

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

AGENDA

7:00 P.M.

NOVEMBER 9, 2020

1. ROLL CALL
2. INVOCATION – Reverend Gunnar Cerda, Ohio Health Pastoral Care
3. APPROVAL of the Motion Summary of the regular meeting of Council held on October 26, 2020, as recorded and transcribed.
APPROVAL of the Motion Summary of the special meeting of Council held on October 21, 2020, as recorded and transcribed.
APPROVAL of the Motion Summary of the budget work session meeting of Council held on November 2, 2020, as recorded and transcribed.
4. CONSENT AGENDA
 - A. Acceptance of the Motion Summary of the Finance Committee meeting held on September 21, 2020, as recorded and transcribed.
 - B. Acceptance of the Motion Summary of the Public Works Committee meeting held on February 4, 2020, as recorded and transcribed.
 - C. Resolution No. 20-63, a resolution authorizing the City Manager to sign and enter into an intergovernmental agreement with the Delaware County Commissioners for Indigent Defense Services for Municipal Code Violations.
5. LETTERS, PETITIONS, AND PUBLIC COMMENTS
Due to the meeting being held virtually, written public comment, maximum 500 words, is requested to be received before 3p.m. the date of the meeting through email at emccloskey@delawareohio.net. To provide live public comment please email emccloskey@delawareohio.net to sign up by 3 p.m. the date of the meeting. Name and address are required for public comment. Comments received on Facebook may have to be addressed by staff subsequent to the meeting.
6. COMMITTEE REPORTS
7. CONTINUED REVIEW of City Manager’s Proposed 2021 Budget
 - A. Municipal Courts – Cindy Dinovo, Clerk of Courts and Judge Marianne Hemmeter
 - B. Finance – Justin Nahvi, Finance Director
 - C. Public Utilities – Blake Jordan, Public Utilities Director
 - D. Legal – Natalia Harris, City Attorney
 - E. CMO – Lee Yoakum, Community Affairs Coordinator

8. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 20-69, an ordinance making appropriations for the Year 2021 and declaring an emergency.

Due to the meeting being held virtually, written public comment, maximum 500 words, is requested to be received before 3p.m. the date of the meeting through email at emccloskey@delawareohio.net. To provide live public comment please email emccloskey@delawareohio.net to sign up by 3 p.m. the date of the meeting. Name and address are required for public comment. Comments received on Facebook may have to be addressed by staff subsequent to the meeting.

9. 7:45 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 20-71, an ordinance amending Section 197.02 of the Schedule of Fees and Services Charges.

Due to the meeting being held virtually, written public comment, maximum 500 words, is requested to be received before 3p.m. the date of the meeting through email at emccloskey@delawareohio.net. To provide live public comment please email emccloskey@delawareohio.net to sign up by 3 p.m. the date of the meeting. Name and address are required for public comment. Comments received on Facebook may have to be addressed by staff subsequent to the meeting.

10. SECOND READING of Ordinance No. 20-72, an ordinance amending the Management, Professional, Technical, Confidential, and Supervisory Employees Pay Plan and declaring an emergency.

11. SECOND READING of Ordinance No. 20-73, an ordinance amending Ordinance No. 19-71 establishing the pay and benefits for various part-time and intermittent/seasonal employees of the City of Delaware and declaring an emergency.

12. SECOND READING of Ordinance No. 20-74, an ordinance amending the Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies and declaring an emergency.

13. CONSIDERATION of Resolution No. 20-64, a resolution indicating what services the City of Delaware will provide to 32.475± acres of land, more or less, description and map are attached hereto for the annexation known at the Route 36 Partners LLC and Charles R. Davis Annexation by Michael R. Shade, agent for the petitioners.

14. CONSIDERATION of Ordinance No. 20-76, an ordinance establishing the salary and benefits of the Council Clerk and declaring an emergency.

15. CONSIDERATION of Ordinance No. 20-77, an ordinance amending the employment agreement with the City Manager and declaring an emergency.

16. CONSIDERATION of Ordinance No. 20-78, an ordinance establishing new salary rates for the Mayor and Members of City Council effective January 1, 2022 and repealing Ordinance No. 18-113.
17. CONSIDERATION of Ordinance No. 20-79, an ordinance supplementing the 2020 Appropriation Ordinance and declaring an emergency.
18. CONSIDERATION of Ordinance No. 20-80, an ordinance supplementing the 2020 Appropriations Ordinance to provide funding to purchase the properties located at 11 Spring Street and 27 Spring Street, Delaware, Ohio and declaring an emergency.
19. CONSIDERATION of Ordinance No. 20-81, an ordinance appropriating the City's Coronavirus Relief Fund payment to the City's COVID-19 response, directing the City Manager to continue to employ the City's internal response to the pandemic and establish certain grant programs with Delaware local organizations and public health service agencies, and declaring an emergency.
20. CITY MANAGER'S REPORT & COVID-19 UPDATE:
21. COUNCIL COMMENTS
22. EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. (if necessary)
23. ADJOURNMENT

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

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

October 26

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Held

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6:30 P.M. EXECUTIVE SESSION: Vice-Mayor Shafer motioned to enter into executive session at 6:33 p.m. This motion was seconded by Mr. Jones and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer, Mayor Carolyn Kay Riggle. Following the discussion at 6:44 p.m., it was moved by Vice-Mayor Shafer that Council move into open session, seconded by Mr. Farrell. This motion was approved by a 7-0 vote.

The regular meeting of Council held on October 26, 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 Reverend Donnie Akers of Eastside Mission Church.

Staff Present Remotely: Dave Efland, Planning and Community Development Director, Justin Nahvi, Finance Director, Jessica Feller, Human Resource Manager, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Natalia Harris, City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 3: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on October 12, 2020, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held on October 12, 2020, as recorded and transcribed seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 4: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Airport Commission meeting held on July 16, 2020, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Sister City Advisory Board meeting held on January 14, 2020, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Parking and Safety meeting held on August 17, 2020, as recorded and transcribed
- D. Resolution No. 20-62, a resolution authorizing the modification of certain traffic control signage to change the No Parking Anytime Zone from 46 Tabilore Loop to 80 Tabilore Loop from east side of Tabilore Loop to the west side of Tabilore Loop.
- E. Establish November 9, 2020 at 7:45 p.m. as a date and time for a public hearing and second reading of Ordinance No. 20-71, an ordinance amending Section 197.02 of the Schedule of Fees and

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Services Charges.

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

ITEM 5: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 6: PRESENTATION

A. Community Energy Aggregation Program – Jay Sell and Alan Samuels, Aspen Energy Corporation and Chris Bailey, AEP Energy

PRESENTORS:

Jay Sells
Mass Markets Manager
Aspen Energy Corporation
4789 Rings Road, Suite 100
Dublin, Ohio 43017

Alan Samuels
Aspen Energy Corporation
4789 Rings Road, Suite 100
Dublin, Ohio 43017

Chris Bailey
Director of Community Partnerships
Residential Sales
AEP Energy
303 Marconi Blvd., Suite 400
Columbus, Ohio

PUBLIC COMMENT:

Rachel Wagner
Ready for 100 Columbus
Via Cisco Webex

Cathy Cowan Becker
Ready for 100 Columbus
Via Cisco Webex
4275 White Spruce Lance
Grove City, Ohio 43123

Joe Flarida
Power a Clean Future Ohio, Executive Director
Via Email
36 East Broadway Avenue
Westerville, Ohio 43081

The Clerk read into the record the email sent by Mr. Flarida supporting clean energy projects.

Tyler Duvelius
Ohio Conservative Energy Forum, Executive Director
Via email
81 South 4th Street, Suite 305
Columbus, Ohio 43215

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The Clerk read the email provided by Mr. Duvelius supporting clean energy sources.

Sarah Spence
Ohio Environmental Council Action Fund, Director of Climate Programs
Via Email

The Clerk read the email provided by Ms. Spence supporting future legislation for energy aggregation.

- B. Parks and Recreation Needs Assessment – Ted Miller, Parks and Natural Resource Director

Mayor Riggle informed Council that the presentation of the Parks and Recreation Needs Assessment will take place at a future meeting.

ITEM 7: COMMITTEE REPORTS

Mrs. Keller provided an update to Council regarding an upcoming meeting that she will attend with Interim Director of Health, Lance Himes.

Mr. Hellinger discussed there will be a Finance Committee meeting on October 29.

Mr. Farrell provided an update on the Parking and Safety Committee meeting that was held on October 19.

Mayor Riggle informed Council that she attended the Airport Commission meeting and Sister City meeting.

ITEM 8: CONSIDERATION OF A NEW LIQUOR PERMIT

- A. Ohio Springs Inc. DBA Sheetz Convenience Store, 710 Sunbury Road, Delaware, Ohio 43015. Permit Class: C1, C2

Motion: Mrs. Keller motioned to approve the liquor permit without objection, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 9: ORDINANCE NO. 20-69 [Public Hearing and First Reading]

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2021 AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. There was no public comment. A second public hearing will be held on November 9.

ITEM 10: ORDINANCE NO. 20-72 [First Reading]

AN ORDINANCE AMENDING SECTION 197.02 OF THE SCHEDULE OF FEES AND SERVICES CHARGES.

The Clerk read the ordinance for the first time. A public hearing and second reading is established for November 9.

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ITEM 11: ORDINANCE NO. 20-72 [First Reading]
AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Ordinance No. 20-72 will go to a second reading.

ITEM 12: ORDINANCE NO. 20-73 [First Reading]
AN ORDINANCE AMENDING ORDINANCE NO. 19-71 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Ordinance No. 20-73 will go to a second reading.

ITEM 13: ORDINANCE NO. 20-74 [First Reading]
AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Ordinance No. 20-74 will go to second reading.

ITEM 14: ORDINANCE NO. 20-75 [First Reading]
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN A LAND AUCTION, SUPPLEMENTING THE 2020 APPROPRIATIONS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-75, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-75, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-75, seconded by Mr. Jones. Motion approved by a 6-1 (Keller) vote.

ITEM 15: FINANCE DIRECTOR’S REPORT

ITEM 16: CITY MANAGER’S REPORT & COVID-19 UPDATE

Mr. Homan discussed looking at the current marketing of the DORA in surrounding communities, such as Powell.

Mr. Homan provided the dates for the budget work sessions. Council was in agreement to meet at 6:30 p.m. for the November 2 Budget Work Session.

ITEM 17: COUNCIL COMMENTS

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Mr. Jones voiced concerns over the procedures for public comment and allowing speakers only 3 minutes, but written letters/emails may take longer to read into the record.

Mrs. Keller and Mr. Hellinger voiced their agreement with concerns relating to public comment.

Mr. Hoffman discussed a goal for 2022 relating to diversity. Mr. Homan discussed that the budget message does have this as a topic.

Vice-Mayor Shafer discussed speaking with downtown business owners who felt that they are doing as well as they are due to the support of the citizens and patrons.

Mayor Riggle informed Council that she was invited to a Mayor's meeting with the Lt. Governor of Ohio on October 28.

ITEM 18: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:20p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

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The special meeting of Council was held on October 21, 2020 and was called to order at 6:30 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 (exited the meeting 7:56 p.m.), 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 Remotely: Sean Hughes, Economic Development Director, Justin Nahvi, Finance Director, Blake Jordan, Public Utilities Director, Natalia Harris, City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

Mr. Homan introduced Natalia Harris as the new City Attorney.

ITEM 2: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Margaret Taylor
Stop 42, Owner
67 Lake Street
Delaware, Ohio

Ms. Taylor discussed the loss of income relating to COVID-19 and how the 10 pm last call for alcohol affects her business.

Todd Daughenbaugh
Fresh Start, owner
24 North Sandusky Street
Delaware, Ohio

Mr. Daughenbaugh discussed the limitations to the CARES Act funding to businesses.

Frank Barickman
Restoration Brew Worx
25 North Sandusky Street
Delaware, Ohio

Mr. Barickman discussed the loss of revenue to his business due to the restriction of alcohol sales.

Joshua Moore
Roop Brothers Bar
17 North Union Street
Delaware, Ohio

Mr. Moore discussed the loss of revenue to his business due to the restriction of alcohol sales and changes related to COVID-19.

TJ Wellman
Flying Pig Ale House
12 South Sandusky Street
Delaware, Ohio

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Mr. Wellman discussed the current alcohol sale restrictions after 10:00 p.m. hurt businesses. He discussed the impact to both his businesses at the Flying Pig Ale House and Typhoon Asian Fusion Bistro.

Genti Koci
Opa Grill and Tavern
18 South Sandusky Street
Delaware, Ohio

Mr. Koci discussed that the businesses are needing more support from the government. He voiced concerns over the restriction of alcohol sales after 10:00 p.m., the required reduction of seating, and discussed the benefit of liquor sales on Sunday.

Joanne Meyers
The Backstretch
Via Email
14 South Sandusky Street
Delaware, Ohio

The Clerk read into the record an email received by Ms. Meyers. She wrote to discuss the need for businesses to be creative to get patrons in establishments and that her business would not stay open later if allowed due to staff concerns relating to COVID-19, the management of seating, and mask wearing.

Brian Blackburn
Via Cisco Webex

Mr. Blackburn discussed his proposal for CARES Act funding to health and wellness related activities. This would included a Health and Wellness Business Expo, Website Search Engine Optimization, Web-Based Health Dashboard, Public Art and Event and Marketing.

Senator Andrew Brenner
The Ohio Senate, 10th Senate District
Via Cisco Webex

Senator Brenner provided a update on a bill proposed in the Ohio Senate regarding the legislation to modify the 10 p.m. restriction of alcohol sales.

ITEM 3: ORDINANCE NO. 20-70 [First Reading]

AN ORDINANCE APPROPRIATING THE CITY'S CORONAVIRUS RELIEF FUND PAYMENT TO THE CITY'S COVID-19 RESPONSE, DIRECTING THE CITY MANAGER TO ESTABLISH CERTAIN HUMAN SERVICES AND EDUCATION GRANT PROGRAMS WITH DELAWARE HUMAN SERVICE AGENCIES AND THE DELAWARE CITY SCHOOL SYSTEM, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

PUBLIC PARTICIPATION:
Susie Bibler, Executive Director
Main Street Delaware
Via Cisco Webex

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20 East Winter Street
Delaware, Ohio

Ms. Bibler discussed additional funding requests.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-70, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-70, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-70, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 4. CITY MANAGER COMMENTS

ITEM 5. COUNCIL COMMENTS

Vice-Mayor Shafer discussed other programs and loans that businesses can apply for assistance.

Mayor Riggle discussed the need to reach out to all businesses within the City on CARES Act and other funding programs, and not just restaurants, bars and those in the downtown area.

ITEM 6: 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.

Mrs. Keller motioned to enter into executive session at 7:54 p.m. This motion was seconded by Vice-Mayor Shafer and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer, Mayor Carolyn Kay Riggle. Absent from the discussion was First Ward Chris Jones (excused the meeting at 7:56 p.m.). Following the discussion at 8:38 p.m., it was moved by Vice-Mayor Shafer that Council move into open session, seconded by Mrs. Keller. This motion was approved by a 6-0 vote.

ITEM 7: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting, seconded by Mrs. Keller. The meeting adjourned at 8:39 p.m.

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Held October 21 20

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

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Held November 2 2020

The budget work session meeting of Council was held on November 2, 2020 and was called to order at 6:35 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: 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 First Ward Chris Jones and Vice-Mayor Kent Shafer.

Staff Present Remotely: Sean Hughes, Economic Development Director, Justin Nahvi, Finance Director, Bill Ferrigno, Public Works Director/City Engineer, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Dave Efland, Planning and Community Development Director, Susie Daily, Information and Technology Director, Jessica Feller, Human Resource Manager, Natalia Harris, City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

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

ITEM 2: 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.

Mrs. Keller motioned to enter into executive session at 6:36 p.m. This motion was seconded by Mr. Hoffman and approved by a 5-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Mayor Carolyn Kay Riggle. Absent from the discussion was First Ward Chris Jones and Vice-Mayor Shafer. Staff present at executive session was Natalia Harris, City Attorney and Tom Homan, City Manager. Following the discussion at 7:03 p.m., it was moved by Mrs. Keller that Council move into open session, seconded by Mr. Farrell. This motion was approved by a 5-0 vote. Mayor Riggle reconvened the budget work session meeting at 7:07 p.m.

ITEM 3: REVIEW OF CITY MANAGER’S PROPOSED 2020 BUDGET

- a. Budget Overview - Tom Homan, City Manager
- b. Sean Hughes – Economic Development Director

Mr. Hughes reviewed accomplishments in 2020 and how the COVID-19 pandemic impacted economic development. He discussed that Economic Development Staff developed a comprehensive directory of businesses doing

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pickup, carryout, delivery, and promotions through social media and website. They helped to establish parking zones for food carry-out and pick up around the downtown establishments. He discussed that he worked with local manufacturers to help produce and supply personal protective equipment to fight the pandemic and recruited and led a Business Recovery Task Force. Mr. Hughes discussed the efforts to utilize the DORA to assist downtown businesses. The Economic Development staff also developed and managed a COVID-19 and Spring Flood Small Business Recovery Grant Program that benefited approximately 33 businesses around the City. In addition, he recruited ECDI to run the City of Delaware RLF fund of \$300,000 and assisted Delaware businesses with applying for other assistance programs. Mr. Hughes reviewed the goals for 2021 and that his department is proposing a level budget for 2021.

c. Planning – Dave Efland, Planning and Community Development Director

Mr. Efland reviewed that his budget for 2021 would have no changes from the current budget. He discussed the impact of COVID-19 to his department and the accomplishments that were met even during the pandemic. He discussed that operations continued and used technology for virtual meetings and inspections. Statistics for development in 2020 included 400 + residential permits and 800 Blanket Permits. There was over 200 Commercial Permits and 13,000 inspections. Staff also worked on over 500 formal code enforcement violations. He discussed the goals for 2021, including the completion of the Comprehensive Plan and budget and process for zoning code update.

d. Public Works – Bill Ferrigno, Public Works Director and City Engineer

Mr. Ferrigno reviewed accomplishments from 2020 included the semi-automated refuse collection and single stream recycling collection. He discussed the Airport Strategic Business Plan and improvements to Shortcut Alley. Other projects included the Delaware Run retaining wall repair, Glenn Road extension to Berlin Station, East William Street widening project, and Hills Miller sidewalk connection, and improvements related to COVID-19. He reviewed the goals for 2021 and discussed the impact COVID-19 had to various projects. Due to COVID-19 there was a delay in the Safe Walks Program and staff implemented the use of grinding for a repair method. He discussed the deferment of hiring positions throughout the department, including the Street Technician, and Right of Way Inspector. The construction of William Street and Carson Farms Signal was pushed to 2022. Mr. Ferrigno discussed the budget for Public Works.

e. Police- Bruce Pijanowski, Police Chief

Chief Pijanowski discussed the past events in 2020 and how it affected the department, including COVID-19 and the community response to George Floyd's death. He discussed the need to listen to the community and work with the community on how to move forward. He discussed the issues of residential speed which created the need to implement enforcement strategies. He discussed how COVID-19 put first responders at risk and how they had to maintain services safely. He discussed working with the Delaware-Morrow Mental Health and Recovery Services to receive a grant to hire a Service Coordinator. This position would work with mental health and addiction issues alongside with officers. The goal of the position is to have the crisis and service intervention. He discussed implementing the dispatch services with Delaware County. Chief Pijanowski discussed that there were delays related to the pandemic including the conversion of organizational structure and training enhancements. The

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traffic safety program has been designed but not fully implemented due to COVID-19 restrictions. He discussed police reform and the need for the body cameras that were put in the Capital Improvement Plan. He discussed other goals for 2021 including record management system implementation, traffic enforcement and implementing the traffic safety program. He discussed the budget is mostly level although there were two projects that will be implemented in 2021 including the unmanned aerial vehicle project and the less lethal launchers.

f. Fire – John Donahue, Fire Chief

Chief Donahue discussed the 2021 Fire Department Budget. The biggest challenge faced by the department was COVID-19 and discussed the response to patients with the virus or exposures. To date no personnel have been infected and discussed this is due to their safety measures and use of PPE. He discussed further 2020 accomplishments including Emergency Management Exercises, new engine purchased and improved response times. He reviewed 2021 goals and plans to work on the evolution of the Fire/EMS system, the Delaware County Pre-Hospital Care Board, the implementation of the new CAD system with Delaware County, traffic pre-emption. Two initiatives taken will be the insurance service office reassessment and international accreditation. Chief Donahue discussed significant line items for the 2021 Budget including wages and benefits and contractual obligations with IAFF, training of 3 firefighters going to Paramedic School, EMS supplies and capital replacement.

Chief Donahue discussed the response time and speed humps. He discussed that speed humps can create a unsafe situation as they cause them to slow down and takes time to get speed back up. For a safety stand point he does not prefer the utilization of speed humps, but would look at other types of traffic calming measures.

g. IT – Susie Daily, Information and Technology Director

Ms. Daily reviewed that during 2020 she focused on staff development as she had two employees start during the COVID-19 pandemic. She involved staff in online training. She discussed their role to assist employees with remote working and implement online meetings. She discussed updates to network infrastructure including firewall replacement, fiber expansion and enhanced Cybersecurity. She reviewed projects for 2021 including that all traffic signals on Traffic Fiber Network, ERP Software, City Hall Renovations and website updates and new agenda management software. She discussed the implementation of the Del-AWARE App and the ability to create citizen engagement and records request.

h. DAS – Jessica Feller, Human Resource Manager (time permitting)

Ms. Feller discussed accomplishments in 2020 and that the year focus was related to COVID-19 pandemic. Staff worked to ensure the safety and wellbeing of the City's employees while maintaining critical operations and managing day-to-day priorities. She discussed that her department was part of the development and implementation of COVID-19 related policies, procedures, and training. She reviewed that a Diversity, Equity and Inclusion Working Group was established. Ms. Feller discussed working with labor negotiations that were completed for Water/Wastewater Operator, Public Works, Public Utilities and Grounds Association, AFSCME Clerical, and FOP Clerical unit. She also reviewed goals

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

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

Held November 2 2020

and plans for 2021 included updates to the City’s recruiting website and implementation of MUNIS.

- i. Finance – Justin Nahvi, Finance Director (time permitting)

Mayor Riggle requested that due to the late hour of the meeting for Mr. Nahvi to present at the next meeting.

ITEM 4: DISCUSSION

ITEM 5: ADJOURNMENT

Motion: Mr. Hoffman motioned to adjourn the meeting. The meeting adjourned at 9:18 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**FINANCE COMMITTEE
MOTION SUMMARY
September 21, 2020**

ITEM 1. Roll Call

Chairman Hellinger called the Virtual Cisco Webex Finance Committee meeting to order at 3:00 p.m.

Members Present: Vice-Mayor Kent Shafer and Chairman George Hellinger

Members Absent: Vice-Chairman Chris Jones

Staff Present: Justin Nahvi, Finance Director, Alycia Ballone, Budget Analyst, Kyle Kridler, Assistant City Manager, Tom Homan, City Manager

Motion to Excuse: Vice-Mayor Shafer motioned to excuse Vice-Chairman Jones, seconded by Chairman Hellinger. Motion approved by a 2-0 vote.

ITEM 2. Approval of the Motion Summary for the meeting held September 1, 2020, as recorded and transcribed.

Motion: Vice-Mayor Shafer moved to approve the Motion Summary from September 21, 2020, as recorded and transcribed, seconded by Chairman Hellinger. Motion approved by a 2-0 vote.

ITEM 3. Public Comments

No public comments were received via email or request to join the virtual meeting.

ITEM 4. Discussion on Development Projects:

A. Winterbrook Place (Grden)

PUBLIC PARTICIPATION:

Bob Grden
10590 Wellington Blvd
Delaware, Ohio

Mr. Grden discussed that the NCA can help to pay for the expense of the roadway of Winterborne Road and allow the development to be more competitive in the marketplace.

Michael R. Shade
Shade and Shade

236 West Central Avenue
Delaware, Ohio

Mr. Shade discussed that NCA's are designed to help the developer with the various financial demands of local government. He informed that it is required that the NCA charge must be disclosed to homeowners.

B. Seikman Property

Mr. Homan discussed that this development will be brought before Council at the October Planning Commission meeting. This property is located across from Smith Park which will have associated costs due infrastructure development of Merrick Parkway and the need to either go over or under the railroad tracks.

Mr. Hellinger voiced concerns over the use of NCA's will discourage citizens from a future passage of a road levy as they may feel those in NCA area are doing more than their fair share.

C. Coughlin's Crossing

Mr. Homan discussed that a NCA is not able to be in place for this development as infrastructure is already in place, but that the developer has reached out about the possible use of a TIF in the area. Mr. Efland provided an update on the development status for Coughlin's Crossing.

ITEM 5. Discussion on Supplemental Appropriations for the Local Coronavirus Relief Fund

Mr. Nahvi reviewed the past appropriations for the Coronavirus Relief Fund and that in August received a second round of funding. This appropriation will be provided to Council, but that there is a current Senate Bill for even more additional funds. This could provide an additional \$1.5 million in CARES Act funds. He discussed the legislation that will be put forth at the September 28 Council meeting. The Committee was supportive of the appropriation and to present to Council for recommendations to be passed at a first reading.

Mr. Nahvi reviewed the various categories of allocation of CARES Act funding, including reimbursement to the city for the use of administrative pay and renovations to City Hall.

ITEM 6. Review of August Financial Report

Mr. Nahvi reviewed the August Financial Report which reviewed the revenues and expenditures for the following funds: General Fund, Fire/EMS Income Tax Fund, Recreation Center Income Tax Fund, Stormwater Fund, Wastewater Fund,

Water Fund, and Refuse Fund. The revenues and expenditures of these funds are performing as expected. Mr. Nahvi provided information on year-to-date activity for all of the city's active funds and the Debt Schedule for the city through August 31, 2020.

ITEM 7. Review of 2020 Budget Gauge

Mr. Nahvi reviewed that 2020 Budget Gauge remains at Elevated Monitoring.

ITEM 8. Update on 2021 Budget Development

Mr. Nahvi discussed that there is near completed first draft that will be presented to the City Manager. He plans to have a copy to Council the week of October 19. Staff is still on track to have the budget presented at the October 26 meeting and approved by the November 23 meeting. He provided information on Munis software that is being used for this budget.

ITEM 9. Review on 2021-2025 Proposed Capital Improvement Plan


Mr. Nahvi discussed the previous and planned presentations for the CIP at council meetings. The Committee discussed having presentations before Council for the budget similar to the CIP presentations.

ITEM 10. Member Comments

The Committee discussed a future meeting towards the end of October.

ITEM 11. Adjournment

Motion: Chairman Hellinger moved to adjourn the Finance Committee meeting. The Finance Committee meeting adjourned at 4:16 p.m.



Chairman



Elaine McCloskey, Clerk

PUBLIC WORKS/PUBLIC UTILITIES COMMITTEE
MOTION SUMMARY
February 4, 2020

ITEM 1. Roll Call

Chairman Jones called the meeting to order at 6:00 p.m.

Members Present: Councilmember George Hellinger and Councilmember Cory Hoffman and Chairman Chris Jones

City Staff Present: Bill Ferrigno, Public Works Director/City Engineer and Blake Jordan, Public Utilities Director, Jonathan Owen, Project Manager Engineer

ITEM 2. ELECTION OF OFFICERS

A. Chairperson

Motion: Mr. Hellinger motioned to nominate Mr. Jones as Chairperson, seconded by Mr. Hoffman. Motion approved by a 3-0 vote.

B. Vice-Chairperson

Motion: Mr. Hellinger motioned to nominate Mr. Hoffman as Vice-Chairperson, seconded by Mr. Jones. Motion approved by a 3-0 vote.

ITEM 3. APPROVAL of the Motion Summary of the Public Works/Public Utilities Committee meeting held August 6, 2019 as recorded and transcribed.

Motion: Mr. Hellinger moved to approve the Motion Summary of the Public Works/Public Utilities Committee meeting held August 6, 2019, seconded by Vice-Chairman Hoffman. Motion approved by a 3-0 vote.

ITEM 4. PUBLIC COMMENTS

There was no public comment.

ITEM 5. DISCUSSION of Transportation Needs/Funding

Mr. Ferrigno provided a presentation on transportation needs and funding. He discussed what would funds go to maintain. Three components of roadway maintenance program include Traffic Maintenance, Street Maintenance, and Street Resurfacing. He reviewed the cost and estimated funding gap to these programs. He discussed repairs to alleys and that the City currently will do pothole repairs to alleys, but the proposal for additional funding would recommend alleys be maintained by the City. Mr. Jones informed staff that

there was a concern at 28 South Sandusky regarding large potholes. Mr. Ferrigno discussed that since the 1995 the City road network has increased by 69% and in addition the cost for asphalt has increased from under \$30 per ton to \$90 per ton. The expected cost to pave a mile of residential street can exceed \$300,000. Mr. Ferrigno discussed the increase in streetlights that have maintenance and repairs. In the past 25 years there are over 2,500 streetlights added. Mr. Ferrigno provided a list of poor and very poor rated streets. He discussed the recommendation to pave arterial roads every 15 years, local roads every 25 years, and 20 years for collector roads. He discussed the need to get to a sustainable road maintenance program by prioritizing the road paving needs and having an adequate funding source.

ITEM 6. UPDATE and DISCUSSION relating to Public Utilities

A. Dogwood Drive Stormwater Culvert Rehabilitation

Mr. Jordan discussed that the ravine behind the homes had eroded heavily. He provided photographs of the project and expects the final grading to be done in next few weeks.

B. Stratford Road Energy Dissipation Project

Mr. Jordan reviewed the project and that they are working with ODOT and plan to have the project started in early spring.

C. Discussion on New PFAS Regulation

Mr. Jordan discussed that from 2013-2015 there was testing for 6 PFAS compounds and none were found. Tests will be started again in 2020 and if any PFAS compounds are found it discussed that these can be treated with reverse osmosis.

ITEM 7. UPDATE and RECOMMENDATION relating to Sidewalks

A. Code Section 909 – Sidewalks

Mr. Ferrigno discussed that the section in our code that deals with installation and maintenance of sidewalks. He discussed the additional to the code to multi-family and commercial property owners responsible for sidewalk maintenance. The second update is the American Disability Act and Public Right-of-Ways Guidelines. He also discussed the update the code to provide maintenance to individual properties. The language was adjusted to identify repairs by all property owners needed without a schedule.

Motion: Mr. Hellinger motioned that the proposed ordinance changes be forwarded to Council, seconded by Vice-Chairman Hoffman. Motion approved by a 3-0 vote.

B. Resolution of Necessity for 2020 Sidewalk Maintenance Program

Mr. Owens discussed the two different maintenance programs. The one is the downtown area and the non-downtown area. The program will evaluate areas that streets were repaved in 2019. The area was broken down to areas that are property owners responsibilities and city responsibility. The resolution of necessity states that private property owners are responsible for the repairs with a deadline of July 18. Any repairs not made at this time the resident will be assessed for the repairs and the City will contract the work out. Mr. Owens reviewed that \$150,000 has been budgeted for each program. Mr. Ferrigno discussed that properties will be complaint driven or targeted areas where streets have been repaired. Mr. Owens reviewed the estimated cost per sidewalk area.

C. Resolution of Necessity for Downtown Sidewalk Maintenance Program

Mr. Owens provided an updated list of property owners repairs. The schedule will be the same as discussed in the 2020 Sidewalk Maintenance Program. This area will be limited to the downtown streetscape area.

Motion: Mr. Hellinger motioned to bring the Resolution of Necessity for both 2020 Sidewalk Maintenance Program and Downtown Sidewalk Maintenance Program to Council, seconded by Vice-Chairman Hoffman. Motion approved by a 3-0 vote.

ITEM 8. UPDATE and RECOMMENDATION relating to Public Works

A. Code Section 901 – Excavations in Public Right-of-Way

Mr. Ferrigno discussed the code relating to excavating in public rights-of-way. The code changes is terminology changes and the second change strengthens the code language relating to road closures. If roads are closed for construction the changes will discuss the responsibility of the contractor to notify the public and set guidelines for road closures. The code changes will adopt the Maintenance and Traffic Notification Process.

B. Code Section 197.02 – Right of Way Permitting Fees Draft

Mr. Ferrigno discussed making the process simpler and track the cost per month and bill monthly. Code Section 197.02 and Code Section 901 will be sent to the BIA for review.

Motion: Mr. Hellinger motioned to bring code changes for Section 197.02 and 901 before Council for review, seconded by Vice-Chairman Hoffman. Motion approved by a 3-0 vote.

C. Maintenance of Traffic and Public Notification Policy

The Committee in agreement that this policy be at an administrative level and is not needed to come to a council level for approval.

D. Roadside Memorials Policy Draft

Mr. Ferrigno discussed that these memorials can get onto the road and often are not maintained. He discussed that the City can not pick and choose who can put signs in public right-of-way. He discussed working with the Parks Department on a memorial tree program. This policy will allow for roadside memorials to be taken down and provide an alternative program for families to have a memorial area in the area of a Memory Tree where an individuals name is inscribed on an individual leaf and added to the sculpture open to public viewing along with a planting program of a live tree.

Motion: Mr. Hellinger motioned to send the memorial policy by forwarded to Council for review, seconded by Vice-Chairman Hoffman. Motion approved by a 3-0 vote.

ITEM 9. STAFF COMMENTS

Mr. Ferrigno discussed the senior discount for refuse collection. The code reflects this discount is for single senior citizens. Other individuals can get any size trash toter, but that there is not a discount and they pay the full rate. Mr. Ferrigno discussed that the concern will be that more people would want smaller toters and they will be overflowing with trash.

Mr. Jordan questioned the Committee's interest in electricity aggregation. Chairman Jones and Mr. Hellinger voiced their support in gathering further information.


Mr. Hellinger questioned the interest to solar power. Mr. Jordan discussed working with two consultants on a Solar Feasibility Study.

ITEM 10. MEMBER COMMENTS

Mr. Jones questioned if there was any feedback on the electric vehicle charging station. Mr. Ferrigno had provided a memo to the Council previously on this topic.

ITEM 11. ADJOURNMENT

Motion: Mr. Hellinger motioned to adjourn the Public Works/Public Utilities Committee meeting. The meeting adjourned at 7:10 p.m.



Chairman



Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM C DATE: 11/09/2020
ORDINANCE NO: RESOLUTION NO: 20-63
READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Natalia S. Harris, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

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

BACKGROUND:

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

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

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Natalia S. Harris, City Attorney

RECOMMENDATION:

Approval

ATTACHMENT(S)

Agreement for Indigent Defense Service for Municipal Code Violations

RESOLUTION NO. 20-63

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

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

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

WHEREAS, the agreement is identical to current agreement.

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

SECTION 1. The City Manager is hereby authorized to renew the Intergovernmental Agreement for indigent defense services for Municipal Code violations attached hereto for a term ending on December 31, 2021.

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

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

PASSED: _____, 2020

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

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

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

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

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

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

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

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

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

1. REPRESENTATION

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

2. COMPENSATION

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

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

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

3. DURATION OF CONTRACT AND TERMINATION

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

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

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

4. TERMS OF AGREEMENT

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

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

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

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

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

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

5. MODIFICATION; ASSIGNMENT; PRIOR AGREEMENT


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

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

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

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

COUNTY

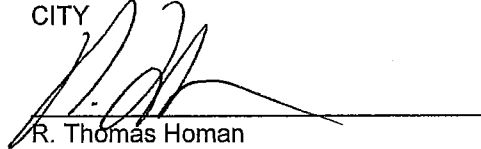


Jeff Benton, President
Pursuant to Resolution No. 11-137 and
Resolution No. 17-

Approved as to Form:

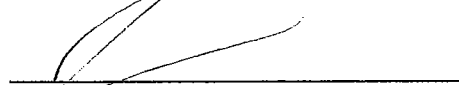

Delaware County Prosecuting Attorney

CITY



R. Thomas Homan
Delaware City Manager

Approved as to Form:


Delaware City Attorney

Approved by:

Timothy Young
Ohio Public Defender

RESOLUTION NO. 17-47

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

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

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

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

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

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

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

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

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

ATTEST: Janet McCleskey CITY CLERK Carolyn K. Ruff MAYOR



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Ferzan M. Ahmed

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 17-829

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

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

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

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

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

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

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

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

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

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

1. REPRESENTATION

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

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

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

2. COMPENSATION

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

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

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

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

3. DURATION OF CONTRACT AND TERMINATION

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

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

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

4. TERMS OF AGREEMENT

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

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

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

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

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

5. MODIFICATION; ASSIGNMENT; PRIOR AGREEMENT

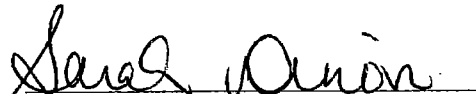
5.1 This Agreement may only be amended by written agreement approved and executed by the parties named herein, or their successors.

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

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

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

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


Sarah Dinovo
Assistant Clerk to Commissioners



FACT SHEET

AGENDA ITEM NO: 8

DATE: 11/09/2020

ORDINANCE NO: 20-69

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES

October 26, 2020 at 7:30 p.m.

November 9, 2020 at 7:30 p.m.

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 MAKING APPROPRIATIONS FOR THE YEAR 2021 AND DECLARING AN EMERGENCY.

BACKGROUND:

This is the second reading and second public hearing of the City Manager's proposed 2021 budget. The budget is required to be adopted by Council pursuant to Section 78 of the City Charter. There is a second budget work session scheduled for Thursday, November 12 @ 6:30 p.m.

REASON WHY LEGISLATION IS NEEDED:

Required by Section 78 of the City Charter

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager
Justin Nahvi, Finance Director

RECOMMENDATION:

Approval at third reading

ATTACHMENT(S)

ORDINANCE NO. 20-69

AN ORDINANCE MAKING APPROPRIATIONS FOR THE
YEAR 2021 AND DECLARING AN EMERGENCY

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

SECTION 1. That from and out of the balances in the various funds of the City of Delaware, and from money anticipated to be received into said funds, there are hereby appropriated the following sums for use by the various departments of the City in performance of their functions and activities during the year ending December 31, 2021.

GENERAL FUND

CITY COUNCIL	
Personnel	169,936
Other	12,860
CITY MANAGER	
Personnel	798,906
Other	116,146
ADMINISTRATIVE SERVICES	
Personnel	261,241
Other	160,958
ECONOMIC DEVELOPMENT	
Personnel	238,848
Other	241,254
LEGAL AFFAIRS/PROSECUTOR	
Personnel	814,028
Other	56,100
FINANCE	
Personnel	1,274,693
Other	979,250
GENERAL ADMINISTRATION	
Other	5,894,309
RISK MANAGEMENT	
Other	339,600
POLICE	
Personnel	8,956,340
Other	1,172,125
PLANNING	
Personnel	1,354,198
Other	201,550
ENGINEERING	
Personnel	1,191,181
Other	964,475
MUNICIPAL BUILDINGS	
Personnel	252,526
Other	425,350
TOTAL GENERAL FUND	25,875,874

STREET MAINTENANCE & REPAIR		
Administration		
Personnel	661,935	
Other	309,050	
Street Maintenance		
Personnel	797,560	
Other	1,690,773	
Traffic Division		
Personnel	435,339	
Other	517,584	
TOTAL STREET MAINTENANCE		4,412,241
STATE HIGHWAY IMPROVEMENT		150,000
LICENSE FEE FUND		680,000
PERFORMANCE BOND FUND		250,000
PARKS & RECREATION FUND		
Park Maintenance		
Personnel	1,015,705	
Other	322,988	
Recreation		
Personnel	196,056	
Other	84,825	
Programs		
Other	129,250	
Pool		
Personnel	190,700	
Other	88,000	
Concessions		
Personnel	52,650	
Other	47,000	
Urban Forestry		
Personnel	92,123	
Other	92,050	
TOTAL PARKS & RECREATION		2,311,347
CEMETERY FUND		
Personnel	242,699	
Other	41,150	
TOTAL CEMETERY FUND		283,849
TREE FUND		65,000
AIRPORT OPERATIONS FUND		
Personnel	221,091	
Other	712,400	
TOTAL AIRPORT OPERATIONS FUND		933,491
AIRPORT 2000 T-HANGAR FUND		94,156
FIRE/EMS OPERATIONS FUND		
Personnel	9,820,895	
Other	3,159,755	
TOTAL FIRE/EMS OPERATIONS FUND		12,980,650

MUNICIPAL COURT		
Judicial		
	Personnel	1,660,546
	Other	71,000
Mission Court		
	Personnel	89,426
Clerk of Courts		
	Personnel	1,274,128
	Other	85,900
TOTAL MUNICIPAL COURT		3,181,000
RECREATION CENTER INCOME TAX		2,625,980
AIRPORT TIF FUND		190,692
GLENN RD TIF FUND		2,342,306
SKY CLIMBER/V&P HYDRAULICS TIF FUND		50,000
MILL RUN TIF FUND		120,000
IDIAM FUND		35,000
DRUG ENFORCEMENT FUND		49,829
INDIGENT ALCOHOL TREATMENT FUND		100,000
OMVI ENFORCEMENT & EDUCATION FUND		4,981
POLICE JUDGMENT FUND		23,324
POLICE FEDERAL JUDGMENT FUND		13,877
PARKS EXACTION FEE FUND		91,779
COMPUTER LEGAL RESEARCH FUND		235,114
COURT SPECIAL PROJECTS FUND		262,555
COURT PROBATION SERVICES FUND		106,500
POLICE DISABILITY PENSION FUND		268,257
FIRE DISABILITY PENSION FUND		268,257
COMMUNITY PROMOTION FUND		50,000
COMMUNITY DEVELOPMENT BLOCK GRANT FUND		153,000
POLICE FEDERAL SEIZURE FUND		3,539
REVOLVING LOAN FUND		135,000
GENERAL BOND RETIREMENT FUND		1,901,732
PARK IMPROVEMENT BOND FUND		2,297,350

SE HIGHLAND SEWER BOND FUND		825,400
CAPITAL IMPROVEMENTS FUND		5,236,366
OPWC FUND		600,000
POINT PROJECT CAPITAL FUND		2,350,000
FAA AIRPORT GRANT FUND		385,000
FAA AIRPORT AIP GRANT FUND		370,005
EQUIPMENT REPLACEMENT FUND		646,477
PARK IMPACT FEE FUND		750,000
POLICE IMPACT FEE FUND		58,216
MUNICIPAL IMPACT FEE IMPROVEMENT FUND		131,660
GLENN ROAD SOUTH CONSTRUCTION FUND		732,550
GLENN ROAD NORTH CONSTRUCTION FUND		159,895
GOLF COURSE FUND		
	Personnel	59,500
	Other	226,700
	TOTAL GOLF COURSE FUND	286,200
PARKING LOT FUND		45,800
STORM SEWER FUND		
	Operations	
	Personnel	261,315
	Other	1,188,850
	TOTAL STORM SEWER	1,450,165
STORM PROJECTS FUND		900,000
WATER FUND		
	Administration	
	Personnel	324,395
	Other	3,037,054
	Treatment	
	Personnel	947,336
	Other	1,297,350
	Distribution	
	Personnel	627,619
	Other	409,850
	TOTAL WATER FUND	6,643,604
WATER CONSTRUCTION FUND		2,510,800
WATER CAPACITY FEE FUND		2,098,982
WATER CUSTOMER DEPOSIT FUND		35,000
SEWER FUND		
	Administration	

	Personnel	324,440	
	Other	4,374,540	
Treatment			
	Personnel	984,939	
	Other	1,385,900	
Maintenance			
	Personnel	299,174	
	Other	350,290	
	TOTAL SEWER FUND		7,719,283
	SEWER CONSTRUCTION FUND		2,394,158
	SEWER CAPACITY FEE FUND		2,935,921
	SE HIGHLAND SEWER FUND		835,400
	REFUSE FUND		
Administration			
	Other	462,030	
Refuse Collection			
	Personnel	806,002	
	Other	2,030,600	
Recycling Collection			
	Personnel	486,408	
	Other	698,400	
	TOTAL REFUSE FUND		4,483,440
	GARAGE ROTARY FUND		
	Personnel	416,084	
	Other	477,450	
	TOTAL GARAGE ROTARY FUND		893,534
	INFORMATION TECHNOLOGY ROTARY FUND		
Staff Support			
	Personnel	553,226	
	Other	31,505	
System Support			
	Other	976,688	
GIS Operations			
	Personnel	174,172	
	Other	59,512	
	TOTAL IT ROTARY FUND		1,795,103
	SELF INSURANCE FUND		7,836,000
	WORKERS COMPENSATION RESERVE FUND		659,000
	FIRE DONATION FUND		-
	PARKS DONATION FUND		12,000
	POLICE DONATION FUND		8,836
	MAYOR'S DONATION FUND		1,200
	PROJECT TRUST FUND		175,000
	UNCLAIMED FUNDS TRUST FUND		4,750

UNCLAIMED FUNDS COURT FUND	-
DEVELOPMENT RESERVE FUND	754,465
GENERAL RESERVE FUND	1,288,864
CEMETERY PERPETUAL CARE FUND	2,000
STATE HIGHWAY PATROL FUND	75,000
STATE BUILDING PERMIT FEE FUND	18,000
JEDD INCOME TAX FUND	284,510
 TOTAL APPROPRIATIONS - ALL FUNDS	 120,939,264

SECTION 2. That the Finance Director is hereby authorized to make payment from any of the foregoing appropriations to the extent of the amounts contained in the respective appropriations whenever claims, duly approved by the officer authorized by law to approve such claims, are presented.

SECTION 3. That the Finance Director is hereby authorized and empowered to make necessary changes which are not in conflict with this ordinance within a given appropriation to carry out the functions of the City. No changes to the total amount of a departmental or fund appropriation may be made without the legislative action of the City Council.

SECTION 4. That any sums which shall be expended from the above appropriation and which are a proper charge against any other department, or against any person, firm or corporation, shall, if repaid within the period covered by such appropriation, be credited to the fund from which such payment was made.

SECTION 5. In accordance with Ohio Revised Code Sections 5705.14, 5705.15, and 5705.16 the Finance Director is hereby authorized to make the interfund transfers identified in the 2021 Budget Detail presented to, and approved by, City Council as part of the 2021 Budget adoption process.

SECTION 6. The City Finance Director is hereby authorized to establish a Capital Improvement Fund entitled the OPWC Capital Projects Fund (Fund 412). This fund will be used to track revenues and expenditures related to capital projects funded through OPWC grants.

SECTION 7. The City Finance Director is hereby authorized to establish a Capital Improvement Fund entitled the Storm Sewers Capital Projects Fund (Fund 524). This fund will be used to track revenues and expenditures related to capital projects for the City's storm sewer system.

SECTION 8. That the Clerk of Council is directed to certify a copy of this ordinance to the Budget Commission of Delaware County.

SECTION 9. 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 further to provide lawful appropriations available for expenditure by January 1, 2021, and as such will be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE:

Yeas ____ **Nays** ____

PASSED: _____, 2020

Yeas ____ **Nays** ____

ATTEST: _____
Clerk

Mayor



FACT SHEET

AGENDA ITEM NO: 9

DATE: 11/09/2020

ORDINANCE NO: 20-71

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
November 9, 2020 @ 7:45 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 197.02 OF THE SCHEDULE OF FEES AND SERVICE CHARGES.

BACKGROUND:

Proposed revisions allow for increased reimbursement to the City for costs associated with the provision of permit review and construction inspection activity. Currently, the City is limited to charging flat rate fees for permit reviews, and \$55/hour for construction inspection activity. An increase to \$60/hour is proposed to cover costs incurred for permit review and construction inspection work performed by City staff. Additionally, language is added to allow for reimbursement to the City for the actual costs associated with the use of contract services for both permit review and inspection work. A 10% administrative fee is added to all contract service charges to account for City staff involvement. These changes are identical to prior changes to the Engineering plan review and inspection fees associated with land development activity implemented in 2018.

REASON WHY LEGISLATION IS NEEDED:

To allow for reimbursement of an increased amount of permit review and construction inspection fees. Currently, complex right of way permits can involve dozens of hours of in-house staff review and/or contract assistance that

are not fully reimbursable under existing code. Based on prior year right of way permit activity, it is estimated that an additional 1,248 hours of annual billing could generate up to \$93,600 to offset costs incurred by the City for managing right of way activity.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Increase reimbursements to the City for associated right of way activity.

POLICY CHANGES:

Expands fees to include reimbursement of actual costs incurred by the City through use of contract services for right of way permit review and construction inspection. Provides for doubling of permit fees for applicants that work within the public right of way without submitting appropriate permits.

PRESENTER(S):

Justin Navhvi, City Finance Director

RECOMMENDATION:

Approval following public hearing

ATTACHMENT(S)

N/A

ORDINANCE NO. 20-71

AN ORDINANCE AMENDING SECTION 197.02 OF THE SCHEDULE OF FEES AND SERVICE CHARGES.

WHEREAS, as part of the yearly review of the fees established in Delaware Codified ordinance Section 197, it has been determined that certain rates should be amended.

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

SECTION 1. The following portions of 197.02 are amended as follows:

COMMUNITY DEVELOPMENT/CONSTRUCTION		
SOURCE OF FEE	FEE TITLE	FEE
901.07 [901.15]	Right-of-Way Permit and Inspection Fees	<p>Permit APPLICATION Fees: Dumpster/Storage Pod: \$25.00 Excavation in Public Right-of-Way: \$35.00 \$50.00 Occupancy of Public Right-of-Way: \$30.00 Blanket Permit Designation: \$500.00</p> <p>PERMIT FEES ARE DOUBLED FOR APPLICANTS THAT START ACTIVITY WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT FIRST APPLYING FOR AND OBTAINING AN APPROVED PERMIT.</p> <p>Inspection Fees: Excavation in roadway pavement: \$200.00 Excavation outside roadway pavement: \$50.00 Additional inspection: \$55.00 an hour Pavement repair deposit: \$250.00 (refundable upon satisfactory completion of work)</p> <p>ADDITIONAL PLAN REVIEW AND INSPECTION FEES: \$60.00 PER HOUR FOR IN-HOUSE INSPECTION SERVICES AND THE ACTUAL COST OF CONTRACT PLAN REVIEW AND INSPECTION SERVICES. A 10% ADMINISTRATIVE FEE IS ADDED TO ALL PLAN REVIEW AND INSPECTION INVOICING.</p> <p>FINAL RECONCILIATION PERFORMED UPON COMPLETION OF ALL WORK AND RECEIPT BY CITY OF ALL OUTSTANDING CONTRACT SERVICE BILLING.</p> <p>PERMIT AND INSPECTION FEES ARE WAIVED FOR INDIVIDUAL PROPERTY OWNERS SUBMITTING APPLICATIONS TO COMPLETE SIDEWALK REPAIRS ON THEIR RESPECTIVE PROPERTY.</p>

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



FACT SHEET

AGENDA ITEM NO: 10

DATE: 11/09/2020

ORDINANCE NO: 20-72

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jessica Feller, Human Resource Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

BACKGROUND:

The proposed 2021 budget reflects an increase in wages by 3% for the non-union employee pay plan and 3% for the department head pay plan ranges.

In addition, the ordinance includes a section authorizing the Finance Director to sign an annual OPERS earned time off conversion document.

REASON WHY LEGISLATION IS NEEDED:

Legislation is necessary in order to process payroll changes.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

A 3 percent increase for all non-union pay plan positions and 3 percent increase to the department head pay plan ranges, as reflected in the proposed 2021 budget.

POLICY CHANGES:

N/A

PRESENTER(S):

Jessica Feller, Human Resource Manager

RECOMMENDATION:

Approval at third reading

ATTACHMENT(S)

Amended Pay Plan

ORDINANCE NO. 20-72

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the attached Management, Professional, Technical, Confidential and Supervisory Pay Plan shall be amended to reflect the noted changes.

SECTION 2. That the Finance Director is hereby authorized to execute and submit the annual OPERS earned time conversion document on behalf of the City.

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. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 23, 2020 which coincides with the new calendar year. Therefore, this Ordinance shall 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



THE CITY OF DELAWARE 2021 SUMMARY OF BENEFITS

Professional, Confidential, Supervisory and Non-
Union Employees

Revised 12/23/2020

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Article I. WAGES AND PAY PLAN

Section 1.01 Non- Union Employee Pay Plan

(a) The following pay schedule is to be effective **DECEMBER 23, 2020** and the table below reflects a 3% increase for each step. Step increase shall take effect the first full pay period following the employee’s anniversary date.

Pay Grade	Position
¹ M1	Administrative Assistant, Police Administrative Aide, Help Desk Support Technician
M2	Airport Technician, Police Assistant
M3	Economic Development Communications Specialist, Communications Specialist, Service Coordinator, Data and Video Technician
M4	Cemetery Manager, Financial Specialist I, Arborist
M5	GIS/CMMS Technician, Administrative Services Specialist, Right-of-Way Inspector, Zoning Technician, Golf Course Supervisor, Watershed Coordinator, Technical Support Specialist
M6	Police Technician
M7	Code Enforcement Officer I, Customer Service Liaison, Facility Maintenance Supervisor
M8	Engineering Technician, Airport Operations Supervisor, Division Supervisor, Financial Specialist II, Executive Assistant, Code Enforcement Officer II, Project Manager I, Collections Manager, Construction Inspector, Economic Development Coordinator, GIS/CMMS Analyst
M9	Assistant City Attorney/Prosecutor, Building Inspector I
M10	Development Planner, Recreation Program Superintendent
M11	No current position
M12	GIS Coordinator, Project Manager II, Airport Manager, Construction Inspection Manager, Budget and Management Analyst, Fleet Maintenance Supervisor
M13	Building Inspector II
M14	Information Systems & Network Administrator, Human Resource Manager, Assistant Prosecutor, Application System Specialist
M15	Project Engineer I, Assistant Water Manager, Parks Superintendent
M16	No current position
M17	Public Works Superintendent, Accountant, Zoning Administrator, Water Manager, Wastewater Manager, Community Affairs Coordinator, Project Engineer II, Income Tax Administrator, Utilities Field Superintendent
M18	Project Engineer III, Deputy Director
M19	Deputy City Engineer
M20	No current position

¹ Per Amendment to Ordinance No. 18-112 (December 20, 2018) Clerk of Council (M1) removed from Management Pay Plan effective January 15, 2019.

Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5
M1	20.01	20.79	21.52	22.51	23.38
M2	20.58	21.81	22.26	23.20	24.09
M3	21.61	22.48	23.38	24.33	25.30
M4	22.48	23.37	24.32	25.33	26.31
M5	23.64	24.67	26.13	27.11	27.92
M6	24.60	25.73	27.15	28.18	29.05
M7	25.54	26.77	28.23	29.28	30.21
M8	26.97	28.12	29.24	30.48	31.77
M9	28.07	29.22	30.42	31.70	33.03
M10	29.19	30.40	31.67	32.99	34.38
M11	30.35	31.56	32.97	34.28	35.70
M12	31.60	32.87	34.25	35.65	37.16
M13	32.85	34.18	35.63	37.10	38.66
M14	34.11	35.57	37.05	38.58	40.21
M15	35.47	37.00	38.54	40.13	41.77
M16	36.94	38.46	40.07	41.73	43.44
M17	38.42	39.97	41.73	43.38	45.22
M18	39.91	41.58	43.38	45.16	47.03
M19	41.54	43.26	45.12	46.94	48.87
M20	43.19	44.95	46.94	48.82	50.84

Section 1.02 Department Head Pay Plan

(a) The following pay schedule for the positions below is to be effective **DECEMBER 23, 2020** and reflects a 3% increase to each range.

Pay Grade				
DH III			Range	
	Justin Nahvi	Finance Director	\$111,804.43	to \$156,526.20
	Natalia Harris	City Attorney		
	Bruce Pijanowski	Police Chief		
	John Donahue	Fire Chief		
DH II			\$93,170.36	to \$130,437.74
	Bill Ferrigno	Public Works Director/City Engineer		
	David Efland	Planning & Development Director		
	Susie Dailey	Chief Information Officer		
	Vacant	Assistant Fire Chief		
	Vacant	Assistant Police Chief		
	Blake Jordan	Public Utilities Director		
	Kyle Kridler	Assistant City Manager		
DH I			\$77,641.97	to \$108,698.75
	Jerry Warner	Chief Building Official		
	Sean Hughes	Economic Development Director		
	Ted Miller	Parks & Natural Resources Director		
	Vacant	Chief Prosecutor		
	Lee Yoakum	Community Affairs Coordinator		

Section 1.03 Safety Forces Pay Plan

(a) **Police Captain Wages**

THE FOLLOWING PAY SCHEDULE FOR THE POSITION(S) BELOW IS TO BE EFFECTIVE DECEMBER 23, 2020 AND REFLECTS A 3% INCREASE FOR EACH STEP.

Pay Grade	STEP 1		STEP 2		STEP 3	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
SF1	51.75	\$107,634.18	53.68	\$111,661.89	55.63	\$115,711.02
PAY GRADE	POSITION					
SF1	Police Captain					

1) *Maximum Vacation Accrual*

If an employee enters into the Management Pay Plan with more than the maximum accrual of vacation hours allowed, the following will occur: 1. the employee may request a pay out to take the current level below the maximum allowed of, 2. the current accrual will be “frozen” as a maximum cap for the calendar year.

2) *Initial Compensatory Time*

Prior to entering the Management Pay Plan all compensatory time will be paid out according to the provision in the respective bargaining contract and the employee compensation time will be zero (0).

3) *Clothing Maintenance Allowance*

The positions of Police Chief and Police Captain shall receive an annual clothing maintenance allowance of three hundred and forty dollars (\$340) in January of each year.

4) *Uniforms Allowance*

The Management Pay Plan positions in the Police and Fire Departments will receive replacement uniform items when determined by the Chief that replacement is necessary.

(b) Fire Captain Wages

The following pay schedule is to be effective December 26, 2018. The table below reflects **the contractual equivalent** a 2% increase for each step. Step increase shall take effect the first full pay period following the employee’s anniversary date.

Pay Grade	STEP 1		STEP 2		STEP 3	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
SF2	per contract		per contract		per contract	
<u>PAY GRADE</u>	<u>POSITION</u>					
SF2	Fire Captain					

1) *Fire Captain Provision*

Wages and associated benefits for the 40-hour/week Management Fire Captain are identical to those provided to equivalent bargaining unit position. Position is considered overtime eligible. Additionally, incumbent will receive 5% out-of-class pay (based on wage rate **AND DOES NOT INCLUDE SHIFT PREMIUM**) when serving as Acting Chief.

Section 1.04 Overtime Pay & Compensatory Time: Non-Exempt Employees

- (a) For employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act they shall be entitled to overtime pay or compensatory time as described below:
- 1) Employees shall be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of forty (40) hours in any workweek shall be compensated for at a rate of time and one-half. Payment in cash shall be made for any overtime due at the time of separation from City service.
 - 2) In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off shall be equal to one and one-half (1.5) hours for each hour of overtime compensation to which the employee is entitled. All requests for use of compensatory time are subject to approval of the department head. Compensatory time shall be taken at a time mutually agreeable to the supervisor and the employee.
 - 3) Employees can accumulate up to eighty (80) hours of compensatory time. When an employee has eighty (80) hours of accumulated compensatory time, all further overtime will be paid in cash.
 - 4) At no time shall compensatory time be converted to any other form of leave or compensation; except when an employee separates from City service. Upon termination of employment, a non-exempt employee shall be paid for unused compensatory time provided that the time was earned after April 14, 1986 at a rate of compensation not less than:
 - i. The average regular rate (hourly rate) received by such employee during the last 3 years of the employee's employment, or
 - ii. The final regular rate (hourly rate) received by such employee, whichever is higher.
 - 5) Compensatory time shall be submitted on the regular payroll sheet detailing the time earned and taken.

Section 1.02 Compensatory Time: Exempt Employees

- (a) Employees exempt under the Fair Labor Standard Act shall not be entitled to overtime pay but shall be entitled to compensatory time as described below:
- 1) No existing compensatory time balances will be carried over from an outside position or when the employee transfers in the Management Pay Plan
 - 2) Compensatory time shall be earned for approved work that exceeds eight (8) hours per day and such employees may receive said compensatory time at the rate of one (1) hour for each hour worked in excess of eight (8) hours per day.
 - 3) The maximum accrual of compensatory time shall be eighty (80) hours.
 - 4) Compensatory time must be used in minimum increments of one (1) hour and maximum increments of twenty four (24) hours per pay period.
 - 5) At no time shall compensatory time be converted to any other form of leave of compensation. Upon termination of employment, an exempt employee is not entitled to payment for unused compensatory time.
 - 6) Compensatory time shall be submitted on the regular payroll sheet detailing the time earned and taken.

Article II. ACCRUED TIME AND VARIOUS LEAVES

Section 2.01 Vacation

- (a) The vacation year for employees shall end at close of business on the last pay period that ends in the month of December.
- (b) Each full-time employee shall accrue vacation leave by pay period at the annual rate of work hours based on years of full-time total service which is established in the schedules contained in Section 3 of this article. Years of total full-time service is defined to be the total of all periods of employment for the City of Delaware. Any period of interruption of service due to resignation, layoff, disciplinary suspension, or discharge for cause, will not be included in the computation of total service. Time not in paid status, excepting military leave, shall also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the first day of the first pay period in which a year of service is completed.
- (c) The following vacation accrual schedules are established:

Years of Total Service	Vacation Hrs./Year	Vacation Hrs./Pay
Start through 5 years	80.6	3.1
6 through 10 years	119.6	4.6
11 through 15 years	161.20	6.2
16 plus years	200.2	7.7

- (d) Any vacation balance in excess of the maximum accrual shall become void as of the close of business on the last day of the pay period that ends in the month of December.

Years of Total Service	Maximum Accrual of Vacation Hours
Start through 5 years	241.8
6 through 10 years	358.8
11 through 15 years	483.6
16 plus years	600.6

(e) Eligibility

- 1) To be eligible for biweekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is required to report for work and does so report and is denied work because of circumstances beyond their control, absence from work for the balance of that day shall not be construed as unpaid work status.
- 2) An employee in full-time status who is to be separated from City service through discharge, resignation, retirement or layoff, and who has unused vacation leave to their credit, shall be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his last day of active service with the City. Such payment shall be paid at the employee's hourly rate of pay at time of separation.
- 3) When a member dies while in paid status in the City service, any unused vacation leave to their credit shall be paid in a lump sum to the surviving spouse, or such other person the employee may have designated in writing.
- 4) Requests for vacation are to be submitted and approved, in advance of the intended use, by employee's supervisor or department head.
- 5) To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment **inside the state of Ohio:**
 - i. Employees will only be eligible to transfer years of service from a public agency as defined by State law.
 - ii. The amount of years of service that can be transferred is unlimited.
 - iii. Prior employment must be in full-time status
- 6) To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment **outside the State of Ohio:**
 - i. Employees will only be eligible to transfer years of service from their immediate previous employer.
 - ii. Said previous employer must be a public agency.
 - iii. Employment with the City of Delaware must take place within twelve months of termination from their immediate previous employer.
 - iv. The maximum amount of years of service that can be transferred is five (5) years.
 - v. Present employees are not eligible.
 - vi. Prior employment must be in full-time status.
- 7) An employee may elect to trade three (3) weeks of vacation time, or the equivalent of vacation time earned in one year, whichever is greater, for equivalent pay during the calendar year. Conversion of vacation time may occur for pay periods ending in the months of January, June, or December of each year. For **2021**, these dates are as follows:

Pay Period Ending	Pay Date
JANUARY 5, 2021	JANUARY 12, 2021
JANUARY 19, 2021	JANUARY 26, 2021
JUNE 8, 2021	JUNE 15, 2021
JUNE 22, 2021	JUNE 29, 2021
DECEMBER 7, 2021	DECEMBER 14, 2021
DECEMBER 21, 2021	DECEMBER 28, 2021

An employee must inform the Department Head prior to August 1 of the year preceding the calendar year in which he intends to make the trade and must maintain at least forty (40) hours of vacation time in the employee's account after said trade takes place. Exceptions may be granted by the authority of the city manager.

Section 2.02 Sick Leave

- (a) Each city employee shall be entitled to sick leave with pay for four and six-tenths (4.6) hours of each completed (80) hours of service. An employee may use sick leave, upon approval of his or her Department Head, for absence due to personal illness, pregnancy, injury, or exposure to contagious disease which could be communicated to other employees, and for illness or injury of the employee's spouse, dependent children, step-children or parent. It is the option of a supervisor, with cause, to require return to work documentation from the employee.

(b) **TO BE ELIGIBLE FOR SICK LEAVE INCENTIVE, AN EMPLOYEE MUST BE ON THE FIRST PAYROLL OF THE CALENDAR YEAR AND REMAIN EMPLOYED THROUGH THE LAST PAYROLL PERIOD OF THE CALENDAR YEAR. SICK LEAVE INCENTIVE IS AWARDED THE FIRST PAY IN FEBRUARY FOLLOWING THE COMPLETED CALENDAR YEAR.** If an employee used 0 hours of sick leave in any one calendar year, that employee shall be credited with an additional three (3) vacation days the following year. If an employee uses between one (1) and eight (8) hours of sick leave in any one calendar year that employee shall be credited with an additional two (2) vacation days the following year. If an employee uses between nine (9) and sixteen (16) hours of sick leave in any one calendar year that member shall be credited with one (1) additional vacation day the following year. To be eligible for this incentive, an employee must be active for the first pay period of the calendar year through the last pay period of the calendar year. At the employee's option, any additional vacation days earned can be converted to pay for pay periods ending in the months of January, June, or December of the year the additional vacation is earned. For **2021**, these dates are as follows:

Pay Period Ending	Pay Date
JANUARY 5, 2021	JANUARY 12, 2021
JANUARY 19, 2021	JANUARY 26, 2021
JUNE 8, 2021	JUNE 15, 2021
JUNE 22, 2021	JUNE 29, 2021
DECEMBER 7, 2021	DECEMBER 14, 2021
DECEMBER 21, 2021	DECEMBER 28, 2021

- (c) To be eligible to transfer sick leave to the City of Delaware from prior employment inside the state of Ohio:
- 1) Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
 - 2) Employment with the City of Delaware must take place within ten (10) years of termination from their previous employer.
 - 3) The maximum amount of sick leave hours that be transferred is unlimited as long as it is accrued at a rate of no greater than 15 days per year.
- (d) To be eligible to transfer sick leave of the City of Delaware from prior employment outside the state of Ohio:
- 1) Employees will only be eligible to transfer sick leave from their immediate previous employer.
 - 2) Said previous employer must be a public agency.
 - 3) Employment with the City of Delaware must take place within twelve (12) months of termination from their immediate previous employer.

- 4) The maximum amount of sick leave hours that can be transferred is six hundred (600).
 - 5) Any sick leave time so transferred shall have been accumulated at the rate of one and one-fourth days per month of employment.
 - 6) Present employees are not eligible.
- (e) Any City employee who has accumulated at least 100 days of sick leave credit may convert any excess thereof up to fifteen (15) days per year of sick leave to vacation leave on the basis two (2) sick leave days for one (1) day vacation leave. Such annual conversion, if made, shall occur in December for the year of conversion.
- (f) Any employee separated from City service for other than just cause shall be paid for all accumulated and unused sick leave on the basis of one (1) hour of pay for every two (2) hours of unused sick leave. Total sick leave pay out cannot exceed sixteen (16) weeks pay **(640 HOURS)**.
- (g) For Employees Hired After November 1, 2013
- 1) Each member hired by the City of Delaware after November 1, 2013 may transfer accrued sick leave hours from previous employment with any public agency **ONCE THEY HAVE COMPLETED THEIR PROBATIONARY PERIOD.** ~~but~~ Such sick leave hours will not be eligible for conversion or payment upon separation pursuant to section 5. In addition, sick leave usage by members who transfer in sick leave hours will first be charged to sick leave hours accumulated while employed by the City of Delaware. Members will only be eligible to utilize hours transferred in from prior public employment when they have no balance of sick leave available from sick leave accrued while employed by the City of Delaware.

Section 2.03 Holiday and Personal Days

- (a) The following are designated as paid holidays for covered employees:

New Year's Day, January 1	Little Brown Jug Day, ½ day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day, July 4	Day before Christmas, ½ day
Labor Day	Christmas Day, December 25

- (b) If one of the holidays set forth above occurs while an employee is on vacation leave, such day shall not be charged against his/her vacation leave.
- (c) In the event that the Federal Government designates a specific day for any of the aforesaid holidays, then such holiday shall be observed by the City in accordance with such federal designation. When any such holiday falls on a Saturday it shall be observed on the Friday immediately preceding, and when any such holiday falls on a Sunday, it shall be observed on the Monday immediately following, provided that the employee works their last regularly scheduled work day preceding the following the holiday.
- (d) EMPLOYEES WHO WORK A NON-TRADITIONAL WORKWEEK AND THEIR WORK SCHEDULE INCLUDES BOTH THE OBSERVED HOLIDAY AND ACTUAL HOLIDAY WILL ONLY RECEIVE HOLIDAY PAY ON THE OBSERVED DATE OF THE HOLIDAY.**
- (e) For each of the holidays specified in Section 1 of this article on which a FLSA non-exempt employee works, they shall be entitled to holiday compensation equal to double the employee's regular rate of pay, except that the employee shall be entitled to holiday compensation at two and one-half times the employee's regular rate of pay if they work on any of the following holidays: New Year's Day, Memorial Day, Independent Day, Labor Day, Thanksgiving Day, Christmas Day. Only eight (8) hours per day will be used when computing the holiday rate. Compensation for holidays may be in the form of cash or compensatory time off.
- (f) Employees shall be credited 32 hours of personal leave a year, except for new hires who shall receive a prorated amount based on hire date. Use of holiday compensatory time or personal days shall be at the employee's discretion with the approval of the employee's supervisor or department head. **WHEN AN EMPLOYEE SEPARATES CITY SERVICE, THEY WILL BE PAID FOR ANY REMAINING PERSONAL LEAVE.**

- (g) All employees will be permitted to accumulate three (3) years' worth of holiday compensatory time and personal leave. Once an employee accumulates the maximum allowable number of personal leave/holiday compensatory time then future personal leave/holiday compensatory time will be compensated for in cash, at the time they are earned. An employee may elect to cash in up to one year's worth of personal leave each year (32 hours) for pay periods ending in the months of January, June, or December each year. An employee must inform his or her Department Head prior to August 1 of the year preceding the calendar year in which they intend to make the trade. For **2021**, the dates are as follows:

Pay Period Ending	Pay Date
JANUARY 5, 2021	JANUARY 12, 2021
JANUARY 19, 2021	JANUARY 26, 2021
JUNE 8, 2021	JUNE 15, 2021
JUNE 22, 2021	JUNE 29, 2021
DECEMBER 7, 2021	DECEMBER 14, 2021
DECEMBER 21, 2021	DECEMBER 28, 2021

- (h) In the event that an office remains open on a designated paid holiday, all affected staff may take the corresponding time off for that holiday on another date, upon prior approval of their supervisor and/or department director.

Section 2.04 Funeral Leave

- (a) Each covered employee shall be entitled to funeral leave with pay according to the following schedule:

Leave for Death of:	Days/Hours of Leave	
	Local Funeral	Other Funeral
Immediate Family Member	1 - 3 Days	1 - 5 Days
Other Relative	May Use Up to One Scheduled Work Day of Accrued Leave	May Use Between 1 - 3 Scheduled Work Days of Accrued Leave

- 1) One work day/shift is automatic for the day of the funeral, but additional time up to the maximum shall be given only with approval of the Department Head.
 - 2) All leave time with approval of the Department Head.
- (b) For the purposes of this section, "Immediate Family Member" means spouse, child, brother, sister, parents, step-child, step-brother, step-sister and step-parents, grandparents, grandchildren, sister-in-law, brother-in-law, and parents-in-law.
- (c) For the purposes of the article, "Local Funeral" means a funeral in the City of Delaware, or within fifty (50) miles thereof.

Section 2.05 Special Leave

- (a) In addition to other leaves authorized herein, the City Manager may authorize a special leave of absence, with or without pay, for purposes beneficial to the employee and/or the City.
- (b) For exempt employees who are absent, if the absence cannot be covered or paid through appropriate leave time, said employees shall be subject to a reduction in pay, unless the absence is less than one workday.

Section 2.06 Jury Duty Leave

- (a) An employee, while serving on a jury in any court of record in Delaware County, or any adjoining county, will be paid his regular salary for each of his workdays during the period of time so served. Time so served shall be deemed active and continuous service for all purposes. All jury fees received from the court of record shall be assigned to the City of Delaware.
- (b) When an employee has been released from Jury Duty they shall report back to work if more than two (2) hours are left in the workday.

Section 2.07 Court Leave

- (a) Time off with pay shall be allowed employees who are subpoenaed to attend any court of record in Delaware County, Delaware, Ohio or any adjoining county, as a witness in civil matters, as they pertain to City matters. All witness fees shall be assigned to the City of Delaware.

Section 2.08 Injury Leave

- (a) All regular full-time City employees shall be entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits which he/she may be awarded by the Ohio Industrial Commission (OIC), for a period not to exceed 30 consecutive working days for employees working a 40-hour workweek for each injury incurred in the performance of employment duties with the City, provided that the following procedures are followed:
 - 1) In all cases of personal injury to any regular full-time City employee as a result of the performance of employment duties, the employee shall complete an accident/injury investigation form and in conjunction with his/her Department Head shall report such injury to the Department of Administrative Services immediately and ensure that a claim is filed with the BWC.

- 2) In the event that time off from work is required by the injured employee, they will be granted injury leave from the first day of injury, if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee's physician, an Agreement covering Compensation Reimbursement, any necessary BWC forms and other documents as may be required by the City. In the event that the BWC determines that the injury is NOT employment related, any time the employee is, or has been, absent from work shall be deducted first from any accrued sick leave, then accrued vacation, or accrued compensatory time off, other than compensatory time for overtime worked.
- 3) During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time City employees shall remain in force with no deductions to earned sick leave and/or vacation time.
- 4) In all cases where more than 30 consecutive working days are needed for injury leave for employees working a 40-hour workweek, the City Manager may extend such leave, if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a current affidavit from a licensed physician setting forth the need for the extension.

Article III. Insurance

Section 3.01 Hospitalization, Surgical and Major Medical

(a) The City will continue to provide comprehensive hospitalization, surgical and major medical coverage for all full-time members and their dependents. Beginning January 1, 1999, or at some date thereafter, the City may implement a Preferred Provider Organization (PPO). The Plan if implemented will provide for the following deductibles and co-payments as follows:

	Network Providers	Non-Network Providers
Annual Deductible	None	\$500.00
Single	None	\$1000.00
Family		
Office Visit Co-pay	\$10.00	N/A
ER Visit Co-pay	\$50.00 unless admitted into the hospital, otherwise co-insurance will apply in excess of the deductible	N/A
Co-insurance		
Single	90/10% of first \$1,000 80/20% of next \$3,000	50/50% of first \$5,000 50/50% of first \$5,000
Family	90/10% of first \$2,000 80/20% of next \$5,000	

- 1) Contributions will be deducted from the member’s gross income prior to taxes, subject to compliance with all applicable tax regulations.
- 2) Effective January 1, 2013 employees will contribute to the cost of the health benefit plan in an amount equal to the 15% of the established monthly COBRA rate utilized by the City. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. Contributions will be deducted from all members in paid status based on twelve (12) months times the monthly rate, divided by the number of pay periods per year. An example would be \$56.95/mo. X 12 = \$683.40, \$683.40 / 26 pay periods = \$26.28 per pay period. In the event federal tax regulations are changed so that medical benefit plans are no longer tax exempt, the City will not be responsible to pick up the member’s tax burden.

- 3) The City will permit employees who have alternate health plan options through a spouse to opt out of the City plan in return for a payment of at least \$100.00 per month for full opt out of all health insurance. Families who have both spouses employed full time by the City of Delaware will not be eligible to opt out of the plan. One spouse will carry the full cost of the plan. The employee will provide proof that they do in fact have other coverage before the City will drop that employee's current coverage.
- 4) The City will continue to provide dental coverage if it is not provided under the employee's spouse's insurance. A member may elect to return to coverage under the City's insurance plan by notifying the City in writing of any substantial changes in their qualifying family circumstances. The member must give (30) days' notice of his or her election to return to the City's plan, except in the case of an emergency, such as sudden loss of spouse's coverage, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.
- 5) Employees who opt out of the health insurance program will be compensated as follows:

No coverage	\$100 per month
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Note: An employee may not elect to have medical coverage only

- 6) Payments will begin on the first pay period of the month following 30 days' notice of an employee's desire to drop coverage. A form will be provided which will contain all information necessary to discontinue coverage under the plan. The form must be signed and returned to the Department of Administrative Services. Until such time that an employee is effectively dropped from City coverage, they will be subject to any payroll contributions.
- 7) All payments made in lieu of insurance coverage will be included as other pay on employee's paycheck. This income will not be included in income subject to OPERS contributions but will be subject to all applicable taxes.

Section 3.02 Prescription Plan

- (a) The City will provide a prescription card plan for members and their dependents.
- (b) The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:
 - 1) 80/20% for generic drugs
 - 2) 50/50% name brand drugs with a \$25 co-pay for each disbursement
- (c) The mail order benefits will be the following:
 - 1) 90/10% for generic drugs and
 - 2) 75/25% for name brand drugs with no \$25 co-pay
- (d) The maximum expense an employee will pay for coinsurance is \$250 annually for single coverage and \$500 for family annually for prescription benefits, however, the \$25 co-pay for retail name brand drugs will not count towards the calculation of the \$250 or the \$500 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.

Section 3.03 Dental Care Plan

- (a) The City will maintain dental coverage for all members. Please refer to the Plan Document for specific covered services.

Section 3.04 Life Insurance

- (a) The City will provide the following amount of life insurance:
 - 1) Department Heads: \$50,000
 - 2) Assistant Fire and Police Chiefs: \$50,000
 - 3) Pay Grades M11 through M20: \$40,000
 - 4) Police Captain and Fire Captain: \$40,000
 - 5) Pay Grades M1 through M10: \$30,000

Section 3.05 Vision Plan

- (a) The City will provide a vision plan for members and their dependents covered by this Summary of Benefits. The City will contribute \$6.00 per month on behalf of the employee. The employee will be responsible for the balance of the monthly cost of the coverage selected.

Article IV. Other Compensation

Section 4.01 Longevity Compensation

(a) Employees shall receive, in addition to other pay called for herein, Longevity Compensation based on completed years of service according to the following table:

After five (5) years of continuous service	\$550.00/year
After ten (10) years of continuous service	\$750.00/year
After fifteen (15) years of continuous service	\$950.00/year
After twenty (20) years of continuous service	\$1150.00/year

- 1) Longevity compensation shall be paid, in accordance with the above schedule, in two (2) separate lump sum payments during the first pay periods in June and December of each year.
- 2) Upon termination of service for any reason, employees who are eligible for longevity pay under this section (or in the event of death, the surviving spouse or estate) will be paid, as part of their terminal pay, the final partial year of longevity compensation, prorated to the name of months completed during said partial year since the employee's last payment date.
- 3) For the purpose of this section, continuous years of service shall include approved military leave.

Section 4.02 Automobile Expense Reimbursement

(a) Employees shall receive reimbursement for business use of their personal vehicle. Reimbursement will be in accordance with the Internal Revenue Service (IRS) regulations for not-taxable reimbursements and shall be at the IRS per mile reimbursement rate in effect when the business use miles were incurred. Department Heads as department heads employed by the City prior to January 1, 1999 who had received a monthly automobile allowance will only be reimbursed for business use of their personal vehicle for travel outside the City limits.

Section 4.03 Non-Uniformed Clothing Allowance

(a) All employees covered under this pay plan in Pay Grades M1 through M9 who are not provided with a uniform shall receive an annual clothing allowance of \$150.00. Such allowance shall be utilized to purchase necessary work-related items of clothing such as, but not limited to: steel toed boots, coats, rain gear, rubber boots, gloves etc. All purchases of clothing shall be the responsibility of the employee. Upon hire the clothing allowance will be prorated based on the full months of service for that year.

Section 4.04 Call-In Pay

- (a) Both exempt and nonexempt employees shall be eligible for “on call” compensation for weekly periods when assigned the responsibility of direct Parks, Public Works, or Utility personnel in response to service requests during non-scheduled work periods. Employees assigned to this “on call” status shall serve in this posture for weekly time periods are authorized by the respective Department Head. Said employees shall be responsible for responding to after hour service requests. Employees assigned to an “on call” status shall be compensated at a weekly rate of between \$25.00 and \$50.00 as determined by the City Manager. On call compensation shall be paid in addition to regular and overtime wages earned during the pay period. On call assignments will be posted in June and December of each year for the following six-month period. Changes to the schedule must be made in advance with approval of the Department Head.

Section 4.05 Tuition Reimbursement

- (a) All full-time employees with one or more years of continuous active service shall be eligible for a reimbursement of instructional fees for undergraduate or graduate courses towards a degree or certification, pre-approved by the city and voluntarily undertaken by the employee. The tuition reimbursement program shall be subject to the following conditions:
- 1) All courses must be taken during other than scheduled working hours. Any situation which, in the discretion of the department head, would require an employee’s presence on the job shall take complete and final precedence over any time scheduled for courses. All courses are subject to approval by the department head and/or city manager. There must be a direct correlation between the employee’s duties and responsibilities and the courses taken or the degree program pursued. The city manager, or his designee, has the sole and final discretion to approve or disapprove tuition reimbursement requests.
 - 2) Any financial assistance from any government or private agency available to the employee, whether applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the employee is eligible for under this section. If an employee’s tuition is fully covered by another governmental or private agency, then the employee is not entitled to any payment from the city.

- 3) Employees seeking authorization of a tuition reimbursement must first submit to the department head for review, prior to September 30 of the year preceding when the classes are to be taken, all necessary information pertaining to the proposed course degree to be pursued, the educational institution and the employee's best estimate of course costs, dates and times. Employees will be eligible for tuition reimbursement for properly approved and completed coursework up to \$3,500 for calendar year (January 1 to December 31). Pre-approval is subject to available appropriations. The employee will be responsible for any tuition in excess of the above mentioned amounts. An application for tuitions reimbursement must be completed by the employee prior to enrolling in the class work for which reimbursement is requested.
- 4) Courses must be taken at accredited colleges, universities, technical and business institutes or at their established extension centers and these must be first approved by the city. Seminars, conferences and workshops are not included.
- 5) Reimbursement for tuition will be made when the employee satisfactorily completes (attains at least a grade of "C" or its equivalent for undergraduate work and a grade of at least "B" or its equivalent and a receipt of payment or a copy of the unpaid bill from the institution confirming completion of the approved course.
- 6) No reimbursement will be granted for books, paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course, except the cost of tuition fees outlined above.
- 7) Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability), or is discharged for cause must repay the tuition reimbursement paid by the city for courses ~~taken~~ **COMPLETED** less than two years prior to the date of termination or discharge. If necessary, the amount will be deducted from the employee's terminal leave pay or final paycheck.

Article V. Miscellaneous

Section 5.01 Personnel Files

- (a) The official personnel files of all employees shall be maintained in the Department of Administrative Services (DAS). All employee personnel records shall include but not limited to, applications, performance evaluations, promotions, disciplinary actions and any other pertinent information pertaining to the job performance of the individual employee. Copies therein shall be available to the employee.
- (b) DAS shall be responsible for the care and maintenance for all personnel files and records. Department heads shall be responsible for promptly forwarding all pertinent personnel information and documentation to DAS. Employees may, during normal office hours, review their official personnel files.

Section 5.02 Parks and Recreation Credit

- (a) The City shall provide each employee with a credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.
- (b) Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase. Credits for non-transferrable.



FACT SHEET

AGENDA ITEM NO: 11

DATE: 11/09/2020

ORDINANCE NO: 20-73

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jessica Feller, Human Resource Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING ORDINANCE NO. 19-71 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

BACKGROUND:

The proposed 2021 budget reflects an increase in wages by 3% for all existing permanent part-time, part-time fire fighter/paramedic and intermittent part-time/seasonal positions. New positions reflected in the permanent part-time and seasonal pay tables include, Recreation Center Attendant (PPT), Lifeguard and Pool Manager (Seasonal) as a result of the City resuming responsibility, in 2021, for the Mingo Recreation Center and Jack Florance Pool operations. Regional wage comparisons were completed to establish the proposed rates for these re-established positions.

Additional changes include the provision of prorated Universal Leave for permanent part-time Firefighter and Paramedic personnel. This benefit is commensurate to that provided to all other permanent part-time personnel. The accrual rate for permanent part-time Firefighter and Paramedic personnel is based on an average of 1,464 working hours per year with varying working hours per pay. At a minimum, permanent part-time Firefighter and Paramedic personnel work 48 hours per pay (four 12-hour shifts) and a maximum of 60 (five 12-hour shifts) hours per pay.

REASON WHY LEGISLATION IS NEEDED:

Legislation is necessary in order to process payroll changes.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

3 percent increase for all permanent part-time, part-time fire fighter/paramedic and intermittent part-time/seasonal positions.

POLICY CHANGES:

N/A

PRESENTER(S):

Jessica Feller, Human Resource Manager

RECOMMENDATION:

Approval at third reading

ATTACHMENT(S)

N/A

ORDINANCE NO. 20-73

AN ORDINANCE AMENDING ORDINANCE NO. 19-71 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT, AND SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

WHEREAS, the City hires various part-time, intermittent/seasonal employees that can be divided into two classifications, to wit: permanent part-time and intermittent seasonal, and

WHEREAS, Section 155.09, Appointment Status, of the Codified Ordinances of the City of Delaware defines part-time employment, and Ordinance No. 18-111 established pay and benefits for various part-time employees of the City, and

WHEREAS, it is necessary to clarify the wages and benefits for each classification of part-time and intermittent/seasonal employees.

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

SECTION 1. Ordinance No. 19-71 is hereby amended to read as follows:

A. Effective **DECEMBER 23, 2020** permanent part-time employees shall receive the following wages and benefits:

1. Wages. Permanent part-time employees shall be paid on an hourly basis in accordance with the following table:

Pay Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
PT 1	10.00	10.40	10.82	11.25	11.70
PT2	11.00	11.44	11.90	12.37	12.87
PT3	14.79	15.36	16.00	16.64	17.28
PT4	15.55	16.17	16.77	17.49	18.19
PT5	17.91	18.63	19.38	20.16	20.96
PT6	20.75	21.40	22.05	22.74	23.41
PT7	23.70	24.40	25.05	25.81	26.57

PAY GRADE

POSITION

PT 1..... Facility Maintenance Technician I, ~~File Clerk~~
 PT 2.....Recreation Center Attendant
~~PT 2~~ **PT 3**.....Support Services Aide, Parking Control Officer
~~PT 3~~ **PT 4**.....Facility Maintenance Technician II Clerical Specialist, Records Clerk,

	Records Analyst, Front Counter Clerk, Help-Desk Technician
PT-4 PT 5	Paralegal, Laborer
PT-5 PT 6	Investigator/Diversion Manager
PT-6 PT 7	Human Resource Coordinator

For permanent part-time positions not listed above, the wages shall be the entry-level pay rate reflected in the applicable pay plan for the equivalent permanent full-time position or a pay rate established by the city manager.

2. Benefits. Benefits for permanent part-time are as follows:
 - (a) Employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
 - (b) Upon termination of employment with the City, employees will not receive pay-out for any leave accumulated.
 - (c) If an employee becomes full time with the City, any accumulated Universal Leave will be added to the employee's sick leave balance.
 - (d) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday Pay is defined as one and one half times the employee's regular hourly rate.
 - (e) **PERMANENT PART-TIME EMPLOYEES WILL WORK FEWER THAN 30 HOURS IN ANY WORK WEEK.**
 - (f) ~~Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week shall be compensated for a rate of time and one half.~~
 - (g) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.
 - (h) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. Employees will also receive a 20% discount on all individual registrations for City recreation programs. Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase. Credits are non-transferrable.

B. Effective **DECEMBER 23, 2020** permanent part-time firefighters shall be paid on an hourly basis in accordance with the following table:

PAY GRADE	POSITION	WAGE PER HOUR
PTFF1	Firefighter/EMT	14.07
PTFF2	Firefighter/Paramedic	16.23

1. Benefits. Benefits for permanent part-time firefighters are as follows:

- (a) **EMPLOYEES WILL ACCRUE UNIVERSAL LEAVE ON A PRORATED BASIS OF 3 HOURS FOR EVERY FORTY EIGHT HOURS WORKED IN A PAY PERIOD.**
- (b) **UPON TERMINATION OF EMPLOYMENT WITH THE CITY, EMPLOYEES WILL NOT RECEIVE PAY-OUT FOR ANY LEAVE ACCUMULATED.**
- (c) **IF AN EMPLOYEE BECOMES FULL TIME WITH THE CITY, ANY ACCUMULATED UNIVERSAL LEAVE WILL BE ADDED TO THE EMPLOYEE'S SICK LEAVE BALANCE.**
- (d) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday pay is defined as one and one half times the employee's regular hourly rate.
- (e) The City will provide \$10,000 of life insurance.
- (f) Permanent part-time firefighters may not exceed 1500 hours worked in a calendar year.
- (g) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 212 hours in any 28 day pay cycle shall be compensated for a rate of time and one half.
- (h) The employee will be responsible for payment of the employee contribution to their pension system.
- (g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hillborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. Employees will also receive a 20% discount on all individual registrations for City recreation programs. Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase. Credits are non-transferrable.

C. Effective **DECEMBER 23, 2020** intermittent part-time/seasonal

employees shall receive the following wages and benefits:

Pay Grade	Position	Step 1	Step 2	Step 3
SL1	Cashier	\$ 10.00	\$ 10.50	\$ 11.00
SL2	Lifeguard	\$ 10.50	\$ 11.00	\$ 11.50
SL3	Laborer	\$ 12.21	\$ 13.27	\$ 14.33
SL4	Intern	\$ 12.21	\$ 14.33	\$ 16.45
SL5	Pool Manager	\$ 13.94	\$ 14.58	\$ 15.21
SL6	Clubhouse Manager	\$ 14.85	\$ 15.91	\$ 16.97

1. Wages. Intermittent part-time/seasonal employees shall be paid on an hourly basis in accordance with the following table:

For intermittent/seasonal positions not listed above, the wages shall be the entry-level pay rate reflected in the applicable pay plan for the equivalent permanent full-time position or a pay rate established by the City Manager.

2. Benefits. Intermittent /seasonal employees are not eligible for benefits, except the following:
 - (a) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.

SECTION 2. Existing Ordinance No.19-71 is hereby repealed.

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. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 23, 2020. Therefore this Ordinance shall be in full force and effect immediately upon its passage.

EMERGENCY CLAUSE:

YEAS _____ NAYS _____
ABSTAIN _____

PASSED: _____, 2020

YEAS _____ NAYS _____
ABSTAIN _____

ATTEST: _____

CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 12

DATE: 11/09/2020

ORDINANCE NO: 20-74

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Judge Marianne Hemmeter and Clerk Cindy Dinovo

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES AND DECLARING AN EMERGENCY.

BACKGROUND:

The Municipal Court and Clerk of Court's 2021 Employee Benefits and Leave Policies are attached. The only changes to the plan are adjustments to personal leave, sick leave and life insurance as indicated as follows:

2020 Section 3. Employees will be credited with 32 hours of personal leave a year. Use of personal days will be at the employee's discretion with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee

2021 Section 3. Employees shall be credited with thirty-two hours of personal leave a year, except for new hires who shall receive a prorated amount based on hire date. If an employee separates from service prior to the end of the calendar year, personal leave will be prorated. If an employee's personal leave balance is insufficient to cover the proration, the prorated amount corresponding to the rest of the year will be deducted from the employee's last paycheck

* **Revised Sept. 2020**

Change: This was at the request of the clerk. All new employees will receive a prorated amount of personal leave at time of employment. If an employee uses all 32 personal leave hours prior to resigning in a given year, the leave amount is prorated based on the end date of employment. If the employee used more than the determined prorated amount, the employee would have to repay the difference in their last check.

2020 Section 6. Any employee who separates from the Delaware Municipal Court or Clerk of Court employment for other than just cause will be paid for all accumulated and unused sick leave on the basis of one hour of pay for every three hours of unused sick leave. Total sick leave payout cannot exceed 12 weeks' pay.

2021 Section 6. Any employee who separates from the Delaware Municipal Court or Clerk of Court employment for other than just cause will be paid for all accumulated and unused sick leave on the basis of one hour of pay for every three hours of unused sick leave. Any sick leave hours carried over from previous employment with another public agency as defined by Section 5 will not be eligible for payment upon separation. Total sick leave payout cannot exceed 12 weeks' pay.

*** Revised Sept. 2020**

Change: This was also at the request of the clerk. This change guarantees the city will not have to pay an employee's transferred leave balance at separation for any hours transferred at time of employment with the court/clerk. Any payout must be for court/clerk time only.

2020 Section 2. Life Insurance

The City will provide the following amount of life insurance:

Clerk of Court	\$100,000.00
Magistrate	\$45,000.00
Clerk's Chief Deputy	\$30,000.00
Court IT Director	\$30,000.00
All other full time employees	\$20,000.00

2021 Section 2. Life Insurance

The City will provide the following amount of life insurance:

Clerk of Court	\$100,000.00
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All Court and Clerk of Court full time \$50,000.00
* **Revised Sept. 2020**

Change: All full time court/clerk staff will receive \$50, 000 in life insurance.

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

Judge Marianne Hemmeter

RECOMMENDATION:

Approval after third reading

ATTACHMENT(S)

Amended sections on personal leave, sick leave, and life insurance exhibit Delaware Municipal Court and Clerk of Court's 2021 Employee Benefits and Leave Policies

ORDINANCE NO. 20-74

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES AND DECLARING AN EMERGENCY.

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

SECTION 1. That the Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies shall be amended to reflect the noted changes (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.

SECTION 3. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 23, 2020. Therefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Delaware Municipal Court and Clerk of Court

Employee Benefits And Leave Policies

Effective December 23, 2020

Delaware Municipal Court
and
Clerk of Court
70 North Union Street
Delaware, Ohio 43015

SECTION IV. EMPLOYEE BENEFITS AND LEAVE

Policy 23. Holiday Pay and Personal Leave

Section 1. The following are designated as paid holidays for the Municipal Court and the Clerk of Court employees:

New Year's Day, January 1
Martin Luther King Day, 3rd Monday in January
Memorial Day, last Monday in May
Independence Day, July 4th
Labor Day, 1st Monday in September
Little Brown Jug Day, 1/2 day - 3rd Thursday after Labor Day
Thanksgiving Day, 4th Thursday in November
Day after Thanksgiving
Day before Christmas, December 24, 1/2 day
Christmas Day, December 25
Day before New Year's, December 31, 1/2 day

Holidays that fall on Saturday will be observed on Friday, and holidays that fall on Sunday will be observed on the following Monday.

Section 2. If one of the holidays set forth above occurs while an employee is on vacation leave, that day will not be charged against his/her vacation.

Section 3. Employees shall be credited with thirty-two hours of personal leave a year, except for new hires who shall receive a prorated amount based on hire date. If an employee separates from service prior to the end of the calendar year, personal leave will be prorated. If an employee's personal leave balance is insufficient to cover the proration, the prorated amount corresponding to the rest of the year will be deducted from the employee's last paycheck.

* Revised Sept. 2020

Section 4. Employees are permitted to accumulate two years' worth of personal days.

Section 5. At the time of separation, an employee will be compensated for all accrued but unused personal days.

Policy 24. Vacation Leave

Section 1. The vacation year for employees will end at the close of business on the last pay period that ends in the month of December.

Section 2. Each full-time employee will accrue vacation leave by pay period at the annual rate of work hours based on years of full-time total service which is established in the schedules contained in Section 3 of this article.

Years of total full-time service is defined to be the total of all periods of full-time employment for the Delaware Municipal Court or Clerk of Court or as defined in Section 6. Any period of interruption of service due to resignation, layoff, disciplinary suspension, or discharge for cause, will not be included in the computation of total service. Time not in paid status, excepting military leave, will also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the first day of the first pay period in which a year of service is completed.

If an employee of the Court or of the Clerk’s office has received or is receiving retirement benefits from any of the state retirement funds – the Ohio Public Employees Retirement System, the Police and Fire Pension Fund, the State Teachers Retirement System, the Public School Employees Retirement System, or the Highway Patrol Retirement System – the years of public service for which the employee has received or is receiving those retirement benefits will not be included in any computation of service time for vacation-leave accrual while the employee is working for the Court or for the Clerk.

Notwithstanding the above provisions, the position of Chief Bailiff may accrue vacation time based on years of service with an Ohio public agency, as defined by State law.

Section 3. For employees hired before December 31, 2013, vacation leave will accrue as follows:

Years of Total Service	Vacation Hours/Year	Vacation Hours/Pay
Start through 5 years	80.6	3.1
6 through 10 years	119.6	4.6
11 through 15 years	161.2	6.2
16 or more years	200.2	7.7

For employees hired after December 31, 2013, vacation leave will accrue as follows:

Years of Total Service	Vacation Hours/Year	Vacation Hours/Pay
Start through 5 years	80.6	3.1
6 through 15 years	119.6	4.6
16 or more years	161.2	6.2

Section 4. Any vacation balance in excess of the maximum number of work hours established in the following paragraph will become void as of the close of business on the last day of the last pay period that ends in the month of December.

Years of Total Service	Maximum Accrual of Vacation Hours
Start through 5 years	161.2
6 through 10 years	239.2
11 through 15 years	322.4
16 or more years	400.4

The only exception to that chart will apply to any employee who – on the last day of the last pay period in December 2013 – has a vacation-leave balance of more than 500 hours. The vacation-leave-accrual cap for any such employee will be 600.6 hours, and any vacation-leave hours that such an employee has accrued but not used in excess of 600.6 hours on the last day of the last pay period of 2013 – and on that same last-pay-period day in each succeeding year – will be void.

Section 5.

- A.** To be eligible for bi-weekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is required to report for work and does so report and is denied work because of circumstances beyond his/her control, absence from work for the balance of that day will not be construed as unpaid work status.
- B.** An employee in full-time status who is to be separated from the Delaware Municipal Court or Clerk of Court service through discharge, resignation, retirement or layoff, and who has unused vacation leave to his/her credit, will be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his/her last day of active service with the Delaware Municipal Court or Clerk of Court. That payment will be paid at the employee’s hourly rate of pay at the time of separation.
- C.** When an employee dies while in paid status in the Delaware Municipal Court or Clerk of Court, any unused vacation leave to his/her credit will be paid in a lump sum to the surviving spouse, or other person the employee may have designated in writing.

- Section 6.** To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware (Delaware Municipal Court or Clerk of Court) from prior employment inside the State of Ohio:
- A.** Employees are eligible to transfer prior years of service completed as employees of this Court, the Clerk of this Court, or the City of Delaware.
 - B.** The amount of years of service that can be transferred is unlimited.
 - C.** Prior employment must be in full-time status.
- Section 7.** An employee may elect to convert up to two weeks of accrued and unused vacation time to cash during any calendar year. An employee must inform the Administrative Judge or the Clerk of Court prior to August 1 of the year preceding the calendar year in which the employee intends to convert the unused vacation leave to cash, and the employee must maintain at least 40 hours of accrued and unused vacation leave in the employee's account after that conversion takes place.

Policy 25. Funeral Leave

Section 1. Each regular full-time employee is entitled to funeral leave with pay as follows:

<u>Leave for Death of:</u>	<u>Days/Hours of Leave</u>
Immediate Family Member	1 - 3 days
Other Relative	4 - 8 hours

- * One work day/shift is automatic for the day of the funeral, but additional time up to the maximum will be given only with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.
- ** All leave time with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

Section 2. For the purposes of this section, Immediate Family Member means spouse, child, brother, sister, parents, step-child, step-brother, step-sister, step-parents, grandparents, grandchildren, sister-in-law, brother-in-law, and parents-in-law.

Section 3. Funeral Leave time does not include an employee's regularly scheduled day off to which the employee is already entitled.

Policy 26. Sick Leave

The Court and the Clerk of Court may from time to time supplement these sick leave policies with additional terms that apply to their employees only. For a full

understanding of the use of sick leave, employees should consult not only this benefit manual but also the office policies promulgated by the particular officeholder – whether the Administrative Judge or the Clerk of Court – for whom the employee works.

Section 1. Each employee is entitled to sick leave with pay of 4.6 hours for each completed 80 hours of service.

An employee may use sick leave upon approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee for the following reasons:

- A.** Illness or injury of the employee or his/her immediate family.
- B.** Medical, dental, or optical examinations or treatment of an employee or his/her immediate family that requires the employee's attendance.
- C.** If a member of the immediate family is afflicted with a contagious disease, or when, through exposure to a contagious disease, the presence of the employee at his/her job will jeopardize the health of others.
- D.** Pregnancy and/or childbirth and other conditions related thereto inclusive of leave for male employees for the care of the employee's wife and family during postnatal period.

For purposes of this section, the definition of immediate family is: grandparents, mother, mother-in-law, father, father-in-law, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, spouse, child, stepchild, grandchild, legal guardian, or other person who stands in the place of a parent (in loco parentis).

Employees are required to report their intent to use sick leave prior to the start of each workday, unless the employee has made other reporting arrangements with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The employee must make this phone call unless medically detained by a physician at the time. The Administrative Judge, or his/her designee or the Clerk of Court or his/her designee, may contact the employee sometime during the day to discuss the reasons for the absence.

Section 2. Sick leave must be taken in half-hour increments.

Section 3. If an employee used zero hours of sick leave in any calendar year, that employee will be credited with an additional three vacation days the following year. If an employee uses between one and eight hours of sick leave in any one calendar year, that employee will be credited with an additional two vacation days the following year. If an employee uses between nine and 16 hours of sick leave in any one calendar year, that employee will be credited with one additional vacation day the following

year. At the employee's option, any additional vacation days earned can be taken in the form of vacation leave or compensation in cash.

Section 4. Any employee who has accumulated at least 800 hours of sick leave credit may, during any calendar year, convert up to 80 hours of sick leave to vacation on the basis of two hours of sick leave for one hour vacation leave.

If an employee has earned sick leave in another public-sector job and then has transferred unused sick leave to the Court or Clerk of Court's office at the start of the employee's current period of employment with the Court or Clerk of Court that transferred sick leave cannot be converted to vacation leave under this section.

All sick leave accumulated by the employee during the employee's current period of employment with the Court or the Clerk of Court must be exhausted by the employee or converted to vacation leave before the employee may use any sick leave that has been added to the employee's sick-leave balance in accordance with Section 5 of this sick-leave policy.

Section 5. To be eligible to transfer sick leave to the City of Delaware from prior public employment in the State of Ohio:

- A.** Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
- B.** Employment with the City of Delaware must take place within 10 years of termination from their previous employer.
- C.** The maximum amount of sick leave hours that can be transferred is unlimited.

Section 6. Any employee who separates from the Delaware Municipal Court or Clerk of Court employment for other than just cause will be paid for all accumulated and unused sick leave on the basis of one hour of pay for every three hours of unused sick leave. Any sick leave hours carried over from previous employment with another public agency as defined by Section 5 will not be eligible for payment upon separation. Total sick leave payout cannot exceed 12 weeks' pay.

* Revised Sept. 2020

Section 7. An employee must complete and sign a request for leave form provided by the City to justify the use of sick leave. Payment for sick leave is subject to final approval by the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The City, Delaware Municipal Court, or Clerk of Court may require the employee to furnish a statement from a licensed medical practitioner if medical attention was sought or for any absence in excess of three consecutive days whether for the employee or his/her immediate family. Such statement must include the

nature of the illness or injury, the inability to perform his/her duties, the prognosis, and the estimated date when the employee can be expected to return to work. Failure of the employee to provide such statement and request for leave form when requested may result in the denial of sick leave pay.

Section 8. Falsification of a request for leave form or a medical practitioner's statement may be grounds for disciplinary action. The City, Delaware Municipal Court, or Clerk of Court maintains the right to have any employee examined by a licensed medical practitioner selected and paid by the City. Alternatively, the employee required to see a physician may see a physician of his/her own choosing, but in that event will not be reimbursed for the costs incurred.

The City, Delaware Municipal Court, or Clerk of Court may deny the payment of sick leave if the investigation indicates that the absence was not within the provisions of this article. Denial of sick-leave payment will not preclude the Delaware Municipal Court or Clerk of Court from implementing any disciplinary action.

Section 9. Sick Leave Abuse

It is the mutual interest of the employee and the Delaware Municipal Court or Clerk of Court to prevent the abuse or misuse of sick leave. The acceptable usage of sick leave is explained in this policy.

Employees must not abuse or demonstrate a pattern of sick-leave and/or leave-without-pay usage. The abuse of sick leave or the patterned use of sick leave will be just and sufficient cause for discipline. A request of sick leave will be denied if the employee fails to comply with the procedures for proper sick leave usage, fails to present a required physician's statement, or if an investigation of a request for sick leave discloses facts inconsistent with the proper use of sick leave. Falsification of applications for sick leave or the filing of sick leave applications and documentation with intent to defraud may result in the disapproval of sick leave and may be grounds for disciplinary action, up to and including discharge.

Any employee who is hospitalized will not have such period of leave considered in determining whether the employee is abusing sick-leave benefits.

The implementation of this section does not preclude the right of the Delaware Municipal Court or Clerk of Court to discipline an employee for the abuse of sick leave, to require a statement from the employee's physician, or to have the employee examined by a physician. Any employee who has been disciplined for abuse of sick leave may be required to furnish a statement from the employee's physician for each use of sick leave up to six months in duration. The City, Delaware Municipal Court, or Clerk of Court may, with mutual agreement of both

parties, extend the need for sick leave verification for an additional six month period. The City, Delaware Municipal Court, or Clerk of Court also maintains the right to investigate all absences.

Policy 27. Injury Leave

- Section 1.** All regular full-time employees are entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits that they may be awarded by the Industrial Commission of Ohio (ICO), for a period not to exceed 120 consecutive working days for employees working a 40 hour work week for each injury incurred in the performance of employment duties with the Delaware Municipal Court or Clerk of Court, provided that the following procedures are followed:
- A.** In all cases of personal injury to any full-time Delaware Municipal Court or Clerk of Court employee as a result of the performance of employment duties, the employee must immediately complete an accident/injury investigation form and report the accident/injury to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, who must immediately report said accident/injury to the Department of Administrative Services and ensure that a claim is filed with ICO.
 - B.** In the event that time off from work is required by the injured employee, he/she will be granted injury leave from the first day of injury, if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee's physician, an Agreement covering Compensation Reimbursement, any necessary ICO forms and other documents as may be required by the City. In the event that the ICO determines that the injury is NOT employment related, any time the employee is, or has been, absent from work will be deducted first, from any accrued sick leave, then accrued vacation, or accrued compensation time off, other than compensatory time for overtime worked.
 - C.** During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time employees will remain in force with no deductions to earned sick leave and/or vacation time.
 - D.** In all cases where an injury leave of more than 120 consecutive working days is requested by an employee working a 40 hour work week, the Administrative Judge or his/her designee or Clerk of Court or his/her designee may extend such leave by an additional 120 consecutive working days if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a

current affidavit from a licensed physician setting forth the need for the extension.

Policy 28. Insurance

Section 1. Hospitalization, Surgical, and Major Medical. The City will continue to provide comprehensive hospitalization, surgical, and major medical coverage for all full-time members and their dependents. Beginning January 1, 1999, or at some date thereafter, the City may implement a Preferred Provider Organization (PPO). The Plan if implemented will provide for the following deductibles and co-payments as follows:

	NETWORK PROVIDERS	NON-NETWORK PROVIDERS
Annual Deductible Single Family	None None	\$ 500.00 \$1,000.00
Office Visit Co-Pay	\$10.00	N/A
ER Visit <i>Co-Pay</i>	\$50.00 unless admitted into the hospital, otherwise co-insurance will apply in excess of the deductible.	N/A
Co-Insurance Single Family	90/10% of first \$1,000 80/20% of next \$3,000 90/10% of first \$2,000 80/20% of next \$5,000	50/50% of first \$5,000 50/50% of first \$10,000

Contributions will be deducted from the member’s gross income prior to taxes, subject to compliance with all applicable tax regulations.

Employees will contribute to the cost of the health benefit plan in an amount determined annually by the City of Delaware. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. Contributions will be deducted from all members in a paid status based on twelve months times the monthly rate, divided by the number of pay periods per year. An example would be \$56.95/mo. x 12 = \$683.40, \$683.40/26 pay periods = \$26.28 per pay period. In the event federal tax regulations are changed so that medical benefit plans are no longer tax exempt, the City will not be responsible to pick up the member’s tax burden.

The City will permit employees who have alternate health plan options through a spouse to opt out of the City plan in return for a payment of \$100.00 per month. Families who have both spouses employed full time by the City of Delaware will not be

eligible to opt out of the plan. Likewise, these employees will not be subject to monthly payroll contributions. The employee will provide proof that they do in fact have other coverage before the City will drop that employee's current coverage. The City will continue to provide dental coverage if it is not provided under the employee's spouse's insurance. A member may elect to return to coverage under the City's insurance plan by notifying the City in writing of any substantial changes in their qualifying family circumstances. The member must give thirty days notice of his or her election to return to the City's plan, except in the case of an emergency, such as sudden loss of spouse's coverage, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.

Employees who opt out of the health insurance program will be compensated as follows:

No Coverage	\$100 per month
Maintain Prescription Only	\$ 60 per month
Maintain Dental Only	\$ 65 per month
Maintain Prescription and Dental	\$ 55 per month

* An employee may not elect to have medical coverage only.

Payments will begin on the first pay period of the month following 30 days notice of an employee's desire to drop coverage. A form will be provided which will contain all information necessary to discontinue coverage under the plan. The form must be signed and returned to the Department of Administrative Services. Until such time that an employee is effectively dropped from City coverage, they will be subject to any payroll contributions.

All payments made in lieu of insurance coverage will be included as other pay on employee's paycheck. This income will not be included in income subject to PERS contributions but will be subject to all applicable taxes.

A. Prescription Plan

The City will provide a prescription card plan for members and their dependents.

The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:

- 80/20% for generic drugs
- 50/50% name brand drugs with a \$25.00 co-pay for each disbursement

The mail order benefits will be the following:

- 90/10% for generic drugs and
- 75/25% for name brand drugs with no \$25.00 co-pay.

The maximum expense an employee will pay for coinsurance is \$250.00 annually for single coverage and \$500.00 for family annually for prescription benefits, however, the \$25.00 co-pay for retail name brand drugs will not count towards the calculation of the \$250.00 or the \$500.00 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.

B. Dental Care Plan

The City will maintain the current dental coverage for all members. Please contact Department of Administrative Services if you have questions.

C. Vision Care Plan

The City will contribute \$6 a month towards vision coverage. The employee will be responsible for the balance of the monthly cost of the selected coverage. The City may cease to make this contribution if the City no longer offers vision coverage. Please contact the Department of Administrative Services if you have questions.

Section 2. Life Insurance

The City will provide the following amount of life insurance:

Clerk of Court	\$ 100,000.00
All Court and Clerk of Court full time employees	\$ 50,000.00
* Revised Sept. 2020	

Section 3. Certificate of Coverage

The City will provide a certificate of coverage for each Court employee. Such certificate will be for the employee's family situation.

Policy 29. Overtime Compensation

Section 1. Overtime Pay and Compensatory Time - Nonexempt Employees

Employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act are entitled to overtime pay or compensatory time as described below:

- & Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.
- & Employees will be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of 40 hours in any work week will be compensated at a rate of time and one-half. Payment in cash will be made for any overtime due at the time of separation from City service.

- & In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off will be equal to 1.5 hours for each hour overtime compensation to which the employee is entitled. All requests for compensatory time are subject to approval of the department head. Any compensatory time that is used by an employee must be taken at a time mutually agreeable to the supervisor and the employee.
- & Employees can accumulate up to 80 hours of compensatory time. When an employee has 80 hours of accumulated compensatory time, all further overtime will be paid in cash.
- & Compensatory time will be submitted on the regular payroll sheet detailing the time earned and taken.

Section 2. Overtime Pay and Compensatory Time - Exempt Employees

Employees exempt under the Fair Labor Standard Act are not entitled to overtime pay but are entitled to compensatory time as described below:

- & Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.
- & Compensatory time will be earned for approved work that exceeds the 40 hour work week and such employees may receive said compensatory time at the rate of one hour for each hour worked in excess of 40 hours per week.
- & The maximum accrual of compensatory time is 80 hours.
- & Compensatory time must be used in minimum increments of one hour and maximum increments of 16 hours.
- & At no time will compensatory time be converted to any other form of leave or compensation.
- & Compensatory time must be listed on the regular payroll sheet detailing the time earned and taken.

Policy 30. Special Leave

The Administrative Judge or his/her designee or the Clerk of Court or his/her designee, may authorize special leave of absence, with or without pay, for purposes beneficial to the employee and/or the Court or Clerk of Court.

A. Jury Service Leave

An employee, while serving on a jury in any court of record in Delaware County, the State of Ohio, or any adjoining county, will be paid his/her regular salary for each workday during the period of time so served. Time so served will be deemed active and continued service for all purposes. All jury fees received from the court where the jury was seated will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

B. Court Leave

Time off with pay will be allowed for work-related incidents where an employee is subpoenaed as a witness in civil matters in any court of record in Delaware County, State of Ohio, or any adjoining county. All witness fees will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

Policy 31. Family and Medical Leave Act

The Family and Medical Leave Act policies in the City of Delaware's Employment Handbook apply to the employees of both the Court and the Clerk of Court.

Policy 32. Parks and Recreation Credit

The City will provide each employee with a credit to be applied to a City Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit is \$60.00. This membership is defined and regulated by the Recreation Services Department and employees must abide by the stipulations set forth by the department both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.

Policy 33. On-Call Compensation

Both exempt and non-exempt employees of the Clerk of Court will be eligible for on-call compensation for weekly periods when assigned the responsibility of responding to law-enforcement requests during non-scheduled work periods. Employees assigned to this on-call status will serve in this posture for weekly time periods as authorized by the Clerk or by the Clerk's designee. Employees assigned to on-call status will be compensated at a weekly rate of between \$25 and \$50 as determined by the Clerk of Court. On-call compensation will be added to regular and overtime wages earned during the pay period and will be paid as taxable income through the bi-weekly payroll process.

Policy 34. Salary Ranges

Each employee is required to pay all required employee contributions to the Ohio Public Employees Retirement System (OPERS).

SALARY RANGES - MUNICIPAL COURT:

JOB TITLE	HOURLY WAGE		ANNUAL SALARY	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
OFFICE ASSISTANT	\$12.37	\$20	\$25,730	\$41,600
ADMINISTRATIVE ASSISTANT	\$14.53	\$20	\$30,222	\$41,600
BAILIFF/SECURITY OFFICER	\$16.28	\$27	\$33,662	\$56,160
COMMUNITY CONTROL OFFICER	\$16.35	\$28	\$34,000	\$58,240
OVI DOCKET COORDINATOR/ COMMUNITY CONTROL OFFICER	\$16.35	\$28	\$34,000	\$58,240
MISSION DOCKET COORDINATOR/ COMMUNITY CONTROL OFFICER*	\$16.35	\$28	\$34,000	\$58,240
VETERAN MENTOR COORDINATOR	\$16	\$24	\$33,280	\$49,920
* ASSIGNMENT ADMINISTRATOR	\$18.81	\$32	\$39,125	\$66,560
ASSIGNMENT COMMISSIONER/JURY COMMISSIONER	\$18.81	\$28	\$39,125	\$58,240
ADMIN. ASSISTANT/JURY COMMISSIONER	\$18.81	\$28	\$39,125	\$58,240
CHIEF COMMUNITY CONTROL OFFICER	\$20.74	\$32	\$43,139	\$66,560
DEPUTY CHIEF COMMUNITY CONTROL OFFICER	\$20.74	\$32	\$43,139	\$66,560
* MAGISTRATE	\$34.67	\$56	\$72,114	\$116,480

SALARY RANGES - CLERK OF COURT:

1901.31(H) Deputy Clerks of a municipal court other than the Carroll County Municipal Court may be appointed by the Clerk and shall receive the compensation, payable in either biweekly instalments or semi-monthly instalments, as determined by the payroll administrator, out of the City Treasury, that the Clerk may prescribe, except that the compensation of any Deputy Clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the Court is located. The Judge of the Carroll County Municipal Court may appoint Deputy Clerks for the Court, and the Deputy Clerks shall receive the compensation, payable in biweekly instalments out of the county treasury, that the Judge may prescribe. Each Deputy Clerk shall take an oath of office before entering upon the duties of the Deputy Clerk's office and, when so qualified, may perform the duties appertaining to the office of the Clerk. The Clerk may require any of the Deputy Clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the Deputy Clerk's duties.

Policy 35. Permanent Part-Time Employees

Permanent part-time employees will receive the following wages and benefits:

Section 1. Wages

Permanent part-time employees will be paid on an hourly basis in accordance with the table in Policy 34 above.

Section 2. Benefits

- A.** Permanent part-time employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
- B.** Permanent part-time employees are eligible for holiday pay if they work a major holiday, which includes the following: Memorial Day, July 4, Labor Day, Thanksgiving, Christmas, and New Year's Day. Holiday Pay is defined as one and one-half times the permanent part-time employee's regular hourly rate.
- C.** Overtime will be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week will be compensated for a rate of time and one-half.
- D.** The permanent part-time employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.
- E.** Upon termination of employment with the Court or Clerk of Court, permanent part-time employees will not receive pay-out for any leave accumulated.
- F.** If a permanent part-time employee becomes full time with the Court or Clerk of Court, any accumulated Universal Leave will be added to the permanent part-time employee's sick leave balance.

Policy 37. Intermittent Part-Time/Seasonal Employees

Intermittent part-time and seasonal employees will receive the following wages and benefits:

Section 1. Wages

Intermittent part-time and seasonal employees will be paid on an hourly basis in accordance with the table in Policy 35 above.

Section 2. Benefits

Intermittent part-time and seasonal employees are not eligible for benefits, but the intermittent part-time, and/or seasonal employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.

Receipt and Acknowledgment Form

The employee policy manual and employee benefits manual include important information about employment at the Delaware Municipal Court and the Clerk of Court's office, and I understand that I should consult my immediate supervisor regarding any questions that are not answered in those documents. If my supervisor cannot answer my question, I should consult with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

I have entered into my employment relationship with the Delaware Municipal Court or the Clerk of Court voluntarily and I acknowledge that there is no specified length of employment. Accordingly, the Delaware Municipal Court, the Clerk of Court, or I may terminate the relationship at will, with or without cause, at any time.

Because the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the administrative policy manual and the employee-benefits manual may occur, though I also understand that my position is and will remain an employment-at-will position. Any changes in the manuals will be communicated through official notices, and I understand that that revised information may supersede, modify, or eliminate existing policies. Only the Administrative Judge or Clerk of Court of the Delaware Municipal Court has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the administrative policy manual and the employee-benefits manual, and I understand that it is my responsibility to read and to comply with the policies contained in these documents as well as any revisions made to them later.

Employee's Signature

Date

Employee's Name (Please Print)



FACT SHEET

AGENDA ITEM NO: 13

DATE: 11/09/2020

ORDINANCE NO:

RESOLUTION NO: 20-64

READING: FIRST

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:

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 32.475± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE ROUTE 36 PARTNERS LLC AND CHARLES R. DAVIS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

BACKGROUND:

Staff has discussed this annexation with the applicant prior to submission. The property is within the City's long-established utility boundary in this area. The property is adjacent to the developing Spring Woods Subdivision to the east which is within the City of Delaware. The general boundary for utility provision by the city today is Section Line Rd. to the west of the subject property. The landowner is now moving forward with the Ohio Revised Code dictated annexation process. This process involves several steps and actions by the County and City in order for an annexation to ultimately be accepted by the City. This is the first City step in the process that requires the City to express its ability and intention to provide services to the property. This does not mean that the City will pay for or construct any, ultimately, required services or infrastructure, but rather simply that we have the ability to serve it. In discussions with Staff and the Applicant, it was noted that sanitary sewer to service the property exists a few properties to the east and across US36 to the south. Conceptually, Staff indicated that sanitary sewer service would come from the existing manhole east of Lehner Woods Blvd. (south side of US36) and

a property to the east of the subject site. The City could contribute to the portion of the extension through and to the westernmost boundary of Springer Woods Subdivision, but the subject development will be required to, at their cost, continue utilities to the westernmost boundary line of their property in accordance with city policy and regulations. Staff also would note that due to geographic and annexation timing quirks of prior annexations which essentially left a small portion of the roadway frontage on US36 adjacent to Spring Woods not within the municipal corporation limit, this Davis annexation (which only has about 750 ft. of US 36 road frontage) will extend roadway maintenance responsibility by about one quarter mile. Arguably, the prior annexations could have already extended this responsibility partially but did not for a variety of reasons. Ultimately, annexing the few properties left within the city's long-standing utility boundary up to Section Line Rd. would likely require this maintenance regardless.

City Council will have the opportunity during the next and final city step in the process to accept, accept with conditions, or reject the final annexation. The property would need to go through a zoning process upon or concurrent with annexation or be automatically zoned A-1 Agricultural District if no specific process is undertaken. Staff and the Applicant have discussed continuing the pattern of development in area with single family detached housing consistent with the adjacent Spring Woods subdivision and the city's current Comprehensive Plan for this relatively small piece of property.

At this time, there is no objection from Staff as to the Resolution of Services. Staff would anticipate conceptually recommending that any final annexation be conditioned upon the following:

1. The extension of any needed infrastructure for water, sewer, or roadways shall be at the cost to Applicant/Developer and as required by the City through the normal and customary development review process. During the anticipated development review process, the City and Applicant will formally agree to cost sharing for the portion of the extension of sanitary sewer through and to the westernmost boundary of the Springer Woods subdivision, but the subject development will be required to continue utilities at their cost across their site to the westernmost boundary line of their property in accordance with city policy and regulations

REASON WHY LEGISLATION IS NEEDED:

The Ohio Revised Code provides the process that annexations must follow throughout Ohio. This is the first city step in that process requiring passage of a resolution indicating what services the city will provide to the subject site. Based on the timelines established in the Ohio Revised Code, this resolution must be passed at this meeting, after which it will be sent to the County for the next step in the annexation process. While this resolution moves the annexation forward, this is not the final legislation Council will consider in order to accept

the annexation. 60 days after the County approves the annexation, it will be presented at the first regular session of Council and must be approved or rejected within 120 days from the date of the annexation being placed on the agenda.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Dave Efland, Planning and Community Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Petition for Annexation

Map

RESOLUTION NO. 20-64

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 32.475± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE ROUTE 36 PARTNERS LLC AND CHARLES R. DAVIS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

WHEREAS, Michael R. Shade, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 32.475 acres of land, more or less, the description and map are attached hereto; and

WHEREAS, Michael R. Shade, as agent for the petitioners on November 3, 2020 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 November 3, 2020; 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 32.475± 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.

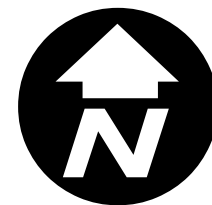
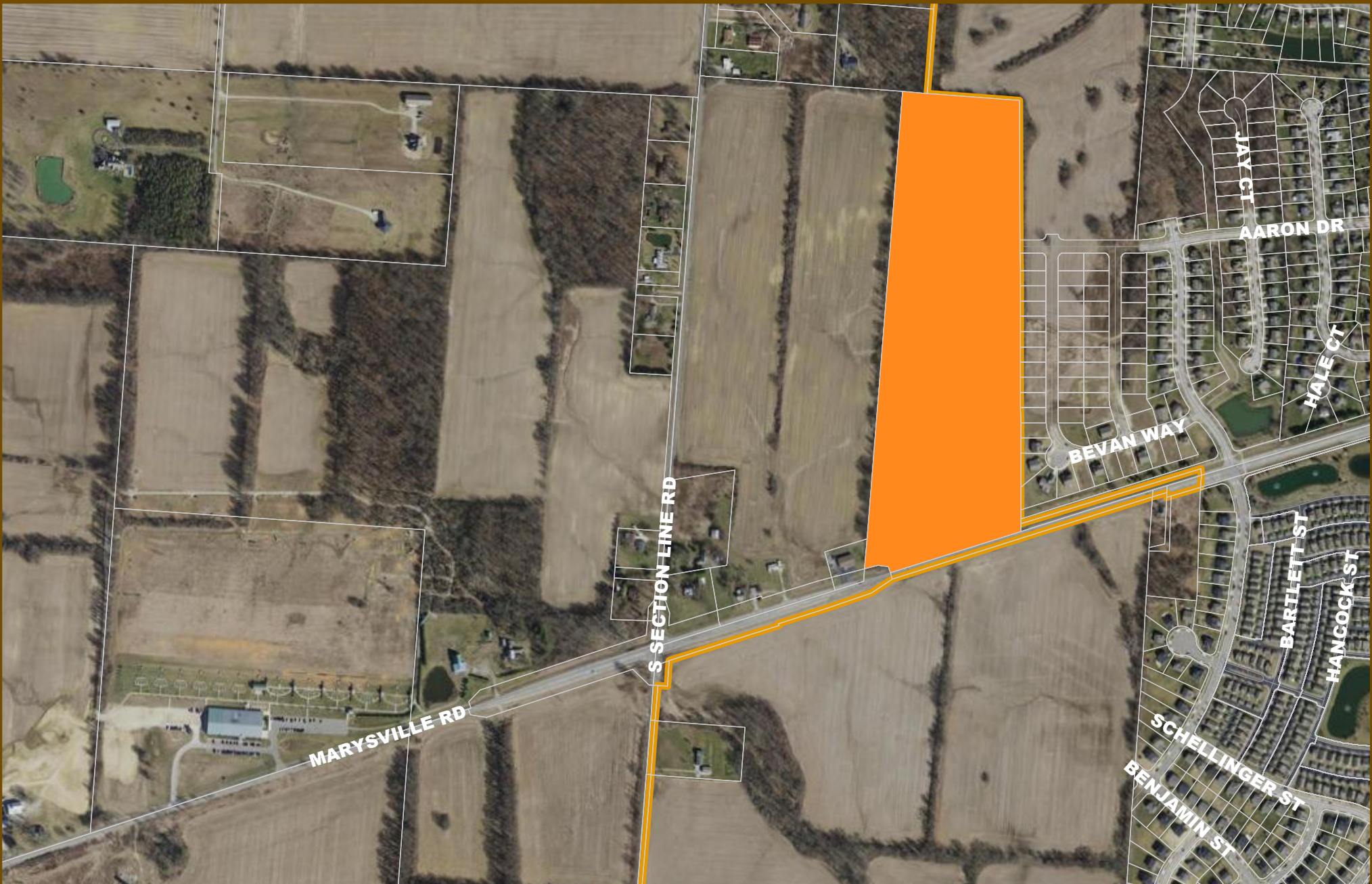
SECTION 6. That this resolution shall take effect and be in force immediately after this passage.

PASSED: _____, 2020

YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



**BOARD OF COUNTY COMMISSIONERS OF
DELAWARE COUNTY, OHIO**

**CORRECTED
PETITION FOR
ROUTE 36 PARTNERS, LLC (1.638 ACRES INCLUSIVE OF ODOT
ROW) AND
CHARLES R. DAVIS (30.837 ACRES INCLUSIVE OF ODOT ROW)
ANNEXATION AND CITY OF DELAWARE, OHIO
TO THE
CITY OF DELAWARE, OHIO
FROM THE
TOWNSHIP OF DELAWARE, DELAWARE COUNTY, OHIO
CONSISTING OF 32.475 ACRES:
EXPEDITED TYPE 2 ANNEXATION**

Petitioners:

Route 36 Partners LLC
7221 Pineville Matthews Road
Charlotte, NC 28226

Charles R. Davis
7221 Pineville Matthews Road
Charlotte, NC 28226

Agent for Petitioners:

Michael R. Shade
Attorney at Law
Shade and Shade LLC
236 West Central Avenue
Delaware, Ohio 43015
Phone: (740) 363-9232
Fax: (740) 363-0146
Email: mrs@ss-dta.com

BOARD OF COUNTY COMMISSIONERS OF
DELAWARE COUNTY, OHIO

CORRECTED

PETITION FOR ROUTE 36 PARTNERS LLC (1.638 ACRES INCLUSIVE OF ODOT ROW) AND CHARLES R. DAVIS (30.837 ACRES INCLUSIVE OF ODOT ROW) ANNEXATION AND CITY OF DELAWARE, OHIO TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF DELAWARE, DELAWARE COUNTY, OHIO CONSISTING OF 32.475 ACRES: EXPEDITED TYPE 2 ANNEXATION

To: The Board of County Commissioners of Delaware County, Ohio

1. The undersigned petitioner ("the Petitioner" herein), being all of the owners of real estate in the following described territory consisting of 32.475 acres situated in the Townships of Delaware, County of Delaware, Ohio which area is contiguous with, adjacent to, and/or surrounded by the City of Delaware in part, to wit: see the legal description attached hereto as Exhibit A and the attached map, both of which are incorporated by reference herein ("described territory"), respectfully petition that the described territory be annexed to the City of Delaware, Ohio.

The description of the described territory ("the description" herein) and map were prepared by Matthew A. Kirk, P.S., Professional Surveyor No. 7865, Evans, Mechwart, Hambleton & Tilton, Inc. Surveying Service Inc., for annexation purposes, from information of record in the Delaware County Courthouse and a new full survey of the subject premises. All record references, unless otherwise noted, are to public records on file at the Delaware County Recorder's Office; all statutory references, unless otherwise noted, are to the Ohio Revised Code.

2. In support of this Petition, the petitioners state that there are within the described territory sought to be annexed two (2) owners of the real estate. The real estate within area to be annexed and included in the description is owned as indicated on the following table:

Name of Petitioner	Address	Acreage Information	Deed Reference	Parcel ID No.
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Rout 36 Partners, LLC	7221 Pineville Matthews Road Charlotte, NC 28226	Total Lands Owned is .42 ac. included in the ROW and 1.218 ac. of ODOT ROW Total Lands Annexed is 1.638 acres.	Official Record Book 962, Page 876	519-330-02-037-000
Charles R. Davis	221 Pineville Matthews Road Charlotte, NC 28226	Total Lands Owned or in ROW is 30.708 ac. Land Owned in the ROW included is .422 acres and .129 acres in the ODOT ROW. Total Lands Annexed is 30.837 . acres.	Official Record Book 807, Page 2146	519-330-01-005-000
	Total Lands to be Annexed	32.475 Acres		

All public road rights of way abutting any part of the described territory are not being annexed into and will not be in the City of Delaware, Ohio except where the annexation is over lands on both sides of any roadway as set forth above and per the Map of Territory to Be Annexed.

3. Michael R. Shade is hereby appointed Agent for the undersigned Petitioner ("the Agent" herein), as required by § 709.02 and the Agent's address is 236 West Central Avenue, Delaware, Ohio 43015. The agent is hereby authorized to make any amendment and/or decision which in his absolute and complete discretion is necessary or proper under the circumstances then existing and is specifically authorized to make any such amendment in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition and Plat. Any such amendment shall be made by the presentation of an amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

4. An accurate map marked "Map of Territory to be Annexed to the City of Delaware" is attached hereto and made part of this petition.

5. A list containing the required information concerning all tracts, lots and parcels adjacent to or across the road from the area sought to be annexed is being filed by the Agent at the time of the filing of this Petition.

6. No island of unincorporated area is being created by this annexation.

7. This petition is filed as an Expedited II annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of annexation proceedings and is being submitted pursuant the provisions of § 709.021 when owners unanimously request annexation and § 709.023 when the area being annexed is not to be excluded from the township. The area sought to be annexed shall not upon the annexation be excluded from Delaware Township, Delaware County, Ohio in conformity with the provisions of § 709.023.

8. The City of Delaware, Ohio will pass and submit to the Board of County Commissioners of Delaware County, Ohio 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 County Commissioners of Delaware County, Ohio.

9. The current zoning in the Township of Delaware, Delaware County, Ohio is presently Farm Residential District (FR-1) and is presently used as personal residence and Right of Way. The comprehensive plan duly adopted by the City of Delaware, Ohio did anticipate this area was in its last Comprehensive Plan and is designated as Low-Density Single Family. This proposed use may somewhat be an incompatible land uses to the Farm Residential District and other residential districts in the Township of Delaware, Delaware County, Ohio but may not be incompatible to the long-term use plan for the area. The land surrounding on two (2) sides of the proposed annexed parcel is currently zoned R-3 in the City of Delaware, Ohio. The City of Delaware, Ohio will pass a resolution requiring that any buffering necessary as provided in Section 702.023 of the Ohio Revised Code shall be complied with and will follow the buffering requirements of the City of Delaware, Ohio Zoning Ordinances. Said resolution of services and buffering will be passed and submitted to the Board of County Commissioners of Delaware County, Ohio by the City of Delaware, Ohio within twenty (20) day of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR 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 TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

**BOARD OF COUNTY COMMISSIONERS OF
DELAWARE COUNTY, OHIO**

**PETITION FOR
ROUTE 36 PARTNERS, LLC (.43 ACRES) AND
CHARLES R. DAVIS (30.708 ACRES)
ANNEXATION AND CITY OF DELAWARE, OHIO
TO THE
CITY OF DELAWARE, OHIO
FROM THE
TOWNSHIP OF DELAWARE, DELAWARE COUNTY, OHIO
CONSISTING OF 31.138 ACRES:
EXPEDITED TYPE 2 ANNEXATION**

RECEIVED

2020 NOV - 3 AM 10:51

DELAWARE COUNTY
COMMISSIONERS

Petitioners:

Route 36 Partners LLC
7221 Pineville Matthews Road
Charlotte, NC 28226

Charles R. Davis
7221 Pineville Matthews Road
Charlotte, NC 28226

Agent for Petitioners:

Michael R. Shade
Attorney at Law
Shade and Shade LLC
236 West Central Avenue
Delaware, Ohio 43015
Phone: (740) 363-9232
Fax: (740) 363-0146
Email: mrs@ss-dta.com

**BOARD OF COUNTY COMMISSIONERS OF
DELAWARE COUNTY, OHIO**

PETITION FOR ROUTE 36 PARTNERS LLC (.43 ACRES) AND CHARLES R. DAVIS (30.708 ACRES) ANNEXATION AND CITY OF DELAWARE, OHIO TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF DELAWARE, DELAWARE COUNTY, OHIO CONSISTING OF 31.138 ACRES: EXPEDITED TYPE 2 ANNEXATION

To: The Board of County Commissioners of Delaware County, Ohio

1. The undersigned petitioner ("the Petitioner" herein), being all of the owners of real estate in the following described territory consisting of 31.138 acres situated in the Townships of Delaware, County of Delaware, Ohio which area is contiguous with, adjacent to, and/or surrounded by the City of Delaware in part, to wit: see the legal description attached hereto as Exhibit A and the attached map, both of which are incorporated by reference herein ("described territory"), respectfully petition that the described territory be annexed to the City of Delaware, Ohio.

The description of the described territory ("the description" herein) and map were prepared by Matthew A. Kirk, P.S., Professional Surveyor No. 7865, Evans, Mechwart, Hambleton & Tilton, Inc. Surveying Service Inc., for annexation purposes, from information of record in the Delaware County Courthouse and a new full survey of the subject premises. All record references, unless otherwise noted, are to public records on file at the Delaware County Recorder's Office; all statutory references, unless otherwise noted, are to the Ohio Revised Code.

2. In support of this Petition, the petitioners state that there are within the described territory sought to be annexed two (2) owners of the real estate. The real estate within area to be annexed and included in the description is owned as indicated on the following table:

Name of Petitioner	Address	Acreage Information	Deed Reference	Parcel ID No.
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Rout 36 Partners, LLC	7221 Pineville Matthews Road Charlotte, NC 28226	Total Lands Owned is .43 ac. included in the ROW Total Lands Annexed is 0.430 acres.	Official Record Book 962, Page 876	519-330-02-037-000
Charles R. Davis	221 Pineville Matthews Road Charlotte, NC 28226	Total Lands Owned or in ROW is 30.708 ac. Land Owned in the ROW included is .432 acres. Total Lands Annexed is 30.708 . acres.	Official Record Book 807, Page 2146	519-330-01-005-000
	Total Lands to be Annexed	31.138 Acres		

All public road rights of way abutting any part of the described territory are not being annexed into and will not be in the City of Delaware, Ohio except where the annexation is over lands on both sides of any roadway as set forth above and per the Map of Territory to Be Annexed.

3. Michael R. Shade is hereby appointed Agent for the undersigned Petitioner ("the Agent" herein), as required by § 709.02 and the Agent's address is 236 West Central Avenue, Delaware, Ohio 43015. The agent is hereby authorized to make any amendment and/or decision which in his absolute and complete discretion is necessary or proper under the circumstances then existing and is specifically authorized to make any such amendment in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition and Plat. Any such amendment shall be made by the presentation of an amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

4. An accurate map marked "Map of Territory to be Annexed to the City of Delaware" is attached hereto and made part of this petition.

5. A list containing the required information concerning all tracts, lots and parcels adjacent to or across the road from the area sought to be annexed is being filed by the Agent at the time of the filing of this Petition.

6. No island of unincorporated area is being created by this annexation.

7. This petition is filed as an Expedited II annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of annexation proceedings and is being submitted pursuant the provisions of § 709.021 when owners unanimously request annexation and § 709.023 when the area being annexed is not to be excluded from the township. The area sought to be annexed shall not upon the annexation be excluded from Delaware Township, Delaware County, Ohio in conformity with the provisions of § 709.023.

8. The City of Delaware, Ohio will pass and submit to the Board of County Commissioners of Delaware County, Ohio 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 County Commissioners of Delaware County, Ohio.

9. The current zoning in the Township of Delaware, Delaware County, Ohio is presently Farm Residential District (FR-1) and is presently used as personal residence and Right of Way. The comprehensive plan duly adopted by the City of Delaware, Ohio did anticipate this area was in its last Comprehensive Plan and is designated as Low-Density Single Family. This proposed use may somewhat be an incompatible land uses to the Farm Residential District and other residential districts in the Township of Delaware, Delaware County, Ohio but may not be incompatible to the long-term use plan for the area. The land surrounding on two (2) sides of the proposed annexed parcel is currently zoned R-3 in the City of Delaware, Ohio. The City of Delaware, Ohio will pass a resolution requiring that any buffering necessary as provided in Section 702.023 of the Ohio Revised Code shall be complied with and will follow the buffering requirements of the City of Delaware, Ohio Zoning Ordinances. Said resolution of services and buffering will be passed and submitted to the Board of County Commissioners of Delaware County, Ohio by the City of Delaware, Ohio within twenty (20) day of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR 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 TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR 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 TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioner:

ROUTE 36 PARTNERS, LLC




Charles R. Davis, Managing Member

Dated: October 29, 2020

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR 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 TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioner:



Charles R. Davis

Dated: October 29, 2020

ANNEXATION DESCRIPTION
32.475± ACRES

FROM: DELAWARE TOWNSHIP

TO: CITY OF DELAWARE

Situated in the State of Ohio, County of Delaware, Township of Delaware, in Farm Lots 30, 32, 33 and 34, Quarter Township 3, Township 5, Range 19, United States Military District, being comprised of all of that 30.708 acre tract of land conveyed to Charles R. Davis by deed of record in Official Record 807, Page 2146, part of those 0.42 acre and 83.362 acre tracts of land conveyed to Route 36 Partners, LLC by deed of record in Official Record 962, Page 876, and that 1.42 acre tract of land conveyed to the State of Ohio by deed of record in Deed Book 407, Page 704 (all references are to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a southwesterly corner of that 57.881 acre tract conveyed to Homewood Corporation by deed of record in Official Record 24, Page 2445, the southeasterly corner of that 5.500 acre tract conveyed to Jeffery D. Gearhart and Jennifer M. Gearhart by deed of record in Official Record 1454, Page 1742, in the northerly line of said 30.708 acre tract, at an angle point in the existing City of Delaware corporation line established by Ordinance Number 96-37, of record in Plat Cabinet 1, Slide 677;

Thence South 85° 53' 36" East, with the a southerly line of said 57.881 acre tract and said corporation line, a distance of 433.29 feet to a point;

Thence South 00° 02' 47" West, with a westerly line of said 57.881 acre tract, the westerly line of the subdivision entitled "Springer Woods Section 2, Phase 3", of record in Official Record 1771, Page 2166, the westerly line of the subdivision entitled "Springer Woods Section 2, Phase 1", of record in Official Record 1296, Page 1155, the westerly line of the subdivision entitled "Springer Woods Section 1, Phase 1", of record in Plat Cabinet 3, Slide 41, with said existing corporation line, and crossing Marysville Road (U.S. 36), a distance of 1954.10 feet to an angle point in said existing corporation line;

Thence North 72° 57' 15" East, with said existing corporation line, a distance of 870.55 feet to an angel point in the existing City of Delaware corporation line established by Ordinance Number 99-11, of record in Plat Cabinet 2, Slide 306;

Thence South 03° 09' 41" West, with said existing corporation line (Ordinance Number 99-11), crossing said Marysville Road and said 1.42 acre tract, a distance of 80.08 feet to a point in the southerly right-of-way line of said Marysville Road, the northwesterly corner of the subdivision entitled "Lehner Woods Subdivision Phase 1", of record in Plat Cabinet 3, Slide 90, and an angle point in the existing City of Delaware corporation line established by Ordinance Number 08-25, of record in Plat Cabinet 4, Slide 9;

ANNEXATION DESCRIPTION
32.475± ACRES

-2-

Thence with said southerly right-of-way line and said existing corporation line (Ordinance Number 08-25), the following courses and distances:

South 72° 57' 15" West, a distance of 163.81 feet to a point;

North 02° 02' 23" East, a distance of 10.57 feet to a point; and

South 72° 57' 15" West, a distance of 1321.49 feet to the southeasterly corner of that 1.899 acre tract conveyed as Parcel 12-WD to the State of Ohio by deed of record in Official Record 758, Page 2059;

Thence North 17° 29' 32" West, crossing said Marysville Road, with the easterly line of said 1.899 acre tract and the easterly line of that 0.129 acre tract conveyed as Parcel 8-WD to the State of Ohio by deed of record in Official Record 758, Page 2054, a distance of 60.00 feet to a point in the northerly right of way line of said Marysville Road;

Thence North 82° 58' 34" West, with said northerly right of way line, a distance of 49.11 feet to a point;

Thence South 75° 28' 48" West, with said northerly right of way line, a distance of 62.37 feet to the southeasterly corner of that 0.717 acre tract conveyed to Keye L. Simpkins and Catherine Simpkins by deed of record in Official Record 328, Page 214;


Thence North 04° 25' 41" East, with the easterly line of said 0.717 acre tract and the easterly line of that 46.462 acre tract conveyed to Martha Simpkins by deeds of record in Official Record 492, Page 432 and Official Record 992, Page 2686, a distance of 2202.80 feet to a point in the southerly line of said 5.500 acre tract;

Thence South 85° 36' 10" East, with said southerly line, a distance of 118.62 feet to the POINT OF BEGINNING, containing 32.475 acres of land, more or less.

The information shown herein is based on the same information shown in the recorded documents referenced herein, and found in the Recorder's Office, Delaware County, Ohio.

This document is to be used for annexation purposes only.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

<p>County Engineer Delaware County, Ohio</p> <p>I hereby certify the within to be a true copy of the document that is on file in the Map Department</p> <p>CHRIS E. BAUSERMAN, P.E., P.S. County Engineer</p> <p>By:  Date: 10/28/20</p>

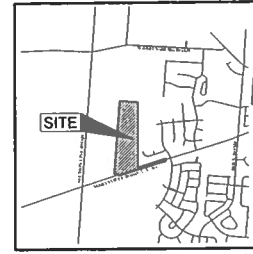

Matthew A. Kirk
Professional Surveyor No. 7865

OCT 20
Date



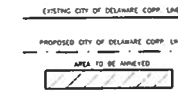
MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF DELAWARE FROM DELAWARE TOWNSHIP

FARM LOTS 30, 32, 33 AND 34, QUARTER TOWNSHIP 3, TOWNSHIP 5, RANGE 19
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF DELAWARE, COUNTY OF DELAWARE, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

The information shown hereon is based on the same information shown on Record 807 Page 21 of Record 1986-1987, 1986 and 1987, Ohio.



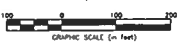
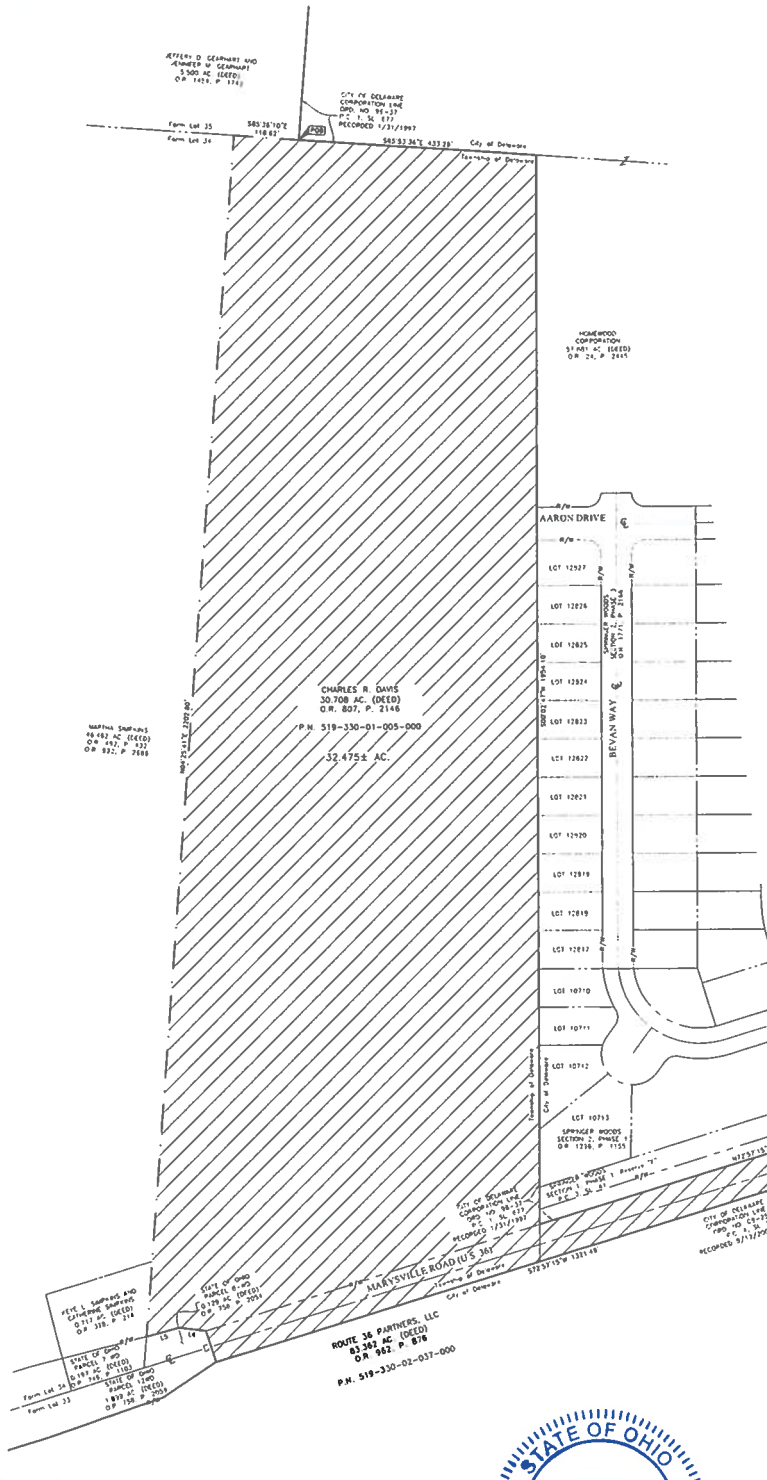
NOTES
The annotations shown hereon are not correct unless otherwise indicated.

Total percentage of area within area is 31.36% of which 11.11% is in compliance with the City of Delaware by Ordinance Numbers 95-17 (8-23) and 95-11. The actual total percentage of percentage covering is with the remaining in 100%.

Length of County Road Within Annexed Area - 17'
Length of Township Road Within Annexed Area - 17'

LINE	BEARING	DISTANCE
L1	S02°05'41"W	80.00'
L2	N07°02'23"E	105.57'
L3	N17°28'22"W	80.00'
L4	N87°50'34"W	49.11'
L5	S19°28'49"W	82.23'

- ① STATE OF OHIO
1.42 AC. (DEED)
D.B. 407, P. 704
- ② ROUTE 36 PARTNERS, LLC
0.43 AC. (DEED)
D.B. 962, P. 876
P.N. 519-330-02-036-000
- ③ ROUTE 36 PARTNERS, LLC
2.55 AC. (DEED)
D.B. 942, P. 778



EMHT		Date: October 23, 2020
Scale: 1" = 100'		Job No: 2020-0655
Sheet: 1 of 1		REVISIONS
NO.	DATE	DESCRIPTION

CERTIFICATION
I, the undersigned, hereby certify that I HAVE MADE, prepared this plan and that said plan is correct to the best of my knowledge and belief. Dimensions are shown in feet and decimal parts thereof.

Matthew A. Kirk
Professional Surveyor No. 7865
Date: 23 OCT 20



County Engineer
Delaware County, Ohio
I hereby certify the within to be a true copy of the document filed in the office of the State Engineer.
LEIGH B. BISHOP, P.E., P.S.
Engineer

LIST OF PROPERTY OWNERS

South of Property to be Annexed

Acres

PIN

ROUTE 36 PARTNERS, LLC
7221 PINEVILLE MATTHEWS RD
CHARLOTTE NC 28226

83.362

51933002037000

JOHN M HOPFINGER
STATUTORY AGENT FOR
ROUTE 36 PARTNERS LLC
5695 AVERY RD
DUBLIN OH 43016

DEDICATED ROAD RIGHT OF WAY

99999912000000

West of Property to be Annexed

KEYE L. SIMPKINS
CATHERINE SIMPKINS
3048 MARYSVILLE RD
DELAWARE OH 43015

.520

51933001004000

MARTHA SIMPKINS
3134 MARYSVILLE RD
DELAWARE OH 43015

45.494

51933001003000

North of Property to be Annexed

JEFFERY D. GEARHART
JENNIFER M. GEARHART
2891 WARRENSBURG RD
DELAWARE OH 43015

5.500

51933201014001

HOMEWOOD CORPORATION 43.873 51933201012000
2700 E DUBLIN GRANVILLE RD
COLUMBUS OH 43231

AMY JOHNSTON
STATUTORY AGENT FOR
HOMEWOOD CORPORATION
2700 EAST DUBLIN GRANVILLE ROAD
SUITE 300
COLUMBUS OH 43231

East of Property to be Annexed

HOMEWOOD CORPORATION 43.873 51933201012000
2700 E DUBLIN GRANVILLE RD
COLUMBUS OH 43231

AMY JOHNSTON
STATUTORY AGENT FOR
HOMEWOOD CORPORATION
2700 EAST DUBLIN GRANVILLE ROAD
SUITE 300
COLUMBUS OH 43231

DR HORTON-INDIANA, LLC Lots 12817- 51933210015000-
9210 N MERIDIAN ST 12827 51933210025000
INDIANAPOLIS IN 46260

CT CORPORATION SYSTEM
STATUTORY AGENT FOR
DR HORTON-INDIANA, LLC
4400 EASTON COMMONS WAY, SUITE 125
COLUMBUS OH 43219

KEYE L. SIMPKINS
S CATHERINE L. SIMPKIN
161 BEVAN WAY
DELAWARE OH 43015

Lot 10713

51933210011000

THOMAS JOHN KOVACH
TAMMY LYNN KOVACH
167 BEVAN WAY
DELAWARE OH 43015

Lot 10712

51933210012000

MITCHELL BLAKE VANHOOSE
DOREEN JASMINE VANHOOSE
173 BEVAN WAY
DELAWARE OH 43015

Lot 10711

51933210013000

BRIAN L STAMM
LINDSAY NICOLE STAMM
179 BEVAN WAY
DELAWARE OH 43015

Lot 10710

51933210014000

**DELAWARE COUNTY MAP DEPARTMENT
COUNTY ADMINISTRATION BUILDING
165 N. UNION STREET
DELAWARE, OHIO
43015**

**CHRIS E. BAUSERMAN, P.E., P.S.
DELAWARE COUNTY ENGINEER**

October 28, 2020

The Board of Delaware County Commissioners
101 North Sandusky Street
Delaware, Ohio 43015

Re: Proposed 32.475 Acre Annexation in Delaware Township to the City of Delaware

Dear Honorable Board:

We have reviewed the attached Annexation Map and Written Description for the above referenced proposal. The content of said Map and Description does appear to meet or exceed the minimum information required by the Board of Delaware County Commissioner's Resolutions No. 02-955, dated July 1, 2002, which is entitled "Establishing General Orders for the Hearing of Annexation Petitions". The actual petition document itself was not submitted to this department and therefore its content was not part of this review.

Respectfully Submitted,

Chris E. Bauserman, P.E., P.S.
Delaware County Engineer



Jack Jennings, P.S.
Department Manager

Enclosures



FACT SHEET

AGENDA ITEM NO: 14

DATE: 11/09/2020

ORDINANCE NO: 20-76

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE ESTABLISHING THE SALARY AND BENEFITS OF THE COUNCIL CLERK AND DECLARING AN EMERGENCY.

BACKGROUND:

As one of two positions hired directly by City Council, legislation is needed to adjust the Clerk's salary.

REASON WHY LEGISLATION IS NEEDED:

As a position appointed by City Council, this ordinance would set the Clerk of Council's salary for 2021. The wage rate is set at a 4% increase from the 2020 salary.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The adjustment will impact the 2021 General Fund based on 4% increased wages and other costs/benefits that are associated with wages.

POLICY CHANGES:

N/A

PRESENTER(S):

Mayor Carolyn Kay Riggle

RECOMMENDATION:

Approval at third reading.

ATTACHMENT(S)

None

ORDINANCE NO. 20-76

AN ORDINANCE ESTABLISHING THE SALARY AND
BENEFITS OF THE COUNCIL CLERK AND DECLARING
AN EMERGENCY.

WHEREAS, the City Council Clerk (“Clerk”) is one of two positions appointed by City Council and is not subject to civil service laws; and

WHEREAS, among other duties included in the job description, the Clerk is responsible for managing the Council packet and agenda process; and

WHEREAS, the Clerk leads the city’s sister city initiative; and

WHEREAS, the Clerk serves as City Council’s representative on the Main Street Delaware board; and

WHEREAS, the Clerk bears responsibility for managing and maintaining the records of the legislative body as well as all Boards and Commissions of the City of Delaware; and

WHEREAS, the Clerk’s duties require coverage of meetings occurring in the evening as well as daytime hours; and

WHEREAS, the Clerk uses independent judgment and discretion in fulfilling the duties of the position and setting her schedule; and

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

SECTION 1. The Council Clerk shall be paid a salary of \$25.75 (representing a 4% increase from the 2020 salary) per hour effective December 23, 2020 which coincides with the new calendar year and the effective date of the management pay plan for 2021.

SECTION 2. The Council Clerk shall be entitled to the benefits offered to exempt employees in the current City of Delaware Summary of Benefits.

SECTION 3. Emergency Clause: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 23, 2020, which coincides with the new calendar year and the effective date of the management pay plan for 2021. Therefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2020

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 15

DATE: 11/09/2020

ORDINANCE NO: 20-77

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Mayor Carolyn Kay Riggle

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER AND DECLARING AN EMERGENCY.

BACKGROUND:

Each year, pursuant to the City Manager's employment agreement, City Council conducts a review and adjusts the manager's salary accordingly. This year's employment agreement reflects a 4% annual increase. The effective date of the increase will be 12/23/20, based on a prior update to the City Manager's employment agreement (adopted with ordinance 17-62), which shifted the effective date for compensation to coincide with the effective date of the Management Pay Plan.

REASON WHY LEGISLATION IS NEEDED:

And ordinance is required to change the City Manager's compensation.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The pay rate includes a 4% increase.

POLICY CHANGES:

N/A

PRESENTER(S):

Mayor Carolyn Kay Riggle

RECOMMENDATION:

Approval at third reading.

ATTACHMENT(S)

City Manager's Employment Agreement

ORDINANCE NO. 20-77

AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER AND DECLARING AN EMERGENCY.

WHEREAS, the employment agreement with the City Manager provides that the compensation of the City Manager shall be reviewed annually; and

WHEREAS, the effective date of changes to the City Manager's compensation was adjusted to coincide with the effective date of changes to the Management Pay Plan in the employment agreement authorized by Ordinance 17-62; and

WHEREAS, the Council has reviewed the salary and benefits of the City Manager and has made the necessary changes to the employment agreement (attached).

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

SECTION 1. An employment agreement reflecting the agreed upon changes is authorized to be executed by the City Manager and the Mayor, representing City Council.

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.

SECTION 3. Emergency Clause: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 23, 2020, which coincides with the new calendar year and the effective date of the management pay plan for 2021. Therefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2020

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

EMPLOYMENT AGREEMENT

The Council of the City of Delaware, Ohio, hereinafter referred to as "City" or "City Council" has offered the position of City Manager to R. Thomas Homan, and Mr. Homan, hereinafter referred to as "Manager" or "Mr. Homan" has accepted the offer of employment under the following terms agreeable to both parties.

1. Beginning with the date of employment, the City will compensate Mr. Homan as City Manager of Delaware and Mr. Homan will execute all the duties and responsibilities of City Manager set forth in the Delaware City Charter, Code of Ordinances and requirements of the City Council.
2. The Manager's salary will be at the hourly rate of \$79.45 effective December 23, 2020, which represents a 4% increase.
3. The Council and Mr. Homan will establish annual performance goals and objectives. Any pay increases during Mr. Homan's tenure with the City will be based upon performance evaluations. Evaluations are anticipated every six months following Mr. Homan's date of employment. One six-month evaluation may be primarily for discussion of the City Manager's past performance and performance planning, while the alternate evaluation may be concerned primarily with matters of compensation for the City Manager. The method of evaluation will be formulated by the Council and Mr. Homan and conducted by the Council.
4. Mr. Homan will serve as City Manager at the will of the City Council and nothing herein will be taken to suggest or imply guaranteed tenure.
5. In the event the City terminates the services of Mr. Homan or requests his resignation at any time without cause, the City will pay to Mr. Homan a lump sum severance payment equal to ninety (90) days base salary and benefits, payable not later than the next regular pay date. No such lump sum severance payment will be paid upon a termination for cause. All accrued vacation, holiday, compensatory time, one-half the value of sick leave, other accrued benefits, retirement and group health insurance benefits will be paid to Mr. Homan at the same time, calculated at the rate of pay or benefit in effect upon notice of termination. The Manager will provide the City not less than 30 days written notice of his intent to resign his position wholly voluntarily, whereupon the Manager understands that he will not receive the lump sum severance payment equal to ninety (90) days base salary and benefits described above. All accrued vacation, holiday, compensatory time, one-half the value of sick leave, other accrued benefits, retirement and group health insurance benefits will be paid to the date of termination and calculated at the rate of pay or benefit in effect upon notice of termination.
6. The Manager will remain a resident of the City during employment.

7. The City manager's automobile allowance paid for use of the Manager's personal vehicle for City business was converted into salary in 2018. The City manager is expected to use his own vehicle for transportation as the prior car allowance was converted into salary. While the use of the city manager's vehicle is included as part of salary, mileage may be reimbursed to the Manager for travel on behalf of the City beyond a 100-mile radius of Delaware.
8. The City will pay the expense of a mobile telephone for the Manager.
9. The City will provide the Manager paid coverage for health, dental and prescription benefits in terms and amounts provided other employees of the City generally, effective upon the first day of the month following his date of employment.
10. The City will provide the Manager paid annual vacation earned at the rate of 25 working days per year. Any use of vacation leave credits by the Manager will be following written notice to the Council. The City will pay for all accrued and unused vacation days to Mr. Homan upon separation from the City employment, for any reason, at his then current rate of pay.
11. The Manager will be permitted to engage in occasional teaching, writing, speaking or consulting performed on his time off, even if outside compensation is provided for such services, provided that, in no case, is any activity permitted which would present a conflict of interest with the City of Delaware. In the event that overnight travel is required for such non-City business, the City Council will be notified in advance.
12. The City will provide Mr. Homan four (4) personal days per anniversary year for personal business, credited at the beginning of each subsequent year. Upon termination from the City for any reason, accrued personal days will not be compensated.
13. The City will provide Mr. Homan paid sick leave in the amounts earned at a rate of 4.6 hours for each completed 80 hours of service. The City will pay for one-half the value of unused sick leave to Mr. Homan upon

separation from the City employment for any reason, at his then current rate of pay.

14. The City will provide fully paid coverage for Mr. Homan of workers compensation and unemployment compensation insurance from his first date of employment.
15. The City will afford Mr. Homan paid funeral leave in the amounts provided for all other City employees generally, upon his attendance at the funeral or memorial observance of any member of his family in the first degree of sanguinity, and of his spouse and parents-in-law.
16. The City will provide Mr. Homan group life insurance from his date of employment in the amount of \$125,000 with double indemnity for accidental death or dismemberment.
17. The City will provide Mr. Homan paid holiday leave on the same annual schedule as that provided for other City employees generally.
18. The City will pay the expense of Mr. Homan's membership in ICMA and OCMA and for his attendance at national and state conferences, within an amount budgeted each year.
19. The City will anticipate a recommendation from Mr. Homan for inclusion in each annual budget amounts to be used at Mr. Homan's discretion for:
 - a. Educational courses, conferences and workshops directly related to Mr. Homan's work as City Manager, including expenses directly related to his attendance at such educational programs.
 - b. Membership dues and subscriptions for Mr. Homan's involvement in professional organizations that are directly in the interest of the City and Mr. Homan's performance on behalf of the City.
 - c. Routine business expenses of the City Manager directly related to his performance of official duties. The City Manager's membership in Rotary requires him to purchase lunches at meetings, and his salary has been increased (already reflected in wages) to reflect that expense.
20. Effective December 21, 2011, the City increased Mr. Homan's base salary by 7.3% to reflect the fact that the City no longer pays the City Manager's share of the PERS premium.

21. The City manager is entitled to 5.5% of the hourly rate of pay included in Section 2 to be contributed to the ICMA-RC investment program.
22. The City Manager's monthly long-term disability premium payments were converted into salary in 2019.
23. The City will indemnify and hold harmless Mr. Homan from liability for any claims, demands or judgments arising out of an act or omission occurring in the lawful performance of his duties as City Manager. The City will pay the cost of any fidelity or other bonds required of Mr. Homan by the City Charter, City Ordinances or Ohio statutes.
24. All other provisions of City ordinances, regulations or rules relating to personnel matters of non-union employees of the City and terms of the Management Pay Plan, not contrary to the terms listed in this memorandum or to the City Charter, will also apply to Mr. Homan during his employment as City Manager.
25. Mr. Homan's initial date of employment is February 2, 1999. Starting with 2018, the effective date for Mr. Homan's compensation will coincide with the effective date of the Management Pay Plan.
26. Any portion of this memorandum in conflict with the City Charter or any State, or Federal law, will be considered null and void. The remaining provisions of this agreement will remain in full force and effect. The law of the State of Ohio will govern the interpretation of this agreement.
27. The City and Mr. Homan agree that this Agreement accurately reflects the terms of employment for the City Manager position offered by the City and accepted by Mr. Homan.

The parties have evidenced their agreement by affixing their signatures below this ____ day of ____, 2020.

Council of the City of Delaware, Ohio

City Manager

Carolyn Kay Riggle, Mayor

R. Thomas Homan, City
Manager

Approved as to form:

Natalia S. Harris
City Attorney



FACT SHEET

AGENDA ITEM NO: 16

DATE: 11/09/2020

ORDINANCE NO: 20-78

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE ESTABLISHING NEW SALARY RATES FOR THE MAYOR AND MEMBERS OF CITY COUNCIL EFFECTIVE JANUARY 1, 2022 AND REPEALING ORDINANCE NO. 18-113.

BACKGROUND:

The salaries for Delaware City Council members were last increased effective January 1, 2020 pursuant to Ordinance 18-113. Ordinance 13-44 requires even numbered year, as part of the City's budget, Council vote to adjust or maintain the salary of the mayor and council.

REASON WHY LEGISLATION IS NEEDED:

Salary adjustments for City Council may only be made through legislation and made as part of the budget process established by Ord. 13-44. Such changes shall take effect the January of the next even numbered year, which complies with Section 15 of the Charter of the City of Delaware.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

Natalia S. Harris, City Attorney

RECOMMENDATION:

Approval at third reading.

ATTACHMENT(S)

ORDINANCE NO. 20-78

AN ORDINANCE ESTABLISHING NEW SALARY RATES
FOR THE MAYOR AND MEMBERS OF CITY COUNCIL
EFFECTIVE JANUARY 1, 2022 AND REPEALING
ORDINANCE NO. 18-113.

WHEREAS, the salaries for City Council members were last increased effective January 1, 2020 pursuant to Ordinance 18-113; and

WHEREAS, Ordinance 13-44 requires even numbered years, as part of the City's budget, Council vote to adjust or maintain the salary of the mayor and council; and

WHEREAS, City Council members are called upon to attend many meetings and devote hours of time to meet their responsibilities; and

WHEREAS, Salary adjustments made as part of the budget process established in Ord. 18-113 shall take effect the January of the next even numbered year, which complies with Section 15 of the Charter of the City of Delaware.

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

SECTION 1. That effective January 1, 2022 the salary of the Mayor shall be eleven thousand eight hundred and forty-five dollars (\$11,845) per year and the salary for each member of City Council, except the Mayor, shall be ten thousand three hundred dollars (\$10,300) per year.

SECTION 2. That the salary of Mayor and the salary of each member of City Council shall continue to be paid in biweekly installments equal to one twenty sixth of their annual salary as established.

SECTION 3. That Ordinance No. 18-113 is hereby repealed effective January 1, 2022.

SECTION 4. Each even numbered year, as part of the City's budget, Council shall vote to adjust or maintain the salary of the mayor and council. Salary adjustments made as part of this budget process shall take effect the January of the next even numbered year.

SECTION 5. 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



FACT SHEET

AGENDA ITEM NO: 17

DATE: 11/09/2020

ORDINANCE NO: 20-79

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 APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY.

BACKGROUND:

While administering the 2020 Budget, various modifications to existing appropriations have been identified that will require supplemental appropriations prior to the end of the current fiscal year. These modifications are attributed items including the refunding of debt in the 1st quarter of 2020 that was not included with the current year budget as well as capital funding estimates whereby the budgeted amounts did not include sufficient appropriations based on the final project bids.

REASON WHY LEGISLATION IS NEEDED:

This ordinance is needed to provide supplemental appropriations to sustain know expenditures that were not originally budgeted for in 2020 as well as maintaining budget compliance pursuant to the Ohio Revised Code.

COMMITTEE RECOMMENDATION:

Presented to the Finance Committee on October 29, 2020

FISCAL IMPACT(S):

The following table outlines the fund, expenditure account, the amount of the requested appropriations along with a justification to support the modification to the 2020 budget:

Account.....	Description	Amount	Justification
101.0031.5601	Tax Refunds	\$ 132,681.00	Large Net Profit Refunds for 4th Quarter 2020
101.0032.5121	Unemployment	\$ 2,600.00	Unemployment Claims
203.0203.5100	Wages	\$ 15,000.00	Term Leave Payout for a Stormwater Employee
231.0231.5601	Tax Refunds	\$ 92,876.00	Large Net Profit Refunds for 4th Quarter 2020
233.0233.5601	Tax Refunds	\$ 19,903.00	Large Net Profit Refunds for 4th Quarter 2020
233.0233.5801	Bond Principal	\$ 965,000.00	Rec Center Debt Refunding 3/2020
233.0233.5811	Bond Interest	\$ 66,395.00	Rec Center Debt Refunding 3/2020
301.3010.5230	Professional Services	\$ 159,000.00	Debt Refunding Fees from 1st Quarter 2020
492.4921.5601	Police Impact Fee Refunds	\$ 5,000.00	Increase in Impact Fee Refunds
493.4930.5601	Fire Impact Fee Refunds	\$ 5,000.00	Increase in Impact Fee Refunds
520.5202.5235	Rent on Parking Lot	\$ 2,000.00	Contingency for Possible Overage on Parking Lot Rent
540.5420.5236	Sludge Removal	\$ 70,000.00	Increase in Sludge Removal and Transportation Costs
541.5430.5537	Pump Station	\$ 175,000.00	Unanticipated Pump Station Replacement
548.5480.5601	ERU Refunds	\$ 5,000.00	Increase in S/E Highland Fee Refunds
602.6022.5234	Software Subscription	\$ 136,000.00	Quarterly Maintenance Fee for MUNIS
546.5466.5542	Route 42 Repairs	\$ 101,000.00	Emergency Repairs for SR 42
410.4104.5541	US36 E. Williams	\$ 49,000.00	Unanticipated Costs for Utilities and Signage Costs
410.4118.5520	Blding Renovation	\$ 150,000.00	Contingency for Remaining City Hall Renovation Costs
284.2840.5601	Refund of CARES Act Gran	\$2,643,732.00	Contingency for Refunding of CARES Act Monies to the State

POLICY CHANGES:

N/A

PRESENTER(S):

Justin Nahvi, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

ORDINANCE 20-79

AN ORDINANCE SUPPLEMENTING THE 2020
APPROPRIATIONS AND DECLARING AN
EMERGENCY.

WHEREAS, it is necessary to amend the 2020 Annual Appropriations Ordinance to provide for various expenditures through the end of fiscal year 2020.

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 General Fund (Fund 101) \$135,281 to:

Tax Refunds (101.0031.5601)	\$132,681
Unemployment (101.0032.5121)	\$2,600

SECTION 2: That there is hereby appropriated from the unencumbered balance of the Storm Sewer Fund (Fund 203) \$15,000 to:

Wages (203.0203.5100)	\$15,000
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SECTION 3: That there is hereby appropriated from the unencumbered balance of the Fire/EMS Income Tax Fund (Fund 231) \$92,876 to:

Tax Refunds (231.0231.5601)	\$92,876
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SECTION 4: That there is hereby appropriated from the unencumbered balance of the Recreation Center Income Tax Fund (Fund 233) \$1,051,298 to:

Tax Refunds (233.0233.5601)	\$19,903
Bond Principal (233.0233.5801)	\$965,000
Bond Interest (233.0233.5811)	\$66,395

SECTION 5: That there is hereby appropriated from the unencumbered balance of the Park Improvement Bond Fund (Fund 301) \$159,000 to:

Professional Services (301.3010.5230)	\$159,000
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SECTION 6: That there is hereby appropriated from the unencumbered balance of the Police Impact Fee Fund (Fund 492) \$5,000 to:

Police Impact Fee Refunds (492.4921.5601)	\$5,000
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SECTION 7: That there is hereby appropriated from the unencumbered balance of the Fire Impact Fee Fund (Fund 493) \$5,000 to:

Fire Impact Fee Refunds (493.4930.5601) \$5,000

SECTION 8: That there is hereby appropriated from the unencumbered balance of the Parking Lots Fund (Fund 520) \$2,000 to:

Rent on Parking Lots (520.5202.5235) \$2,000

SECTION 9: That there is hereby appropriated from the unencumbered balance of the Sewer Fund (Fund 540) \$70,000 to:

Sludge Removal (540.5420.5236) \$70,000

SECTION 10: That there is hereby appropriated from the unencumbered balance of the Sewer Construction Fund (Fund 541) \$175,000 to:

Pump Station (541.5430.5537) \$175,000

SECTION 11: That there is hereby appropriated from the unencumbered balance of the SE Highland Fund (Fund 548) \$5,000 to:

ERU Refunds (548.5480.5601) \$5,000

SECTION 12: That there is hereby appropriated from the unencumbered balance of the IT Rotary Fund (Fund 602) \$136,000 to:

Software Subscriptions (602.6022.5234) \$136,000

SECTION 13: That there is hereby appropriated from the unencumbered balance of the Sewer Capacity Fee Fund (Fund 546) \$101,000 to:

Route 42 Repairs (546.5466.5542) \$101,000

SECTION 14: That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund (Fund 491) \$199,000 to:

US 36 E Williams (410.4104.5541) \$49,000

Building Renovation (410.4118.5520) \$150,000

SECTION 15: That there is hereby appropriated from the unencumbered balance of the Local Coronavirus Relief Fund (Fund 284) \$2,643,732 to:

Refund of CARES Act Grant

(284.2840.5601) \$2,643,732

SECTION 16. 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 17. 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 that such action is necessary to provide for expenditures through the end of the fiscal year being December 31, 2020, 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



FACT SHEET

AGENDA ITEM NO: 18

DATE: 11/09/2020

ORDINANCE NO: 20-80

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 FUNDING TO PURCHASE THE PROPERTIES LOCATED AT 11 SPRING STREET AND 27 SPRING STREET, DELAWARE, OHIO, AND DECLARING AN EMERGENCY.

BACKGROUND:

City Administration received authority through ordinance 20-75 to bid on parcels located at 11 Spring St and 27 Spring St that were successfully purchased at auction the week of October 26th. The purchase price of the properties was \$750,000 plus a 10% buyer's fee equaling a total purchase price of \$825,000. Ordinance 20-75 allocated \$120,000 in supplemental appropriations towards any earnest monies that needed to be deposited to participate in the auction. These properties are desirable for urban redevelopment purposes and a recommendation has been made to City Council for City Administration to acquire these properties in an attempt expedite the redevelopment of these parcels for the betterment of the community.

REASON WHY LEGISLATION IS NEEDED:

This ordinance is needed to provide supplemental appropriations in the amount of \$705,00 to provide sufficient budget authority pursuant to the City's attempt to purchase the previously mentioned parcels.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

There is a sufficient cash reserve in the General Fund to finance the purchase of these properties. In the first quarter of 2021, City Administration will submit debt legislation for the issuance of a short term note equal to the purchase price of the parcels for which the debt proceeds will be used to reimburse the General Fund for this acquisition. In conjunction with this debt issuance, bond counsel has advised City Administration that a Community Improvement Corporation will need to be established for the City which would subsequently approve the issuance of such debt due to the expected use of these parcels in relation to economic development purposes.

POLICY CHANGES:

N/A

PRESENTER(S):

Justin Nahvi, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

ORDINANCE NO. 20-80

AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO PURCHASE THE PROPERTIES LOCATED AT 11 SPRING STREET AND 27 SPRING STREET, DELAWARE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, City Council approved Ordinance No. 20-75 on October 26, 2020 authorizing the City to bid at auction on the properties located at 11 Spring Street and 27 Spring Street; and

WHEREAS, Ordinance No. 20-75 also appropriated \$120,000 to pay the deposit required if successful in submitting the highest bid for the building; and

WHEREAS, the City did acquire the property through the auction held on October 27, 2020 for a price of \$750,000 plus a 10% buyers commission of \$75,000; and

WHEREAS, the City submitted a deposit of \$75,000 to the seller to secure the transaction, and

WHEREAS, a balance due of \$750,000 is payable to the seller to close on the purchase of the property, and

WHEREAS, a supplemental appropriation is necessary to authorize this payment and other closing costs related to the purchase.

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 General Fund \$705,000 increasing the following account:

General Administration	
Land and Easements (101-0032-5510)	\$705,000

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

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City and for the further reason to provide for the timely closing on purchased real estate, 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



FACT SHEET

AGENDA ITEM NO: 19

DATE: 11/09/2020

ORDINANCE NO: 20-81

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Kyle M. Kridler, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROPRIATING THE CITY'S CORONAVIRUS RELIEF FUND PAYMENT TO THE CITY'S COVID-19 RESPONSE, DIRECTING THE CITY MANAGER TO CONTINUE TO EMPLOY THE CITY'S INTERNAL RESPONSE TO THE PANDEMIC AND ESTABLISH CERTAIN GRANT PROGRAMS WITH DELAWARE LOCAL ORGANIZATIONS AND PUBLIC HEALTH SERVICE AGENCIES, AND DECLARING AN EMERGENCY.

BACKGROUND:

At the October 21 Special Meeting, City Council approved \$682,840 in CARES Act Funding to be distributed to Delaware City Schools, Main Street Delaware, Delaware County Convention & Visitors Bureau, United Way of Delaware and the Second Ward Community Initiative. Since this most recent approval, staff has received additional requests from the Delaware General Health District, Main Street Delaware and supports the need to update the City's website to enhance citizen engagement and communication in the continued hybrid/virtual environment as a result of the pandemic.

Ord. No.20-81 proposes consideration and action on the third round of CARES Act Funds. The Ordinance allocates funds to cover expenses to support updates to the City's website and expenses that have been incurred by both Main Street Delaware and the Delaware General Health District as a direct result of COVID-19.

A balance of \$15,499 of CARES Act funds will remain after monies for these external partner agencies and internal expenses are allocated from the fund.

The balance of the funds is anticipated to be available for City use should there be additional needs from the community, Delaware businesses, or unforeseen expenses that arise as a result of the pandemic.

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager
Kyle Kridler, Assistant City Manager
Justin Nahvi, Finance Director
Natalia S. Harris, Interim City Attorney

RECOMMENDATION:

Approval at second reading

ATTACHMENT(S)

Memo RE: CARES Act Funding – Additional Requests Internal & External Round 2 from Kyle Kridler, Assistant City Manager

ORDINANCE NO. 20-81

AN ORDINANCE APPROPRIATING THE CITY'S CORONAVIRUS RELIEF FUND PAYMENT TO THE CITY'S COVID-19 RESPONSE, DIRECTING THE CITY MANAGER TO CONTINUE TO EMPLOY THE CITY'S INTERNAL RESPONSE TO THE PANDEMIC AND ESTABLISH CERTAIN GRANT PROGRAMS WITH DELAWARE LOCAL ORGANIZATIONS AND PUBLIC HEALTH SERVICE AGENCIES, AND DECLARING AN EMERGENCY.

WHEREAS, Title V, Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 [H.R. 748], signed into law March 27, 2020 (the "CARES Act"), appropriated Coronavirus Relief Fund (the "Fund") payments from the U.S. Treasury Secretary to states, tribal governments, and units of local government; and

WHEREAS, under the CARES Act's Fund methodology, the State of Ohio was allocated the amount of \$4.532 billion to "provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency"; and

WHEREAS, the CARES Act and its related U.S. Treasury guidance provide that Fund payments may only be used by state and local government recipients to finance costs that (a) are necessary due to the COVID-19 public health emergency; (b) were not accounted for in the state or local government's budget most recently approved prior to the CARES Act's enactment; and (c) were incurred during the period beginning March 1, 2020, and ending December 30, 2020 (collectively, the "Criteria"); and

WHEREAS, pursuant to Amended Substitute House Bill 481 and Substitute House Bill 614 as passed by the 133rd Ohio General Assembly and State Controlling Board actions in August 2020, portions of the State of Ohio's CARES Act allocation of Fund payments have been appropriated to the Ohio Office of Budget and Management ("OBM") for distribution to local political subdivisions; and

WHEREAS, the City was allocated a Fund payment amount under Ohio House Bill 481 of \$2,652,332, for the receipt of which this Council adopted

Resolution 20-37 on June 22, 2020, affirming said Fund payment would be expended only to cover costs consistent with the CARES Act and applicable regulations, and such Fund payment was deposited into the City's Special Revenue Fund (Fund 284 the "City's Fund Payment"); and

WHEREAS, the City was allocated and received, or will be allocated and expects to receive, such additional Fund payment amounts under State Controlling Board action and Ohio House Bill 614, for the receipt of which this Council's adopted Resolution 20-37 on June 22, 2020, suffices to affirm said Fund payments are to be expended only to cover costs consistent with the CARES Act and applicable regulations, and such Fund payments have been or will be deposited into the City's Special Revenue Fund; and

WHEREAS, the General Assembly further designated OBM with the responsibility of monitoring the financial activities of local political subdivisions receiving Fund payments, pursuant to which OBM published guidance pertaining to the distribution of Fund payments through its Local Government Assistance Program, which was last updated as of the time of this Ordinance on October 29, 2020 (the "OBM Guidance"); and

WHEREAS, the OBM Guidance restates the Criteria and provides further direction to local political subdivisions as to mitigating or responding to the COVID-19 public health emergency; and

WHEREAS, the COVID-19 pandemic has caused unforeseen needs within the City's internal operations and unbudgeted costs; and

WHEREAS, the COVID-19 pandemic has caused unforeseen needs among residents of the City, and organizations within the City and public health service agencies working to meet the needs of those residents have been impacted by unforeseen and unbudgeted costs; and

WHEREAS, many City residents, organizations, and public health services providers are experiencing economic instability; and

WHEREAS, pursuant to the OBM Guidance, the City's Fund Payment can be expended to absorb necessary and unbudgeted expenses incurred by the City during the period March 1 to December 30, 2020, and that are in response to or caused by the COVID-19 public health emergency, and to provide assistance to

eligible organizations and public health service agencies for such necessary and unbudgeted expenses and losses incurred during the period March 1 to December 30, 2020, and that are in response to, or caused by, the COVID-19 public health emergency; and

WHEREAS, the City has a remaining unspent balance of its Fund payment that will be used to offset the unforeseen needs and unbudgeted costs incurred by the City to continue efficient and effective operations; and

WHEREAS, memorialized grant partnerships by and among the City, certain organizations, and public health services agencies serving residents of the City will serve to increase the capacity of such organizations and public health services providers to assist City residents in recovering quickly from the continued harm caused by the COVID-19 public health emergency as well as address other assistance related to COVID-19; and

WHEREAS, said memorialized grant partnerships by and among the City, certain organizations and public health services agencies serving residents of the City will increase the administrative capacity of the City to expediently meet the unforeseen needs of City residents caused by the COVID-19 health emergency; and

WHEREAS, the City has a remaining unspent balance of its Fund payment that will be deployed to fund said memorialized grant partnerships to help offset, at least in part, such unforeseen needs and unbudgeted costs of certain organizations and public health services agencies and residents of the City; and

WHEREAS, City Council intends to expend a total amount of \$130,382 of its Fund payment to cover the aforementioned unforeseen needs and unbudgeted costs incurred by the City as a result of the COVID-19 public health emergency and to provide funding to the memorialized grant partnerships as further described herein.

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

SECTION 1. Costs of the City's COVID-19 Response are Necessary. That this Council hereby declares that its COVID-19 Response, defined herein, constitutes necessary costs by the City to mitigate or respond to the COVID-19

public health emergency. Specifically, this Council deems the following COVID-19 public health emergency measures are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019. This Council's decision that such costs are appropriate by virtue of charging to the City's Fund Payment is based on the following: the COVID-19 pandemic has caused unforeseen needs within the City's internal operations and unbudgeted costs as a result of the COVID-19 pandemic, certain organizations and public health services providers and City residents have suffered from unforeseen needs and unbudgeted costs (collectively, the "COVID-19 Response").

SECTION 2. Costs Not Accounted for in Budget Most Recently Approved as of March 27, 2020. That this Council hereby declares the City's COVID-19 Response costs are substantially different from the expected use of funds in the City's line item, allotment, or allocation of funds in the City's most recently approved budget prior to March 27, 2020.

SECTION 3. Costs Incurred During Period Beginning March 1, 2020 and Ending December 30, 2020. That this Council hereby declares the City's COVID-19 Response costs were incurred during the period beginning March 1, 2020 and ending December 30, 2020 (the "Covered Period").

SECTION 4. Appropriation and Local Government Proclamation. That this Council hereby appropriates from the unencumbered balance of the Capital Improvement Fund (Fund 410) \$20,600 increasing the following account:

COVID Capital (410.4111.5504)	\$20,600
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SECTION 5. Appropriation and Local Government Proclamation That this Council hereby appropriates from the unencumbered balance of the Development Reserve Fund (Fund 709) \$109,782 increasing the following account:

CARES Act Agency Grants (709.0709.5603)	\$109,782
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to the COVID-19 Response as described herein and in accordance with the OBM Guidance and further authorizes and directs the City Manager to (i) proclaim that the COVID-19 Response is an allowable use of the City's Fund payment, (ii) establish the 2020 Delaware City and United Way Partnership; (iii) establish the 2020 Delaware Second Ward Community Initiative; (iv) establish the 2020 Delaware City Schools Educational Grants; and (v) to take such actions, execute such instruments, and direct such efforts so as to give full effect to this appropriation and the Council's determinations and declaration on this subject.

SECTION 6: As time is of the essence, the City Manager is directed to take action to make these funds available as soon as possible.

SECTION 7. 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 8. EMERGENCY CLAUSE: 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 to provide immediate assistance needed to continue efficient and effective operations by the City during the COVID-19 pandemic, and immediate assistance needed by Delaware residents, organizations and public health services agencies impacted by the COVID-19.

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: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: Kyle Kridler, Assistant City Manager
DATE: November 5, 2020
RE: CARES Act Funding – Additional Requests Internal & External Round 2

Background

The City of Delaware received over \$1.16 Million through the first two rounds of CARES Act Funding. On Thursday October 1, 2020 Governor DeWine signed HB 614, legislation distributing the remaining \$650 million in CARES Act funds to Ohio’s local governments on a per capital basis. As a part of this distribution, Delaware City has received an additional \$1,487,664 as a Round 3 disbursement to use toward eligible expenses, projects and programs in response to the COVID-19 pandemic as outlined by the CARES Act.

At the October 21 Special Meeting, Council approved \$682,840 in CARES Act Funding to be distributed to Delaware City Schools, Main Street Delaware, Delaware County Convention & Visitors Bureau, United Way of Delaware and the Second Ward Community Initiative. To date, the City has received the following distributions and is recommending allocating a portion of these funds for a second round of funding to the following partner agencies along with needs internal to the City (see [November 9 Consideration](#) on next page):

CARES Act Revenues To-Date

<u>Category:</u>	<u>Amount:</u>
CARES Round 1	\$750,116
CARES Round 2	\$414,552
CARES Round 3	\$1,487,664
Total CARES Funding	\$2,652,332

DISTRIBUTIONS/REIMBURSEMENTS

Direct City Related Projects/Programs **Council Approved as of October 12, 2020**

<u>Category</u>	<u>Approved</u>
City Admin Pay	\$767,297
Business Recovery Grants V2	\$300,000
Non-Payroll (Includes Business Grants V1)	\$180,002
City Hall COVID Improvements	\$126,957
City Facilities (HVAC & Filtration Upgrades)	\$413,000
Granicus (Agenda & Streaming Software)	\$23,136
Recreation Online Registration Software	<u>\$24,055</u>
Total Direct City Programs Approved	\$1,823,611

Direct City Related Project **For Council Consideration November 9, 2020**

<u>Category</u>	<u>Requested</u>
City Website (Granicus)	\$20,600

Partner Agency Requests Round 1 **Passed by Council on October 21, 2020**

<u>Agency</u>	<u>Approved</u>
Delaware City Schools	\$177,000
Main Street Delaware Marketing	\$30,748
Delaware CVB Marketing	\$25,000
United Way of Delaware	\$305,100
SWCI	<u>\$144,992</u>
Total External Partner Round 1 Requested	\$682,840

Partner Agency Requests Round 2 **For Council Consideration November 9, 2020**

<u>Agency</u>	<u>Requested</u>
Main Street Delaware COVID Expenses	\$9,782*
Delaware General Health District	<u>\$100,000</u>
Total External Partner Round 2 Requests	\$109,782

**Total CARES Distribution/Reimbursement
(Including Requested)** **\$2,636,833**

Remaining CARES Funding **\$15,499**

Staff Recommendation – Additional Internal & External Agency Requests

With an understanding of the eligible uses, as provided by the U.S. Department of Treasury, staff recommends that the CARES Act funding be used for the following internal project and external partner agencies (as listed above) with additional details below and Council approve as an emergency at the second reading at the November 23, 2020 City Council meeting.

- **City Website (Granicus) - \$20,600**
 - In working through the new Agenda Management software with Granicus, City Staff believes that it is a great opportunity to update the City’s website which Granicus also provides. The goal of which being to enhance virtual citizen engagement with the City with updated features that will allow residents to be more informed along with having better coordination of information across multiple platforms. This software will help improve the City website(s) and will enhance public communication to address the hybrid/virtual circumstances that will continue to be the norm through the pandemic. The integration of all City software, on-line payment, access to council and City information will help to increase citizen engagement. This proposed update to the website will allow for information to be shared seamlessly through multiple channels, including the new website, along with social media accounts and Del-AWARE (311 app).

- **Main Street Delaware COVID Expenses – \$9,782***
 - In addition to the marketing campaign that Main Street Delaware requested from City Council and was approved at the October 21 work session, Main Street is requesting an additional \$9,782 to be used to reimburse costs they incurred that were directly attributable to COVID-19. Their costs include items such as hardware store purchases, moving the Farmer’s Market to the County Fairgrounds due to COVID, additional signage due to the move and other COVID related costs. Staff is working with Main Street Delaware to finalize their request and will provide Council with the detailed breakdown before the November 23 Council meeting.

- **Delaware General Health District - \$100,000**
 - The Delaware General Health District has been a most critical community partner in response to the COVID-19 pandemic from the outset dating back to January of this year. As the attached email addressed to Tom states, the Health District has been operating seven days a week throughout the pandemic, clocking 10-12 hours per

day. These efforts have included but are not limited to providing guidance to local entities such as the City of Delaware, conducting contract tracing, coordinating COVID-19 testing, assisting in planning for how to safely conduct business, and continuing to provide leadership as the status of cases fluctuate. Staff recommends providing the Delaware General Health District with \$100,000 to help offset their mounting operational expenses as they continue to play a crucial role in keeping the Delaware community safe throughout this challenging time.

Conclusion

Staff recommends that Council pass the Coronavirus Relief Fund Ordinance in support of our requesting partnership agencies along with our internal requests by two readings to be passed at the November 23 meeting as an Emergency. Staff will continue to work with each of these organizations to ensure that the proper paperwork, coordination and reporting is provided in alignment with the guidelines. As is provided above, should Council pass this Ordinance, there will be a remaining balance of \$15,499 that will be available should any remaining needs arise between now and the end of the year. Also of note, the Small Business Grant 2.0 which is open for applications until November 30 will likely have a remaining balance of \$100K to \$150K from the original allocation of \$300K. Staff will have a better idea of where this balance is at come the November 23rd meeting at which time there may be additional funding to distribute or prepare to return to the County.

For Council's awareness, starting in September, staff retained Bricker & Eckler law firm based out of Columbus to assist the City in providing legal guidance to ensure that the CARES Act funds and programs met the guidelines as set forth by the Federal Government and the Ohio Office of Budget and Management (OBM). Bricker & Eckler provided support in crafting the CARES Act Agreement documents between the City and external agencies, creating the Small Business Grant program, assisting on what expenses were eligible which involved many emails, phone calls and language crafting for these agreements. Their continued support has been extremely valuable in protecting the City and ensuring that the CARES Act funding meets the requirements as provided by the Feds and Ohio OBM. We will continue to utilize their guidance through the end of December and will use CARES Act funding to pay for their services.

Granicus Proposal for Delaware, OH

Granicus Contact

Name: Payton Owen

Phone:

Email: payton.owen@granicus.com

Proposal Details

Quote Number: Q-121397

Prepared On: 10/25/2020

Valid Through: 12/22/2020

Pricing

Payment Terms: Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)

Currency: USD

Period of Performance: The term of the Agreement will commence on the date this document is signed and will continue for 60 months.

One-Time Fees

Solution	Billing Frequency	Quantity/Unit	One-Time Fee
govAccess – Website Design and Implementation – Innovator	Milestones - 40/ 20/20/20	1 Each	\$17,200.00
govAccess Developer Toolkit Set-up & Config	Upon Delivery	1 Each	\$2,400.00
govAccess Developer Toolkit Technical Training	Upon Delivery	1 Each	\$1,000.00
govDelivery for Integrations Set Up and Config	Up Front	1 Each	\$0.00
SUBTOTAL:			\$20,600.00

Annual Fees for New Subscriptions			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
govAccess Professional	Annual	1 Each	\$0.00 <i>first year free</i>
SUBTOTAL:			\$0.00

Remaining Period(s)				
Solution(s)	Year 2	Year 3	Year 4	Year 5
govAccess Professional	\$10,200.00	\$10,710.00	\$11,245.50	\$11,807.78
SUBTOTAL:	\$10,200.00	\$10,710.00	\$11,245.50	\$11,807.78

Product Descriptions	
Name	Description
govAccess Professional	<p>govAccess Professional is a Software-as-a-Service (SaaS) solution that puts control back in the hands of more technical staff and webmasters, while providing content contributors the ease of use and quick product enhancements they have grown to expect. Agencies can quickly and easily create new digital experiences for constituents across any device which can grow with the organization. The govAccess Professional solution provides agencies with microsite management while maintaining consistent branding within with a single web platform. The solution include the following:</p> <ul style="list-style-type: none"> • Ongoing software updates • Unlimited technical support (6:00 AM - 6:00 PM PT, Monday - Friday) • Ability to send email notifications when publishing site updates, News, Calendar Events, RFP bids, or job postings; powered by govDelivery • Ability to design, build and manage unlimited microsities • Ability to write code snippets, CSS, and other developer tasks for front-end content • Ability to create custom directories and modules • Access to training webinars and on-demand video support library • Access to best practice webinars and resources • Annual strategic reviews with the Granicus team, including research-based recommendations for website optimization • DDoS mitigation • Disaster recovery with 90-minute failover (RTO) and 15-minute data replication (RPO)

Product Descriptions	
Name	Description
govAccess - Website Design and Implementation - Innovator	<p>govAccess Website Design and Implementation - Innovator provides a citizen focused website and includes:</p> <ul style="list-style-type: none"> • UX consultation, which may include one (1) or more of the following: • One (1) site analytics report • One (1) heatmap analysis • One (1) internal stakeholder survey • Modular homepage wireframe based on predefined building blocks • Fully responsive design • Custom mobile homepage or standard mobile responsive homepage • Video background or standard rotating limage carousel (switchable at any time) • One (1) customer experience feature - Choose from Granicus' library that includes service finder or data visualization banner • Programming/CMS implementation • Migrate up to 200 webpages • Up to five (5) forms converted into the new CMS • One (1) day of web-based training
govAccess Developer Toolkit Set-up & Config	<p>Implementation includes:</p> <ul style="list-style-type: none"> • Installing Developer Toolkit in govAccess CMS • Quality assurance (QA) testing • Access to online training documentation around advanced account functions and capabilities • Access to an implementation consultant for up to 30 days following installation
govAccess Developer Toolkit Technical Training	<p>Provides a balance of Product knowledge and industry best practices to a specific audience. Sessions are delivered by product experts via videoconferencing technology.</p>

Terms and Conditions

- Link to Terms: https://granicus.com/pdfs/Master_Subscription_Agreement.pdf
- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Delaware, OH to provide applicable exemption certificate(s).
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.
- If submitting a Purchase Order, please include the following language: All pricing, terms and conditions of quote Q-121397 dated 10/25/2020 are incorporated into this Purchase Order by reference.
- Billing Frequency Notes (Milestones - 40/20/20/20):
 - An initial payment equal to 40% of the total;
 - A payment equal to 20% of the total upon Granicus' delivery of the draft homepage design concepts to the Client;
 - A payment equal to 20% of the total upon implementation of the main website into the VCMS on a Granicus-hosted development server; and
 - A payment equal to 20% of the total upon completion; provided, however that the Client has completed training. If the Client has not completed training, then Granicus shall invoice the Client at the earlier of: completion of training or 21 days after completion.
- Granicus certifies that it will not sell, retain, use, or disclose any personal information provided by Client for any purpose other than the specific purpose of performing the services outlined within this Agreement.
- The initial subscription term includes all the subscription years noted in quote Q-121397 dated 10/25/2020 and must be awarded to receive the first year free promotion. The Agreement and subscription term begins upon date of document signature or award.
- Client will be eligible to request a basic redesign credit for one (1) govAccess main website after completing year four (4) of this uninterrupted five (5) year Agreement.
 - Client must request the basic redesign credit prior to the end of the initial term.
 - The redesign will be available after payment of the annual invoice for year four (4) of the Agreement.
 - The basic redesign credit will only be available if there are no outstanding govAccess invoices at the time the request is made.
 - Any termination of the Agreement prior to the end of the initial term renders the basic redesign credit offer null and void.
 - Granicus will not develop a sitemap or new content as an included part of any free redesign work, but will assist the Client in transferring existing content into the new design.
- The basic redesign credit will be equivalent to either:
 - A template selected from the then-current Granicus best practices library, or;
 - A dollar credit not to exceed \$8,000.00 applied towards a custom redesign of one (1) existing main website
- Notwithstanding anything to the contrary, Granicus reserves the right to adjust pricing at any renewal in which volume based pricing is used and the volume has changed from the prior term without regard to the prior term's per-unit pricing.
- Granicus Communications Suite Subscriber Information.

- Data provided by the Client and contact information gathered through the Client's own web properties or activities will remain the property of the Client ("Direct Subscriber"), including any and all personally identifiable information (PII). Granicus will not release the data without the express written permission of the Client, unless required by law.
- Granicus shall: (i) not disclose the Client's data except to any third parties as necessary to operate the Granicus Products and Services (provided that the Client hereby grants to Granicus a perpetual, non-cancelable, worldwide, non-exclusive license to utilize any data, on an anonymous or aggregate basis only, that arises from the use of the Granicus Products by the Client, whether disclosed on, subsequent to, or prior to the Effective Date, to improve the functionality of the Granicus Products and any other legitimate business purpose, including the right to sublicense such data to third parties, subject to all legal restrictions regarding the use and disclosure of such information).
- Data obtained through the Granicus Advanced Network.
 - Granicus offers a SaaS product, known as the Communications Cloud, that offers Direct Subscribers recommendations to subscribe to other Granicus Client's digital communication (the "Advanced Network"). When a Direct Subscriber signs up through one of the recommendations of the Advanced Network, that subscriber is a "Network Subscriber" to the agency it subscribed to through the Advanced Network.
 - Network Subscribers are available for use while the Client is under an active subscription with Granicus. Network Subscribers will not transfer to the Client upon termination of any Granicus Order, SOW, or Exhibit. The Client shall not use or transfer any of the Network Subscribers after termination of its Order, SOW, or Exhibit placed under this agreement. All information related to Network Subscribers must be destroyed by the Client within 15 calendar days of the Order, SOW, or Exhibit placed under this agreement terminating.
 - Opt-In. During the last 10 calendar days of the Client's subscription, the Client may send an opt-in email to Network Subscribers that shall include an explanation of the Client's relationship with Granicus terminating and that the Network Subscribers may visit the Client's website to subscribe to further updates from the Client in the future. Any Network Subscriber that does not opt-in will not be transferred with the subscriber list provided to the Client upon termination.

Agreement and Acceptance

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

Billing Information

Name: Susie Daily

Phone: 740-203-1277

Email: sdaily@delawareohio.net

Address: 1 South Sandusky Street, Delaware, OH 43015

PO#: RG060250

Delaware, OH

Signature:

Name: R. Thomas Homan

Title: City Manager

Date:

Kyle Kridler

From: R Thomas Homan
Sent: Friday, October 30, 2020 1:42 PM
To: Kyle Kridler
Subject: FW: CARES Funds
Attachments: CARESRequest.pdf

Just received today; not had a chance to review

R. Thomas Homan, ICMA-CM
City Manager
Delaware, Ohio

Phone: 740-203-1010

From: Shelia Hiddleston <shiddleston@delawarehealth.org>
Sent: Friday, October 30, 2020 12:41 PM
To: R Thomas Homan <rthoman@delawareohio.net>
Subject: CARES Funds

Caution! This message was sent from outside your organization.

Mr. Homan,

As you are aware the Delaware General Health District has been responding to Covid 19 since January 30, 2020 when our organization went into Incident Command to meet the ever-growing emergency. The District has been fortunate to receive some funding for the emergency response through the Ohio Department of Health; some of these dollars are CARES dollars and some of them are from other Federal or State sources (attached). The District is also fortunate to have excellent community partners, such as yourself, that have worked with us to protect the community.

The total amount of funding that the District has been awarded is \$965,848; attached is the end of September report that shows revenue and expenses that are being charged to these grants. As you can see, almost seventy percent has been spent on personnel expenses. These personnel expenses are for staff that have been relieved of their normal duties and additional staff that have been hired to support the response efforts. All the funds that we have been awarded will be expended by 12/30/2020.

While the grants have been helpful, as of October 9, 2020 the District has spent an additional \$798,097.63 in personnel and \$19,794.90 in supplies/equipment. The personnel expenses will continue to rise, the health district has been functioning seven days a week for ten to twelve hours per day, there are overtime costs being incurred and those amounts are not included in

the amount listed above nor in the amounts being charged to the current grants. In continuing to plan for 2021 and the eventuality of Covid vaccine, we have additional needs for a Points of Dispensing trailer for approximately \$8,000, an additional generator for the Sunbury office to run the vaccine refrigerator for approximately \$10,000, and other POD supplies for at least another \$10,000. The total expenses to the District without additional funding will be almost \$850,000. This amount only includes personnel expenses through the end of 2020 and initial supplies needed for PODS in 2021.

Local health districts in Ohio have been asked by the Ohio Department of Health what our continued expenses are for the rest of 2020; I have shared the amount for personnel listed above and some of the supplies. However, as of this date there have been no further discussions about any funding that is coming to support the on-going Covid 19 emergency response.

As the City of Delaware determines how to utilize the CARES dollars it has received, I respectfully request consideration of the needs of your health district to continue responding if there are funds available for support.

I would be happy to discuss this further at a time convenient for you. For your information I am sharing this information and request Delaware County and Powell.

Dedicated to Your Health,

Shelia Hiddleston, MS, RN
Health Commissioner
740-203-2002 - Office
740-972-8635 - Mobile
shiddleston@delawarehealth.org

Delaware General Health District
P.O. Box 570, 1 W. Winter St.
Delaware, OH 43015-0570
www.delawarehealth.org

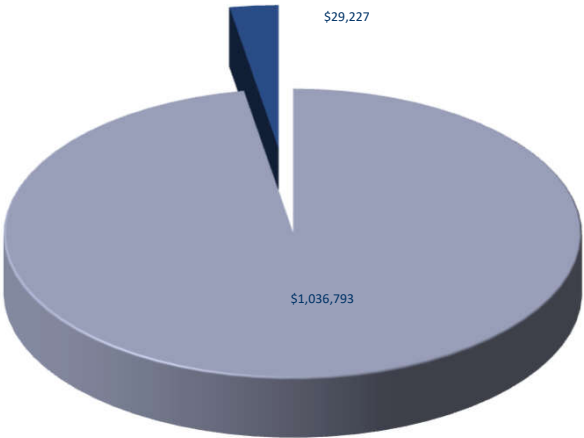


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2020 Coronavirus Grants- DGHD

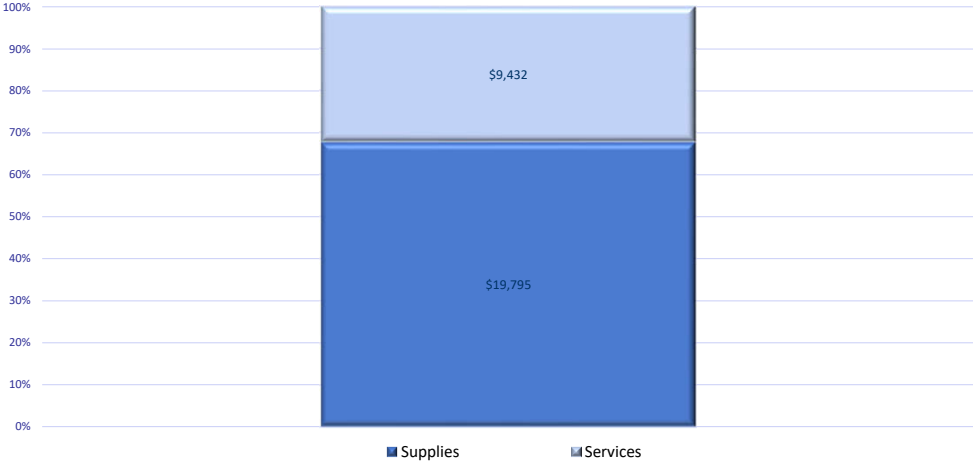
Name	Grant Period	Funding	Expensed to 09/30/20	Expensed 12/30/20	Source
Covid 19 Outbreak Planning	N/A	\$10,963.23	\$10,963.23	\$10,963.23	State of Ohio - ODH
Coronavirus Response	03/16/2020-03/15/2021	\$197,633	\$197,633	\$197,633	Public Health Emergency Response
Covid 19 Contact Tracing	05/01/2020-12/30/2020	\$521,927	\$193,881	\$521,927	CARES
Coronavirus Response Supp.	03/01/2020-12/30/2020	\$130,634	\$130,634	\$130,634	CARES
<u>Covid 19 Contact Tracing Supp.</u>	<u>06/19/2020-06/30-2021</u>	<u>\$104,691</u>	<u>\$0.00</u>	<u>\$104,691</u>	<u>Epidemiology and Lab Capacity for ID</u>
Total		\$965,848.23	\$533,111.23	\$965,848.23	

COVID EXPENDITURES



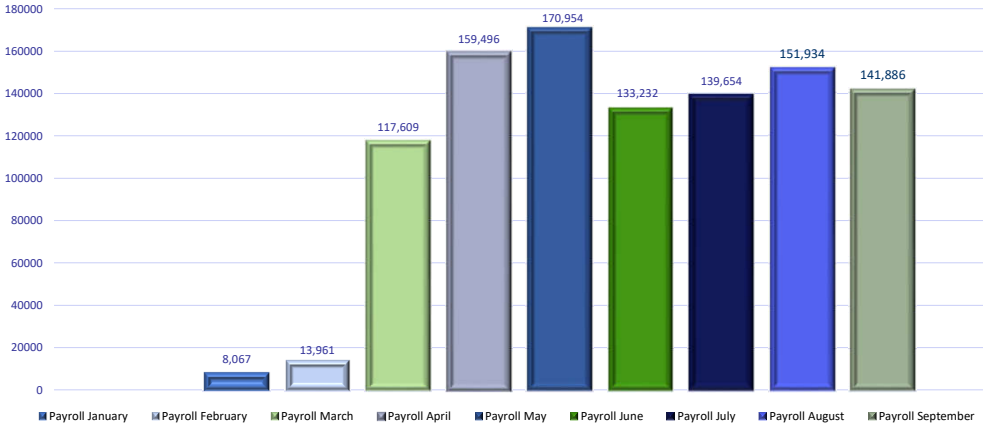
Payroll
 Nonpayroll

Nonpayroll COVID Expenditures

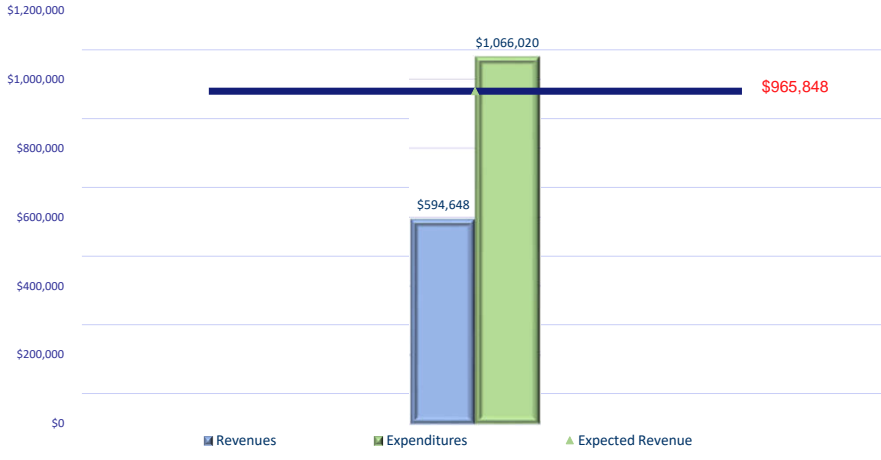


Supplies
 Services

Payroll COVID Expenditures



COVID Revenue vs Expenditures



Grants	Amount	Grant Period	Received
State	\$10,963	N/A	\$10,963
Coronavirus Response - Grant Year 2020	\$197,633	3/16/20-3/15/21	\$192,241
Coronavirus Response - Grant Year 2021	\$130,634	3/1/20-12/30/20	\$0
Contact Tracing #1 - Grant year 2020	\$165,380	5/1/20-12/30/20	\$391,444
Contact Tracing #2 - Grant year 2020	\$356,547	5/1/20-12/30/20	\$0
Contact Tracing #2 - Grant year 2021	\$104,691	6/19/20-6/30/21	\$0
	<u>\$965,848</u>		<u>\$594,648</u>

= Completely Expended, pending complete or partial reimbursement

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: November 5, 2020

1. **Calendar**
See Attached

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

November

2020

Monthly Meeting Schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Virtual Council Work Session 6:30 p.m.	3 ELECTION DAY	4 Virtual Civil Service 3 pm Virtual Planning 6:30 pm	5	6	7
8	9 Virtual Council Meeting 7 p.m.	10 Virtual Public Works/Public Utilities 6 pm	11 Virtual Civil Service 3 pm Virtual BZA 6:30	12 Virtual Budget Work Session 6:30 pm	13	14
15	16	17 Virtual Parks and Rec 6:30 p.m.	18 Virtual HPC 6:30 p.m.	19	20	21
22	23 Virtual Council Meeting 7 pm	24	25	26	27	28
29	30					

CONTRACT APPROVAL - 10/26/20

RJE Business Interiors	City Hall FF&E Change Order. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	124203.96 rev. amt	CMO	10/20/2020
Environmental Air	CARES Act: Citywide HVAC Impt. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$408,000.00	CMO	10/20/2020
SWCI	CARES Act Funding. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$144,991.85	CMO	10/26/2020
Delaware County Visitors Bureau	CARES Act Funding. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$25,000.00	CMO	10/28/2020
United Way Delaware	CARES Act Funding. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$308,100.00	CMO	10/28/2020
Real Estate Purchase Contract	Lane/Spring St. Property	\$750,000.00	CMO	10/28/2020
Delaware City Schools	CARES Act Funding. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$177,000.00	CMO	10/29/2020
Main St. Delaware	CARES Act Funding This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$30,748.00	CMO	10/30/2020
Granicus	CARES Act: Council Agenda/Virtual Meeting. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$59,912.00	Council	10/28/2020
Clemans Nelson	Job Classification Study	Monthly fee of \$175	DAS	10/20/2020
VENDOR	EXPLANATION OF AGREEMENT	2020 AMOUNT	DEPARTMENT	DATE
Tyler Technologies	CARES ACT: MUNIS Parks & Rec Module. This contract was executed pursuant to Sec. 73 of the Charter due to the emergency created by the situation"	\$55,620.00	Parks & Rec	10/21/2020
Habitat for Humanity	HOME Habitat Developer Agreement	\$8,150.00	Planning	10/27/2020
Signing Pros LLC	Interpreter for deaf victim	\$600.00	Police	10/20/2020
Complete General Construction Co.	US 42 N Sanitary Sewer Extension	\$391,442.50	Public Utilities	10/21/2020

