) and the rear service door. Address numbers on the front shall be centered above the entry door(s) and shall be standardized at 6" high 10'-0" off the bottom of the door located within the transom, positively cut in white "Helvetica Medium" vinyl. Signage on the back service doors shall be standardized at 6" high, 5'-0" off the bottom of the door, positively cut in white "Helvetica Medium" vinyl, and list the name and address of the store only.

Interior Signs

Any sign inside a building, not attached to a window or door that is not visible to a person of ordinary eyesight from outside the premises.

Art and Decorations

Works of art and holiday decorations with no commercial message regardless of illumination and/or animation as long as they don't interfere with safety or visibility subject to Landlord approval.

PROHIBITED SIGNS

Official Signs

Any sign that copies or imitates an official sign or purports to have official status and does not.

Border Lighting

Any illuminated tubing or string of lights, including but not limited to those outlining property lines, open sales areas, rooflines, doors, windows, landscaping, or the edges of walls (excepting holiday lighting).

Permanent Contractor Advertising

The name and/or stamp of the sign contractor or sign company or both.

Exposed Lighting

Exposed neon or fluorescent lamps. The exception to this is outparcel tenants may be allowed exposed neon as part of a nationally recognized sign program.

Obscene Signs

Any sign containing obscene material.

Changeable Copy Signs

Changeable copy signs are not allowed except for gas pricing as proposed and approved by the City of Delaware.

Beacons

Any lighting that is not complementary to the aesthetics of the center or light Beacons.

Pennants and Streamers

Pennants, banners, flags or streamers (except as provided for in this text).

Flags

No flag may be used for commercial advertising including "open" and other descriptive flags.

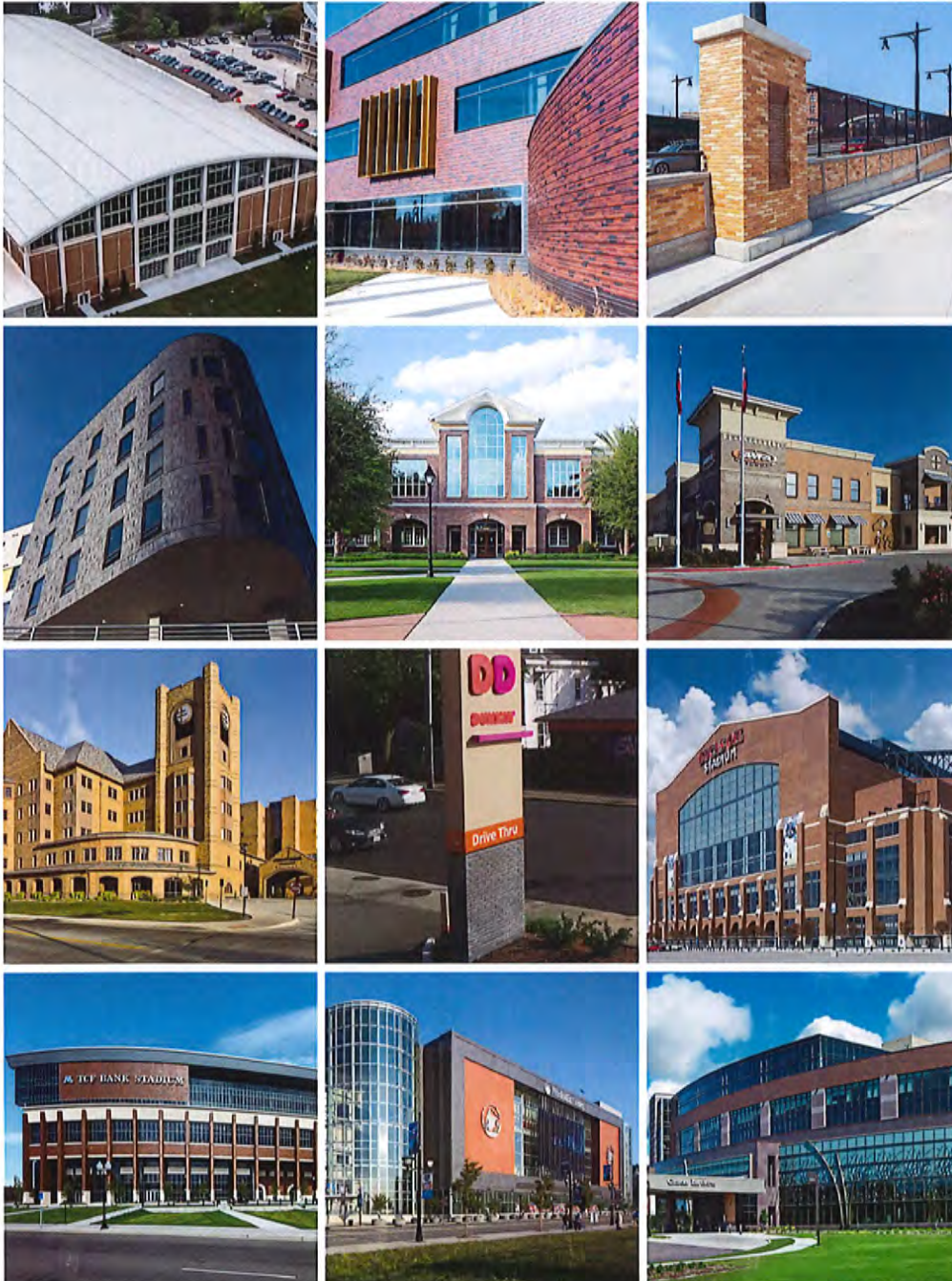
FRONT ELEVATION BUILDING MATERIAL EXAMPLES



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PROJECTS -THIN BRICK

FILTER



SIDE AND REAR ELEVATION BUILDING MATERIAL EXAMPLE

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Target

[Previous Project](#) [Next Project](#)



Product Used: [Versa-Brix®-S](#)



Location: Speedway, KS
Architect: [KKE Architets](#)
Precaster: [Fabcon](#)
Completed: 2006

[Previous Photo](#) [Next Photo](#)



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



Project # _____ Case # _____

Planning Commission

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

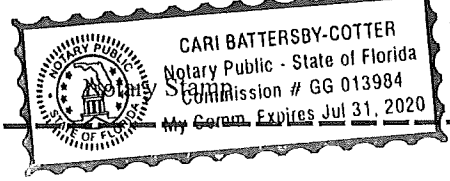
Subdivision/Project Name K2 Development - Delaware, OH Address 1180 Sunbury Rd, Delaware, OH
 Acreage 14.198 Square Footage 618,489 Number of Lots 1 Number of Units 4 retail tenants
 Zoning District/Land Use B-3 Proposed Zoning/Land Use B-3 Parcel # 51944404010000

Applicant Name K2 Retail Development, LLC Contact Person Kris Krstovski
 Applicant Address 30300 Telegraph Road, Suite #280, Bingham Farms, MI 48025
 Phone 248-859-2817 Fax _____ E-mail krisk@k-squaredinc.com
 Owner Name K2 Retail Delaware, LLC Contact Person Kris Krstovski
 Owner Address 30300 Telegraph Road, Suite #280, Bingham Farms, MI 48025
 Phone 248-859-2817 Fax _____ E-mail krisk@k-squaredinc.com
 Engineer/Architect/Attorney Michael E. Neikirk Contact Person Tiffany Lehman
 Address 306 North Market Street, Suite 101
 Phone 618-263-4100 Fax _____ E-mail tlehman@neikirk.us

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

[Signature] Owner Signature Kris Krstovski Owner Printed Name
 _____ Agent Signature _____ Agent Printed Name

Sworn to before me and subscribed in my presence this 31st day of December, 2019.



[Signature] Notary Public



FACT SHEET

AGENDA ITEM NO: 14

DATE: 02/10/2020

ORDINANCE NO: 20-09

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Justin Nahvi, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PAVEMENT MAINTENANCE PROJECTS AND DECLARING AN EMERGENCY.

BACKGROUND:

The 2020 Pavement Maintenance program included \$1,918,250 in total appropriations as adopted by City Council. Within this total program budget, \$180,000 was allocated for the ODOT Urban Resurfacing project and \$650,000 was appropriated for the Local Resurfacing program.

REASON WHY LEGISLATION IS NEEDED:

Based on the final engineering estimates for these projects, supplemental appropriations will be required for completion as a 10% contingency funding allocation has been recognized coupled with capital project cost increases as incurred by ODOT as the funding for the previously referenced projects reflect the local share contributions.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

To financially sustain the completion of these projects, \$81,000 in supplemental appropriations will be required for the Street Maintenance &

Repair Fund in relation to the Local Resurfacing program. In addition, \$158,000 in supplemental appropriations would be needed for the Capital Improvement Fund for the ODOT Urban Resurfacing program. Presently, there is sufficient unencumbered cash balances in each fund to financially support the requested increase in appropriations.

POLICY CHANGES:

N/A

PRESENTER(S):

Justin Nahvi, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Public Works Department Memorandum, 2020 Pavement Projects – Cost Summary

ORDINANCE 20-09

AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PAVEMENT MAINTENANCE PROJECTS AND DECLARING AN EMERGENCY.

WHEREAS the 2020 adopted budget included appropriations for annual pavement maintenance projects and local share contributions to the State of Ohio for roadway improvements as administered by the Ohio Department of Transportation (ODOT); and

WHEREAS the appropriations allocated for the ODOT Urban Resurfacing as well as the Local Street Resurfacing programs for the current fiscal year are insufficient as the final estimates for these projects are greater than the budgeted amount in relation to the inclusion of contingency funding and cost increases as recognized by the State; and

WHEREAS the additional cost estimates for these projects equal \$239,000; and

WHEREAS supplemental appropriations are needed to sustain the completion of these projects.

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

SECTION 1: That there is hereby appropriated from the unencumbered balance of the Street Maintenance and Repair Fund \$81,000 increasing the following account:

Local Street Resurfacing (200-2020-5530)	\$81,000
--	----------

SECTION 2. That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund \$158,000 increasing the following account:

ODOT Urban Resurfacing (410-4103-5531)	\$158,000
--	-----------

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

SECTION 4. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City and for the further reason to provide for the maintenance of the Local Street Resurfacing program as well as the 2020 ODOT Urban Resurfacing program and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS___ NAYS___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



MEMORANDUM

TO: Bill Ferrigno, PE
FROM: Jonathan Owen, PE
DATE: 2/4/2020
RE: 2020 Pavement Maintenance Projects – Budget Needs

The purpose of this memo is to document the revisions to cost estimates for the following 2020 Pavement Maintenance Projects:

- ODOT Urban Resurfacing (SR 37 from Troy Road to the Point)
- 2020 Pavement Maintenance Program (OWPC)
- 2020 Pavement Maintenance Program (OPWC Traffic Signals)
- 2020 Pavement Maintenance Program (Local)
- Braumiller Road (OPWC City Share with County & Townships)
- ODOT US 23/36 Exit Bin Wall Improvements

The cost estimates provided are final estimates prior to bidding. The estimates are higher than the 2020 appropriations due to a 10% contingency being used on each project and due to ODOT's projects increasing in costs significantly. Additional information about the two ODOT projects is included below.

Attached is an overall table summarizing the total project estimate and recommended appropriation for each project. Recommended appropriations utilized the same accounts as originally appropriated. Row (1) provides the totals for each account. Row (2) shows the amounts currently appropriated in the 2020 Budget for each account. Row (3) provides the difference between the current appropriation and the appropriation recommended. A negative value indicates a shortfall and a positive value indicates a surplus. In total, an additional \$206,750 is needed for the 2020 Pavement Maintenance Projects.

ODOT Urban Resurfacing (SR 37 from Troy Road to the Point)

This ODOT project includes a City share of 20% for the resurfacing costs and 100% of the base repairs costs, and represents the largest increase to the project costs. The original estimate provided by ODOT resulted in an appropriation of \$180,000 in the 2020 Budget. The final estimate from ODOT is \$307,250. A quantity of 1,200 square yards (s.y.) of base repair is included in the project. This amounts to 2.5% of the road surface area within the project limits. These base repairs are necessary to correct base failures not previously repaired by the City and base failures that have developed since the most recent round of repairs in 2019. In recent years, the City has performed the following amounts of base repairs:

Year	Base Repairs (s.y.)
2015 (contracted)	854
2017 (contracted)	586
2018 (City crews)	3,636
2019 (City crews)	2,455
Total	7,531 (15.7% road area)

ODOT US 23/36 Exit Bin Wall Improvements

The only City funded portion of this ODOT project is 100% of the incremental cost of aesthetic treatments to the retaining wall ("bin wall") repairs along the US 23 northbound to US 36 exit ramp. The 2020 appropriation of \$50,000 was based on an original ODOT estimate of \$26,885 for the city portion of the project. The final ODOT estimate is \$71,340.

Initial Payments to ODOT for ODOT Projects.

Initial payments to ODOT for the two ODOT projects are due Friday February 14, 2020. However, since the current City Budget does not have sufficient funds to make payment based on ODOT's final estimates, ODOT has agreed that our initial payments for these projects can be based on the amount currently appropriated, with the remainder of the City-share due no later than 30-days after the sale date (date bids are opened) for each project. The sale date for both projects is scheduled for February 27.

Therefore, I recommend making payments to ODOT of \$180,000 for the Urban Resurfacing Project (SR 37 from Troy Road to the Point), and a payment of \$50,000 for the US 23/36 Exit Bin Wall Improvements Project. After this time, the City will need to make supplemental appropriations to allow the remainder of the City's commitment to be paid no later than 30-days after the sale date.

Summary

The City should strive to meet the needed funding commitments on both ODOT projects to allow these projects to be constructed this year. The only realistic ways to reduce the recommended appropriations presented here are:

- Reduce contingency amounts
- Reduce the scope of the project to resurface local streets (cut streets)
- Reduce or eliminate the bin wall aesthetic treatment



City of Delaware Ohio
2020 Pavement Maintenance Projects - Projection of Final Project Costs

Prepared By: NEM 1/21/2020
Checked By: JRO 2/4/2020

2020 PAVEMENT MAINTENANCE PROJECTS - PROJECT ESTIMATES AND RECOMMENDED APPROPRIATIONS

Project	Project Estimate	Contingency 10%	Total Project Estimate ³	Recommended Appropriation by Account							Appropriation Total
				201.0201.5534	202.0202.5530	202.0202.5556	202.0202.5538	410.4103.5555	410.4111.5501	200.2020.5530	
				State Highway	LF - Resurfacing	LF - OPWC City	LF - Bin Wall	CIP ¹	OPWC Traffic ²	SMR - Local	
ODOT Urban Resurfacing (SR 37 from Troy Road to The Point)	\$ 307,250.00	\$ 30,725.00	\$ 338,000.00	\$ 338,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 338,000.00
2020 Pavement Maintenance Program (OPWC)	\$ 668,398.00	\$ 66,839.80	\$ 736,000.00	\$ -	\$ -	\$ 113,750.00	\$ -	\$ 622,250.00	\$ -	\$ -	\$ 736,000.00
2020 Pavement Maintenance Program (OPWC Traffic Signals)	\$ 32,500.00	\$ 3,250.00	\$ 36,000.00	\$ -	\$ -	\$ -	\$ -	\$ 22,750.00	\$ 13,250.00	\$ -	\$ 36,000.00
2020 Pavement Maintenance Program (Local)	\$ 846,000.00	\$ 84,600.00	\$ 931,000.00	\$ -	\$ 200,000.00	\$ -	\$ -	\$ -	\$ -	\$ 731,000.00	\$ 931,000.00
Braumiller Road (OPWC Share with County & Townships)	\$ 4,500.00	\$ 450.00	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	\$ 5,000.00
ODOT US 23/36 Exit Bin Wall Improvement	\$ 71,340.00	\$ 7,134.00	\$ 79,000.00	\$ -	\$ -	\$ -	\$ 79,000.00	\$ -	\$ -	\$ -	\$ 79,000.00
Total Needed (1)	\$ 1,929,988.00	\$ 192,998.80	\$ 2,125,000.00	\$ 338,000.00	\$ 200,000.00	\$ 118,750.00	\$ 79,000.00	\$ 645,000.00	\$ 13,250.00	\$ 731,000.00	\$ 2,125,000.00
(2)	2020 Appropriation (Original)			\$ 180,000.00	\$ 200,000.00	\$ 180,000.00	\$ 50,000.00	\$ 645,000.00	\$ 13,250.00	\$ 650,000.00	\$ 1,918,250.00
(3)	2020 Appropriation Over/(Under) = (2) - (1)			\$ (158,000.00)	\$ -	\$ 61,250.00	\$ (29,000.00)	\$ -	\$ -	\$ (81,000.00)	\$ (206,750.00)
(4)	2020 Revised Appropriation (TBD)										

Notes:

¹ Account 410.4103.5555 is the CIP fund for the OPWC project. This account is reimbursable in the amount of \$495,000 from OWPC and \$150,000 from Delaware County. The reimbursable amounts cannot be increased.

² Account 410.4111.5501 has a total appropriation of \$100,000, and will be used on other traffic projects. Only the estimated total for this project was included in the 2020 Appropriation so the appropriation totals can be compared to the project only.

³ Total project estimates are rounded up to the nearest \$1,000



FACT SHEET

AGENDA ITEM NO: 15

DATE: 02/10/2020

ORDINANCE NO:

RESOLUTION NO: 20-14

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PUBLIC AGENCY (LPA) AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE US 23/US 36 EXIT BIN WALL IMPROVEMENTS PROJECT (ODOT PROJECT ID NO. 98141), TO EXECUTE CONTRACTS, AND CONSTRUCT THE PROJECT.

BACKGROUND:

The Ohio Department of Transportation (ODOT) intends to undertake a project that in summary will:

- Make repairs and expand the bridge over Delaware Run along the US 23 to E. William St. (US 36) exit ramp;
- Make repairs to the bridge over Delaware Run along the E. William St. (US 36) to US 23 on ramp.
- Make repairs to the existing retaining wall (Bin Wall) between northbound US 23 and the off ramp and add aesthetic treatments to the retaining wall; and
- Make repairs to the culvert under Lake St. (US 42) between Joy Ave. and Horseshoe Rd. along with associated repairs to the adjacent stone wall, headwall and guardrail at the spillway of Greenwood Lake.

ODOT will fund 100% of the costs that are required to perform the project. The City is required to contribute 100% of additional items requested by the City

that are not essential to the project; these costs involve aesthetic treatments being added to the project at the retaining wall between northbound US 23 and the off ramp to E. William St. (US 36).

With Resolution 19-49, the City previously committed to participate in the project when the project was at a preliminary stage. Now, the project plans are finalized and ODOT's "sale date" (the bid opening) is scheduled for February 27, 2020. Construction is anticipated to be in the April to October 2020 timeframe.

In ODOT's project process, the City's estimated portion of the project costs are due prior to the sale date. If bids are higher than ODOT's estimate and if costs increase during construction, additional City payment may be required in the future. If costs are lower, the City would be refunded.

This project is included in the approved 2020-2024 Capital Improvement Plan (CIP) for construction in 2020 at a cost of \$50,000 (see US 23/36 Exit Bin Wall Improvements project).

The total estimated cost of the project (combined ODOT and City portions) is approximately \$3,500,000.

The attached CIP Information Sheet includes a depiction of the proposed aesthetic wall treatment.

REASON WHY LEGISLATION IS NEEDED:

ODOT District 6 is administering the project, and the State requires consent legislation be passed by the local government to allow for the project to occur within the corporate limits.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Based on initial cost estimates, the projection for the City's contribution for this project was estimated to be \$30,000. With the final design, ODOT's estimate cost for the City was increased to \$71,340. The City will be expected to make a payment of \$71,340 ODOT by 2/14/2020.

POLICY CHANGES:

None

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

Resolution 20-14

Fiscal Officer's Certificate

Contract

CIP Information Sheet

RESOLUTION NO. 20-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PUBLIC AGENCY (LPA) AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE US 23/US 36 EXIT BIN WALL IMPROVEMENTS PROJECT (ODOT PROJECT ID NO. 98141), TO EXECUTE CONTRACTS, AND CONSTRUCT THE PROJECT.

WHEREAS, the STATE and CITY have identified the need for the above described project; and

WHEREAS, the City of Delaware, referred to as the Local Public Agency (LPA), desires the Director of Transportation to complete the project; and

WHEREAS, on the 11th day of November, 2019, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of rehabilitating and applying an architectural surface finish to the retaining wall (Bin Wall) located at the U.S. 23 and William Street interchange, lying within the City of Delaware; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the retaining wall's architectural surface finish within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Seventy-One Thousand Three Hundred Forty and - - - - 00/100 Dollars, (\$71,340.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$71,340.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **U.S. 23/U.S. 42**, lying within the corporate limits of the City of Delaware, more particularly described as follows:

The project consists of rehabilitating and applying an architectural surface finish to the retaining wall (Bin Wall) located at the U.S. 23 and William Street interchange, lying within the City of Delaware; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of Delaware, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Delaware, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Delaware, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of rehabilitating and applying an architectural surface finish to the retaining wall (Bin Wall) located at the U.S. 23 and William Street interchange, lying within the City of Delaware.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Seventy-One Thousand Three Hundred Forty and - - - - 00/100 Dollars, (\$71,340.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the retaining wall's architectural surface finish within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Delaware
1 South Sandusky Street
Delaware, Ohio
43015

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Delaware**

Director of Transportation

City Manager

Date

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Helene Ware
Senior Financial Analyst
Ohio Department of Transportation
Office of Estimating - #4160
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

PID No. 98141
Invoice No. 11189

To: **City of Delaware**
1 South Sandusky Street
Delaware, Ohio
43015

Federal Project No. E161325
Delaware County
City of Delaware
U.S. 23/U.S. 42

PLEASE ENCLOSE TWO COPIES OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$71,340.00

Contract amount \$66,670.04
ODOT Engineering amount. \$ 4,669.96

For the improvement of that portion of **U.S. 23/U.S. 42**, more particularly described as follows:

The project consists of rehabilitating and applying an architectural surface finish to the retaining wall (Bin Wall) located at the U.S. 23 and William Street interchange, lying within the City of Delaware.

Total Amount Due **\$71,340.00**

Ohio Department of Transportation
By: Joseph T. Anthony
Construction Cost Manager
Office of Estimating

Signature Certificate

 Document Reference: WBHR5SIY6J6ANN9J9ZMR94

RightSignature
Easy Online Document Signing



Joe Anthony

Party ID: 9ZGBPXI5H4NN5BCHH3P58Z

IP Address: 156.63.69.78

VERIFIED EMAIL: joseph.anthony@dot.ohio.gov

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

8007f9fee7e7a740b84078dc583fd2e7d77bd9f2



Timestamp

2020-01-28 04:23:54 -0800

2020-01-28 04:23:54 -0800

2020-01-28 04:23:40 -0800

2020-01-27 13:05:01 -0800

Audit

All parties have signed document. Signed copies sent to: Joe Anthony and Timothy Pritchard.

Document signed by Joe Anthony (joseph.anthony@dot.ohio.gov) with drawn signature. - 156.63.69.78

Document viewed by Joe Anthony (joseph.anthony@dot.ohio.gov). - 156.63.69.78

Document created by Timothy Pritchard (timothy.pritchard@dot.ohio.gov). - 156.63.69.14



This signature page provides a record of the online activity executing this contract.

AUGUST 15, 2019

US23/US36 EXIT BIN WALL IMPROVEMENT

(PID 98141 - DEL-23-11.89)

INFORMATION AT A GLANCE

COST
\$50,000

FUNDING

LOCAL \$50,000

PROJECTED SCHEDULE

Design 2018-2019

Construction 2020

PROJECT LEAD
ODOT

CITY LEAD
Public Works

DESIGN CONSULTANT
2LMN

CONTRACTOR
TBD

Purpose

ODOT District Six is leading a project to address the deteriorated metal retaining wall (Bin Wall) along the west edge of the off ramp from US 23 North to US 36 (William Street). Along with this work ODOT will patch the tops of the concrete parapets and back of the walls, replace the overlay on the approach slab and decks for the ramp bridge and repair the concrete slope protection along Delaware Run that passes under the area.

Financing

ODOT will fund 100% of the bridge and retaining wall work necessary to complete the project. The City is requesting a decorative finish to the concrete be included as part of the project. The City of Delaware will be asked to participate and fund these aesthetic improvements to the wall face. ODOT will develop the plans with this in mind, and will isolate the costs of the aesthetic treatments. We are anticipating a cost of roughly \$50,000 for this work.

Status

The project is currently in the final stage of design. Construction is anticipated in 2020 but not yet certain. The project will necessitate a ramp closure and major detour of US42, US36 and SR37. We are proposing a night time closure with one ramp lane open to traffic during the day. The times of night closure are to be 8:00 pm to 6:00 am.



FEBRUARY 4, 2020

US23/US36 EXIT BIN WALL IMPROVEMENT

(PID 98141 - DEL-23-11.89)

IMAGE #1
US23/US36 Exit



IMAGE #2

Sample of the new limestone patterned bin wall with the form-liner. It will be stained and sealed as directed by the city.



IMAGE #3
Deteriorated concrete slope protection under the off-ramp along the Delaware Run. The bottom two rows will be replaced with cable matting.



IMAGE #4

Proposed Flexmat material to replace damaged concrete bank protection.





FACT SHEET

AGENDA ITEM NO: 16

DATE: 2/10/2020

ORDINANCE NO:

RESOLUTION NO: 20-15

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PUBLIC AGENCY (LPA) AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING OF PORTIONS OF STATE ROUTE 37 BETWEEN TROY ROAD AND US 36.

BACKGROUND:

The Ohio Department of Transportation (ODOT) intends to resurface portions of State Route 37 (Central Avenue) between Troy Road and US 36 (East William Street at "The Point"). This project falls under ODOT's Urban Paving Initiative, which requires that the local municipality contribute 20% of the total cost for the surface treatment for the portion of the project within its corporation limits. Additionally, the City is required to contribute 100% of the cost of non-surface related items such as signal repairs, curbs, gutters, utility relocation expenses, and full-depth pavement repairs.

With Resolution 19-48, the City previously committed to participate in the project when the project was at a preliminary stage. Now, the project plans are finalized and ODOT's "sale date" (the bid opening) is scheduled for March 12, 2020. Construction is anticipated to be in the April to September 2020 timeframe.

In ODOT's project process, the City's estimated portion of the project costs are due prior to the sale date. If bids are higher than ODOT's estimate and if costs

increase during construction, additional City payment may be required in the future. If costs are lower, the City would be refunded.

The majority of the City's share of the project costs is for base repairs. Although the City has made extensive efforts over the past five years to make base repairs, it is necessary to perform more base repairs with this project. The reason that additional base repairs are needed with this project is because (1) all previous base failures were not repaired and (2) additional base failures have developed since the summer of 2019. Below is a summary of base repairs made over the past five years and the proposed base repair amount in this project.

Year	Base Repairs (s.y.)	% Road Area
2015 (contracted)	854	1.8
2017 (contracted)	586	1.2
2018 (City crews)	3,636	7.6
2019 (City crews)	2,455	5.1
2020 (this project)	1,200	2.5
Total	8,731	18.2

The total estimated cost of the project (combined ODOT and City portions) is approximately \$800,000.

REASON WHY LEGISLATION IS NEEDED:

ODOT District 6 is administering the project, and the State requires consent legislation be passed by the local government to allow for the project to occur within the corporate limits.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

At the time the 2020 City Budget was being prepared, \$180,000 was appropriated for this project based on ODOT's original estimate. The projection for the City's contribution for this project was increased to \$220,000 when Resolution 19-48 was passed. With the final design, ODOT's estimate cost for the City was increased to \$307,520. The City will be expected to make a payment of \$307,520 ODOT by 3/9/2020.

The City has elected to add a 10% project contingency to the budget appropriation for a total appropriation of \$338,000. This contingency may be utilized if actual bid prices are higher than ODOT's estimate or if change orders during construction increase the City's share of the project cost.

POLICY CHANGES:

A supplemental appropriation ordinance is concurrently before Council and is necessary to provide the full project funding to ODOT. The supplemental appropriation would increase the total appropriation for the project from \$180,000 to \$338,000.

PRESENTER(S):

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

RECOMMENDATION:

Approval

ATTACHMENT(S)

Resolution 20-15
Fiscal Officer's
Certificate Contract

RESOLUTION NO. 20-15

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PUBLIC AGENCY (LPA) AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING OF PORTIONS OF STATE ROUTE 37 BETWEEN TROY ROAD AND US 36.

WHEREAS, the STATE and CITY have identified the need for the above described project; and

WHEREAS, the City of Delaware, referred to as the Local Public Agency (LPA), desires the Director of Transportation to complete the project; and

WHEREAS, on the 11th day of November, 2019, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing Central Avenue (S.R. 37) between Troy Road and William Street (U.S. 36) and replacing trench drain on U.S. 23 in close proximity of the Sandusky Street/Pennsylvania Avenue on/off ramps, including pavement markings, lying within the City of Delaware; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the retaining wall's architectural surface finish within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Three Hundred Seven Thousand Five Hundred Twenty and - - - - 00/100 Dollars, (\$307,520.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$307,520.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **S.R. 37**, lying within the corporate limits of the City of Delaware, more particularly described as follows:

The project consists of resurfacing Central Avenue (S.R. 37) between Troy Road and William Street (U.S. 36) and replacing trench drain on U.S. 23 in close proximity of the Sandusky Street/Pennsylvania Avenue on/off ramps, including pavement markings, lying within the City of Delaware; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of Delaware, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Delaware, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Delaware, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of resurfacing Central Avenue (S.R. 37) between Troy Road and William Street (U.S. 36) and replacing trench drain on U.S. 23 in close proximity of the Sandusky Street/Pennsylvania Avenue on/off ramps, including pavement markings, lying within the City of Delaware.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Three Hundred Seven Thousand Five Hundred Twenty and - - - - 00/100 Dollars, (\$307,520.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

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Notice under this contract shall be directed as follows:

City of Delaware
1 South Sandusky Street
Delaware, Ohio
43015

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

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1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Delaware**

Director of Transportation

City Manager

Date

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Helene Ware
Senior Financial Analyst
Ohio Department of Transportation
Office of Estimating - #4160
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

PID No. 106090
 Invoice No. 11190

To: **City of Delaware**
1 South Sandusky Street
Delaware, Ohio
43015

Federal Project No. E190541
Delaware County
City of Delaware
S.R. 37

PLEASE ENCLOSE TWO COPIES OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$307,520.00

Contract amount \$287,404.75
 ODOT Engineering amount. \$ 20,115.25

For the improvement of that portion of **S.R. 37**, more particularly described as follows:

The project consists of resurfacing Central Avenue (S.R. 37) between Troy Road and William Street (U.S. 36) and replacing trench drain on U.S. 23 in close proximity of the Sandusky Street/Pennsylvania Avenue on/off ramps, including pavement markings, lying within the City of Delaware.

Total Amount Due	\$307,520.00
-------------------------	---------------------

Ohio Department of Transportation

By: Joseph Anthony
 Construction Cost Manager
 Office of Estimating

Signature Certificate

 Document Reference: DPTZGJIKX4E4RLHT9SYYBY

RightSignature
Easy Online Document Signing



Joe Anthony

Party ID: WJI5SSJM5KVNCATUMDT32W

IP Address: 156.63.69.14

VERIFIED EMAIL: joseph.anthony@dot.ohio.gov

Electronic Signature:

Multi-Factor
Digital Fingerprint Checksum

2f966fe657171cad6911af2fe3087cd30147a0d8



Timestamp

2020-01-13 04:26:56 -0800

2020-01-13 04:26:55 -0800

2020-01-13 04:26:47 -0800

2020-01-13 02:16:25 -0800

Audit

All parties have signed document. Signed copies sent to: Joe Anthony and George Rysavy.

Document signed by Joe Anthony (joseph.anthony@dot.ohio.gov) with drawn signature. - 156.63.69.14

Document viewed by Joe Anthony (joseph.anthony@dot.ohio.gov). - 156.63.69.14

Document created by George Rysavy (george.rysavy@dot.ohio.gov). - 156.63.69.14



This signature page provides a record of the online activity executing this contract.



FACT SHEET

AGENDA ITEM NO: 17

DATE: 02/10/2020

ORDINANCE NO:

RESOLUTION NO: 20-16

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING NEGOTIATED CHANGES TO THE FRATERNAL ORDER OF POLICE, OFFICE AND CLERICAL (FOP CLERICAL) EMPLOYEES AGREEMENT WITH THE CITY OF DELAWARE.

BACKGROUND:

This contract includes a wage package of 2.5%, 2.5%, and 2.5% for 2020-2022 and a thirty (30) minute paid lunch (increase from fifteen (15) minute).

REASON WHY LEGISLATION IS NEEDED:

The current contract expires December 31, 2019.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

2.5% wage increase for 2020, 2021 and 2022. Increase in paid lunch period from fifteen (15) to thirty (30) minutes has no pure cost to the city, but there is an economic value to time worked (est. avg of \$7,000 per year for all employees in the bargaining unit).

POLICY CHANGES:

None. Wage package is consistent with other contracts.

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

In the past, we have approved multiple labor contracts with one piece of legislation. This isn't an option this year, as negotiations on the two remaining contracts have not been completed. Staff recommends action at the second reading.

ATTACHMENT(S)

Draft contract changes

AGREEMENT BETWEEN THE CITY OF
DELAWARE



AND

FRATERNAL ORDER OF POLICE
OFFICE AND CLERICAL



EFFECTIVE DATES
January 1, 2020 - December 31, 2022

ARTICLE 1

AGREEMENT

Section 1.

This Agreement is made and entered into by and between the City of Delaware, (hereinafter referred to as the City,) and the Fraternal Order of Police, Ohio Labor Council, Inc. (hereinafter referred to as the Union).

Section 2.

This Agreement is made for the purpose of promoting cooperation, and orderly, constructive and harmonious relations between the City, its employees, and the Union. This Agreement is intended to formalize the issues approved by the negotiating committees of the City and the Employees Union.

Section 3.

The provisions of this Agreement establish certain rights and benefits for the Union and the employees which shall only be coextensive with the terms of this Agreement, and these rights and benefits shall cease and terminate upon the termination date of this Agreement.

Section 4.

This Agreement shall become effective upon ratification by the Union and approval by the City Council and shall remain in full force and effect until **DECEMBER 31, 2022**. Unless otherwise indicated, the terms used in this Agreement shall be interpreted in accordance with the provisions of Chapter 4117 of the Revised Code. Where this Agreement makes no specification about a matter, the City and its employees are subject to all applicable State laws or local ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees.

Section 5.

If either party wishes to terminate, modify, or negotiate a successor agreement, it must serve written or electronic notice of that intention upon the other party not less than sixty (60) days prior to the expiration of this Agreement. Upon timely service of such notice, the parties shall collectively bargain in good faith in an effort to reach a successor Agreement. If no such written notice is given, this Agreement will be renewed automatically for one year.

ARTICLE 11

WAGES AND PAY PLAN

Section 1.

The City will implement the Pay Plan listed below which shall be in effect for the periods indicated, except that salary step advancements prescribed in the pay plan shall become effective as follows:

Step 1 at hire

Step 2 at 18 months from start date

Steps 3 - 5: 1 year following the last step; with each step being effective as of the first full pay period after the most recent Step date

The following pay rates for all Pay Grades reflect a ~~1.9~~ **2.5%** increase for ~~2016~~ **2020**, a ~~2~~ **2.5%** increase for ~~2017~~ **2021**, and a ~~2~~ **2.5%** increase for ~~2018~~ **2022** will be paid to members as follows:

Pay plan for period beginning December 25, 2019					
PAY GRADE HOURLY	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	19.81	20.60	21.39	22.28	22.99
2	20.69	21.66	22.48	23.49	24.49

Pay plan for the period beginning December 23, 2020					
PAY GRADE HOURLY	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	20.31	21.12	21.93	22.84	23.57
2	21.21	22.20	23.04	24.08	25.10

Pay plan for the period beginning December 22, 2021					
PAY GRADE HOURLY	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	20.82	21.65	22.47	23.41	24.15
2	21.74	22.75	23.62	24.68	25.73

PAY GRADE

I
II

POSITION

Records Clerk
Community Services Officer, Senior Records Clerk

SECTION 2.

Current employees as of March 1, 2007 in the records bureau/records division are to be employed in the position of Senior Records Clerk. Any future employees employed in the records bureau/records division who are not Senior Records Clerks with the City of Delaware as of March 1, 2007 shall be employed in the positions of either Records Clerk or Senior Records Clerk in the sole discretion of the City. The City shall evaluate the

needs of the Police Department and records bureau/records division and determine in its sole discretion whether any additional employees or job openings shall be in the Records Clerk or Senior Records Clerk positions. A minimum qualification for a Senior Records Clerk position shall be at least five years of service as a Records Clerk or equivalent education and job skills as determined by the Chief of Police in his or her sole discretion.

ARTICLE 13

HOURS OF WORK

Section 1.

The normal, but not guaranteed, workday for Records Clerks, Community Service Officer shall consist of an eight (8) hour or ten (10) hour workday with a ~~15~~ **thirty (30)** minute paid lunch break. The normal, but not guaranteed, workday for Dispatcher shall consist of an eight (8) hour workday with a half hour paid lunch break. The exception to this will be the ten (10) hour Dispatcher position whose normal workday shall consist of ten hours with a half-hour paid lunch break.

Section 2.

The normal, but not guaranteed, work week for members, with the exception of ten (10) hour shifts, shall consist of five (5) days on duty and two (2) days off, though not necessarily in the same work week. The normal, but not guaranteed, work week for members working the ten (10) hour shift shall consist of four (4) days on duty and three (3) days off, though not necessarily in the same work week. Days off shall normally be consecutive, though not necessarily in the same workweek, dependent upon staffing needs as determined by the Chief of Police.

Section 3.

Dispatchers and Records Clerks shall be permitted, with approval of their supervisor, to exchange a workday or shift assignment, as long as such exchange takes place within the posted schedules. Exchanges of work days or shift assignments lasting two (2) or more consecutive days, shall require the approval of the Chief of Police or his designee.

If an employee who exchanged a work day or shift assignment fails to show up for work, the employee will be prohibited from other and future exchanges.

Section 4.

The City recognizes the benefit to be achieved from advance notice of scheduling, and accordingly, agrees that unless unusual circumstances prohibit, the work schedule for bargaining unit members will be posted at least seven (7) weeks prior to the implementation of the schedule. Also, if changes in the posted work schedule become necessary, the effected members will be notified of such changes no less than seven (7) days in advance, if possible.

Section 5.

During the time changes each year, the City agrees to pay time and a half to those working the additional hour during their shift and likewise, the employees working during the shift where they are short an hour, they will take 1 hour vacation, holiday, personal or compensatory time.

ARTICLE 22

DUES

Section 1. Dues.

The City agrees to deduct from the wages of any employee who is a member of the Union all dues uniformly required. The Union will notify the City by July 1 of each year of the dues it charges and its current membership. All dues collected shall be paid over by the employer once each month to the FOP Ohio Labor Council, Inc., 222 E. Town Street, Columbus, Ohio 43215. **THE EMPLOYER SHALL PROVIDE A LIST EACH MONTH OF ALL DUES PAYING MEMBERS AS WELL AS A LIST OF ALL CURRENT EMPLOYEES.**

Section 2. Fair Share Fee.

- ~~A. Payroll Deduction of Fair Share Fee—The City shall deduct from the pay of members of the bargaining unit who elect not to become or remain members of the Union, a fair share fee for the Union's representation of such non members during the term of this contract. No non member filing a timely demand shall be required to subsidize partisan political or ideological causes, or any other endeavors not germane to the Union's work in the realm of collective bargaining and contract administration.~~
- ~~B. Notification of the Amount of Fair Share Fee—Notice of the amount of the annual fair share fee, which shall not exceed 100% of the Union dues for members, shall be transmitted by the Union to the City Finance Director prior to February 15 of each year during the term of this contract for the purpose of determining the amount to be payroll deducted. The City agrees to transmit all amounts deducted to the Union once each month, at the same time and to the same place as regular membership dues.~~
- ~~C. Procedure for Rebate—The Union represents to the City that an internal rebate procedure has been established in accordance with Section No. 4117.09(C) of the Revised Code, and that a procedure for challenging the amount of the representation fee has been established and will be given to each member of the bargaining unit who does not join the Union, and that such procedures and notice shall be in compliance with all applicable state and federal laws and the Constitutions of the United States and the State of Ohio.~~
- ~~D. Entitlement to Rebate—Upon timely demand, non members may apply to the Union for an advance reduction/rebate of the fair share fee pursuant to the internal procedures adopted by the Union.~~
- ~~E. Indemnification of Employer—The Union shall defend, indemnify and hold harmless the City, the City Council members, the Finance Director, and any and all other officers and employees of the City against any and all claims and/or costs arising from or in any way related to the implementation and enforcement of this Article, specifically including, but not limited to, any costs arising from an action in any court or administrative agency alleging that the Union's internal rebate procedure is legally defective.~~

ARTICLE 36

MILITARY LEAVE

Section 1.

Employees of the Police Department who are members of the Ohio National Guard, U.S. Air Force Reserves, or the U.S. Army Reserves, U.S. Marine Corps Reserves, U.S. Coast Guard Reserves, or the U.S. Naval Reserves shall be granted military leave of absence with pay and shall not be required to use vacation leave when ordered to temporary active duty or when ordered to military training exercises conducted in the field for a period **OF UP TO ONE MONTH, FOR EACH FEDERAL FISCAL YEAR IN WHICH THEY ARE PERFORMING SERVICES IN THE UNIFORMED SERVICES. (FEDERAL FISCAL YEAR IS OCTOBER 1 – SEPTEMBER 30. “MONTH” FOR THE PURPOSES OF THIS ARTICLE MEANS 176 HOURS.)** ~~not to exceed 176 hours (22—8 hour working days) in any one calendar year.~~ Excepting and providing that when the Chief Executive Officer of the State of Ohio or the Chief Executive Officer of the United States declares that a state of emergency exists, then in that event the member, if ordered to active duty for purposes of that emergency, shall be paid pursuant to this section for a period **OF UP TO ONE MONTH, FOR EACH FEDERAL FISCAL YEAR IN WHICH THEY ARE PERFORMING SERVICES IN THE UNIFORMED SERVICES (FEDERAL FISCAL YEAR IS OCTOBER 1 – SEPTEMBER 30. “MONTH” FOR THE PURPOSES OF THIS ARTICLE MEANS 176 HOURS.)** ~~or periods, whether or not consecutive, not to exceed, 176 hours (22—8 hour working days) in any one calendar year.~~ A member shall be paid his regular salary for the period of time so served less whatever amount such member may receive as his military base pay. The employee is required to submit to the City an order or statement from the appropriate military commander as evidence of such duty.

Section 2.

Employees called or ordered to the uniformed services, as a result of an executive order issued by the President of the United States or an Act of Congress, for longer than one **MONTH, FOR EACH FEDERAL FISCAL** ~~hundred seventy six (176) hours in each calendar year~~ in which the employee performed service in the uniformed services, is entitled, during the period designated in the order or act, to a leave of absence and to be paid during each monthly pay period of that leave of absence the lesser of the following **(FEDERAL FISCAL YEAR IS OCTOBER 1 – SEPTEMBER 30. “MONTH” FOR THE PURPOSES OF THIS ARTICLE MEANS 176 HOURS.):**

- A. the difference between the employee's gross monthly wage or salary as an employee and the sum of the employee's gross uniformed pay and allowances received that month;
- B. five hundred dollars (\$500.00).

Section 3.

The employee shall be responsible for notifying the City upon notification to report for

military duty. During the period the employee is on leave, he/she shall be compensated for the difference between his normal rate of pay and the rate compensated for his/her military service. It is the employee's responsibility, therefore, to notify the City of the beginning/ending dates of his/her military service and military rate of pay.

Section 4.

Employees required to report for weekend/monthly drills must notify the City prior to the establishment of the next schedule. Failure to do so, on the part of the employee, will result in the time off without compensation.

Section 5.

Employees who have worked for the City long enough to complete their probationary period will be granted a leave of absence without pay to be inducted or to otherwise enter military service.

Section 6.

An appointment may be made to fill a vacancy created when an employee enters military service. However, if the person filling such a vacancy also enters military service, he or she may be reinstated to the position after completion of service only if the first employee (the original incumbent) fails to apply for reinstatement within ninety (90) days of discharge, or makes a written waiver of all rights to the position.

Section 7

An employee who re-enlists while on active duty or a commissioned officer who voluntarily enters on extended active duty beyond that required upon accepting a commission is not eligible for reinstatement.

Section 8.

Employees who are members of the Ohio National Guard will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. The leave will cover the official period of the emergency.

Section 9.

A veteran separated or discharged under honorable conditions must make application for re-employment to the former position within ninety (90) days after release from hospitalization due to in-service injury or illness which has not exceeded a period of more than one (1) year. The following procedures apply:

- A. Reinstatement must be accomplished within thirty (30) days after application is received by the City.
- B. A photostatic copy of the discharge or certificate of service must accompany all requests for reinstatement or reappointment.
- C. The veteran must be physically qualified to perform duties of the position. Where a disability sustained in the military service precludes restoration to the original

- D. position, the veteran will be placed in a position of like status and pay, compatible with his or her physical condition.
- E. A veteran is entitled to all salary benefits or other advancement accruing to the position during military absence as follows:
 - 1. Sick Leave - that amount which had been accumulated at the time of entering service.
 - 2. Vacation Leave - time spent on military leave will be counted in determining the employee's length of service, but no vacation credit will accumulate during the time spent on military leave.
 - 3. Automatic Salary Adjustment (step increases).
 - 4. Any changes in classification or pay range which would have accrued to the position if the employee had been on the job.

ARTICLE 41

SIGNATORY AGREEMENT

Section 1.

By affixing appropriate signatures below, the representatives of the Fraternal Order of Police, Ohio Labor Council and the City agree to the terms and conditions of this employment agreement. The language of said foregoing terms and conditions of employment is hereby deemed to be acceptable to both parties and recommended to be forwarded to the Delaware City Council for the necessary legislative approval, ratification and adoption.

Section 2.

Signed and dated at Delaware, Ohio, on the _____ date of February 2020.

For the City:

For the Union:

R. Thomas Homan
City Manager

Charlotte Cooper
Bargaining Committee Member

Approved as to Form:

Darren M. Shulman
City Attorney

Ashley Beery
Bargaining Committee Member

Paul Henry
FOP/OLC Representative

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: February 6, 2020

1. **Calendar**

See Attached

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

See Attached

3. **Manager Meetings/Events**

January 23

PROS CONSULTING

January 27

Rotary

City Council Meeting

February 3

Council Work Session

February 4

Ironman Meeting

DCFA Meeting

February 5

ICMA Planning Meeting

February 6

Chamber of Commerce Annual Dinner

4. **Required Reading**

Memorandum from Ted Miller, Parks and Natural Resource Director regarding Central Ohio pool rate comparison and recommendations.

February

2020

Monthly Meeting Schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Council Work Session 6:30 p.m.	4 Public Works/Public Utilities Committee 6:00 p.m.	5 Civil Service 3:30 p.m. Planning Commission 6:30 p.m.	6	7	8
9	10 City Council 6 p.m. @ City Hall Joint Mtg with Council/School Board 7 p.m. @ Willis ***	11 Finance Committee 4:30 p.m.	12 BZA – 6:30 p.m. Cancelled	13	14	15
16	17 Parking and Safety Committee 6 p.m. Cancelled	18	19	20	21	22
23	24 City Council 7 p.m.	25 Shade Tree Commission 6:30 p.m.	26 Historic Preservation Commission 6:30 p.m.	27	28	29

*** City Council will meet at 6:00 p.m. on February 10 at City Hall for the regular meeting of Council and proceed at 7:00 p.m. to the joint meeting of Council and the Delaware City School Board at Willis Education Center.

CONTRACT APPROVAL – February 10, 2020

VENDOR	EXPLANATION OF AGREEMENT	2020 AMOUNT	DEPARTMENT
Strawser Paving Co	2019 Pavement Resurfacing Program	\$514,763	Public Works
Madison Tree & Landscape Co	Glenn Parkway Extension Tree Clearing	\$28,800	Public Works
Ohio Public Works Commission	2019 Pavement Maintenance Program	\$473,429.97	Public Works
Bilbaran Farm	Dumpster Placement	\$1,500	Public Works
ServiceMaster Elite Janitorial	Facility Maintenance Cleaning	\$101,513.40	Public Works
ServiceMaster by Faith LLC	Janitorial Cleaning at water treatment plant	\$19,428	Public Utilities
Docusign	IT	\$2,875	IT
Delaware General Health District	Car seat inspection facility	\$0	Fire
SourcePoint	Business Associate Agreement	\$45hr/20 hr per week	Fire
MS Consultants	Design Services Contract for Delaware City Hall Renovations	\$85,000	City Manager
Shelly & Sands Inc	2019 Pavement Maintenance Program	\$1,006,270.46	Public Works
Double Z Construction Company	E. William Street Widening	\$5,097,582.33	Public Works
G.E. Baker Construction, Inc.	Storm Water Improvements to Dogwood Drive	\$214,238	Public Utilities
JCI Jones Chemicals, Inc.	Disinfection for water consumption	\$650/ton	Public Utilities
Bonded Chemicals Inc.	For coagulation and settling in the treatment process	\$0.1045 per/lb.	Public Utilities
H2O Innovation	Prevent the formation and growth of solids on the RO membrane skids	\$1060 per drum	Public Utilities
Affidavit Maker	Continued use of software with Police and Affidavit Maker Software	\$1,930	Police
Delaware County	Intergovernmental Co-op Agreement for CAD software and services	\$157,79.07	Police
DWA Recreation Inc.	Replace Mingo Park Play Equipment	\$245,000	Parks
MSP Design	Oak Grove Cemetery Design Services	90,000	Parks
EMS Technology Solutions, LLC	Operative IQ – Licensing Agreement	\$6,332	Fire

Emergency Networking	Service Agreement	\$14,400	Fire
Pierce Manufacturing	Loaned Vehicle Risk Allocation Agreement	0.00	Fire
Tyler Technologies	ERP Acquisition	\$1,618,682	IT
Hamburg Fireworks Display	2020 Contract for July 4 Fireworks Display	\$40,000	Fire
MS Consultants	3D Scanning Services for City Hall Renovations	\$7,188.64	City Manager
Ohio Wesleyan University	Agreement for EMS	\$348.60	Fire
Francis & Mary Lou Wilgus	Maintenance Agreement	\$1.00	Public Works



RECOMMENDATIONS

TO: R. Thomas Homan, City Manager
 CC: Kyle Kridler, Asst. City Manager
 FROM: Ted Miller, Parks and Natural Resources Director
 DATE: February 6, 2020
 RE: Jack Florance Pool Rate change

We are requesting a rate change for the Jack Florance Pool, to be effective for the 2020 season. The rate change would impact non-residents only and would freeze resident rates for the pool.

The following are the current and proposed rates (changes in red):

	Current Rate	Proposed Rate
Daily Admission		
Resident Youth	\$4.00	\$4.00
Resident Adult	\$6.00	\$6.00
Non Resident Youth	\$4.00	\$9.00
Non Resident Adult	\$6.00	\$10.00
Individual Memberships		
Resident Youth	\$105.00	\$105.00
Resident Adult	\$110.00	\$110.00
Resident Senior	\$60.00	\$60.00
Non Resident Youth	\$135.00	\$200.00
Non Resident Adult	\$140.00	\$200.00
Non Resident Senior	\$90.00	\$90.00
Family Membership		
Resident Family of 2	\$125.00	\$125.00
Non Resident Family of 2	\$155.00	\$250.00
Resident Family of 3	\$145.00	\$145.00
Non Resident Family of 3	\$175.00	\$300.00
Resident Family of 4	\$165.00	\$165.00
Non Resident Family of 4	\$195.00	\$350.00
Resident Family of 5+	\$185.00	\$185.00
Non Resident Family of 5+	\$215.00	\$400.00

Jack Florance Pool -15% off early registration April 9th – May 15th

The rate change is proposed to bring our rates current with surrounding public pools per the attached comparison sheet. The Jack Florance Pool rates have not changed since sometime before 2011. In addition, the rate change will provide the greatest value to our residents.

We have discussed this with the Park Advisory Board and they are in support of the rate change.

Please consider this rate change and let me know if you have any questions. Thank you.

DRAFT

CENTRAL OHIO POOL RATE COMPARISON

Poll	Jack Florance Pool (JFP)	Dublin Community Pool	North Orange Aquatic Center	Gahanna Pools	Worthington Pools	Highlands Park Aquatic Center	Grandview Heights	Marysville	Average (not including Mingo)	Difference	Proposed 2020 JFP Rate (changes in blue)
Owned	Public	Public	Public	Public	Public	Public	Public	Public			
RATES											
Daily Admission											
Resident Youth	\$4.00	\$7.00	\$6.00	\$9.00	\$10.00	\$6.00	\$3.00	\$5.00	\$6.57	-\$2.57	\$4.00
Resident Adult	\$6.00	\$8.00	\$6.00	\$9.00	\$15.00	\$6.00	\$10.00	\$7.00	\$8.71	-\$2.71	\$6.00
Non Resident Youth	\$4.00	\$9.00	\$12.00	\$9.00	\$10.00	\$12.00	\$3.00	\$5.00	\$8.57	-\$4.57	\$9.00
Non Resident Adult	\$6.00	\$10.00	\$12.00	\$9.00	\$15.00	\$12.00	\$10.00	\$7.00	\$10.71	-\$4.71	\$10.00
Individual Memberships											
Resident Youth	\$105.00	\$85.00	\$90.00	\$160.00	\$188.00	\$75.00	\$110.00	\$100.00	\$115.43	-\$10.43	\$105.00
Resident Adult	\$110.00	\$85.00	\$95.00	\$160.00	\$188.00	\$75.00	\$110.00	\$100.00	\$116.14	-\$6.14	\$110.00
Resident Senior	\$60.00	\$60.00	\$70.00	\$100.00	\$121.00	\$40.00	\$65.00	\$70.00	\$75.14	-\$15.14	\$60.00
Non Resident Youth	\$135.00	\$200.00	N/A	\$185.00	\$215.00	\$131.25	\$180.00	\$150.00	\$176.88	-\$41.88	\$200.00
Non Resident Adult	\$140.00	\$200.00	N/A	\$185.00	\$215.00	\$131.25	\$180.00	\$150.00	\$176.88	-\$36.88	\$200.00
Non Resident Senior	\$90.00	\$110.00	N/A	\$90.00	\$139.00	\$70.00	\$124.00	\$90.00	\$85.50	\$4.50	\$90.00
Family Membership											
Resident Family of 2	\$125.00	\$145.00	\$155.00	\$150.00	\$283.00	\$120.00	\$170.00	\$140.00	\$166.14	-\$41.14	\$125.00
Non Resident Family of 2	\$155.00	\$290.00	N/A	\$275.00	\$325.00	\$210.00	\$273.00	\$180.00	\$258.83	-\$103.83	\$250.00
Resident Family of 3	\$145.00	\$200.00	\$170.00	\$300.00	\$325.00	\$150.00	\$210.00	\$160.00	\$216.43	-\$71.43	\$145.00
Non Resident Family of 3	\$175.00	\$405.00	N/A	\$325.00	\$373.00	\$262.50	\$330.00	\$200.00	\$315.92	-\$140.92	\$300.00
Resident Family of 4	\$165.00	\$230.00	\$185.00	\$325.00	\$363.00	\$170.00	\$245.00	\$180.00	\$242.57	-\$77.57	\$165.00
Non Resident Family of 4	\$195.00	\$470.00	N/A	\$350.00	\$417.00	\$297.50	\$376.00	\$220.00	\$355.08	-\$160.08	\$350.00
Resident Family of 5+	\$185.00	\$265.00	\$200.00	\$350.00	\$388.00	\$180.00	\$265.00	\$200.00	\$264.00	-\$79.00	\$185.00
Non Resident Family of 5+	\$215.00	\$550.00	N/A	\$375.00	\$447.00	\$315.00	\$417.00	\$240.00	\$390.67	-\$175.67	\$400.00

Mingo 15% off early registration April 9th - May 15th.

Dublin - 10% early registration discount- non residents must be accompanied by resident

North Orange Aquatic Center (Orange Twp.) \$10.00 off early registration, April 30th