

**CITY OF DELAWARE
CITY COUNCIL
MEETING TO BE HELD VIRTUALLY VIA CISCO Webex **
7:00 P.M. MEETING**

AGENDA

7:00 P.M.

April 13, 2020

1. ROLL CALL
2. INVOCATION, Reverend Jon Powers
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held on March 23, 2020, as recorded and transcribed.
APPROVAL of the Motion Summary of the special meeting of Council held on March 18, 2020, as recorded and transcribed.
5. LETTERS, PETITIONS, AND PUBLIC COMMENTS
Due to the meeting being held virtually, public comment is requested to be received either before or during the meeting through email at emccloskey@delawareohio.net. Comments received on Facebook may have to be addressed by staff subsequent to the meeting.
6. CONSIDERATION of Resolution No. 20-30, a resolution authorizing the City Manager to amend the lease with Delaware Community Space, LLC to defer payments consistent with the Governor's Executive Order 2020-08D.
7. CONSIDERATION of Resolution No. 20-31, a resolution authorizing the City Manager to establish a COVID-19 Utility Assistance Program.
8. CITY MANAGER'S REPORT & COVID-19 UPDATE: A.
Fire Chief John Donahue
B. Police Chief Bruce Pijanowski
C. Ted Miller, Parks and Natural Resources Director
9. COUNCIL COMMENTS
10. ADJOURNMENT

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

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

March 18

20 20

The special meeting of Council was held March 18, 2020 and was called to order at 2:00 p.m., and was held remotely through Cisco Webex and streamed Live through the City of Delaware's Facebook page due to the State of Emergency. 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, Vice-Mayor Kent Shafer and Mayor Riggle who presided.

Staff Present: Bill Ferrigno, Public Works Director/City Engineer, Blake Jordan, Public Utilities Director, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 2: ORDINANCE NO. 20-25 [First Reading]
AN ORDINANCE AUTHORIZING EMERGENCY MEASURES IN RESPONSE TO COVID-19 VIRUS AND DECLARING AN EMERGENCY.

The Mayor read the ordinance for the first time.

Mr. Shulman reviewed the ordinance and that it takes steps to comply to existing government regulations and requirements and also help to prevent the situation from getting worse. The ordinance allows for the City to continue to operate if the situation continues to change. He discussed that the ordinance allows for virtual meetings and the requirements that need to be met dur the declared State of Emergency. Following the Governor's and CDC recommendation Boards and Commissions will not meet and the work of those Commissions and Boards will be delegated to city staff with City Council taking final action on recommendations. The ordinance also discusses the ability for the City Manager to declare a State of Emergency within the City of Delaware and if declared and Council is unable to meet with a quorum, the City Manager is granted specific powers that will enable him to keep the government running.

Chief Donahue provided an update regarding cases of the COVID-19 virus within the State of Ohio. Chief Pijanowski updated that there was a confirmed positive case in Delaware County. Mr. Shulman clarified that the ordinance does not provide the City with any additional powers than it currently has.

Motion: Mr. Farrell motioned to suspend the rules for Ordinance No. 20-25, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Farrell motioned enact the emergency clause for Ordinance No. 20-25, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Farrell motioned to adopt Ordinance No. 20-25, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 3: CONSIDERATION OF MARCH 23, 2020 COUNCIL MEETING AND FUTURE COUNCIL MEETINGS

Mr. Homan discussed that the March 23, 2020 City Council meeting has a scheduled public hearing relating to Terra Alta. He discussed the use of Facebook Live to receive public comments, as well as, through email

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 18 2020

and letters. He discussed the plan to not have regular meetings in April and that there would not be Board and Commission meetings. Mr. Hellinger voiced a concern on having a public hearing without the public being able to voice their opinions in the chambers. Mayor Riggle discussed taking public comment through Facebook Live. She reviewed the concerns voiced related by the public at the Planning Commission meeting. Mrs. Keller discussed that there is more interaction and views through social media then would normally see at a meeting and that following the guidelines of the health department we should not be encouraging the public to gather for a public meeting. Mr. Jones voiced his agreement to Mrs. Keller. Mr. Hoffman discussed his support to have a public hearing through a virtual format due to the circumstances. Vice-Mayor Shafer discussed that under the circumstances, Council should move forward and that there is a way to receive public comment. Mr. Homan clarified that the public hearings was set prior to the State of Emergency being declared. Mr. Homan discussed adding an item on the Consent Agenda to cancel the April meetings. Mr. Shulman discussed his recommendation to leave the Council meetings scheduled in the event that something needs action on that is not expected. Council plans to move forward with a virtual Council meeting on March 23 as scheduled.

ITEM 4: CITY MANAGER: SITUATION UPDATE

Mr. Homan discussed that City operations are continuing, although there have been some staffing changes and use of telecommunicating. He is to meet with the Finance Director regarding utility billing options. The current plan is to not have any water shut offs.

Chief Donahue provided an update regarding contingency staffing plans in different call off situations. Chief Pijanowski discussed the downtown parking situation and that spaces are marked for curb side pick up only. The Police Department is in planning mode and lobby is currently open.

ITEM 5: COUNCIL COMMENTS

ITEM 6: ADJOURNMENT

Motion: Vice-Mayor motioned to adjourn the meeting. The meeting adjourned at 2:54 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

March 23

20 20

The regular meeting of Council was held March 23, 2020 and was called to order at 7:00 p.m. and was held remotely through Cisco Webex and streamed Live through Facebook due to the State of Emergency – Executive Order 2020-01D. The following members of Council were remotely present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Riggle who presided. The invocation was delivered by Council Clerk Elaine McCloskey followed by the Pledge of Allegiance.

Staff Present Remotely: Sean Hughes, Economic Development Director, Bill Ferrigno, Public Works Director/City Engineer, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on March 9, 2020, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on March 2, 2020, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summaries of the regular meeting of Council held on March 9, 2020, and the work session meeting held on March 2, 2020, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Resolution No. 20-26, a resolution accepting the recommendations of the Delaware City Tax Incentive Review Council (TIRC) on the status of the 2019 Community Reinvestment Area (CRA), Enterprise Zone (EZ) and Tax Increment Financing Programs (TIF).
- B. Resolution No. 20-27, a resolution authorizing the City Manager to enter into a Mutual Aid Agreement with member departments.
- C. Resolution No. 20-28, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the Cooperative Purchase of Road Salt through the ODOT Winter Salt Purchase Contract (018-21).
- D. Resolution No. 20-29, a resolution authorizing cancellation of the April City Council Meetings.

Motion: Mrs. Keller motioned to approve the Consent Agenda as amended, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Paul Resh
Public Comment received via email

The Clerk read the email submitted by Mr. Resh into the record. Mr. Resh voiced concern over any proposed tac breaks for new housing developments and the economic downturn caused by necessary responses to COVID-19.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

March 23

20

20

ITEM 7: COMMITTEE REPORTS

ITEM 8: CONSIDERATION OF A NEW LIQUOR PERMIT

A. Meijer Stores Limited Partnership DBA Meijer Gas Station 249, 1138 Sunbury Road, Delaware, Ohio 43015. Permit Class C2

Motion: Vice-Mayor Shafer motioned to approve the liquor permit with out objection, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 9: ORDINANCE NO. 20-10

[Public Hearing and Second

Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR TERRA ALTA LLC., FOR TERRA ALTA SUBDIVISION FROM A-1 AND R-2 PMU TO A-1 AND R-2 PMU ON APPROXIMATELY 472.9 ACRES AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD (NO ZONING CHANGES TO THE STOCKDALE FARMS PORTION OF THE DEVELOPMENT).

The Clerk read the Ordinance for the second time.

APPLICANT:

Jeff Strung
Via Cisco Webex
EMHT
5500 New Albany Road
Columbus, Ohio

Jeff Ohlin
Via Cisco Webex
Terra Alta LLC
148 West Schrock Road
Westerville, Ohio

PUBLIC COMMENT:

Richard Konkolewski
Via email submitted to Clerk of Council
339 Braxton
Delaware, Ohio

Mr. Konkolweski voiced concerns relating to traffic and concerns on turning left off Pollock onto US 23.

John McDonald
Via Facebook Live

Mr. McDonald voiced a concern that Delaware City Schools are at capacity and have current funding issues. He voiced a concern over the increase of population.

Tiffany Joe Hurt Greene
Via Facebook Live

Mr. Greene voiced concern over the need for new levy with new subdivisions. Mr. Homan discussed that the development is a mixed

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

March 23

20

20

development and not all the houses will be a strain on the schools. This development will appeal to empty nesters also.

Dawn Marshat
Via Facebook Live

Ms. Marshat questioned if Delaware City Schools will need to add on to the schools with the addition. Mr. Efland discussed that the project has been accounted for by the schools in their projections.

Mr. Strung discussed the ratio of homes in the Delaware City Schools and Olentangy City Schools. Mr. Ohlin discussed that the build-up of the development is estimated to be ten years.

Mr. Hoffman voiced concerns over potential economic downturn and the inability to sell homes in the development. Mr. Ohlin discussed that the project will be completed in phases and that the product serves many different buyer markets.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-10, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-10, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 10: ORDINANCE NO. 20-11 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR TERRA ALTA LLC., ALLOWING THE PLACEMENT OF A PLANNED MIXED-USE OVERLAY DISTRICT (PMU) FOR TERRA ALTA SUBDIVISION ON APPROXIMATELY 472.9 ACRES ZONED A-1 AND R-2 PMU AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD.

The Clerk read the Ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-11, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-11, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 20-12 [Second Reading]

AN ORDINANCE APPROVING AN AMENDED PRELIMINARY DEVELOPMENT PLAN FOR TERRA ALTA LLC., FOR TERRA ALTA SUBDIVISION ON APPROXIMATELY 472.9 ACRES ON PROPERTY ZONED A-1 AND R-2 PMU AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD.

The Clerk read the Ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-12, seconded by Mr. Jones. Motion approved by a 7-0

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 23 2020

vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-12, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 20-13 [Second Reading]
AN ORDINANCE APPROVING AN AMENDED SUBDIVISION PLAT FOR TERRA ALTA LLC., FOR TERRA ALTA SUBDIVISION ON APPROXIMATELY 472.9 ACRES ON PROPERTY ZONED A-1 AND R-2 PMU AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD.

The Clerk read the Ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-13, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-13, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 20-14 [Second Reading]
AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR SKILKEN GOLD REAL ESTATE DEVELOPMENT FOR SHEETZ LOCATED AT 700 SUNBURY ROAD ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND B-4 (GENERAL BUSINESS DISTRICT) ON APPROXIMATELY 4.6 ACRES.

The Clerk read the Ordinance for the second time. Mr. Jones informed Council that he will abstain from the vote and discussion relating to employment conflict of interest.

APPLICANT:
Frank Petruziello
Via Cisco Webex
4270 Morse Road
Columbus, Ohio

PUBLIC COMMENT:
Jim Frisch Sr.
Via conference call
2020 Cottswold Drive
Delaware, Ohio

James Plested
Via Facebook Messenger
2179 Farmland Drive
Delaware, Ohio

Mr. Plested questioned the impact of this business be on the potential refactoring of the point intersection.

Mr. Frisch voiced concerns over the safety of the right in right out on US 36/37 and if a traffic study was completed. Mr. Ferrigno discussed the concerns of the right in/right out. He discussed that the City reserves the right to make changes to this access if there are issues in the future.

RECORD OF PROCEEDINGS

Held March 23 20 20

Motion: Mr. Hoffman motioned to suspend the rules for Ordinance No. 20-14, seconded by Mr. Hoffman. Motion approved by a 6-0-1 (Jones) vote.

Motion: Mr. Hoffman motioned to adopt Ordinance No. 20-14, seconded by Mr. Hoffman. Motion approved by a 6-0-1 (Jones) vote.

ITEM 14: ORDINANCE NO. 20-21 [Second Reading] AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE HOUSING PROGRAM INCOME FUND.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-21, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-21, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 20-22 [Second Reading] AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE EAST WILLIAM STREET PROJECT AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-22, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-22, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-22, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 20-23 [Second Reading] AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR WATER MAIN EXTENSIONS ASSOCIATED WITH THE GLENN PARKWAY PROJECT.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-23, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-23, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 17: ORDINANCE NO. 20-24 [Second Reading]

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held March 23 20 20

AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PARKLAND AND TRAILWAY DEVELOPMENT IMPROVEMENTS.

The Clerk read the ordinance for the second time.

Motion: Mr. Farrell motioned to suspend the rules for Ordinance No. 20-24, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Farell motioned to adopt Ordinance No. 20-24, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 18: FINANCE DIRECTOR'S REPORT

Mr. Nahvi reviewed the February monthly report. He discussed the filing deadline change for both Federal and Income Tax and provided a utility update that there will be no shut off notices during the month of March relating to the COVID-19 and State of Emergency orders. Staff is looking at changing the due date for utilities in April to the end of the month.

Mr. Homan discussed that signage closing the City's playgrounds per the Governor's orders have been posted at parks.

He discussed the request to defer the rent payment for CoHatch during the current situation relating to the COVID-19.

Mrs. Keller voiced a concern presented on Facebook regarding the potential workforce decline for safety forces relating to the COVID-19 virus. Chief Donahue discussed staffing plans to ensure that services continue. He discussed utilizing the County for assistance.

Mr. Hughes provided an update via conference call regarding the effects of the COVID-19 and State of Emergency orders to the downtown businesses.

ITEM 19: CITY MANAGER'S REPORT

Mr. Homan discussed the daily briefings to discuss the COVID-19 virus with staff. He will be discussing the plan for staffing and working from home with directors.

ITEM 20: COUNCIL COMMENTS

Mr. Hellinger voiced a concern over IT security due to employees working from home. Ms. Daily informed Council that cybersecurity measures were in place to protect the City.

Mr. Hellinger questioned the current plans for the Safe Walk Program. Mr. Homan informed Council that this program will temporarily be put on hold due to the COVID-19 crisis.

Mayor Riggle provided a reminder on the due date for the Census.

ITEM 21: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:55 p.m.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 23 20 20

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk



FACT SHEET

AGENDA ITEM NO: 6

DATE: 04/13/2020

ORDINANCE NO:

RESOLUTION NO: 20-30

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE LEASE WITH DELAWARE COMMUNITY SPACE, LLC TO DEFER PAYMENTS CONSISTENT WITH THE GOVERNOR'S EXECUTIVE ORDER 2020-08D.

BACKGROUND:

Delaware Community Space owner Matt Davis has requested rent relief due to the COVID-19 crisis. Please see his attached letter as submitted on April 9, 2020.

Governor Dewine signed Executive Order 2020-08D "Commercial Evictions and Foreclosures" yesterday, Wednesday, April 1. The intent of this order is to assist our small businesses in maintain solvency throughout the COVID-19 crisis.

Under sections 1 and 2:

1. Landlords are requested to suspend, for a term off at least ninety (90) consecutive days, rent payments for small business commercial tenants in the State of Ohio that are facing financial hardship due to the COVID-19 pandemic; and
2. Landlords are requested to provide for a moratorium of evictions of small business commercial tenants for a term of at least ninety (90) consecutive days.

I have attached a copy of the Governor's order for your reference.

Staff recommends that the City of Delaware defer lease payments from COhatch for the first floor and lower level of 18 E. William St. for 90 days beginning with the May

payment. COhatch has already paid for April. It also is recommended that the City divide the payments for May, June and July equally amongst the remaining months of 2020, so that the company does not experience a balloon payment at the end of the deferment.

REASON WHY LEGISLATION IS NEEDED:

COhatch is already losing tenants from the Delaware facility. However, any rent relief for the three months will be passed on to the remaining Delaware business tenants and members of the Delaware COhatch facility to provide rent and membership fee relief.

Due to the lease having been authorized by a resolution of City Council any adjustment of said rent must be done by a resolution of City Council.

FISCAL IMPACT(S):

COST: Payments are only deferred, with interest rates being 0.0% there will be no cost to the City for this accommodation.

FUND SOURCES: N/A

BUDGETED: NO

DEPARTMENTS IMPACTED: Economic Development, Finance

POLICY CHANGES:

N/A

PRESENTER(S):

Sean Hughes, Economic Development Director

STAFF RECOMMENDATION:

Approval

ATTACHMENT(S)

Letter from COhatch
18 E. William St. Lease
Governor's Order



Dear Delaware City Council,

During this crazy and unique time, more than ever COhatch finds ourselves as a vital community resource and our goal is to help as many people as possible get through this tough time. I wanted to give you an update on our current status as well as request a rent deferral for 90 days per the Governor's recent request (so that we can pass on to our office tenants).

Current Status:

- We remain open for member only essential businesses, but have very limited staffing that is just focusing on making sure the facilities stay clean and that members comply with social distancing guidelines.
- We have retained all of our employees and have activated them as "paid volunteers" for our COhatch Delivers Program. This program has already impacted thousands of people's lives. It is being lead by Laurie Lendon (Delaware COhatch Manager)
 - In the first 2 weeks, we have over 101 volunteers, 179 people called for help, have created over 398 cards/treats of encouragement for isolated seniors, have delivered 512 meals to front line workers or seniors in need, have developed a delivery program with the Worthington Resource Pantry, have completed over 149 help requests, have organized a large blood drive with Polaris that is really needed and all spots were taken.
- We have applied for the Payroll Protection Plan and believe we will be able to get this loan to pay for our employees.
- We have worked with our banks to pay interest only during this time period.
- We have created a direct line to apply for Grants/Loans with Telhio and have sent all the information to our members for the \$10,000 Loan Advance, the PPP, and the Emergency SBA Loans.
- We have allowed all month to month members freeze their account if they need it so they don't have to pay and they don't have to cancel so they can stay connected.

Issue:

- Numerous private office members need short-term help. Even though they have leases we are trying to help them defer their costs also so they can buy time to get Federal relief. We can only do so much without our landlords and banks deferring payments.

The Ask:

- Please defer our rent of \$6500 per month for 90 days. We will repay the whole amount over our lease.
- I commit to passing this benefit on to others in Delaware and our goal is to help everyone tread water during this time.

Thank you for your consideration,

Matthew Davis, CEO COhatch

A handwritten signature in black ink, appearing to read "Matthew Davis", written over a light blue horizontal line.



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-08D

Commercial Evictions and Foreclosures

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirmed the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

WHEREAS, on March 9, 2020, I declared a State of Emergency in Executive Order 2020-01D; and

WHEREAS, on March 22, 2020; the Ohio Department of Health Director signed a Public Health Order that required all individuals currently living in Ohio to stay at home or at their place of residence except as allowed in certain circumstances, such as for essential activities, essential governmental functions, or to participate in essential businesses and operations, to further increase social distancing and ensure that as many people as possible stay at home to slow the spread of COVID-19; and

WHEREAS, time limitations for criminal, civil, and administrative proceedings that were set to expire between March 9, 2020 and July 30, 2020 have been tolled though the enactment of Section 22 of Amended Substitute House Bill Number 197 of the 133rd General Assembly; and

WHEREAS, the Supreme Court of Ohio has provided guidance to local courts to temporarily continue eviction filings, pending eviction proceedings, scheduled move-outs, and the execution of foreclosure judgments; and

WHEREAS, under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and prior federal directives, many residential properties have had a temporary period of suspension regarding evictions and foreclosures put into place; and

WHEREAS, the economic impacts of COVID-19 on Ohio businesses have been significant; and

WHEREAS, during this public health emergency, commercial evictions and foreclosures destabilize local economies and threaten designated essential businesses and operations; and

WHEREAS, a period of suspended, but not negated, rent payments for small business commercial tenants would provide temporary financial relief throughout this unprecedented pandemic; and

WHEREAS, a period of forbearance would provide a pause and would allow time for sensible solutions to be worked out between commercial real estate borrowers and lenders; and

WHEREAS, the actions of other states, such as California and New York, to shield their businesses from evictions and foreclosures place Ohio businesses in a competitive and economic disadvantage;

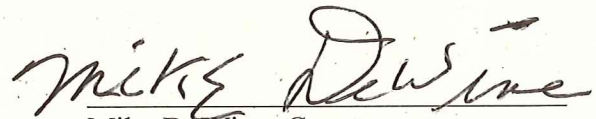
NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution of the United States, specifically the implied police powers of the Tenth Amendment, the Constitution of the State of Ohio, Article III, Section 5, and the laws of this State do hereby order and direct that:

1. Landlords are requested to suspend, for a term of at least ninety (90) consecutive days, rent payments for small business commercial tenants in the State of Ohio that are facing financial hardship due to the COVID-19 pandemic; and
2. Landlords are requested to provide for a moratorium of evictions of small business commercial tenants for a term of at least ninety (90) consecutive days; and
3. Lenders are requested to provide commercial real estate borrowers with a commercial mortgage loan for a property located in the State of Ohio an opportunity for a forbearance of a term of at least ninety (90) consecutive days for said mortgage as a result of a financial hardship due to the COVID-19 pandemic; and
4. "Lender" as that term is used herein shall include any banking organization, bank holding company, credit union, mortgage broker, mortgage loan servicer, master or special servicer, mortgage revenue bond issuer, mortgage revenue bond holder, mortgage loan originator, owning or holding any mortgage loan secured by property

located in the State of Ohio, including commercial mortgage-back securities (CMBS) loans; and

5. "Forbearance" as that term is used herein shall mean an agreement to forbear from (a) the enforcement of any remedies following any monetary or non-monetary defaults arising as a result of the COVID-19 pandemic, including the filing of suit against any borrower, maker, co-maker or guarantor, the filing of foreclosure, appointment of a receiver, impounding of reserve or other funds deposited in accord with any loan or security documents, or termination of any license to use cash, or (b) sweeping and/or seizing any cash by reason of cash sweep trigger events regardless of a default or the existence of circumstances that may give rise to a cash sweep trigger event arising as a result of the COVID-19 pandemic, or (c) any requirement that a party waive any legal rights or admit any default arising as a result of the COVID-19 pandemic; and
6. Nothing in this Order shall be construed to negate the obligation of a small business commercial tenant to pay rent or restrict a landlord from recovering rent at a future time; and
7. Nothing in this Order shall be construed to negate the obligations of a commercial real estate borrower, but rather provide a pause and time for sensible solutions to be worked out among commercial real estate borrowers and lenders; and
8. Nothing in this Order shall be construed to suspend any federal or state law.

I signed this Executive Order on April 1, 2020, in Columbus, Ohio, and it shall take effect immediately and remain in full force and effect for ninety (90) days unless modified or rescinded by me before then.


Mike DeWine, Governor



ATTEST:

Frank LaRose, Secretary of State



FACT SHEET

AGENDA ITEM NO: 7

DATE: 04/13/2020

ORDINANCE NO:

RESOLUTION NO: 20-31

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:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A COVID-19 UTILITY ASSISTANCE PROGRAM.

BACKGROUND:

The COVID-19 emergency has caused many city residents to lose their jobs thereby limiting the ability to pay for normal household costs including utility bills. In an effort to provide relief to residents experiencing economic hardship, a utility assistance program to provide financial relief to customers has been proposed.

REASON WHY LEGISLATION IS NEEDED:

This legislation has been proposed to reassure residents who have become recently unemployed due to the COVID-19 emergency and cannot pay their utility bill during April and May. Under this program the following initiatives will be instituted:

- Credit card convenience fees that are charged to customers when paying income tax or utility bills will be waived.
- Payment plans will be offered to customers allowing for additional time to pay monthly utility bills.
- \$100,000 in utility bill credits will be set aside to apply to customers that have become unemployed due to the COVID-19 emergency and an

application process will be developed to allocate credits on a customer's account.

- The City will maintain a moratorium on water shutoffs as well as waiving any penalties or reconnection fees for non-payment during this emergency.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

A waiver of the credit card convenience fee will translate into an increase in banking fees assessed to the three Income Tax Funds (General Fund, Fire/EMS Fund, and Recreation Income Tax Fund) as well as the four Enterprise Funds (Stormwater, Water, Wastewater, Refuse) in the amount of \$60,000 as these costs are currently passed onto the customer.

The \$100,000 in utility bill credits would be allocated between the four enterprise funds and would result in the decline of \$100,000 in revenue during the 2020 fiscal year. This portion of the assistance program would not result in an increase to expenditures.

POLICY CHANGES:

N/A

PRESENTER(S):

Justin Nahvi, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

RESOLUTION NO. 20-31

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A COVID-19 UTILITY ASSISTANCE PROGRAM.

WHEREAS, Governor Mike DeWine declared a State of Emergency in Ohio (Executive Order 01-D); and

WHEREAS, City Manager R. Thomas Homan declared an Emergency for the City of Delaware, Ohio (Ordinance 20-25) on March 18, 2020; and

WHEREAS, the COVID-19 emergency caused many city residents to lose their jobs; and

WHEREAS, the City wants to provide reassurance to residents facing economic hardship who cannot pay their utility bills; and

WHEREAS, City Council wishes to make clear that citizens who are unable to pay their utility bills based on unemployment caused by COVID-19 are not required to pay their utility bills in April and May. This period may be extended if necessary. The City will work with those residents after the emergency period using the tools provided in the COVID-19 Utility Assistance Program described below.

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

SECTION 1. The City Manager is hereby directed to establish a COVID-19 Utility Assistance Program with the following elements:

1. The City will waive credit card fees for both Income Tax and Utility Payments to promote social distancing and reduce the economic burden on residents paying with credit card
2. The City will establish payment plans to provide additional time for people to pay their utility bills.
3. The City will set aside \$100,000 for potential utility bill credits to aid to people unemployed due to the COVID-19 pandemic. The City will develop a hardship application which will be used to allocate these credits.
4. The City will continue its current moratorium on water shutoffs during the emergency
5. The City will continue to add no late fees or interest during the emergency

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

PASSED: _____, 2020

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR