CITY OF DELAWARE
CITY COUNCIL
MEETING TO BE HELD VIRTUALLY VIA CISCO Webex **
7:00 P.M. MEETING
February 8, 2021

AGENDA

7:00 P.M. **REGULAR MEETING**

1. Roll Call

2. INVOCATION – Pastor Michael Curtis, Second Baptist Church

3. APPROVAL of the Motion Summary of the regular meeting of Council held on January 25, 2021, as recorded and transcribed.

4. CONSENT AGENDA
   - A. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on December 16, 2020, as recorded and transcribed.
   - B. Acceptance of the Motion Summary of the Airport Commission meeting held on October 15, 2021, as recorded and transcribed.
   - C. Resolution No. 21-05, a resolution authorizing the City of Delaware to cancel remaining interest installment payments on a special assessment for the property located 519 Acme Road.
   - D. Resolution No. 21-06, a resolution authorizing the City Manager to sponsor an application from the Delaware County Cultural Arts Center, Inc. to the State Historic Preservation Office: Ohio History Connection for FFY2021 certified local government grant funds for masonry repairs to 190 West Winter Street, Delaware, Oh.
   - E. Resolution No. 21-07, a resolution appointing members to various boards, commissions, and/or committees, and specifying the term of the appointment.
   - F. Resolution No. 21-08, a resolution appointing Mayor Riggle to the Downtown Delaware Strategic Plan Task Force.
   - G. Establish February 22, 2021 @ 7:20 p.m. as a date and time for public hearing and second reading for Ordinance No. 21-07, an ordinance for Central Ohio Mobile Veterinary Surgical Services LLC., for approval of a Conditional Use Permit request for a veterinary hospital at 585 Sunbury Road in the Delaware Commercial Park and zoned B-3 (Community Business District).
   - H. Establish February 22, 2021 @ 7:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 21-08, an ordinance approving a Rezoning Amendment for First Citizens National Bank from B-3 (Community Business District) to B-2 (Central Business District) at 33 West William Street on

approximately 0.324 acres.

5. LETTERS, PETITIONS, AND PUBLIC COMMENTS

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

- EMAIL, LETTER, PETITION: Emails, letters, and petitions received by 3 p.m. the date of the meeting will be presented to Council and submitted into the record. These items will not be read aloud during the meeting but will be available on the website following the meeting at the end of the next business day. **Name and address are required.**

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

6. PRESENTATION
   A. Proclamation Celebrating Black History Month, presented to Melissa Harris, Co-Chair Delaware African American Heritage Council and Ruchelle Pride, Board President of Second Ward Community Initiative
   B. Update from YMCA of Central Ohio– Tony Collins, CEO

7. INTRODUCTION OF NEW STAFF
   A. Amelia Bean-DeFlumer – City Prosecutor

8. COMMITTEE REPORTS

9. 7:20 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 21-03, an ordinance amending 108.02 of the Codified Ordinances relating to the authority of city officers to dispose of city personal property.

PUBLIC HEARING COMMENT OPTIONS:

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

- EMAIL, LETTER, PETITION: written public comment, maximum of 500 words, is to be received by 3 p.m. the date of the meeting to be presented to Council for submission and read into the record. **Name and address are required.**

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

10. CONSIDERATION of Ordinance No. 21-04, an ordinance amending Ordinance No. 20-73 establishing the pay and benefits for various part-time and intermittent/seasonal employees of the City of Delaware and declaring an emergency.

11. CONSIDERATION of Ordinance No. 21-05, an ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of $4,740,000 for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of (A) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (B) constructing an addition to the Justice Center Facility, furnishing and equipping the same, improving the site, therefor, and acquiring any related interests in real property, together with all necessary appurtenances thereto, (C) acquiring certain real property, remodeling and otherwise improving, equipping and furnishing the buildings located thereupon for use by various city departments, and otherwise improving the site therefor, together with all necessary appurtenances thereto and (D) enhancing the Municipal Fire Safety Facilities, by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto, and declaring an emergency.

12. CONSIDERATION of Ordinance No. 21-06, an ordinance accepting the annexation of 32.475± acres of land more or less, description and map are attached hereto as exhibits “A” and “B” for the annexation known as the Charles R. Davis Annexation by Michael R. Shade, agent for the petitioners.

13. CONSIDERATION of Ordinance No. 21-07, an ordinance for Central Ohio Mobile Veterinary Surgical Services LLC., for approval of a Conditional Use Permit request for a veterinary hospital at 585 Sunbury Road in the Delaware Commercial Park and zoned B-3 (Community Business District).

14. CONSIDERATION of Ordinance No. 21-08, an ordinance approving a Rezoning Amendment for First Citizens National Bank from B-3 (Community Business District) to B-2 (Central Business District) at 33 West William Street on approximately 0.324 acres.

15. CONSIDERATION of Ordinance No. 21-09, an ordinance approving a Combined Preliminary and Final Development Plan for First Citizens National Bank at 33 West William Street on property zoned B-2 (Central Business District) on approximately 0.324 acres.

16. CITY MANAGER'S REPORT & COVID-19 UPDATE:

17. COUNCIL COMMENT

18. 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.

The regular meeting of Council held on January 25, 2021 and was called to order at 7:01 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 Reverend Gunnar Cerda, Ohio Health Pastoral Care.

Staff Present Remotely: Dave Efland, Planning and Community Development Director, Justin Nahvi, Ted Miller, Parks and Natural Resource Director, Judge Marianne Hemmeter, Municipal Courts, 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 January 11, 2021, as recorded and transcribed.
APPROVAL of the Motion Summary of the work session of Council held on January 4, 2021, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held on January 11, 2021, as recorded and transcribed and the Motion Summary of the work session meeting of Council held on January 4, 2021, as recorded and transcribed, seconded by Mr. Farrell. Motion approved by a 7-0 vote.

ITEM 4: CONSENT AGENDA

A. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on September 22, 2020, as recorded and transcribed.
B. Resolution No. 21-02, a resolution authorizing the City Manager to enter into a cooperative agreement with Delaware County for fiber use/expansion.
C. Resolution No. 21-03, a resolution authorizing the City Manager to enter into a Economic Development Revolving Loan Fund Administration Agreement with the Ohio Development Services Agency for the period beginning January 1, 2021 and ending December 31, 2023.
D. Resolution No. 21-04, a resolution authorizing the City of Delaware to participate in the State of Ohio Cooperative Purchasing Program.
E. Establish February 8, 2021 at 7:20 p.m. as a date and time for a public hearing and second reading for Ordinance No. 21-03, an ordinance amending 108.02 of the Codified Ordinances relating to the authority of city officers to dispose of city personal property.

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

ITEM 5: LETTERS, PETITIONS, AND PUBLIC COMMENTS

The Clerk submitted into the records the following emails that were received:

Margaret Bowman
35 Delaware Drive
Delaware, Ohio

ITEM 6: INTRODUCTION OF NEW STAFF

A. Mike Hamer, Recreation Program Superintendent

ITEM 7: PRESENTATION

A. "Delaware Together" Comprehensive Plan Update – Dave Efland, Planning and Community Development Director and Lee Yoakum, Community Affairs Coordinator

ITEM 8: COMMITTEE REPORTS

Mrs. Keller informed Council that the Historic Preservation Commission will meet on January 27, 2021.

ITEM 9: ORDINANCE NO. 20-89 [Third Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR HOMEPORT FROM B-3 (COMMUNITY BUSINESS DISTRICT) AND R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-4 PMU (MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AT 50 CHANNING STREET ON APPROXIMATELY 5.38 ACRES.

The Clerk read the ordinance for the third time.

APPLICANT:
Laura MacGregor Comek
Laura M. Comek Law, LLC
17 South High Street, Ste 700
Columbus, Ohio

Leah Evans
Homeport, Vice President Real Estate Development
562 East Main Street
Columbus, Ohio

Roy Lowenstein
Homeport, Project Developer
562 East Main Street
Columbus, Ohio

PUBLIC PARTICIPATION:

The following emails were read into the record by the Clerk:

Pastor Donnie Akers
East Side Mission
32 Joy Avenue
Delaware, Ohio

Deena Ingle
51 Scottwood Court
Delaware, Ohio

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-89,

seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 10: ORDINANCE NO. 20-90 [Third Reading]
AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR HOMEPORT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED-USE OVERLAY DISTRICT) TO BE ESTABLISHED AT 50 CHANNING STREET ON APPROXIMATELY 5.38 ACRES.

The Clerk read the ordinance for the third time.

APPLICANT:
Laura MacGregor Comek
Laura M. Comek Law, LLC
17 South High Street, Ste 700
Columbus, Ohio

Leah Evans
Homeport, Vice President Real Estate Development
562 East Main Street
Columbus, Ohio

Roy Lowenstein
Homeport, Project Developer
562 East Main Street
Columbus, Ohio

PUBLIC PARTICIPATION:

The following emails were read into the record by the Clerk:

Pastor Donnie Akers
East Side Mission
32 Joy Avenue
Delaware, Ohio

Deena Ingle
51 Scottwood Court
Delaware, Ohio

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-90, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 20-91 [Third Reading]
AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR HOMEPORT FOR A 52-UNIT MIXED-USE RESIDENTIAL DEVELOPMENT AT 50 CHANNING STREET ON APPROXIMATELY 5.38 ACRES AND ZONED R-4 PMU.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-91, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 21-01 [Second Reading]
AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN EXTENSION REQUEST UNTIL JANUARY 31, 2023 BY GRDEN LLC., FOR WINTERBROOK PLACE PHASE 1 CONSISTING OF 66 SINGLE FAMILY LOTS ON 30.452 ACRES ZONED R-3 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON WINTERBOURNE DRIVE, SIENNA GLENN DRIVE, MAHOGANY DRIVE, GARDENIA LANE, AND SILVER PINE LANE.

The Clerk read the ordinance for the second time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 21-01, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 21-01, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 21-02 [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.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 21-02, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 21-02, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 21-02, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 21-03 [First Reading]
AN ORDINANCE AMENDING 108.02 OF THE CODIFIED ORDINANCES RELATING TO THE AUTHORITY OF CITY OFFICERS TO DISPOSE OF CITY PERSONAL PROPERTY.

The Clerk read the ordinance for the first time. Ordinance No. 21-03 has been scheduled for a public hearing and second reading at the February 8, 2021 meeting.

ITEM 15: FINANCE DIRECTOR'S REPORT
Mr. Nahvi reviewed the submitted financial report for December 2020.

ITEM 16: CITY MANAGER'S REPORT & COVID-19 UPDATE
Mr. Homan reviewed work session topics for the February 1 and March 1 meeting dates. He discussed having a discussion regarding wastewater sampling and the Department of Health and updated Council on the progress of the renovations to City Hall.

ITEM 17: COUNCIL COMMENTS
Mrs. Keller discussed her desire to attend the upcoming meeting with the Ohio Department of Health regarding wastewater testing.

Mr. Hoffman discussed the need to look at expanding the DORA to include liquor.

Mr. Farrell informed Council about the new app created by Main Street Delaware.

Vice-Mayor Shafer requested an update regarding the sewer services to Evans Farm.

ITEM 18: EXECUTIVE SESSION: PURSUANT TO OHIO REVISED CODE SECTION 121.22 (G) (3) PENDING OR IMMINENT COURT ACTION, SECTION 121.22 (G) (1) PERSONNEL, SECTION 121.22 (G) (5) MATTERS REQUIRED TO BE KEPT CONFIDENTIAL BY STATE STATUTE, SECTION 121.22 (G) (2) ACQUISITION OF PROPERTY FOR PUBLIC PURPOSE AND 121.22(G) (8) CONSIDERATION OF CONFIDENTIAL INFORMATION RELATED TO A REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE.

Vice-Mayor Shafer motioned to enter into executive session at 7:58 p.m. 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. This motion was seconded by Mrs. Keller and approved by a 7-0 vote. Present in the discussion was First Ward Chris Jones, Second Ward Lisa Keller Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Riggle who presided. At 8:25 p.m. Mrs. Keller motioned to enter back into open session, seconded by Vice-Mayor Shafer. This motion was approved by a 7-0 vote.

ITEM 19: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:26 p.m.

_____
Mayor Carolyn Kay Riggle

_____
Elaine McCloskey, Council Clerk

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HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
December 16, 2020

ITEM 1. Roll Call
Vice-Chairman Coleman called the virtual meeting to order at 6:30 p.m.

Members Present: Cara Hering, Mark Reed, Mark Smiles, Sherry Riviera, Councilwoman Lisa Keller, Vice-Chairman Joe Coleman

Members Absent: Stephanie VanGundy

Staff Present: Dianne Guenther, Development Planner

Motion to Excuse: Ms. Riviera motioned to excuse Commissioner VanGundy, seconded by Councilperson Keller. Motion approved by a 6-0 vote.

ITEM 2. INTRODUCTION OF NEW COMMISSIONERS
- A. Mark Reed, Preservationist
- B. Mark Smiles, Historic District Property Owner

The Clerk introduced the new members to the Commission.

ITEM 3. DISCUSSION OF ELECTION OF OFFICERS
- A. Requirements and Duties of Chairman and Vice-Chairman at scheduled elections at January 27, 2021 Regular Meeting.

The Clerk and Ms. Guenther discussed the role and administrative role for the Chairman and Vice-Chairman of the Commission. Commissioners introduced themselves to the new members.

ITEM 4. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on July 22, 2020, as recorded and transcribed.

Motion: Councilperson Keller motioned to approve the Motion Summary of the Historic Preservation Commission meeting held on July 22, 2020, as recorded and transcribed, seconded by Ms. Riviera. Motion approved with a 6-0 vote.

ITEM 5. REGULAR BUSINESS
- A. 2020-2605: A request by Triad Architects for an Informal Review for proposed bank building renovation and addition at 33 West William Street, which is zoned B-3 (Community Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

Ms. Guenther provided historical background information relating to the property site. The building is not original to the site and constructed in 1969.

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The current subject site occupies three parcels: the mini-bank building with drive-through lanes, the side parking lot, and the rear entrance driveway. The appearance of the 51-year old, 500 square foot mini-bank building and site has remained unchanged since its construction. The proposal is for the existing 500 square foot mini-bank building to be renovated and have a 2,170 square foot addition constructed on its west side into the existing side parking lot area. The current three drive-through lanes will remain and be upgraded. There are no plans to have changes to the access of the property or to traffic patterns. She reviewed the proposed materials and colors. Ms. Guenther discussed that this is currently before the Commission as an informal review and that the applicant is seeking comment from members regarding the proposed mini-bank building renovation and addition to accommodate a full-service banking facility for the First Citizens National Bank of Upper Sandusky.

APPLICANT:
Zach Price
Triad Architects
328 North Liberty Street
Delaware, Ohio

Mr. Smiles questioned the limestone water table and if this was a common use. He discussed that the building had a too modern look and questioned if the brick could be moved further down and have more of a limestone base. He discussed that the applicant would most likely want a fence around the landscaping and if there was an alternative use for the blocked-in windows, such as a walk-up ATM.

Vice-Chairman Coleman discussed that there were other buildings in the district with the blocked-in windows. Mr. Price discussed the interior layout and security as part of the reason for the blocked-in windows but was open to other options.

Ms. Riviera discussed that she liked the design and that the roof was complimentary to other buildings. She discussed her preference for the water table as it provided a look of stability. She was also in agreement for the fencing and landscaping plans.

Mr. Reed discussed the top line on the water table and feels it goes well with the Masonic Temple.

Vice-Chairman Coleman felt overall this will be an improvement to the corner and good start on the design. He discussed the setback and roofline as the Standards call for a flat roof line, the siding on the south elevation, and preferred the blocked-in windows and feels they balance out the building. He voiced his support to the screening of the parking lot and introducing some elements to

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obscure the parking lot spaces from Franklin Street. He did question the height of the monument sign.

Mr. Price expressed that there was a previous monument sign in that location that has been removed and they have not submitted the signage plans yet. Mr. Coleman suggested to work with the City on the plans.

B. DISCUSSIONS
(1) Fiberglass-Clad Windows

The Commission voiced their support on having this item remain on the table until the January 2021 meeting.

ITEM 6. STAFF COMMENTS
A. Adoption of 2021 Meeting Schedule

The Commission voiced no concerns on the meeting schedule for 2021.

ITEM 7. COMMISSION MEMBER COMMENTS AND DISCUSSION

ITEM 8. NEXT REGULAR MEETING: January 27, 2021

ITEM 9. ADJOURNMENT

Motion: Councilperson Keller moved to adjourn the meeting, seconded by Ms. Riviera. The Historic Preservation Commission meeting adjourned at 7:49 p.m.

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Joe Coleman
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Chairperson

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Elaine McCloskey
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Elaine McCloskey, Clerk

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AIRPORT COMMISSION
OCTOBER 15, 2020
MOTION SUMMARY

ITEM 1. Roll Call

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

Members Present: Christopher Acker (arrived at 6:50 p.m.), Walt Gaub, Timothy Smith, John Lewis, Mayor Riggle, Vice-Chairwoman Janie McIntire, and Chairman Charlton Amidon

Staff Present: Joe Bullis, Public Works Superintendent, Kevin Piatt, Airport Operations Supervisor, and Bill Ferrigno, Public Works Director/City Engineer

ITEM 2. APPROVAL of the Motion Summary of the meeting of the Airport Commission held on July 16, 2020, as recorded and transcribed.

Motion: Mayor Riggle moved to approve the Motion Summary of the meeting of the Airport Commission held on July 16, 2020, as recorded and transcribed, seconded by Mr. Gaub. Motion approved by a 6-0 vote.

ITEM 3. PUBLIC COMMENTS

There were no public comments.

ITEM 4. DISCUSSION of Proposed Airport Fees for 2021

Mr. Bullis discussed that airport fees were previously increased and approved in 2012.

Motion: Mr. Lewis moved to approve the proposed airport fees for 2021, seconded by Mr. Smith. Motion approved by a 6-0 vote.

ITEM 5. DISCUSSION on Proposed Hangar Lease for 2021

Mr. Ferrigno discussed that a change in the proposed lease is to remove the six month lease and have yearly leases. Also prohibited is the sub-lease of hangars. The Commission had a discussion of storage of motorized equipment prohibited in public hangars.

PUBLIC PARTICIPATION:
Dan Bauer
Rotorcraft Training Center, LLC
Via email

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The Clerk read an email sent by Mr. Bauer regarding the policy to only allow three gate cards per entity. He requested an exception to the policy.

Mr. Bullis discussed the high turnover with Certified Flight Instructors and recommendations to have the gate card in a lock box.

Motion: Vice-Chairwoman McIntire voted to approve the proposed Hangar Lease for 2021 as presented, seconded by Mr. Lewis. Motion approved by a 7-0 vote.

ITEM 6. DISCUSSION of 2021-2025 Airport CIP

Mr. Ferrigno discussed that the 5 year CIP was adopted by Council. Three of the four projects are hangar paving projects, depending on the approval of grant applications. He discussed the Corporate Entrance Drive Project.

ITEM 7. DISCUSSION on CARES Act Funding

Mr. Bullis discussed being awarded $69,000 in CARES Act Funding. He discussed the software that will be purchased with the funding.

ITEM 8. STAFF COMMENTS

Mr. Piatt discussed that fuel sales are expected to be down related to COVID-19.

ITEM 9. MEMBER COMMENTS
Mr. Acker informed the Commission that he was impressed with the facilities when having a visit.

Mr. Lewis questioned when bathrooms would open back up. Mr. Bullis discussed that they are following CDC guidelines relating to COVID-19. Mr. Gaub clarified that this was only after hours that the bathroom was closed.

Mr. Lewis requested an update on the lease issue with Jet Stream. Mr. Ferrigno provided an update that staff is working on the draft lease and will report back at a later date.

ITEM 10. ADJOURNMENT

Motion: Mr. Lewis moved to adjourn the meeting, seconded by Mr. Gaub. The Airport Commission meeting adjourned at 7:28 p.m.

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Janie McIntire
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Chairperson

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Elaine McCloskey
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Elaine McCloskey, Clerk

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: CONSENT ITEM C DATE: 02/08/2021

ORDINANCE NO: RESOLUTION NO: 21-05

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Justin Nahvi, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION AUTHORIZING THE CITY OF DELAWARE TO CANCEL REMAINING INTEREST INSTALLMENT PAYMENTS ON A SPECIAL ASSESSMENT FOR THE PROPERTY LOCATED AT 519 ACME ROAD.

BACKGROUND:
Resolution 05-73 authorized the City Manager to enter into agreements with Property owners on Acme Road to connect households to the City's wastewater system. These agreements also included the City's ability to establish special assessments on each property to recoup the expenditures associated with connecting properties to the utility system.

The City previously entered into an agreement with the property owner of 519 Acme Road to connect the parcel to the wastewater system and recoup $10,385 in capacity and connection fees through a special assessment to be repaid over 10 years. In January 2021, the property owner paid off the remaining principal balance on the fees and has requested for the special assessment to be removed from the County tax records.

REASON WHY LEGISLATION IS NEEDED:
Section 323.071 of the Ohio Revised Code requires the adoption of a resolution authorizing the fiscal officer of a governmental subdivision to waive any future interest accruals as well as accepting the payment on the remaining principal

balance on an assessment. This requirement is attributed to special assessments with a duration over one year. Upon passage of a resolution, the County Auditor can remove the assessment from the parcel.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
By paying off the principal balance on the assessment early, the property owner will save $1,653.38 in future interest payments.

POLICY CHANGES:
N/A

PRESENTER(S):
Justin Nahvi, Finance Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
N/A

RESOLUTION 21-05

A RESOLUTION AUTHORIZING THE CITY OF DELAWARE TO CANCEL REMAINING INTEREST INSTALLMENT PAYMENTS ON A SPECIAL ASSESSMENT FOR THE PROPERTY LOCATED AT 519 ACME ROAD.

WHEREAS, Resolution 05-73 authorized the City Manager to enter into contracts with property owners on Acme Road for the connection of laterals to provide wastewater services to the homeowners; and

WHEREAS, this legislation further authorized the establishment of special assessments on properties connected to the City's wastewater treatment system to recoup expenditures incurred by the City to connect residential units for sewer services; and

WHEREAS, the City entered into an agreement with the owner of the property located at 519 Acme Road to establish a 10 year special assessment to repay the City for capacity and connection fees equaling $10,385 which were certified to the Delaware County Auditor's Office for collection; and

WHEREAS, in January 2021 the property owner paid the City the remaining principal balance in full and desires to have the assessment removed from their parcel; and

WHEREAS, Section 323.071 of the Ohio Revised Code requires the adoption of a resolution authorizing the fiscal officer of a political subdivision to accept the payment in full of all future installment payments on an assessment lasting more than one year in duration as well as waiving the interest on future installment payments; and

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

SECTION 1. That the Finance Director hereby requests authority in the name of the City of Delaware accept the payment from the property owner of 519 Acme Road for the full amount of the special assessment in the amount of $10,385.

SECTION 2. That the Finance Director hereby requests authority in the name of the City of Delaware to waive $1,653.38 in future interest accruals on the special assessment certified to the property located at 519 Acme Road.

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

PASSED: _____, 2021 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: CONSENT ITEM D DATE: 02/08/2021

ORDINANCE NO: RESOLUTION NO: 21-06

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Director of Planning & Community Development

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SPONSOR AN APPLICATION FROM THE DELAWARE COUNTY CULTURAL ARTS CENTER, INC. TO THE STATE HISTORIC PRESERVATION OFFICE: OHIO HISTORY CONNECTION FOR FFY2021 CERTIFIED LOCAL GOVERNMENT GRANT FUNDS FOR MASONRY REPAIRS TO 190 WEST WINTER STREET, DELAWARE, OH.

BACKGROUND:

The masonry restoration project for the Delaware County Cultural Arts Center at 190 West Winter Street (known as The Arts Castle due to its architectural features) is an advancement of the City of Delaware's overall historic preservation goals and objectives. The Arts Castle is a contributing building in the federal Historic Northwest National Register District and lies outside the City's Historic District. It also lies outside the program area for the City's downtown façade improvement program. The Delaware County Cultural Arts Center learned of a funding opportunity through the Ohio History Connection and approached the Planning & Community Development Department for assistance in submitting a grant application for their proposed masonry repair project at the Arts Castle. The proposed multi-phased project will help preserve a unique circa 1850 historic mansion constructed of local Delaware limestone and help protect this beloved place in the community so it may continue to celebrate its historic architecture with public tours and the arts through offering a variety of programming to residents and visitors of the City and

surrounding areas. This application seeks $20,000 of grant funding assistance from the Ohio History Connection for Phase One of the masonry restoration project, which will be matched with $15,450 from The Delaware County Cultural Arts Center.

Per Staff discussion with the Ohio History Connection Grant Manager, if selected for funding, the Delaware County Cultural Arts Center would be the designated Project Director. They will enter in a grant agreement with the Ohio History Connection (not the City of Delaware) and would coordinate and undertake the masonry repair project according to the federal grant program's procedures. After the project is completed to the satisfaction of the Ohio History Connection, the grant funds will be disbursed as a reimbursement of project costs directly to the Delaware County Cultural Arts Center from the Ohio History Connection. For Ohio History Connection's purposes, the City of Delaware signing the application with the Delaware County Cultural Arts Center is acceptable to define this arrangement. Staff from the Planning and Community Development Department will provide technical assistance to the Delaware County Cultural Arts Center throughout the course of the project, as needed, but there will be no city funds expended for this grant. The City, as a Certified Local Government, must sponsor any project/applicant that wishes to make an application for this State grant which is the purpose of the legislation. Staff expresses support of this project and appreciates the availability of this grant funding opportunity for this purpose.

REASON WHY LEGISLATION IS NEEDED:
The State Historic Preservation Office: Ohio History Connection requests a copy of a resolution be included in the grant application for applicant communities requiring council approval to apply for and accept federal funds. However, there will be no direct City funds expended for this grant. Staff will provide technical support during the project as needed and required. The application is due to the Ohio History Connection on February 12, 2021.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Director of Planning & Community Development

RECOMMENDATION:

Approval. The grant application is due to the Ohio History Connection on February 12, 2021. If selected for funding, the Planning & Community Development Department will provide technical assistance to the Delaware County Cultural Arts Center, which will enter into a grant agreement with the Ohio History Connection and administer the grant project.

ATTACHMENT(S)

FFY2021 Certified Local Government Grant Application Signature Page

RESOLUTION NO. 21-06

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SPONSOR AN APPLICATION FROM THE DELAWARE COUNTY CULTURAL ARTS CENTER, INC. TO THE STATE HISTORIC PRESERVATION OFFICE: OHIO HISTORY CONNECTION FOR FFY2021 CERTIFIED LOCAL GOVERNMENT GRANT FUNDS FOR MASONRY REPAIRS TO 190 WEST WINTER STREET, DELAWARE, OH.

WHEREAS, the City of Delaware is a Certified Local Government (CLG), a designation granted by the National Park Service (NPS) and the State Historic Preservation Office (Ohio History Connection) to communities committing to historic preservation efforts, and

WHEREAS, CLGs in Ohio may coordinate with non-profit organizations to apply for grant funding from the U.S. Department of the Interior's Historic Preservation Fund, administered by the National Park Service, through the State Historic Preservation Office: Ohio History Connection for eligible historic preservation efforts, and

WHEREAS, the Delaware County Cultural Arts Center, Inc., a non-profit organization, requested the City of Delaware to sponsor its application for masonry repairs to its historic building known as The Arts Castle at 190 West Winter Street, Delaware, and

WHEREAS, if selected for funding, the Delaware County Cultural Arts Center, Inc. will enter directly into a grant agreement with the Ohio History Connection and administer the grant project, and the City of Delaware will not expend any direct funding nor will grant funds pass through the City of Delaware for this project.

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

SECTION 1. That the City Manager is hereby authorized to sponsor an application from the Delaware County Cultural Arts Center, Inc. to the State Historic Preservation Office: Ohio History Connection for FFY2021 Certified Local Government Grant funds for the purpose stated by the February 12, 2021 due date.

SECTION 2. That this resolution shall take effect and be in force immediately after passage.

PASSED: _____, 2021 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

Applications must be posted no later than 5:00 p.m., on Friday, February 12, 2021.

NEW PROCEDURE
POST THE COMPLETED NOMINATION, all supplemental materials and signed signature page to Dropbox and share with tharrah@ohiohistory.org

OHIO HISTORY CONNECTION

Click Here for Instructions

Certified Local Government Grant Application
Federal Fiscal Year 2021

I. CLG Community Name: City of Delaware **County:** Delaware

Project Administrator: ☐ **CLG** ☒ **Third-Party Administrator**

CLG Chief Administrative Official:

Name: R. Thomas Homan
Title: City Manager
Address: City of Delaware, 1 South Sandusky Street
City: Delaware State: OH Zip: 43015
Phone: +1 (740) 203-1000
Fax:
Email: cmo@delawareohio.net
Signature:

Community's CLG Contact:

Name: Dianne Guenther
Title: Development Planner
Address: City of Delaware, 1 South Sandusky Street
City: Delaware State: OH Zip: 43015
Phone: +1 (740) 203-1623
Fax:
Email: dguenther@delawareohio.net
Signature:

Commission/Design Review Board Chair:

Name: Joseph Coleman
Title: Chair, Historic Preservation Commission
Address: City of Delaware, 1 South Sandusky Street
City: Delaware State: OH Zip: 43015
Phone: +1 (740) 203-1600
Fax:
Email: colemanj@americanstandard.com
Signature:

Project Director: (if different from CLG contact)

Name: Ralph Hodges
Title: President, Board of Trustees
Address: Delaware Co Cultural Arts Ctr, 190 W Winter St.
City: Delaware State: OH Zip: 43015
Phone: +1 (614) 582-1100
Fax:
Email: ralph.hodges@usi.com
Signature: Ralph E Hodges

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: CONSENT ITEM E DATE: 01/27/2020

ORDINANCE NO: RESOLUTION NO: 21-07

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION APPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS.

BACKGROUND:

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):
Carolyn Kay Riggle, Mayor

RECOMMENDATION:

ATTACHMENT(S)

RESOLUTION NO. 21-07

A RESOLUTION APPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS.

WHEREAS, Members are to be appointed to serve on various Committees, Commissions and Boards by the Mayor of the City of Delaware and confirmed by Council; and

WHEREAS, the Mayor has appointed, and Council has confirmed the following appointments.

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

SECTION 1. The following appointments are hereby made:

1. Delaware City/County Board of Health – Dr. Mark Hickman, City Representative: Re-Appointment (term expiring March 31, 2026)

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

PASSED: _____, 2021 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: CONSENT ITEM F DATE: 02/08/2021

ORDINANCE NO: RESOLUTION NO: 21-08

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Carolyn Kay Riggle, Mayor

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION APPOINTING MAYOR RIGGLE TO THE DOWNTOWN DELAWARE STRATEGIC PLAN TASK FORCE.

BACKGROUND:
The Downtown Delaware Strategic Plan is a cooperative partnership between the City of Delaware, Main Street Delaware and Delaware County lead by local planning consultant OHM Advisors. The goal of this initiative is to develop a Downtown Plan for Delaware rooted in community values and aspirations, balanced with today's market realities and proven public and private sector solutions to grow the local economy and sense of place. The findings that will come out of this study will include a 5-7year vision for the downtown, economic development strategies and incentives along with marketing brochures to effectively communicate the overall vision. Through community engagement, partner input and encouragement from business and property owners, this plan will assist in further investment to the downtown core district. The task force will include representation by Ohio Wesleyan University, Main Street Delaware, Delaware County, and property owners.

REASON WHY LEGISLATION IS NEEDED:
Mayoral appointments are required to be confirmed by City Council

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
Carolyn Kay Riggle, Mayor

RECOMMENDATION:

ATTACHMENT(S)

RESOLUTION NO. 21-08

A RESOLUTION APPOINTING MAYOR RIGGLE TO THE DOWNTOWN DELAWARE STRATEGIC PLAN TASK FORCE.

WHEREAS, Council Members are to be appointed to serve on various Committees, Commissions and Boards by the Mayor of the City of Delaware and confirmed by Council; and

WHEREAS, the Mayor made Council appointments and Council has confirmed said appointments.

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

SECTION 1. The following Council appointments are hereby made:

1. **Carolyn Kay Riggle, Mayor**
   Appointed to Downtown Delaware Strategic Plan Task Force

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

PASSED: _____, 2021 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 9

DATE: 02/08/2021

ORDINANCE NO: 21-03

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
February 8, 2021@ 7:20 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Natalia S. Harris, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING 108.02 OF THE CODIFIED ORDINANCES RELATING TO THE AUTHORITY OF CITY OFFICERS TO DISPOSE OF CITY PERSONAL PROPERTY.

BACKGROUND:
Some local organizations have approached the City and inquired of the possibility of certain personal property of the City being donated to their organization to further advance their purposes and serve the Delaware community. The proposed legislation changes the current code section by adding language that authorizes the City to donate personal property that is no longer of value to the City and which it is unable to sell.

REASON WHY LEGISLATION IS NEEDED:
The codified ordinances do not provide for donations of City personal property that is no longer useful to the City and for which the City is unable to secure a successful bidder to which to sell the property.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
None

POLICY CHANGES:
N/A

PRESENTER(S):
Natalia S. Harris, City Attorney

RECOMMENDATION:
Approval at third reading.

ATTACHMENT(S)
N/A

ORDINANCE NO. 21-03

AN ORDINANCE AMENDING 108.02 OF THE CODIFIED ORDINANCES RELATING TO THE AUTHORITY OF CITY OFFICERS TO DISPOSE OF CITY PERSONAL PROPERTY.

WHEREAS, the Ohio Revised Code provides a legislative authority of an Ohio municipality may discard or salvage property that it has determined is not needed for public use, or is obsolete or is unfit for the use for which it was acquired and that the property has no value; and

WHEREAS, the Ohio Revised Code further provides municipalities authority to establish procedures to facilitate the disposition of the municipality's personal property; and

WHEREAS, the Delaware Codified Ordinances specifically regulate the disposition of personal property of the City of Delaware; and

WHEREAS, the Delaware Codified Ordinances currently contain no provision to facilitate donations of personal property of the City of Delaware; and

WHEREAS, local charitable organizations could benefit from donated personal property of the City of Delaware for which the City is unable to identify a successful bidder; and

WHEREAS, Council desires to assist local charitable organizations through donating personal property of the City of Delaware for which the City is unable to identify a successful bidder.

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

SECTION 1. Section 108.02 of the codified ordinances shall be amended as follows:

108.02. - Authority of City officers; approval by Council.

(A) Personal property not needed for municipal purposes, may be sold by the department or division head having supervision or management thereof, upon written approval of the City Manager and the Director of Finance. If the estimated value of such property is equal to or exceeds fifteen thousand dollars ($15,000.00), it shall be sold only when authorized by an ordinance of Council and approved by the department or division head having supervision or management of such personal property. When so authorized, such

department or division head shall sell the personal property to the highest bidder after advertisement for a minimum of two consecutive weeks on a publicly accessible government surplus auction website, or the City's website, or in a newspaper of general circulation within the municipal corporation. The department or division head is authorized to establish a minimum bid which may be submitted as well as the date and place for bid opening. Notice of the item for sale shall be made through the city website no less than ten working days prior to the final date on which offers are accepted. A list of items sold, their general condition at the time of sale, the name of the purchaser, the purchase price and the reason for declaring the items available for sale shall be maintained in the City Manager's Office and shall be available for public inspection. Prior to the transfer of any property, department and division heads shall be responsible for the removal of logos, seals, emblems or other marks identifying the equipment as the property of the City.

(B) IF AFTER CONDUCTING THE PROCESS IN SUBSECTION (A) NO SUCCESSFUL BIDDER IS IDENTIFIED, UPON WRITTEN APPROVAL OF THE CITY MANAGER AND THE DIRECTOR OF FINANCE, THE PROPERTY MAY BE DISPOSED OF IN A MANNER DETERMINED BY THE DEPARTMENT OR DIVISION HEAD HAVING SUPERVISION OR MANAGEMENT THEREOF IF (S)HE DETERMINES THE ITEM HAS NO RESALE OR SALVAGE VALUE.

(C) IF AFTER CONDUCTING THE PROCESS IN SUBSECTION (A) NO SUCCESSFUL BIDDER IS IDENTIFIED, UPON WRITTEN APPROVAL OF THE CITY MANAGER AND THE DIRECTOR OF FINANCE, THE PROPERTY MAY BE OFFERED AS A DONATION TO A CHARITABLE ORGANIZATION, IF THE DEPARTMENT OR DIVISION HEAD HAVING SUPERVISION OR MANAGEMENT THEREOF DETERMINES THE ITEM HAS SOME VALUE. THE MANNER OF DONATION SHALL BE PRESCRIBED BY THE DIRECTOR OF FINANCE.

AS USED IN THIS SECTION, "CHARITABLE ORGANIZATION" HAS THE SAME MEANING AS THE DEFINED IN OHIO REVISED CODE SECTION 1716.01(A).

The City Manager shall annually review the dollar threshold and provide a proposed adjustment for consideration in conjunction with the annual budget.

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.

PASSED: _____, 2021 YEAS____ NAYS____

ABSTAIN ____

ATTEST: _____ _____

CITY CLERK MAYOR

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CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 10 | DATE: 02/08/2021

ORDINANCE NO: 21-04 | RESOLUTION NO:

READING: FIRST | 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. 20-73 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

BACKGROUND:
This amendment addresses necessary changes to the Part-time and Intermittent/Seasonal ordinance that are necessary for the operation of the Mingo Recreation Complex and City-run recreation programming.

Recent recruitment efforts for the Recreation Center Attendant position(s) have not provided sufficient candidates. In re-evaluating the wages for this position and conducting additional research, we recommend adjusting the wage scale for pay grade PT2 to from $11/hr – 12.87 to $12/hr - $14.04/hr based on local market rates for similarly situated positions. This adjustment reflects the responsibilities commensurate with the position and will assist in recruiting efforts.

Additionally, in order to reestablish recreation programming, specifically baseball for 2021, we recommend the addition of a Recreation Coordinator classification under pay grade SL3. The Recreation Coordinator will be responsible for coordinating officials' schedules, game tracking and fees; be present at all home games to handle problems that arise; answer questions from

coaches and parents, insure that league rules and COVID-19 restrictions are followed; and coordinate game management to avoid disruptions in schedules.

REASON WHY LEGISLATION IS NEEDED:
Legislation is necessary in order to recruit for these positions and to process payroll changes.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
Since this is the first year of reintroducing the City's management of the pool and recreation operations, any budget impacts will be addressed throughout the year.

POLICY CHANGES:
N/A

PRESENTER(S):
Jessica Feller, Human Resource Manager
Ted Miller, Parks and Natural Resources Director
Justin Nahvi, Finance Director

RECOMMENDATION:
Approval at first reading with Emergency Clause.

ATTACHMENT(S)
N/A

ORDINANCE NO. 21-04

AN ORDINANCE AMENDING ORDINANCE NO. 20-73 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. 20-73 is hereby amended to read as follows:

A. Effective **FEBRUARY 9, 2021** 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	12.00	12.48	12.98	13.50	14.04
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
PT 2	Recreation Center Attendant
PT 3	Support Services Aide, Parking Control Officer
PT 4	Facility Maintenance Technician II Clerical Specialist, Records Clerk, Help-Desk Technician
PT 5	Paralegal, Laborer

PT 6.....Vacant
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) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement 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 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 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.

C. Effective **FEBRUARY 9, 2021** intermittent part-time/seasonal employees shall receive the following wages and benefits:

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

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, Recreation Coordinator	$ 12.21	$ 13.27	$ 14.33
SL4	Intern	$ 12.21	$ 14.33	$ 16.45
SL5	Pool or Clubhouse Manager	$ 14.85	$ 15.91	$ 16.97

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. 20-73 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 **FEBRUARY 9, 2021**and legislation is necessary in order to recruit for these positions and to process payroll changes. 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

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 11

DATE: 02/08/2021

ORDINANCE NO: 21-05

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 PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $4,740,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF (A) CONSTRUCTING GLENN ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, SANITARY SEWER LATERALS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC PAVEMENT MARKINGS, STREET SIGNS, LANDSCAPING, AND ACQUIRING INTERESTS IN REAL ESTATE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (B) CONSTRUCTING AN ADDITION TO THE JUSTICE CENTER FACILITY, FURNISHING AND EQUIPPING THE SAME, IMPROVING THE SITE THEREFOR, AND ACQUIRING ANY RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (C) ACQUIRING CERTAIN REAL PROPERTY, REMODELING AND OTHERWISE IMPROVING, EQUIPPING AND FURNISHING THE BUILDINGS LOCATED THEREUPON FOR USE BY VARIOUS CITY DEPARTMENTS, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND (D) ENHANCING THE MUNICIPAL FIRE SAFETY FACILITIES, BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

BACKGROUND:
In 2013 the City issued $16,520,000 in general obligation debt for improvements to the Justice Center, the Public Works Building, and Glenn Parkway as well as the construction of Fire Station 303. As of December 31, 2020 the outstanding balance on this original issue was $4,740,000 with a final maturity in 2032.

The City's financial advisory team has recommended refunding this debt with a proposed savings of $301,882 or 6.37% through the remaining life of the bonds. The proposed refunding will not reduce the duration of the outstanding debt but will allow for the City to realize interest savings on the remaining debt service payments

REASON WHY LEGISLATION IS NEEDED:
The enclosed ordinance is needed to authorize City administration to coordinate with bond counsel to issue this general obligation debt.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
This debt is financially supported by the existing Glenn Road TIF Fund, the Police Impact Fee Fund, the Fire Impact Fee Fund and the Municipal Impact Fee Fund, all of which will be used to pay principal and interest payments on the debt.

For the 2021 Adopted Budget, appropriations for this refunding were not included within the previously referenced funds. As such, legislation for supplemental appropriations accommodate this refunding will be submitted to City Council for an upcoming Council agenda.

POLICY CHANGES:
Not Applicable

PRESENTER(S):
Justin Nahvi, Finance Director

RECOMMENDATION:
Approval

ATTACHMENT(S):
Fiscal Officer Certificate

ORDINANCE NO. 21-05

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $4,740,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF (A) CONSTRUCTING GLENN ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, SANITARY SEWER LATERALS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC PAVEMENT MARKINGS, STREET SIGNS, LANDSCAPING, AND ACQUIRING INTERESTS IN REAL ESTATE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (B) CONSTRUCTING AN ADDITION TO THE JUSTICE CENTER FACILITY, FURNISHING AND EQUIPPING THE SAME, IMPROVING THE SITE THEREFOR, AND ACQUIRING ANY RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, (C) ACQUIRING CERTAIN REAL PROPERTY, REMODELING AND OTHERWISE IMPROVING, EQUIPPING AND FURNISHING THE BUILDINGS LOCATED THEREUPON FOR USE BY VARIOUS CITY DEPARTMENTS, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND (D) ENHANCING THE MUNICIPAL FIRE SAFETY FACILITIES, BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 13-09 passed February 25, 2013 (the "*2013 Bond Ordinance*"), bonds in the aggregate principal amount of $8,260,000, dated April 4, 2013 (the "*2013 Bonds*"), were issued for the component purposes described in Section 2; and

WHEREAS, this City Council finds and determines that it will be in the City's best interest to issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the maximum aggregate principal amount of $4,740,000 (the "*Bonds*") in order to refund at a lower rate of interest all or a portion of the outstanding 2013 Bonds (collectively, the "*Outstanding 2013 Bonds*"), which Outstanding 2013 Bonds are subject to prior redemption at the option of the City at a redemption price of 100% of par plus any accrued interest to their redemption date, and to pay any expenses relating to that refunding and the issuance of the Bonds; and

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum maturity of the Bonds described in Section 2; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum

maturity of the Bonds is (i) December 1, 2030 allocable to the $815,000 portion of the component purpose described in clause (a) of Section 2, (ii) December 1, 2032 allocable to the $475,000 portion of the component purpose described in clause (a) of Section 2, (iii) December 1, 2031 allocable to the $760,000 portion of the component purpose described in clause (b) of Section 2, (iv) December 1, 2032 allocable to the $325,000 portion of the component purpose described in clause (b) of Section 2, (v) December 1, 2031 allocable to the $640,000 portion of the component purpose described in clause (c) of Section 2, and (vi) December 1, 2032 allocable to the $1,725,000 portion of the component purpose described in clause (d) of Section 2;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"*Authorized Denominations*" means the denomination of $5,000 or any integral multiple in excess thereof.

"*Bond Proceedings*" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Escrow Agreement, the Purchase Agreement, the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"*Bond Register*" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

"*Bond Registrar*" means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "*Bond Registrar*" shall mean the successor Bond Registrar.

"*Bonds*" means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Bonds and the principal of and interest and any premium on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

"*Certificate of Award*" means the certificate authorized by Section 6, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"*City Attorney*" means the City Attorney of the City or any person serving in an interim or acting capacity with respect to that office.

"*City Clerk*" means the City Clerk of the City or any person serving in an interim or acting capacity with respect to that office.

"*City Manager*" means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

"*Closing Date*" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"*Code*" means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"*Continuing Disclosure Agreement*" means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 9(c).

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"*Director of Finance*" means the Director of Finance of the City or any person serving in an interim or acting capacity with respect to that office.

"*Escrow Agreement*" means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 10.

"*Escrow Fund*" means the City of Delaware, Ohio – Series 2021 Refunding Escrow Fund created pursuant to Section 10 and in accordance with the Escrow Agreement.

"*Escrow Trustee*" means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 10 as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, "*Escrow Trustee*" shall mean the successor Escrow Trustee.

"*Financing Costs*" shall have the meaning given in Section 133.01 of the Ohio Revised Code.

"*Interest Payment Dates*" means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

"*Mandatory Redemption Date*" shall have the meaning set forth in Section 3(b).

"*Mandatory Sinking Fund Redemption Requirements*" shall have the meaning set forth in Section 3(e)(i).

"*Original Purchaser*" means the purchaser of the Bonds specified in the Certificate of Award.

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

"*Principal Payment Dates*" means, unless otherwise specified in the Certificate of Award, December 1 in each of the years as determined necessary by the Director of Finance in the Certificate of Award, *provided* that the first Principal Payment Date for the portion of the Bonds allocable to a component purpose shall occur no later than the earliest maturity date of the Refunded Bonds related to that component purpose, and *provided further* that in no case shall the final Principal Payment Date of the portion of the Bonds allocable to any component purpose exceed the maximum maturity limitation referred to in the preambles hereto for that related component purpose, all of which determinations shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

"*Purchase Agreement*" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 6.

"*Redemption Date*" means the date designated by the Director of Finance in the Certificate of Award as the earliest practicable date on which the Refunded Bonds shall be redeemed in accordance with Section 10, *provided* that such Redemption Date shall be no later than ninety (90) days following the Closing Date.

"*Refunded Bonds*" means, collectively, the principal maturities of the Outstanding 2013 Bonds to be determined by the Director of Finance in the Certificate of Award as the maturities the refunding of which will be in the best interest of and financially advantageous to the City.

"*Registrar Agreement*" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 4.

"*Regulations*" means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

"*Rule*" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"*SEC*" means the Securities and Exchange Commission.

"*Serial Bonds*" means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

"*Term Bonds*" means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum aggregate principal amount of $4,740,000 (the "*Bonds*") for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) constructing an addition to the Justice Center Facility, furnishing and equipping the same, improving the site therefor, and acquiring any related interests in real property, together with all necessary appurtenances thereto, (c) acquiring certain real property, remodeling and otherwise improving, equipping and furnishing the buildings located thereupon for use by various City departments, and otherwise improving the site therefor, together with all necessary appurtenances thereto and (d) enhancing the municipal fire safety facilities, by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto (collectively, the "*Improvement*"). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed the maximum aggregate principal amount specified in this Section 2 and shall be issued in an amount determined by the Director of Finance in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued at this time for the purpose stated in this Section 2, taking into account the costs of refunding the Refunded Bonds, other City monies available for the

purpose, the estimates of the Financing Costs and the interest rates on the Bonds. The Refunded Bonds shall be determined by the Director of Finance in the Certificate of Award as the maturities of the Outstanding 2013 Bonds the refunding of which will be in the best interest of and financially advantageous to the City.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor, paying agent, escrow trustee, verification consultant and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Director of Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award, and in the Purchase Agreement and/or the Registrar Agreement) shall be used to pay costs of refunding the Refunded Bonds and/or be paid into the Bond Retirement Fund, with such determination being made by the Director of Finance in the Certificate of Award, consistent with the Director of Finance's determination of the best interest of and financially advantageous to the City. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financially advantageous to the City, the Director of Finance shall specify in the

Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such as to demonstrate a net present value savings to the City due to the refunding of the Refunded Bonds, after taking into account all expenses related to that refunding and the issuance of the Bonds.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of $5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Finance in the Certificate of Award; *provided* that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only

upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of $5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then outstanding, each $5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the $5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the

redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds; *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the City Clerk. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed pursuant to the Certificate of Award, and the Purchase Agreement and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th

day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Director of Finance determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section 5.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Purchase Agreement. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single

Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the City Clerk, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio, and the Charter of the City, including but not limited to receipts from the Parks and Recreation Income Tax; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if

different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Director of Finance are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds in substantially the form as is now on file with the City Clerk, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Director of Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Director of Finance are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the City Clerk. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City

Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the City Attorney and bond or other qualified independent special counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid by the Original Purchaser and/or the Bond Registrar in accordance with the Certificate of Award, the Purchase Agreement and/or the Registrar Agreement, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Call for Redemption; Escrow Trustee; Escrow Agreement; Escrow Fund. To provide for the payment of the principal of and interest on the Refunded Bonds, the Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the Escrow Trustee. The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the City Clerk. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Acting pursuant to the 2013 Bond Ordinance which authorized the 2013 Bonds, the Refunded Bonds, as determined by the Director of Finance in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date as set forth in the Certificate of Award (the "*Redemption Date*") at the required redemption price of the principal amount thereof, and the Director of Finance is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on the Redemption Date and arrange for the notice of redemption to be given in accordance with the applicable provisions of the 2013 Bond Ordinance.

For informational purposes, a certified copy of this Ordinance shall be sent by the Director of Finance to the current bond registrar for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through the Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on the Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through the Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on the Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, Section 133.34 of the Ohio Revised Code, and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Bonds and other available funds which shall be held in cash, or, if and to the extent determined by the Director of Finance to be financially advantageous to the City, invested in United States Treasury Obligations ("*Treasury Securities*"), State and Local Government Series ("*SLG Securities*") or other direct obligations of, or obligations guaranteed as to both principal and interest by, the United States of America as defined in Section 133.34 of the Ohio Revised Code (direct obligations and guaranteed obligations together with the SLG Securities, collectively, the "*Securities*").

The moneys in the Escrow Fund which shall be held in cash and Securities (if any) may, if and to the extent determined by the Director of Finance to be financially advantageous to the City, be certified by an independent public accounting firm of national reputation in a written report (the "*Verification Report*") to be of such maturities or redemption dates and interest payment dates, and to bear such interest, as will be sufficient together with any moneys in the Escrow Fund to be held in cash as contemplated by the Verification Report, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in Section 133.34 of the Ohio Revised Code. The balance of the proceeds to be received from the sale of the Bonds, less any amount thereof contemplated by the Verification Report to be held in cash in the Escrow Fund and less any amount otherwise provided for herein, shall be used for the payment of costs related to the refunding and the issuance of the Bonds. The Director of Finance is hereby authorized to retain and designate in the Certificate of Award an independent public accounting firm of national reputation to prepare and deliver the Verification Report.

At the direction of the Director of Finance, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the

Director of Finance determines that it would be in the best interest of and financially advantageous to the City to purchase Treasury Securities for deposit into the Escrow Fund, the Director of Finance or any other officer of the City, on behalf of the City and in their official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Any such moneys, and Securities (if any), in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest on the Refunded Bonds.

Section 11. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the City Clerk. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Municipal Advisor. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. To the extent they are not paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, the Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an

appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 13. Certification and Delivery of Ordinance and Certificate of Award. The City Clerk is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of the County of Delaware, Ohio.

Section 14. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

Section 15. Compliance with Open Meeting Requirements. 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 or any of its committees, and that all deliberations of this Council and of 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 16. Effective Date. 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, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding the Refunded Bonds; wherefore, 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: _____, 2021 YEAS _____ NAYS _____
ABSTAIN _____

ATTEST: _____ _____
CITY CLERK MAYOR

SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE

To the City Council of the City of Delaware, Ohio:

As fiscal officer of the City of Delaware, Ohio, and supplementing the certificate of February 7, 2013, I certify in connection with your proposed issue of bonds in the maximum aggregate principal amount of $4,740,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) constructing an addition to the Justice Center Facility, furnishing and equipping the same, improving the site therefor, and acquiring any related interests in real property, together with all necessary appurtenances thereto, (c) acquiring certain real property, remodeling and otherwise improving, equipping and furnishing the buildings located thereupon for use by various City departments, and otherwise improving the site therefor, together with all necessary appurtenances thereto and (d) enhancing the municipal fire safety facilities, by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto (collectively, the "*Improvement*"), that:

1. The estimated life or period of usefulness of each component purpose of the Improvement is at least five (5) years.

2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is as follows:

- The maximum maturity of the $815,000 portion of the Bonds to be used for the component purpose described in clause (a) above is December 1, 2030. This certification takes into consideration the certificate of February 7, 2013 and the maximum maturity of 18 years stated therein which was based upon the 18-year estimate of the average life or period of usefulness of that portion of the Improvement.

- The maximum maturity of the $475,000 portion of the Bonds to be used for the component purpose described in clause (a) above December 1, 2032. This certification takes into consideration the certificate of February 7, 2013 and the maximum maturity of 20 years stated therein which was based upon the 20-year estimate of the average life or period of usefulness of that portion of the Improvement.

- The maximum maturity of the $760,000 portion of the Bonds to be used for the component purpose described in clause (b) above is December 1, 2031. This certification takes into consideration the certificate of February 7, 2013 and the maximum maturity of 19 years stated therein which was based upon the 19-year

estimate of the average life or period of usefulness of that portion of the Improvement.

- The maximum maturity of the $325,000 portion of the Bonds to be used for the component purpose described in clause (b) above is December 1, 2032. This certification takes into consideration the certificate of February 7, 2013 and the maximum maturity of 20 years stated therein which was based upon the 20-year estimate of the average life or period of usefulness of that portion of the Improvement.

- The maximum maturity of the $640,000 portion of the Bonds to be used for the component purpose described in clause (c) above is December 1, 2031. This certification takes into consideration the certificate of February 7, 2013 and the maximum maturity of 19 years stated therein which was based upon the 19-year estimate of the average life or period of usefulness of that portion of the Improvement.

- The maximum maturity of the $1,725,000 portion of the Bonds to be used for the component purpose described in clause (d) above is December 1, 2032. This certification takes into consideration the certificate of February 7, 2013 and the maximum maturity of 20 years stated therein which was based upon the 20-year estimate of the average life or period of usefulness of that portion of the Improvement.

Dated: February ___, 2021

_____

Director of Finance
City of Delaware, Ohio

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 12 DATE: 02/08/2021

ORDINANCE NO: 21-06 RESOLUTION NO:

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:

AN ORDINANCE ACCEPTING THE ANNEXATION OF 32.475± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE 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. City Council has previously taken this action and the annexation is now in the final step of the process for acceptance. 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 has the opportunity during this 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. Staff and the Applicant have continued preliminary discussions on the layout of the development and we would anticipate zoning and preliminary platting applications shortly. These may be able to coincide with the timing of the final annexation end date of May 24, 2021 as a result.

At this time, there is no objection from Staff as to the final annexation, however we would recommend City Council table the annexation until the meeting of April 12, 2021 to allow time for the zoning and platting applications to potentially be in process. However, given the small size and single family detached development type discussed to date, Staff would not have an objection to advancing the annexation if City Council deems it appropriate in advance of the zoning and platting applications. Staff would anticipate recommends 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 legislation is the final City step in the process to formally accept the annexation of the property. The City has until the Council Meeting of May 24, 2021 to pass this acceptance of annexation Ordinance or it is considered by ORC to be denied.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):
Dave Efland, Planning and Community Development Director

RECOMMENDATION:
Approval at or before the May 24, 2021 City Council meeting.
Table until regularly scheduled meeting of April 12, 2021.

ATTACHMENT(S)
Map
County Resolution
City Resolution
Petition

ORDINANCE NO. 21-06

AN ORDINANCE ACCEPTING THE ANNEXATION OF 32.475± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE 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 as Exhibits A and B; 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 requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation, which was completed when City Council passed a Resolution of Services on November 9, 2020 via Resolution 20-64; and

WHEREAS, the proposed annexation applied for in the petition to the Delaware County Commissioners has been approved, by them for annexation to the City of Delaware on November 30, 2020 (See attached) The territory to be annexed is described in the attached Exhibits "A" and "B"; and

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

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

SECTION 1. That Council hereby accepts the annexation of 32.475 acres of land, description and plat of which are hereby attached as Exhibits "A" and "B" on the annexation known as the Charles R. Davis Annexation by Michael R. Shade, agent for the petitioners with the following conditions that:

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.

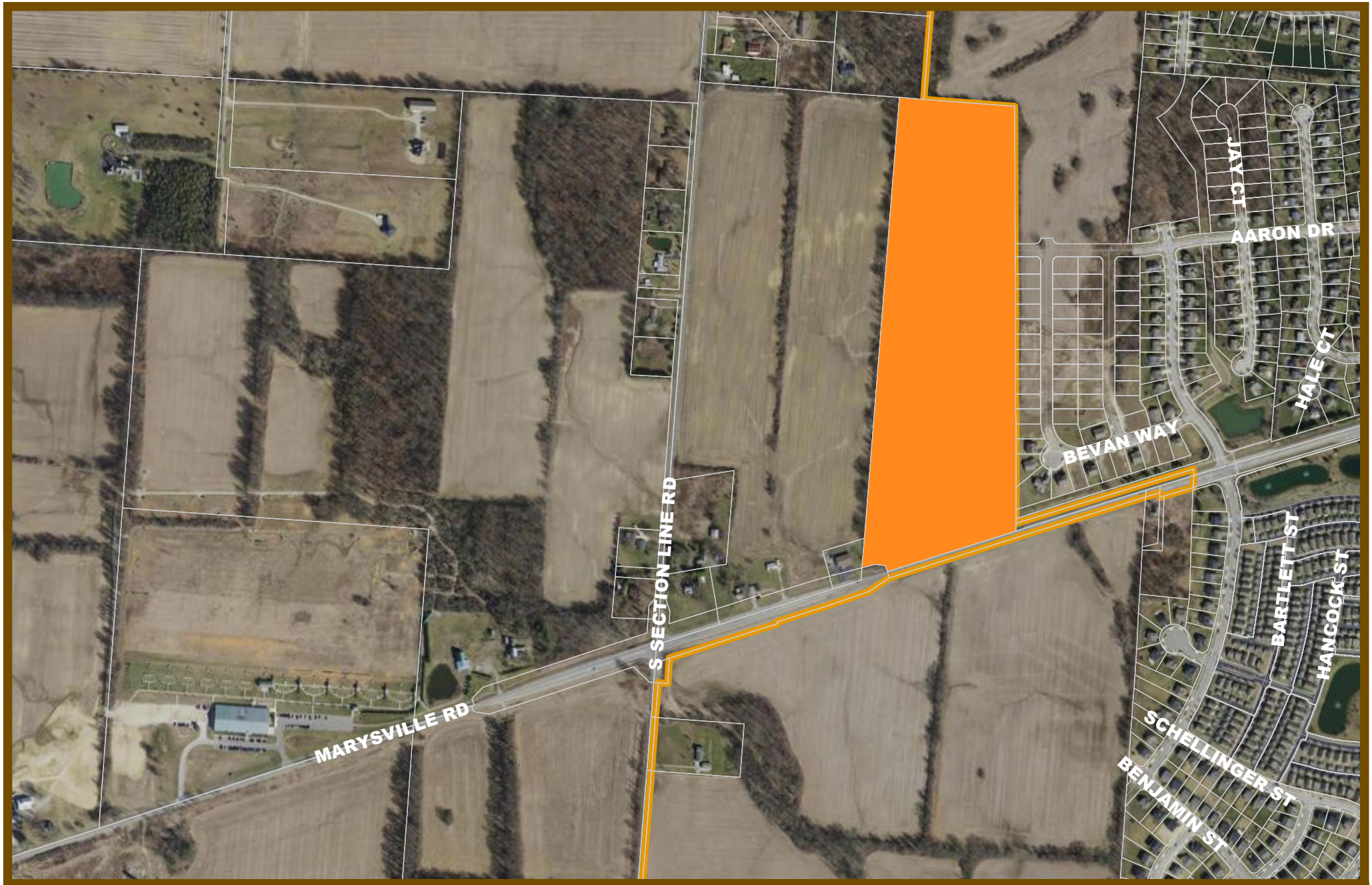
SECTION 2. That the Clerk of Council is directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the Secretary of State, and shall file notice of annexation with the Board of Elections, the County Auditor, the County Recorder, and the County Engineer within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

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.

VOTE ON RULE SUSPENSION: YEAS____ NAYS____
ABSTAIN ____

PASSED: _____, 2021 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR



EST 1808
CITY OF
DELAWARE
OHIO

Annexation

Davis Property ~32.475A

N

Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator Michael Frommer
Deputy Administrator Dawn Huston
Clerk to the Commissioners Jennifer Walraven

RESOLUTION NO. 20-1063

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 32.475 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

WHEREAS, on November 3, 2020, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, Attorney-at- Law, agent for the petitioners, requesting annexation of 32.475 acres, more or less, from Delaware Township to the City of Delaware; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 32.475 acres, more or less, from Delaware Township to the City of Delaware.

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 November 30, 2020 and appearing upon the official records of the said Board.

Sarah Dinovo
Assistant Clerk to the Commissioners

EST 1808

CITY OF

DELAWARE

OHIO

RESOLUTION CERTIFICATION

I, Elaine McCloskey, being the duly appointed as Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Resolution No. 20-164 as passed on November 9, 2020 by the Delaware City Council.

Elaine McCloskey

Elaine McCloskey
Clerk of City Council

This Resolution Certification dated this 10 day of November in the year 2020.

RECEIVED
2020 NOV 10 PM 3:11
DELAWARE COUNTY
COMMISSIONERS

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.

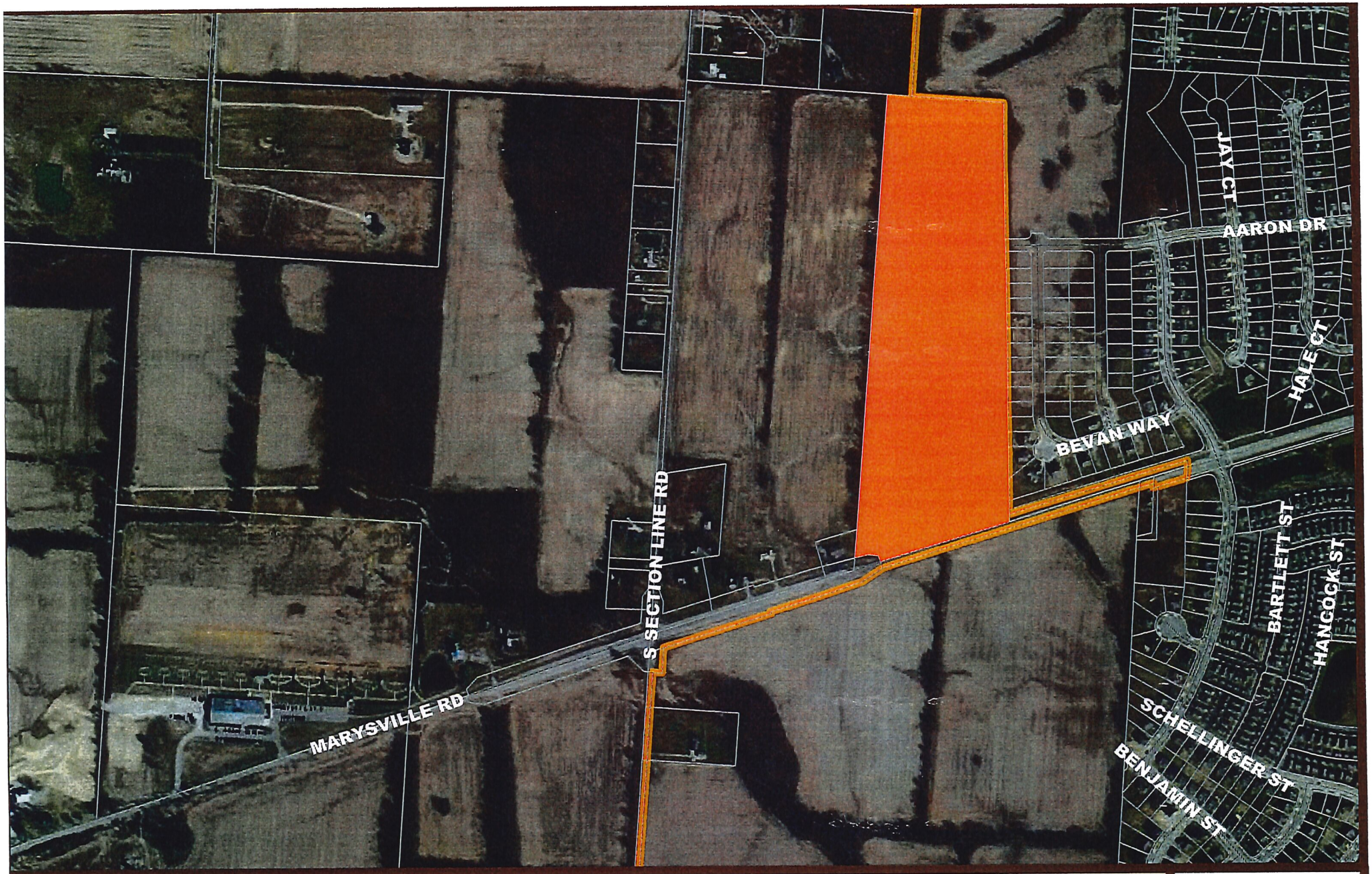
SECTION 6. That this resolution shall take effect and be in force immediately after this passage.

PASSED: November 9, 2020

YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Elaine McCluskey
CITY CLERK

MAYOR



EST 1808
CITY OF
DELAWARE
OHIO

Annexation

Davis Property ~32.475A

N

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.

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
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.

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;

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.

Matthew A. Kirk, Ohio No. 7865
Professional Surveyor

25 OCT 20
Date

STATE OF OHIO
MATTHEW A. KIRK
S-7865
REGISTERED
PROFESSIONAL SURVEYOR

County Engineer
Delaware County, Ohio

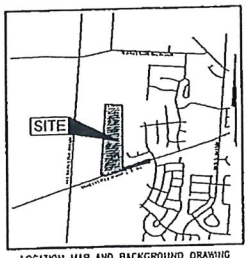
I hereby certify the within to be a true copy of the document that is on file in the Map Department

CHRIS E. BAUSERMAN, P.E., P.S.
County Engineer

By _____ Date 10/28/20

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 Official Record 807, Page 2148, Recorder's Office, Delaware County, Ohio.

EXISTING CITY OF DELAWARE CORP. LINE

PROPOSED CITY OF DELAWARE CORP. LINE

AREA TO BE ANNEXED

NOTES
This annexation does not create unincorporated islands

Total perimeter of annexation area is 2126.80 feet, of which 1113.76 feet is contiguous with the City of Delaware by Ordinance Numbers 96-13, 98-21 and 99-11. The calculated total percentage of perimeter contiguous with the annexation is 52%.

Length of County Road Within Annexed Area = 0'

Length of Township Road Within Annexed Area = 0'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S83°05'41"W	80.06'
L2	N07°07'23"E	19.37'
L3	N17°25'21"W	60.86'
L4	N82°58'21"W	49.31'
L5	S73°28'49"W	82.37'

EMHT
Date: October 23, 2020
Scale: 1" = 100'
Job No: 2020-0655
Sheet: 1 of 1

REVISIONS

MARK	DATE	DESCRIPTION

CERTIFICATION
I, the undersigned, hereby certify that I have prepared this plat and that said plat 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
23 OCT 20
Date

STATE OF OHIO
MATTHEW A. KIRK
S-7865
REGISTERED
PROFESSIONAL SURVEYOR

County Engineer
Delaware County, Ohio
I hereby record the within to be a true copy of the document that was filed in my Office Department
[illegible]
Engineer
10/23/20

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 2700 E DUBLIN GRANVILLE RD COLUMBUS OH 43231	43.873	51933201012000

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 2700 E DUBLIN GRANVILLE RD COLUMBUS OH 43231	43.873	51933201012000

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

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

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

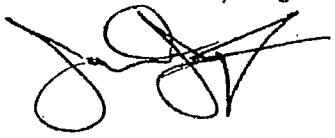
Re: Proposed 32.475 Acre Annexation in Delaware Township to the City of Delaware

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

OFFICE: 740-833-2450 (DELAWARE) OR 740-548-7313, EXT.2450 (COLUMBUS) - FAX: 740-833-2449 - EMAIL: DELCO_MAP@CO.DELAWARE.OH.US

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 13

DATE: 02/08/2021

ORDINANCE NO: 20-07

RESOLUTION NO:

READING: FIRST

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

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE FOR CENTRAL OHIO MOBILE VETERINARY SURGICAL SERVICES LLC., FOR APPROVAL OF A CONDITIONAL USE PERMIT REQUEST FOR A VETERINARY HOSPITAL AT 585 SUNBURY ROAD IN THE DELAWARE COMMERCIAL PARK AND ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1148 Conditional Use Regulations of the zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 7-0 on February 3, 2021.

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

ORDINANCE NO. 21-07

AN ORDINANCE FOR CENTRAL OHIO MOBILE VETERINARY SURGICAL SERVICES LLC., FOR APPROVAL OF A CONDITIONAL USE PERMIT REQUEST FOR A VETERINARY HOSPITAL AT 585 SUNBURY ROAD IN THE DELAWARE COMMERCIAL PARK AND ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

WHEREAS, the Planning Commission at its meeting of February 3, 2021 recommended approval of a Conditional Use Permit request for Central Ohio Mobile Veterinary Surgical Services LLC., for approval of a Conditional Use Request for a Veterinary Hospital at 585 Sunbury Road in the Delaware Commercial Park and zoned B-3 (Community Business District) (PC Case 2021-0121).

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

SECTION 1. That the Conditional Use Permit request for Central Ohio Mobile Veterinary Surgical Services LLC., for a Veterinary Hospital at 585 Sunbury Road in the Delaware Commercial Park and zoned B-3 (Community Business District), is hereby confirmed, approved, and accepted with the following conditions that:

1. No outdoor kennel or the like shall be permitted for the proposed veterinary hospital.
2. Any signage shall achieve compliance with the zoning code.

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: _____, 2021 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2021-0121
REQUEST: Condition Use Permit
PROJECT: Central Ohio Mobile Veterinary Surgical Services
MEETING DATE: February 3, 2021

APPLICANT/OWNER
Central Ohio Mobile Veterinary Surgical Services
585 Sunbury Road
Delaware, Ohio 43015

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

PROPERTY LOCATION & DESCRIPTION
The existing building is located at 585 Sunbury Road in the Delaware Commerce Park. The subject property is zoned B-3 (Community Business District) as are the properties to the east and west. The property to the north is zoned R-6 (Multi-Family Residential District) and the properties to the south are zoned B-4 (General Business District) across Sunbury Road.

BACKGROUND
The commerce park was constructed in 1990 per the Delaware County Auditor's Office and consists of six buildings on approximately 7.1 acres containing commercial and office uses. The applicant is proposing a veterinary care hospital for referral surgical and emergency care for pets and would be open 24/7 at this location. All pets would be housed indoors only with minimal need to leave the building except occasional leashed/supervised outdoor exercise / rehab for certain animals and situations but this would not qualify as an outdoor run or kennel under code. There would not be any boarding of healthy pets at this location. There would be not alternations to the site plan or exterior renovations to the building.

STAFF ANALYSIS

- **ZONING:** As previously mentioned, the subject property is zoned B-3 (Commercial Business District) which allows a veterinary hospital with Conditional Use Permit approval by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The applicant would not be required to submit engineering drawings because the improvements are only interior renovations within an existing building with not site improvements.
- **BUILDING:** The veterinary hospital would have to achieve compliance with all building code requirements and the applicant needs to obtain a building permit before starting construction.
- **ROADS AND ACCESS:** The access to the commerce park would not change with primary access from the existing curb cut on Sunbury Road and secondary access from two curb cuts from Bowtown Road.
- **SITE CONFIGURATION:** The approximate 6,000 square foot building is the western most building in the six-building commerce park. There would be not any site improvements and no any exterior changes to the building proposed. The subject building has 37 parking spaces allocated and the proposed use would only require 30 parking spaces which achieves compliance with the zoning code.
- **LANDSCAPING & SCREENING:** No additional landscaping would be required with the veterinary hospital.
- **SIGNAGE:** The applicant is not proposing specific building signage in this application, but any signage would have to achieve compliance with the base zoning code.
- **LIGHTING:** The applicant is not proposing any new exterior lighting. Any such exterior lighting, if desired, would have to achieve compliance with the minimum zoning requirements and would have to be approved by the City.

- **CONDITIONAL USE PERMIT:** A veterinary hospital shall comply with the general review criteria and the supplemental regulations for specific uses set forth in Chapter 1148. More specifically, in order to minimize any effects of the above per Chapter 1148.05 Supplemental Regulations for Specific Uses, staff suggests that an outdoor kennel or the like shall not be permitted because of the proximity to residentially zoned land to the north. Otherwise, the proposal appears to achieve compliance with the general review criteria and supplemental regulations to allow for a Conditional Use Permit for the proposed use.

STAFF RECOMMENDATION (2021-0121 – CONDITIONAL USE PERMIT)
Staff recommends approval of a request by Central Ohio Mobile Veterinary Surgical Services, LLC. for a Conditional Use Permit for a veterinary hospital at 585 Sunbury Road in the Delaware Commerce Pak and zoned B-3 (Community Business District), with the following conditions that:

1. No outdoor kennel or the like shall be permitted for the proposed veterinary hospital.
2. Any signage shall achieve compliance with the zoning code.

GENERAL REVIEW CRITERIA FOR ALL CONDITIONAL USE PERMITS

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
2. Will not be detrimental to property values in the immediate vicinity.
3. Will not restrict or adversely affect the existing use of the adjacent property owners.
4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
5. Will be properly landscaped in accordance with Chapter 1166.
6. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
7. That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.
10. That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.
11. That there is minimal potential for future hardship on the conditional uses that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

(ii) Veterinarian hospital (with associated runs and kennels).
(1) Outdoor areas devoted to kennel operations shall be:
  A. Located in the rear yard and shall comply with the building setback requirements for the district in which the use is located.
  B. A minimum of two hundred (200) feet from any residential district.
  C. A maximum of twenty-five percent (25%) of the total floor area.
(2) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

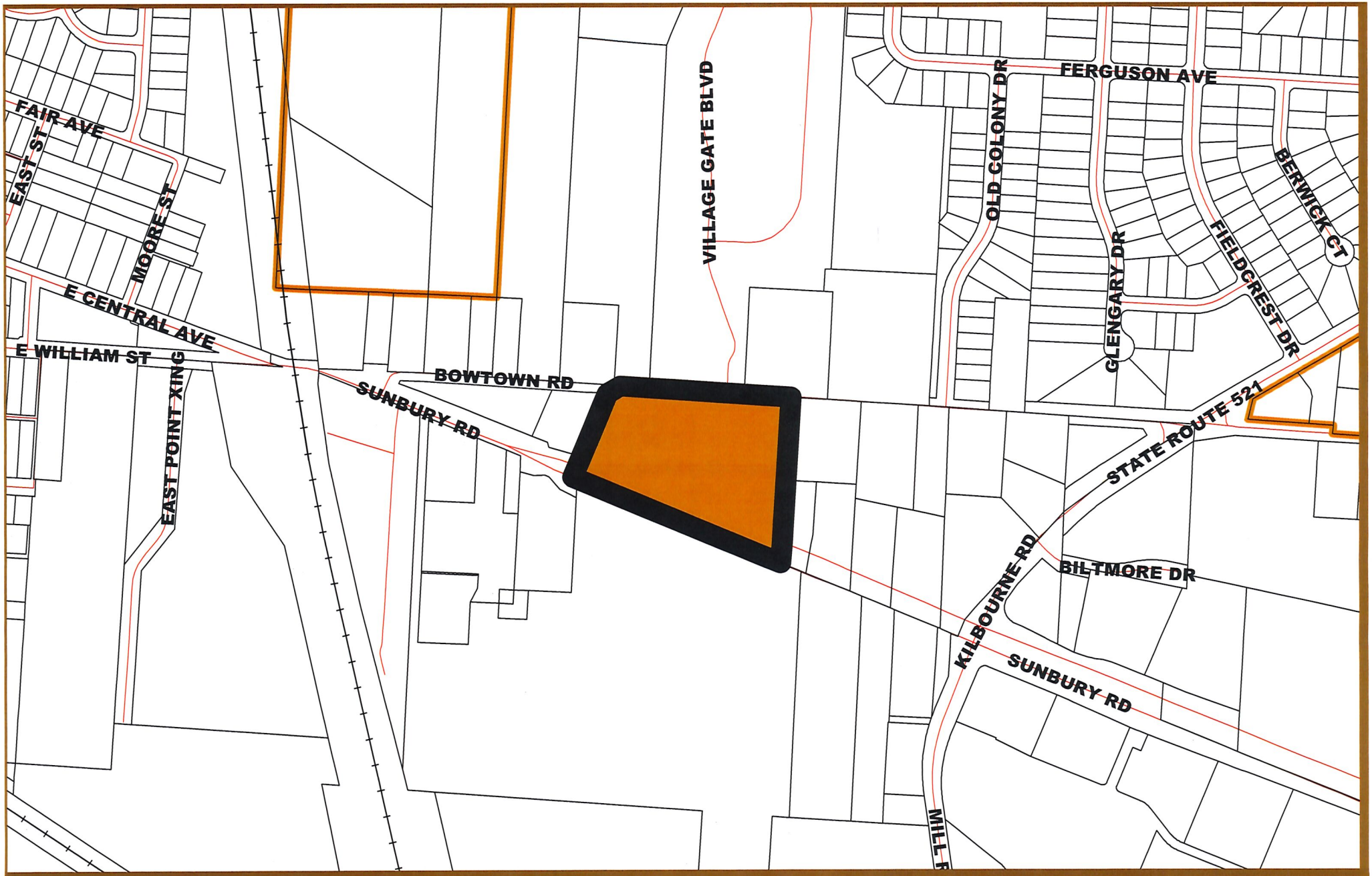
(3) The boarding of animals shall be restricted to overnight lodging only as necessary for animals receiving medical attention.

COMMISSION NOTES:

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

CONDITIONS/MISCELLANEOUS:

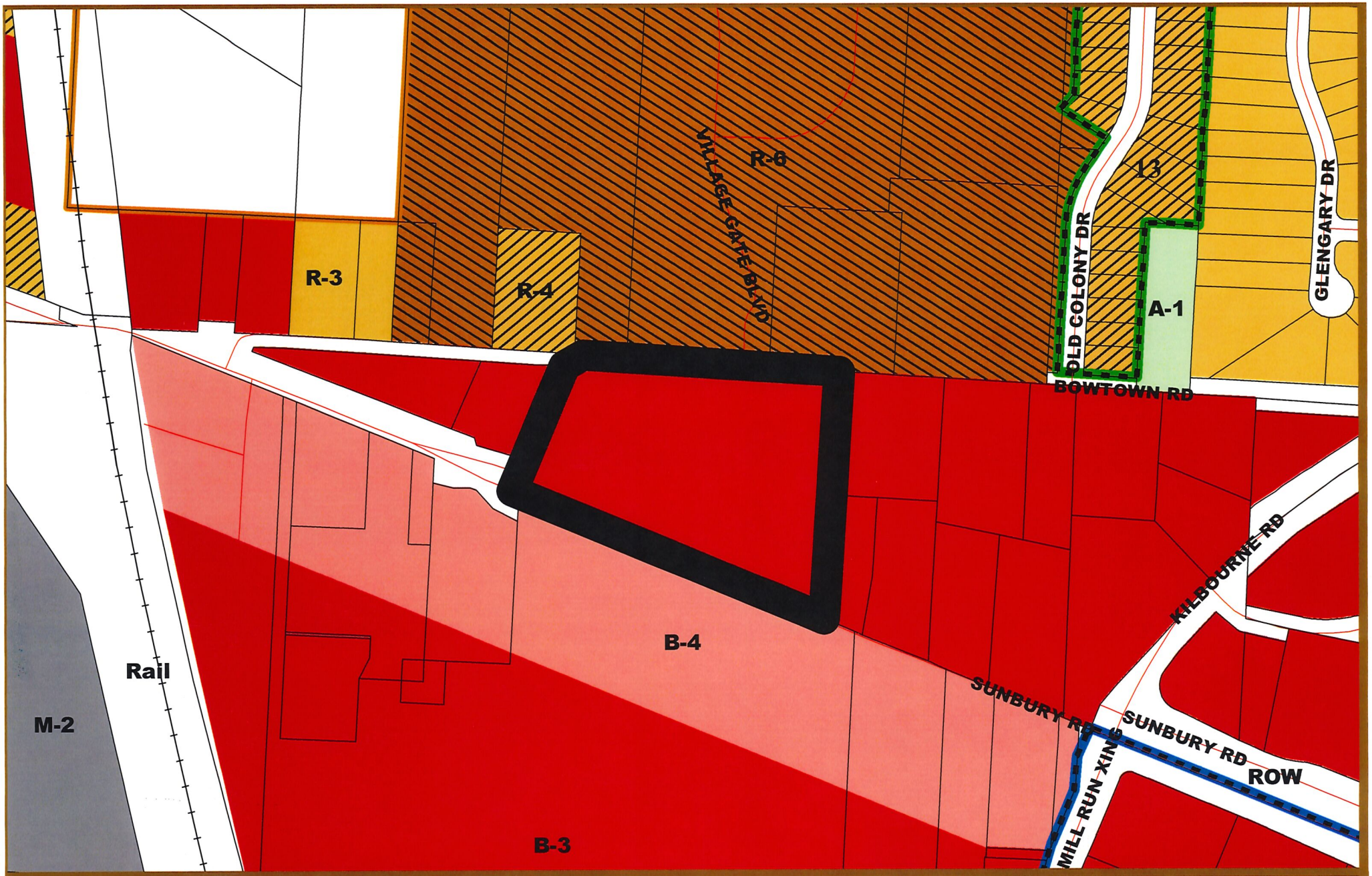
FILE:
ORIGINAL: **1/26/21**
REVISED:



EST 1808
CITY OF
DELAWARE
OHIO

2021-0121
Conditional Use Permit
Central Ohio Mobile Veterinary Surgical Services - 585 Sunbury Road
Location Map

N



EST 1808
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OHIO

2021-0121
Conditional Use Permit
Central Ohio Mobile Veterinary Surgical Services - 585 Sunbury Road
Zoning Map

N



EST 1808
CITY OF
DELAWARE
OHIO

2021-0121
Conditional Use Permit
Central Ohio Mobile Veterinary Surgical Services - 585 Sunbury Road
Aerial (2019) Map

N


BOWTOWN RD
+/-34 unreserved parking spaces in front and directly behind the +/-6,000 SF building

167. VETERINARY HOSPITAL. "Veterinary hospital" means a place where animals are given medical treatment and *the boarding of animals occurs only as an incidental use.*

COMVSS LLC plans to provide specialty veterinary care to the Delaware Area and surrounding communities. Our intentions are to occupy the whole building space at 585 Sunbury Road, Delaware, Ohio. The hospital will host referral surgical patients. This is slightly different than a general veterinary practice in that all of our patients have a medical issue needing addressed. Most instances the patient is requiring surgical intervention or critical/emergency care. We will not offer routine wellness exams at this location. All patients would be housed indoor only with minimal need to leave the building. We will not be boarding healthy pets as a service. We will offer emergency care to pets and their owners 24 hours. Some patients will require hospitalization and continued care.

There is no plan to make alterations to the exterior of the existing building. This includes landscaping. The character shall remain the same as adjacent structures.

There is no reason any of the surrounding properties would be adversely affected. There would be no changes made to the access drives, access points to public streets driveways or parking. They shall remain as landlord has currently.

(1) Outdoor areas devoted to kennel operations shall be:

A. Located in the rear yard and shall comply with the building setback requirements for the district in which the use is located.

B. A minimum of two hundred (200) feet from any residential district.

C. A maximum of twenty-five percent (25%) of the total floor area.

There will be no outdoor kennel space. All pets are kept within the building.

(2) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

As a place for gold standard veterinary care, the building will be cleaned multiple times daily. Areas are to be continuously sanitized to provide infection control among patients. All waste products will be disposed of in the appropriate manner.

Our patients will be either extremely ill or under the use of sedatives for surgery therefore do not cause a concern regarding noise.

(3) The boarding of animals shall be restricted to overnight lodging only as necessary for animals receiving medical attention.

Hospitalized pets would need to remain overnight at times. There will not be any boarding services offered.

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 14

DATE: 02/08/2021

ORDINANCE NO: 21-08

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
FEBRUARY 22, 2021 @ 7:30 PM

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE APPROVING A REZONING AMENDMENT FOR FIRST CITIZENS NATIONAL BANK FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AT 33 WEST WILLIAM STREET ON APPROXIMATELY 0.324 ACRES.

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:
Planning Commission recommended approval by a vote of 7-0 on February 3, 2021.

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

ORDINANCE NO. 21-08

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR FIRST CITIZENS NATIONAL BANK FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AT 33 WEST WILLIAM STREET ON APPROXIMATELY 0.324 ACRES.

WHEREAS, the Planning Commission at its meeting of February 3, 2021 recommended approval of a Rezoning Amendment for First Citizens National Bank from B-3 (Community Business District) to B-2 (Central Business District) at 33 West William Street on approximately 0.324 acres (PC Case 2021-0118).

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

SECTION 1. That the Rezoning Amendment for First Citizens from National Bank from B-3 (Community Business District) to B-2 (Central Business District) at 33 West William Street on approximately 0.324 acres, is hereby confirmed, approved, and accepted with the following condition that:

1. Any change of use and/or new structure(s) shall require achieve compliance with B-2 zoning requirements.

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: _____, 2021 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 15 | DATE: 02/08/2021

ORDINANCE NO: | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE APPROVING A COMBINIED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FIRST CITIZENS NATIONAL BANK AT 33 WEST WILLIAM STREET ON PROPERTY ZONED B-2 (CENTRAL BUSINESS DISTRICT) ON APPROXIMATELY 0.324 ACRES.

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Section 1129.05 Final Development Plan requirements of the zoning code.

COMMITTEE RECOMMENDATION:
Planning Commission recommended approval by a vote of 7-0 on February 3, 2021.

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
David Efland, Planning and Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

ORDINANCE NO. 21-09

AN ORDINANCE APPROVING A COMBINIED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FIRST CITIZENS NATIONAL BANK AT 33 WEST WILLIAM STREET ON PROPERTY ZONED B-2 (CENTRAL BUSINESS DISTRICT) ON APPROXIMATELY 0.324 ACRES.

WHEREAS, the Planning Commission at its meeting of February 3, 2021 recommended approval of a Combined Preliminary and Final Development Plan for First Citizens National Bank at 33 West William Street on property zoned B-2 (Central Business District) on approximately 0.324 acres (PC Case 2021-0119).

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

SECTION 1. That the Combined Preliminary and Final Development Plan for First Citizens National Bank at 33 West William Street on property zoned B-2 (Central Business District) on approximately 0.324 acres, is hereby confirmed, approved, and accepted with the following conditions that:

1. A formal set of engineering drawings shall not be required but the development shall meet the minimum design requirements per the City Engineer approval.
2. The drive thru exit curb cut on West William Street shall be a right out only with signage per the City Engineer.
3. The number of on-site parking space on the site shall be 6 parking spaces.
4. The building design, materials and colors shall achieve compliance with the HPC approved plans of January 27, 2021.
5. Two additional street trees would be required along Franklin Street per the zoning code requirements.
6. Any wall signage shall achieve compliance with the Historic District Overlay requirements and the minimum zoning code requirements.
7. The site lighting shall achieve compliance with the minimum zoning code requirements and shall be approved by the City.
8. The sidewalks on West William Street and Franklin Street shall be maintained or replaced as needed and achieve compliance with City Engineering requirements.

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: _____, 2021 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2021-0118-0119
REQUEST: Multiple Requests
PROJECT: First Citizens National Bank
MEETING DATE: February 3, 2021

APPLICANT/OWNER
Triad Architects
172 East State Street
Columbus, Ohio 43215

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

PROPERTY LOCATION & DESCRIPTION
The project site is located at 33 West William Street, on the southeast corner of West William Street and South Franklin Street in the Downtown Historic District Overlay. The zoning of the subject property is B-3 (Community Business District), as are the surrounding properties to the south, east, and west. The properties to the north are zoned B-2 (Central Business District).

BACKGROUND/PROPOSAL
The existing 500 square foot bank building will be renovated, and an approximate 2,170 square foot addition would be constructed on its west side expanding into the entire width of the existing side parking lot area. The existing three drive-through lanes on the building's east side will remain and will be upgraded. The remainder of the parking lot area (providing appropriate handicapped parking), driveway, and drive-through lanes will be re-paved. The existing traffic circulation pattern will be maintained. Customers will enter and exit the parking lot from the South Franklin Street curb cut while customers using the drive-through service will enter from the South Franklin Street entrance and exit onto West William Street using the pre-existing right turn only/exit only curb cut. Updated landscaping, lighting, and signage are proposed. The HPC reviewed and approved the building design, materials, and colors at their January 27, 2021 meeting to ensure compliance with the downtown historic standards. As a practical matter this site functions with Downtown Delaware. Most of Downtown is zoned B-2 (Central Business District). The proposal here would help re-build the street wall with building façade as well as allow the continuation of the bank use (long standing) on this property. The most appropriate zoning is therefore B-2 which would better allow the applicant to utilize the property in a fashion more consistent with the Downtown environment than it has been in the past. Finally, combined with the historic district overlay review, this will allow the knitting together of the fabric of Downtown in a more consistent, well designed, and coherent manner.

STAFF ANALYSIS

- **ZONING:** As previously mentioned, the property is zoned B-3 which allows commercial uses including the existing bank and addition. However, the B-3 zoning development requirements (setbacks, parking requirements, etc.,) are more restrictive and generally oriented less toward the downtown environment and more toward strip retail than the B-2 district requirements. Also, the B-2 district requirements would allow the building to be in character with the other buildings downtown in location, design, building materials etc. In conclusion the proposed rezoning and extending the B-2 zoning across West William Street appears to be a practical extension of the zoning district for a use that is compatible to the existing downtown uses (most of the downtown core is zoned B-2). This is also consistent with the rezoning recently approved on the property on the northwest corner of W. William St. and Franklin St.
- **GENERAL ENGINEERING:** Per the Engineering Department, the proposed site plan would require minor engineering upgrades (the proposed impervious surface would equal to or less than the current site) with appropriate notes on the building site plan drawings per the City Engineer. A formal set of engineering drawings would not be required.

- **SITE CONFIGURATION:** The access to the existing renovated 500 square foot bank building and the approximate 2,170 square foot addition would remain the same with a full movement curb cut from South Franklin Street (customers will enter and exit at this location) that would extent into a 6 space parking lot and the existing three drive-through lanes on the building's east side would remain (the drive thru will be a right only exit as currently configured). The remainder of the parking lot area (providing appropriate handicapped parking), driveway, and drive-through lanes will be re-paved. The proposed approximate 2,170 square foot addition would be on the western portion of the site extending toward Franklin Street with the main entrance on West William Street and a walk-up window on the rear of the building just west of the drive thru. The existing sidewalks on West William Street and Franklin Street shall be maintained or replaced as needed. Also, the owner indicated they would likely utilize tip cart refuse service instead of a dumpster.
- **BUILDING DESIGN:** As mentioned above, the Historic Preservation Commission approved the building design, materials and colors on January 27, 2021. The proposed design, material and colors of the building are as follows per HPC approval: The north elevation (front) has a cast limestone band with red brick continuing to ground level. A wall sign area is designated above the front entrance portico. The white aluminum clad wood entry doors will be maximum 75% glass with muntins to match the white aluminum clad wood windows. Also, the existing cupula and asphalt shingle gable roof over the existing bank building (the proposed east 'wing') and the asphalt shingle gable roof over the drive-through lanes will be removed and replaced with a flat roof with a white cornice. The entry door of the existing bank building will be replaced with white aluminum clad wood windows to match the existing window style. The bank addition will be primarily red brick with an asphalt shingle hip roof to match material and profiles of adjacent Historic District buildings, such as the Masonic Lodge to its west. The lower, roofed portion to its west (the west 'wing') is designed and scaled to complement the existing bank building (the east wing) in shape, material, and window type to lend an appearance of balance to the building. It will also have a flat roof with a white cornice and will be clad with white horizontal fiber cement lap siding with 4" exposure. The new bank building's front entrance with a portico faces West William St. The west (side) elevation would have cast limestone band with red brick continuing to ground level. The south (rear) elevation would have a cast limestone band with red brick continuing to ground level. The rear white aluminum clad wood entry door will be maximum 75% glass with muntins to match the white aluminum clad wood windows. There would be four windows on this elevation, To provide visual balance, the rear entry door of the new bank building will be flanked by two inset brick window profiles on its left and one white aluminum clad wood window and one inset brick window profile on its right. On the east wing, the existing bank building rear entry door opening will be replaced with a walk-up teller window with a transaction drawer, providing visual balance of the east and west wings. The brick on the south elevation of the existing bank building (the east wing) will be re-clad with white horizontal fiber cement lap siding with 4" exposure. The new bank building's rear entrance with a portico faces the south rear parking lot. The east elevation of the proposed east wing fronts the drive-through lanes. All window openings will remain intact. The two existing multi-paned windows at the front and rear will be replaced with white aluminum clad wood windows with the appearance of true muntins and white window base inset panels. The ATM machine will maintain its position north of the existing drive-up teller window. A night deposit box will be added adjacent to the teller window. The east elevation will be clad with white horizontal fiber cement lap siding with 4" exposure.

  In conclusion, the exterior materials and coloration of the existing bank building influence those of the proposed bank building, which comply with the Architectural Standards. They include: (1) Grey asphalt shingle roofing; (2) Red brick; (3) Cast limestone band; (4) White cornice and trim; (5) White smooth finish 5-1/4" horizontal fiber cement lap siding (with 4" exposure); (6) White inset panels under east and west wing windows to match existing; (7) White aluminum clad wood windows with appearance of true muntins. (Including white aluminum clad wood entry doors with maximum 75% glass and muntins to match windows); (8) 3-foot-high black metal historically appropriate fence. The proposed building would be a nice addition and complement the historic downtown.
- **SIGNAGE:** The applicant is proposing building signage that would need to achieve compliance with the historic district standards. The building signage would be located over the main entrance to the building on West William Street and on the rear of the building.
- **LIGHTING**: The applicant indicated they would utilize the existing 4 light poles in the parking lot (some of them would be replaced as required). The lights poles are black and have cut-off fixtures. Also, the building

would have wall lighting per the approved HPC building elevation and building code. A lighting plan that achieves compliance with the zoning code would need to be submitted, reviewed and approved by the City.

- **LANDSCAPING & SCREENING:** The applicant would have to install street trees (as needed), parking lot landscaping and foundation landscaping. The street trees along West William Street achieved compliance with the code but two additional street trees would be required along Franklin Street for a total of three. The existing street trees need to be reviewed by the City Arborist to determine if they need replaced or not. There are two large trees located within the existing landscape islands of the parking lot and the applicant is adding a few more trees in the new landscape islands. The City Arborist would have to review the two existing large trees to determine if they need replaced or not. Also, the applicant is proposing the installation of a 3-foot-high historically appropriate black metal fence along the West William Street frontage and along South Franklin Street, transitioning to landscaping along the building's west facade. Furthermore, all the existing and new trees shall achieve compliance with minimum site distance requirements. Finally, all landscaping shall be approved by the Shade Tree Commission.
- **TREE REMOVAL & REPLACEMENT:** The applicant is not removing any trees on the site that would need to be replaced per Chapter 1168 Tree Preservation Requirements. However, there are trees along the southern property line that would be preserved.

STAFF RECOMMENDATION (2021-0118 – REZONING)

Staff recommends approval of a request by Triad Architects LLC., for a Rezoning Amendment for First Citizens National Bank at 33 West William Street from B-3 (Community Business District) to B-2 (Central Business District) on approximately 0.324 acres, with the following condition:

1. Any change of use and/or new structure(s) shall require achieve compliance with B-2 zoning requirements.

STAFF RECOMMENDATION (2021-0119 – COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Triad Architects LLC., for a Combined Preliminary and Final Development Plan for First Citizens National Bank for a building renovation and expansion at 33 West William Street on property zoned B-2 (Central Business District) on approximately 0.324 acres, with the following conditions that:

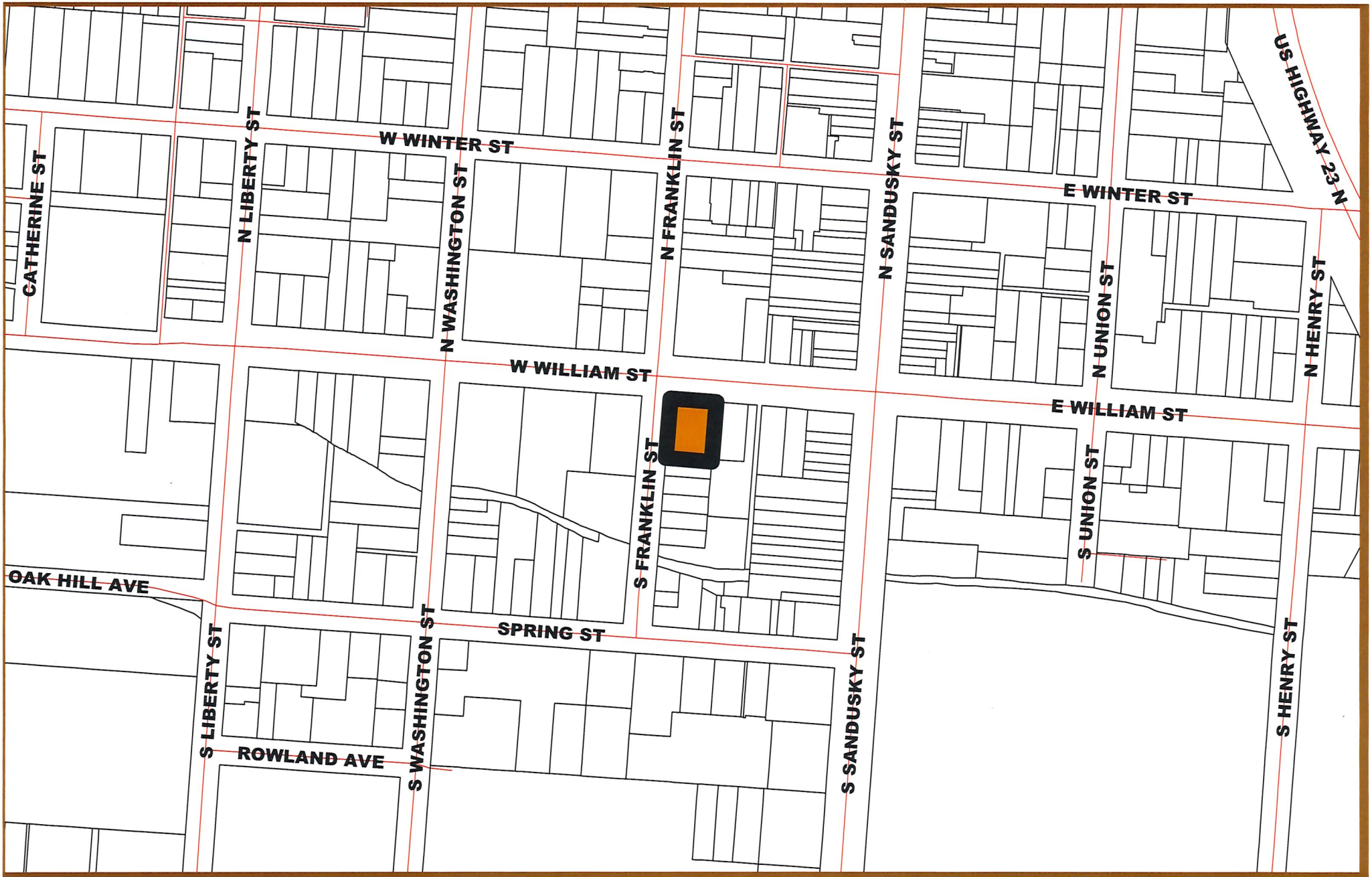
1. A formal set of engineering drawings shall not be required but the development shall meet the minimum design requirements per the City Engineer approval.
2. The drive thru exit curb cut on West William Street shall be a right out only with signage per the City Engineer.
3. The number of on-site parking space on the site shall be 6 parking spaces.
4. The building design, materials and colors shall achieve compliance with the HPC approved plans of January 27, 2021.
5. Two additional street trees would be required along Franklin Street per the zoning code requirements.
6. Any wall signage shall achieve compliance with the Historic District Overlay requirements and the minimum zoning code requirements.
7. The site lighting shall achieve compliance with the minimum zoning code requirements and shall be approved by the City.
8. The sidewalks on West William Street and Franklin Street shall be maintained or replaced as needed and achieve compliance with City Engineering requirements.

COMMISSION NOTES:

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

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: **1/29/21**



EST 1808
CITY OF
DELAWARE
OHIO

2021-0118-0119
Rezoning & Combined Preliminary and Final Development Plan
First Citizens National Bank - 33 West William Street
Location Map

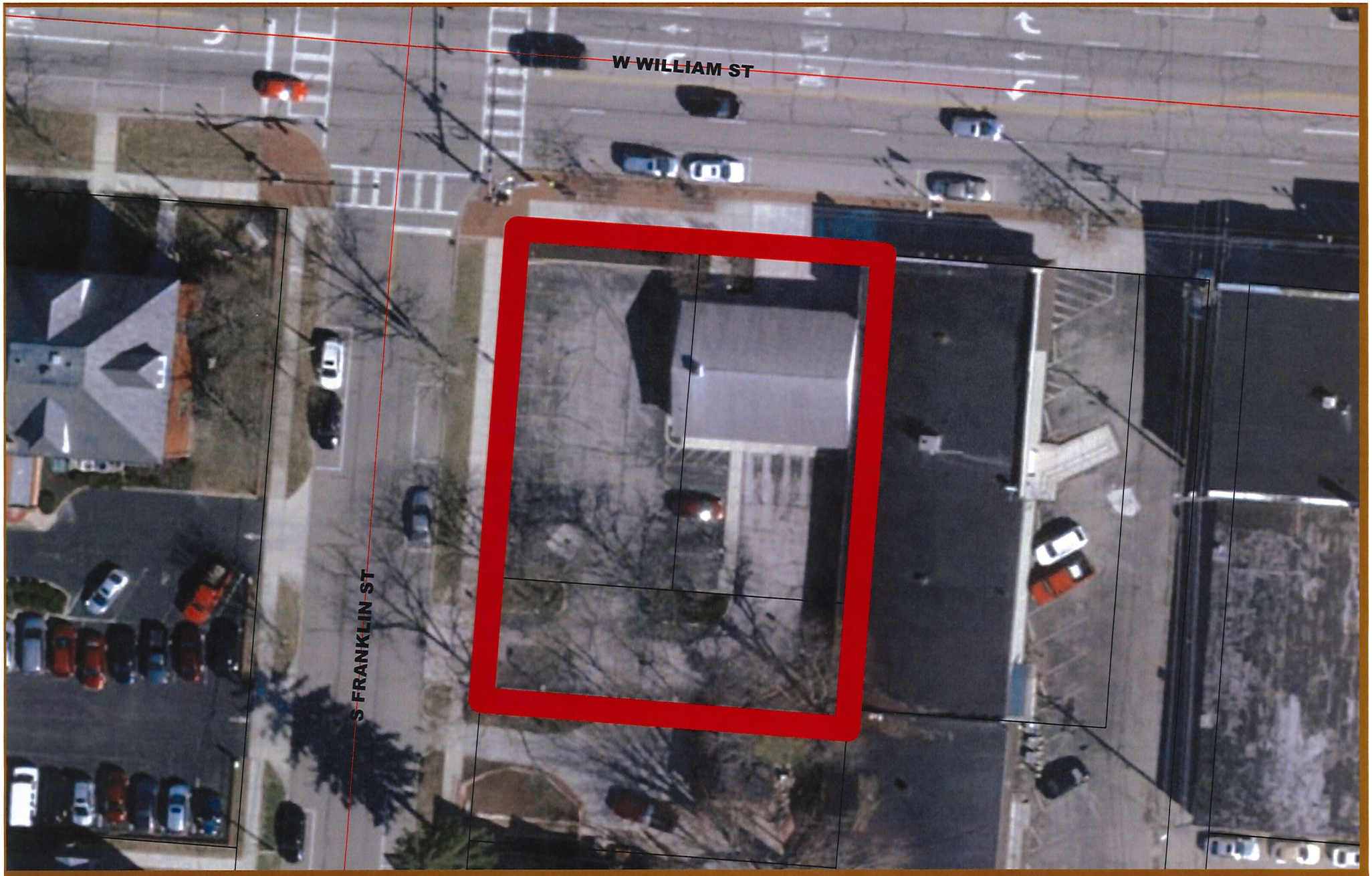
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CITY OF
DELAWARE
OHIO

2021-0118-0119
Rezoning & Combined Preliminary and Final Development Plan
First Citizens National Bank - 33 West William Street
Zoning Map

N



EST 1808
CITY OF
DELAWARE
OHIO

2021-0118-0119
Rezoning & Combined Preliminary and Final Development Plan
First Citizens National Bank - 33 West William Street
Aerial (2019) Map

N

January 19, 2021

First Citizens National Bank of Upper Sandusky
Delaware Branch
33 W. William Street
Delaware, OH 43015

City of Delaware – Planning & Community Development Submission

Narrative

The project site is located at 33 W. William Street on the southeast corner of the intersection of W. William Street and S. Franklin St. The site occupies three parcels with a mini-bank building, drive-through lanes and parking lot. The property is currently owned by Masonic Lodge No. 18. First Citizens National Bank of Upper Sandusky plans to lease the property to use the site as a full-service bank branch location.

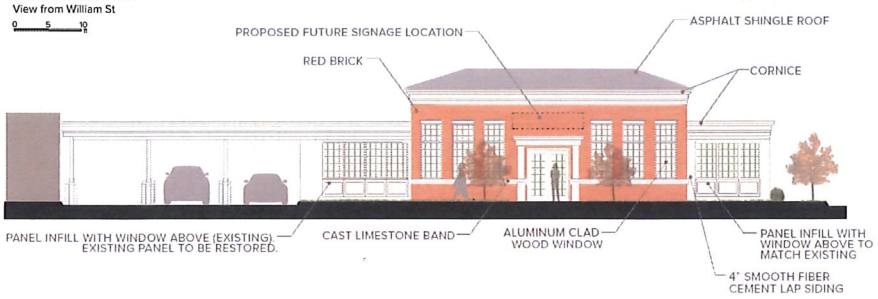
The existing 500 SF mini-bank building will be renovated, and a 2,100 SF addition constructed on its west side. The existing three drive-through lanes on the building's east side will remain and will be upgraded. The remainder of the parking lot area, driveway, and drive-through lanes will be repaved. The existing traffic circulation pattern will be maintained. Customers will enter and exit the parking lot from the S. Franklin St. entrance and exit onto W. William St. using the existing Right Turn Only / Exit Only driveway.

The zoning of the property is B-3 (Community Business District), as are the surrounding properties to the south, east, and west. The properties to the north are zoned B-2 (Central Business District). The project site is currently encircled by a band of adjoining commercial, retail, and institutional uses, with residential uses beyond that. The site is essentially incorporated into the downtown business district. To accommodate our proposal for a full-service bank branch facility we are asking that the site be re-zoned to B-2 (Central Business District) from the B-3 (Community Business District).

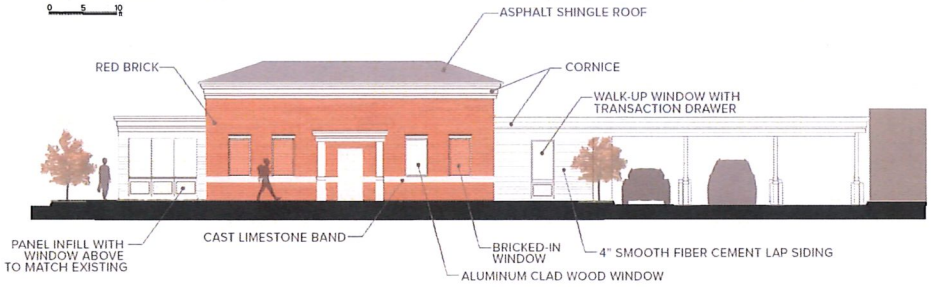
TRIAD ARCHITECTS
172 E. State Street, Suite 600 | Columbus, OH 43215

T: 614.942.1050 | E: INFO@TRIADARCHITECTS.COM
www.triadarchitects.com

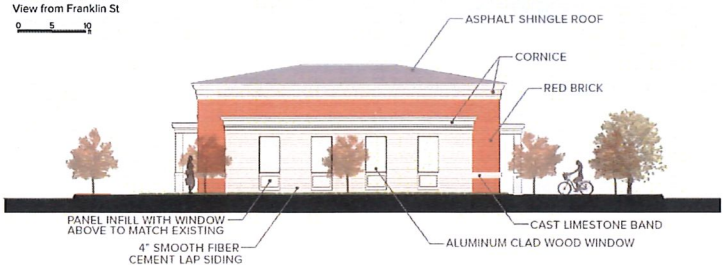
NORTH ELEVATION
View from William St



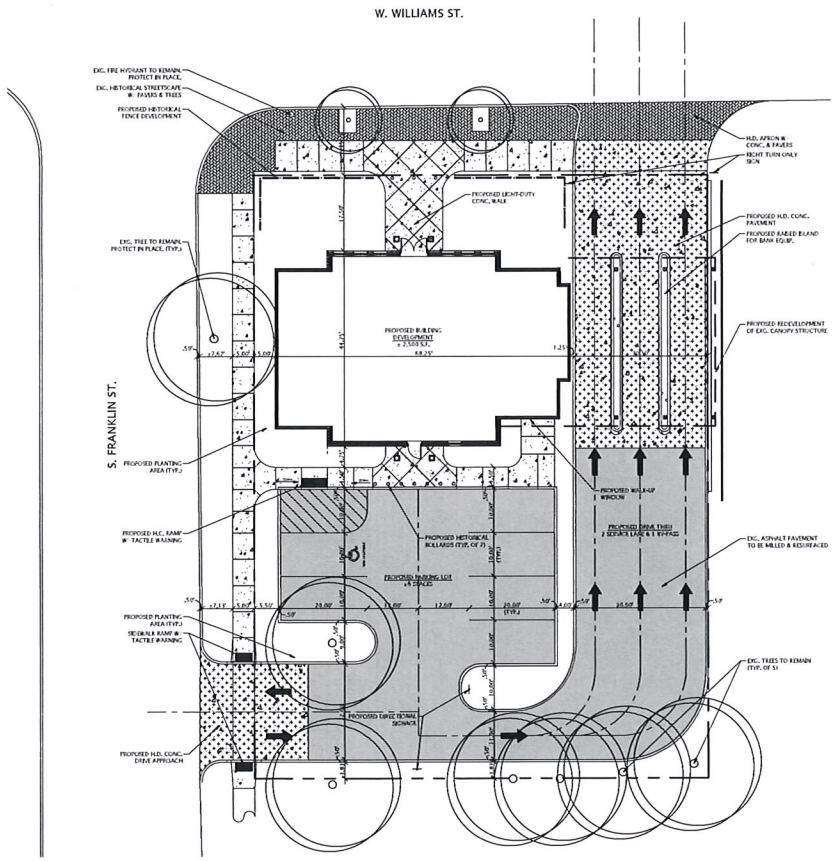
SOUTH ELEVATION
View from Parking Lot



WEST ELEVATION
View from Franklin St



FIRST CITIZENS NATIONAL BANK
33 W WILLIAM STREET DELAWARE, OHIO



CONSTRUCTION NOTES:

1. PRIOR TO DOING ANY WORK, THE GENERAL CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES, PUBLIC AND PRIVATE, BY CONTACTING "OHIO UTILITY PROTECTION SERVICE" AT 1-800-362-2764. THE GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT, IN WRITING, OF ANY EXISTING UTILITY VALVES, MANHOLES, ETC. FOUND ON SITE AND NOT SHOWN ON THESE PLANS.
2. ALL CONSTRUCTION ELEMENTS SHALL BE LOCATED BY A LAND SURVEYOR REGISTERED WITH THE STATE OF OHIO. LAYOUT SHALL BE REVIEWED BY OWNER/ARCHITECT PRIOR TO CONSTRUCTION.
3. ALL EXISTING UTILITY VALVES, MANHOLES, ETC. FOUND ON SITE, BUT NOT NOTED ON THE SURVEY PLANS, SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION, IN WRITING.
4. ALL DIMENSIONS ARE FROM FACE OF CURB, UNLESS OTHERWISE NOTED.
5. SLOPES OF ALL NEW SIDEWALKS SHALL NOT EXCEED 2% AND HAVE A MINIMUM CROSS-SLOPE OF 2%.
6. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES OF SPECIFIED SITE AMENITIES FOR A COMPLETE PROJECT.
7. CONTRACTOR SHALL PROVIDE NECESSARY TRAFFIC SIGNAGE, ETC. FOR DEMOLITION AND OFF-SITE ACTIVITIES. CONTRACTOR SHALL COORDINATE ANY NECESSARY CLOSURES OF ADJACENT STREETS WITH OWNER, AND LOCAL AUTHORITIES HAVING JURISDICTION.
8. DEBRIS COLLECTOR TO BE INSTALLED IN THE EXISTING PARKING LOT CATCH BASIN.
9. CONDITION OF RETAINING WALL AT SE CORNER OF PARKING LOT UNABLE TO BE DETERMINED.
10. CONDITION OF EXISTING TREE ON FRANKLIN ST., TO BE DETERMINED. POTENTIAL REMOVAL OF TREE AND SIDEWALK REPAIR.
11. ANY EXCAVATION WITHIN H.D.W. REQUIRES A CITY R.O.W. PERMIT APPROVAL.
12. OWNER SHALL KEEP REFUSE TOTES INSIDE BUILDING & WHEEL TO TREE LAWN FOR TRASH COLLECTION.

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OHIO Utilities Protection SERVICE
Call Before You Dig
1-800-362-2764

SCALE 1" = 17'

DELAWARE BRANCH PH.2

FIRST CITIZENS NATIONAL BANK

33 W. WILLIAM ST.
DELAWARE, OH

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COLUMBUS, OH 43215
PHONE: (614) 542-1350
MAIL@TRUEARCHITECTS.COM

DEVELOPMENT MEETING
5/10/2021
REVISIONS:

#	DATE	DESCRIPTION

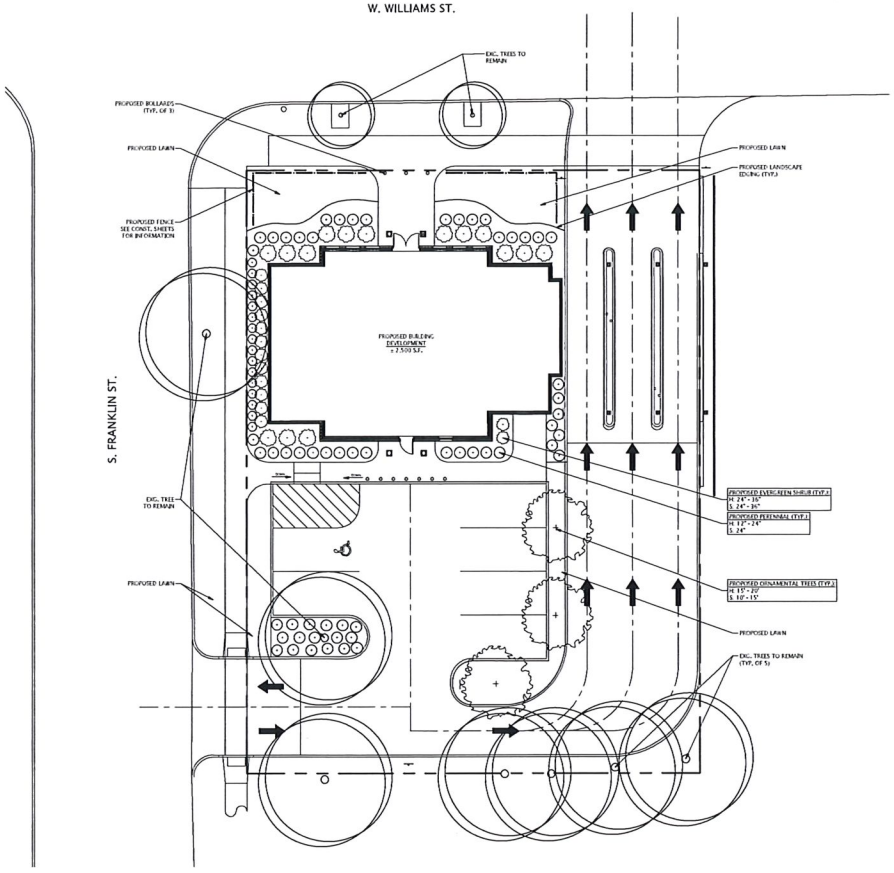
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DRAWN BY: JLP
CHECKED BY: BJG
PROJECT NUMBER: #20022

AS-100
Site Construction Plan

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20022 - FIRST CITIZENS NATIONAL BANK



LANDSCAPE PLANTING GENERAL NOTES

1. OWNER SHALL PROVIDE AND INSTALL ALL PLANTING AND LANDSCAPE MATERIALS. LANDSCAPE CONTRACTOR SHALL PROVIDE SOIL & EDGING MATERIALS TO COMPLETE PLANTING BEDS WITHIN PLAY GROUND AREA.
2. PRIOR TO COMMENCING WORK, THE LANDSCAPE CONTRACTOR SHALL COMPLETE A SITE INSPECTION OF THE GENERAL CONDITIONS TO VERIFY PROPER GRADING, DRAINAGE, TOPSOIL QUALITY, AND TO LOCATE ALL EXISTING UTILITIES, PUBLIC AND PRIVATE. CONTACT OHIO UTILITY PROTECTION SERVICE AT 1-800-362-2764 FOR UNDERGROUND UTILITY LOCATIONS. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE AND THE GENERAL CONTRACTOR, IN WRITING, OF ANY EXISTING UTILITY VALVES, MANHOLES, ETC. FOUND ON SITE AND NOT SHOWN ON THESE PLANS, AND OF ANY UNSATISFACTORY CONDITIONS. LIST BY THE GENERAL CONTRACTOR, LANDSCAPE WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN ACKNOWLEDGED, CORRECTED AND ARE ACCEPTABLE TO ALL PARTIES.
3. LANDSCAPE CONTRACTOR SHALL USE CAUTION WHEN WORKING AROUND ELECTRIC SITE LIGHTING, WALLS, IN-GROUND UTILITIES, LANDSCAPE PLANTINGS, ETC. TO AVOID POTENTIAL DAMAGES OR CREATE DISRUPTIONS OF UTILITY SERVICES. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES TO ELECTRIC CONDUITS AT NO ADDITIONAL COST TO THE OWNER.
4. ALL PLANTING BEDS AND LAWN AREAS ARE TO BE DEBRIS AND WEED FREE PRIOR TO INSTALLATION OF ANY LANDSCAPE MATERIALS. IF WEEDS EXIST PRIOR TO INSTALLATION, CONTRACTOR SHALL TREAT ALL AREAS WITH HERBICIDE AND WAIT 14 DAYS AFTER RECEIVING EXCESS GROWTH BEFORE INSTALLING PLANTS AND LAWN INSTALLATION.
5. ALL PLANTING AND LAWN AREAS ARE TO BE FREE OF STONES AND DEBRIS LARGER THAN 1 ½" DIA. TOPSOIL SHALL BE RAKED BY LANDSCAPE CONTRACTOR PRIOR TO SEEDING AND PLANTING OPERATIONS. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR PROVIDING CLEAN QUALITY TOPSOIL OVER ALL AREAS DISTURBED BY CONSTRUCTION.
6. ALL PLANTING LOCATIONS ARE TO BE FIELD STAKED BY THE LANDSCAPE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
7. ALL PROPOSED PLANT MATERIALS ARE SHOWN AT APPROXIMATE MATURE GROWTH. PLANTS SHALL BE SPACED AS SHOWN ON PLANS OR TO PROPER HORTICULTURAL METHODS, IF NOT STATED.
8. ALL PLANTING MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED IN THE CURRENT AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
9. PLANT STOCK MUST BE TRUE TO BEST AREAL NAME AND CONFORM WITH BOTANIC AND GRADING STANDARDS ACCORDING TO THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK". PLANT MATERIALS ARE TO BE HEALTHY REPRESENTATIVES OF THEIR SPECIES OR VARIETY.
10. LANDSCAPE CONTRACTOR SHALL INFORM THE LANDSCAPE ARCHITECT AND THE OWNER IMMEDIATELY IN WRITING IF A SPECIFIED PLANT OR MATERIAL IS REJECTED DUE TO AVAILABLE QUANTITIES, SIZES, ETC., ALSO IF ANY PROPOSED ALTERNATES FOR THE SUBSTITUTION, PRIOR TO INSTALLATION OF SAID MATERIALS ON SITE. POTENTIAL ALTERNATES SHALL MIMIC AS THE SAME CHARACTERISTICS SUCH AS SIZE, COLOR, ETC., GROWTH HABIT AND COST AS THE ORIGINALLY SPECIFIED PLANT MATERIAL.
11. ALL PLANTS ARE TO BE NURSERY GROWN AND BE FROM USDA PLANT HARDINESS ZONE 5 AND TO HAVE BEEN GROWN IN ZONE 5 OR LESS.
12. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANTS' ORIGINAL GRADE PRIOR TO DIGGING.
13. ALL PLANT MATERIAL SHALL BE BALLED & BURLAPPED (B&B) UNLESS OTHERWISE NOTED IN PLANT MATERIAL SCHEDULE.
14. ALL PLANT MATERIAL SHALL BE LEFT MOIST UNTIL INSTALLATION. IF PLANT MATERIAL CANNOT BE IMMEDIATELY INSTALLED, THEY ARE TO BE HEALED IN AND PROPERLY WATERED IN WITH MULCH.
15. PLANTING BEDS SHALL RECEIVE SMOOTH, CONSISTENT EDGES (FREE FLOWING OR STRAIGHT, AS SHOWN ON THE PLANS. ALL EDGES SHALL BE SPADED EDGE, 3" TO 4" DEEP AT 45° SHAVE, UNLESS OTHERWISE NOTED.
16. ALL PLANTING BEDS SHALL RECEIVE 3" DEPTH OF SHREDDED HARDWOOD MULCH, ALL NEW TREES AND LARGE SHRUBS SHOWN IN LAWN AREAS SHALL RECEIVE A 6' DIAMETER "3" DEPTH MULCHED SAUCER AREA. ALL MULCH PROVIDED FOR THE PROJECT SHALL BE OF A UNIFORM DARK BROWN COLOR, FREE OF DEBRIS, INSECTS AND OTHER MATERIAL THAT MAY HARM OR DAMAGE PLANTING MATERIALS.
17. ALL TREES AND SHRUBS ARE TO BE PLANTED WITH THE BROWN DUDEK MANUFACTURER RATE OF TERRASORB, PEAT MOSS, SLOW RELEASE FERTILIZER PELLETS AND SOIL STABILIZATOR, (IN ACCORDANCE TO TIME, TREES SHALL ALSO RECEIVE TWO COTTONIZE TREE SAVER AT TIME PLANT OF LARGE TO EQUAL.
18. BIODEGRADABLE BURLAP AND TWINE ARE ACCEPTABLE FOR USE. TOP 1/3 OF BURLAP AND TWINE SHALL BE PEELED WHEN INSTALLED. ALL NON-BIODEGRADABLE MATERIALS (WIRE BASKETS, ETC.) SHALL BE REMOVED PRIOR TO INSTALLATION.
19. EVERGREEN PLANT MATERIALS SHALL NOT TO BE SUBSTITUTED OR THEY ARE REJECTED.
20. PLANTING BACKFILL SOIL SHALL BE OF ORIGINAL MATERIAL ALONG WITH TOPSOIL AS STATED IN SPECIFICATIONS.
21. OWNER AND LANDSCAPE ARCHITECT HAVE THE RIGHT TO INSPECT AND REJECT ANY PLANT MATERIAL, REJECTED OR ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS SHALL BE REMOVED FROM THE LANDSCAPE CONTRACTOR AT HIS COST TO THE OWNER.
22. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AND SEEDED OR MULCHED AND INSTALLED IN ACCORDANCE WITH PLANS AND SPECIFICATIONS.
23. LANDSCAPE CONTRACTOR IS REQUIRED TO INSTALL A PREEMERGENT HERBICIDE (NOT DETRIMENTAL TO PLANT MATERIAL) IN ALL MULCHED PLANTING BEDS AND MULCHED TREE SAUCERS WITHIN LAWN AREAS TO INSURE IN WEED GROWTH PREVENTION.
24. LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL AREAS OF SEEDING AND PLANTINGS (TREES, SHRUBS, PERENNIALS, GROUNDCOVERS, LAWNS, ETC.) FOR A MINIMUM OF 90 DAYS FROM ACCEPTANCE/COMPLETION, AT THE END OF EQUIPMENTS PERIOD, ALL PLANTING MATERIALS SHALL BE ALIVE AND DEMONSTRATING A MICROSIS RATE OF GROWTH. REFER TO SPECIFICATIONS FOR MORE SPECIFIC REQUIREMENTS AND GUIDANCE PERIOD.
25. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND PROVIDING ALL PLANT AND MATERIAL QUANTITIES FOR A COMPLETE PROJECT. IF A DISCREPANCY EXISTS BETWEEN THE LANDSCAPE PLANTING PLAN AND THE MATERIALS SCHEDULE, THE PLAN SHALL TAKE PRECEDENCE OVER THE SCHEDULE.

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DELAWARE BRANCH PH.2

FIRST CITIZENS NATIONAL BANK

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MAIN@TRIADARCHITECTS.COM

DEVELOPMENT MEETING
5/03/2021

REVISIONS:

#	DATE	DESCRIPTION

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SCALE 1" = 10'

DRAWN BY: JLP
CHECKED BY: BJG
PROJECT NUMBER: #20022

STATE OF INDIANA — PRELIMINARY — NOT FOR CONSTRUCTION — REGISTERED LANDSCAPE ARCHITECT

L-100
Landscape Plan

20007 - FIRST CITIZEN NATIONAL BANK

CODE DATA

APPLICABLE CODES
2017 OHIO BUILDING CODE
2017 OHIO PLUMBING CODE
2017 MECHANICAL CODE
2017 NATIONAL ELECTRIC CODE (NFPA 70)
2018 INTERNATIONAL FUEL GAS CODE
ICC A117.1-2009 ACCESSIBLE AND USEABLE BUILDINGS AND FACILITIES
2018 INTERNATIONAL ENERGY CONSERVATION CODE
ASHRAE 90.1-2013
NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72-16)
AUTOMATIC SPRINKLER SYSTEMS (NFPA 13-16)
OHIO FIRE CODE 2017

DESCRIPTION OF WORK:
THIS PROJECT CONSISTS OF AN ADDITION TO AN EXISTING BANK.

302 USE AND OCCUPANCY CLASSIFICATION
BUSINESS GROUP B

602 CONSTRUCTION CLASSIFICATION TYPE VB

803 WALL AND CEILING FINISHES
803.1.1 INTERIOR WALL AND CEILING FINISH MATERIALS
CLASS A = FLAME SPREAD INDEX 0-25, SMOKE DEVELOPED INDEX 0-450
CLASS B = FLAME SPREAD INDEX 26-75, SMOKE DEVELOPED INDEX 0-450
CLASS C = FLAME SPREAD INDEX 76-200 SMOKE DEVELOPED INDEX 0-450

INTERIOR WALL AND CEILING FINISH REQUIREMENTS BY OCCUPANCY (TABLE 803.9)
NONSPRINKLERED
USE GROUP B
INTERIOR EXIT STAIRWAYS AND RAMPS AND EXIT PASSAGEWAYS CLASS A
CORRIDORS AND ENCLOSURE FOR EXIT ACCESS STAIRWAYS AND RAMPS CLASS B
ROOMS AND ENCLOSED SPACES CLASS C

804 INTERIOR FLOOR FINISHES
804.2.2 EXCEPTION: CLASS II MATERIALS COMPLYING WITH DOC FF-1 "PILL TEST" (CPSC 16 CFR PART 1630) OR ASTM D2859.

806 DECORATIVE MATERIALS & TRIM
NONCOMBUSTIBLE UNLIMITED
COMBUSTIBLE 10% OF WALL AREA
INTERIOR TRIM CLASS C
INTERIOR FLOOR/WALL BASE CLASS II

CURTAINS, DRAPERIES, FABRIC HANGINGS SHALL NOT EXCEED 10% OF WALL OR CEILING AREA IT IS ATTACHED TO.

804.4 ACCEPTANCE CRITERIA REPORTS: MATERIALS MUST MEET FLAME PROPAGATION PERFORMANCE CRITERIA OF TEST 1 OR 2 OF NFPA 701.

808 ACOUSTICAL CEILING SYSTEMS
808.1.1.1 SUSPENDED ACOUSTICAL CEILINGS TO MEET ASTM C635 AND ASTM C636

903 AUTOMATIC SPRINKLER SYSTEM
AUTOMATIC SPRINKLER SYSTEM NOT REQUIRED

906 PORTABLE FIRE EXTINGUISHERS
MINIMUM RATED SINGLE EXTINGUISHER 2-A
MAXIMUM TRAVEL DISTANCE TO EXTINGUISHER 75 FT
MAXIMUM FLOOR AREA FOR EXTINGUISHER 11,250 SF

907 FIRE ALARM AND DETECTION SYSTEMS
NOT REQUIRED

1003 GENERAL MEANS OF EGRESS
1003.2 MINIMUM CEILING HEIGHT 7'-6"
1003.3 PROTRUDING OBJECTS
HEADROOM 80"
DOOR CLOSERS AND STOPS 78"
PROTRUDING OBJECTS BELOW 80", 27" MAXIMUM HIGH BARRIER
HORIZONTAL PROJECTION 4"
1003.4 HANDRAIL PROTRUDE 4 1/2" MAXIMUM. PROTRUDING OBJECTS SHALL NOT REDUCE MINIMUM CLEAR WIDTH.
1003.5 ELEVATION CHANGE: RAMPS, FLOOR MATERIALS, AND HANDRAILS IN ACCORDANCE WITH 1003.5

1004 OCCUPANT LOAD
AS NOTED ON LIFE SAFETY PLANS
1004.1.1 CUMULATIVE B OCCUPANT LOAD
1004.3 POSTING OF OCCUPANT LOAD. ASSEMBLY OCCUPANCY

1005 MEANS OF EGRESS SIZING
OTHER EGRESS COMPONENTS: 0.2" / OCCUPANT
3 - 6" DOOR (CALCULATED AT 33") = 165 OCCUPANTS
6 - 6" DOOR (CALCULATED AT 71") = 355 OCCUPANTS

1006 NUMBER OF EXITS AND EXIT ACCESS DOORWAYS
AS NOTED ON LIFE SAFETY PLANS
TABLE 1006.2.1 COMMON PATH OF EGRESS TRAVEL: B: OCCUPANT LOAD = 50 = 75 FT
TABLE 1006.3.1 OCCUPANT LOAD NUMBER OF EXITS REQUIRED NUMBER OF EXITS PROVIDED
1 - 500 2 3

1007 EXIT AND EXIT ACCESS DOORWAY CONFIGURATION
SEPARATION DISTANCE: 1/2 MINIMUM DIAGONAL OF SPACE SERVED

1009 ACCESSIBLE MEANS OF EGRESS
EACH ACCESSIBLE PORTION OF THE SPACE SERVED BY NOT LESS THAN TWO ACCESSIBLE MEANS OF EGRESS.

1017 EXIT ACCESS TRAVEL DISTANCE
TABLE 1017.2 USE GROUP B (WITHOUT SPRINKLER SYSTEM) 200FT MAXIMUM

1029.2 CORRIDORS
WIDTH 36" MINIMUM FOR FACILITIES WITH AN OCCUPANT LOAD OF LESS THAN 50
DEAD END 20 FEET PER PER 1029.4 DEAD ENDS

1020 COMMON PATH OF EGRESS TRAVEL
EXCEPTION 1: AREAS SERVING LESS THAN 50 OCCUPANTS: THE COMMON PATH OF EGRESS TRAVEL SHALL NOT EXCEED 75 FT.

1105 ACCESSIBLE ENTRANCES
PUBLIC ENTRANCES FULLY ACCESSIBLE: 50% REQUIRED 100% PROVIDED.

2902 MINIMUM PLUMBING FACILITIES PER TABLE 2902.1
SEE MINIMUM PLUMBING REQUIREMENT SCHEDULE FOR CALCULATIONS.
OCCUPANT LOAD 44 OCCUPANTS

	REQUIRED	ACTUAL
WATER CLOSETS MALE	1 WC	1 WC
WATER CLOSETS FEMALE	1 WC	1 WC
LAVATORIES MALE	1 LAV	2 LAV
LAVATORIES FEMALE	1 LAV	2 LAV
DRINKING FOUNTAINS	1 DRINKING FOUNTAIN	1 DRINKING FOUNTAIN
SERVICE SINKS	1 SERVICE SINK	1 SERVICE SINK

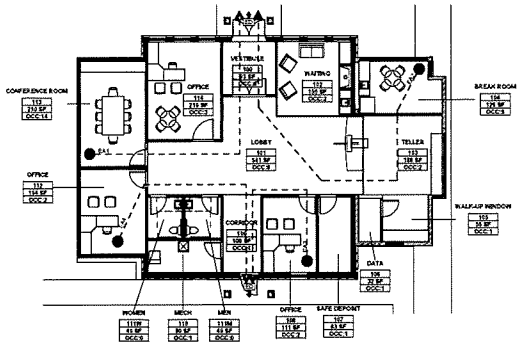
WATER DISPENSER AT SINK IN WAITING AREA WILL BE PROVIDED IN LIEU OF A DRINKING FIER EXCEPTION OHIO PLUMBING CODE SECTION 410.4 IS UES STITUTION.

OCCUPANCY SCHEDULE

ROOM #	ROOM NAME	AREA	AREA PER OCCUPANT	CLASSIFICATION	OCCUPANCY LOAD
120	VESTIBULE	93 SF		Varies	
131	LOBBY	541 SF	100 SF	Business Areas	6
132	WAITING	1393 SF	100 SF	Business Areas	2
133	TELLER	188 SF	100 SF	Business Areas	2
134	BREAK ROOM	124 SF	15 SF	Assembly without fixed seats - Unconcentrated (tables and chairs)	9
135	WALK-UP WINDOW	53 SF	100 SF	Business Areas	1
136	DATA	32 SF	300 SF	Accessory storage areas, mechanical equipment room	1
137	SAFE DEPOSIT	93 SF	300 SF	Accessory storage areas, mechanical equipment room	1
138	OFFICE	311 SF	100 SF	Business Areas	2
139	CORRIDOR	120 SF		Varies	
110	MECH	80 SF	300 SF	Accessory storage areas, mechanical equipment room	1
111W	MEN	49 SF		Varies	
111W	WOMEN	49 SF		Varies	
112	OFFICE	164 SF	100 SF	Business Areas	2
113	CONFERENCE ROOM	233 SF	15 SF	Assembly without fixed seats - Unconcentrated (tables and chairs)	14
114	OFFICE	219 SF	100 SF	Business Areas	3
Grand total					44

MINIMUM PLUMBING REQUIREMENT

Classification	Area	Area per Occupant	OCCUPANCY LOAD	MALE	WC MALE RATE	WC MALE LOAD	FEMALE	WC FEMALE RATE	WC FEMALE LOAD	LAV MALE RATE	LAV MALE LOAD	LAV FEMALE RATE	LAV FEMALE LOAD	DRINKING FOUNTAIN RATE	DRINKING FOUNTAIN LOAD
Accessory storage areas, mechanical equipment room	185 SF	300 SF	0.143179	1.274189	100	0.3127142	1.274189	100	0.3127142	100	0.3127142	100	0.3127142	1000	0.0002149
Assembly without fixed seats - Unconcentrated (tables and chairs)	338 SF	15 SF	23.287184	11.643342	100	0.0318552	11.643342	50	0.179927	50	0.179927	50	0.179927	1000	0.0023169
Business Areas	1412 SF	100 SF	117.634184	5.817092	50	0.1776242	5.817092	50	0.1776242	50	0.1776242	50	0.1776242	1000	0.0022949
Grand total: 12	1963 SF		44	22	1	0.2929539	22	1	0.6883	1	0.6883	1	0.6883	1	0.0023778



LIFE SAFETY PLAN 1
1/8" = 1'-0"

LIFE SAFETY LEGEND

- - - - - EGRESS TRAVEL DISTANCE
EXIT DISCHARGE

EXIT ACCESS ROUTE

EXIT ACCESS ROUTE	EXIT ACCESS DISTANCE
	2'
EA1	14'
EA2	11'
EA3	69'
EA4	81'

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DELAWARE BRANCH PH. 2

FIRST CITIZENS NATIONAL BANK

33 W. WILLIAM STREET, DELAWARE, OH

172 E. STATE ST. SUITE 609
COLUMBUS, OH 43215
PHONE: (614) 543-1053
MAIL@TRIADARCHITECTS.COM

DEVELOPMENT MEETING
1-14-2021

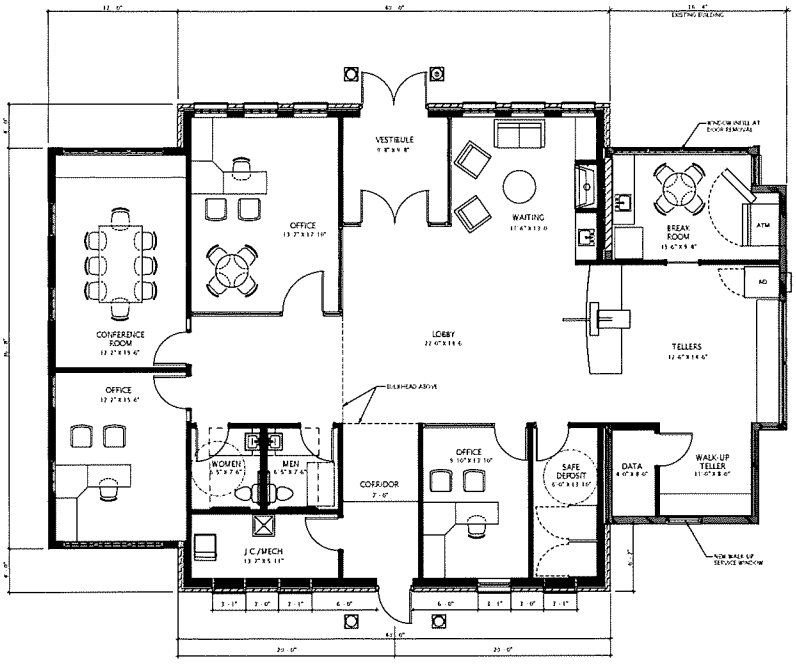
REVISIONS:

#	DATE	DESCRIPTION

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CHECKED BY: MAS
PROJECT NUMBER: 20222

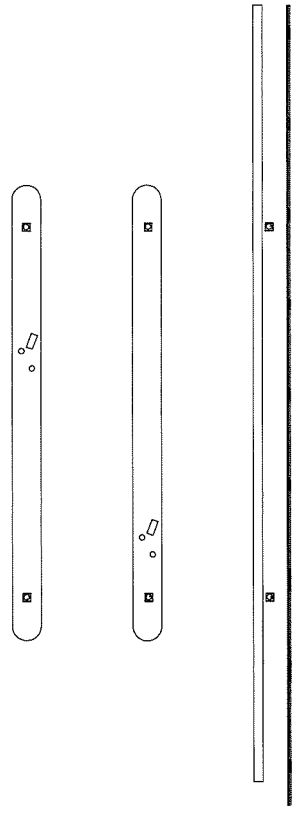
LS-100
LIFE SAFETY & CODE DATA

1/13/2021 7:07:58 PM C:\Users\mas\Documents\20222_FCNB_Delaware Branch_CENTRAL_R19_jjmas@TRIAD.rvt



FIRST FLOOR PLAN
1/4" = 1'-0"

NORTH



DELAWARE BRANCH
ADDITION & ALTERATIONS

FIRST CITIZENS NATIONAL BANK

33 W. WILLIAM STREET,
DELAWARE, OH

172 E. STATE ST., SUITE 620
COLUMBUS, OH 43215
PHONE: (614) 340-1350
MAIL@TRIADARCHITECTS.COM

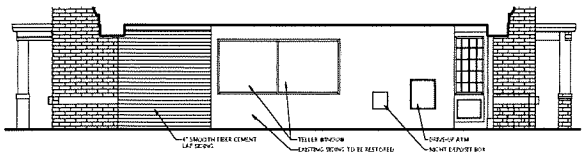
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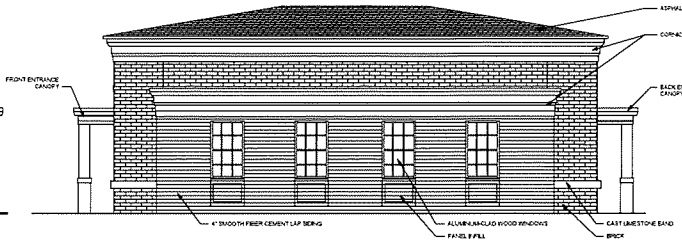
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PROPOSED FLOOR PLAN

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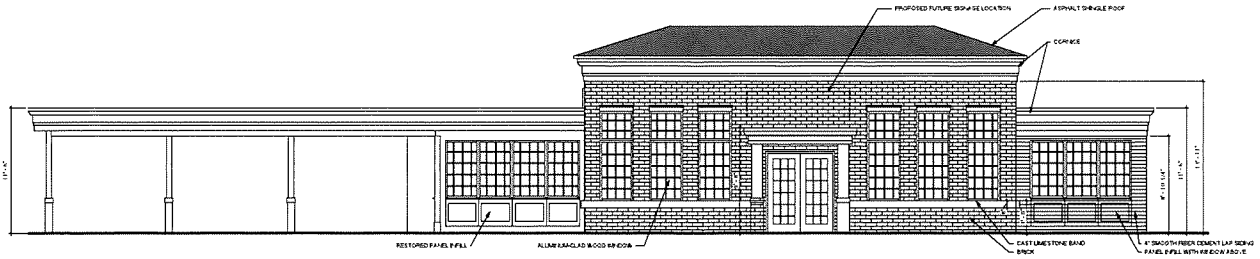
20221 - FIRST CITIZENS NATIONAL BANK



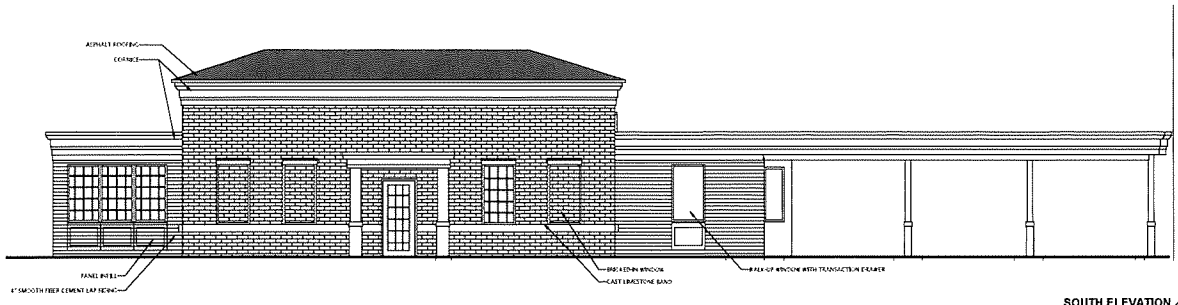
DRIVE-THRU ELEVATION ④
1/4" = 1'-0"



WEST ELEVATION ③
1/4" = 1'-0"

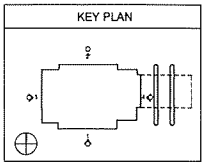


NORTH ELEVATION ②
1/4" = 1'-0"



SOUTH ELEVATION ①
1/4" = 1'-0"

KEY PLAN



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DELAWARE BRANCH PH. 2

FIRST CITIZENS NATIONAL BANK

33 W. WILLIAM STREET,
DELAWARE, OH

TRIAD
172 E. STATE ST. SUITE 620
COLUMBUS, OH 43215
PHONE: (614) 943-1250
MAIL@TRIADARCHITECTS.COM

DEVELOPMENT MEETING
1/14/2021

REVISIONS:

#	DATE	DESCRIPTION

DRAWN BY JEK
CHECKED BY MAS
PROJECT NUMBER 22002

A-200
EXTERIOR ELEVATIONS

1/13/2021 4:57:37 PM C:\Users\mas\Documents\2022_FCNB_Delaware Branch_CENTRAL_MAS_jeksgeMAS21.rvt

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

Project # _____ Case # _____

Planning Commission

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

Board of Zoning Appeals

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

Subdivision/Project Name First Citizens National Bank Address 33 W William Street

Acreage 0.324 Square Footage 2,670 Number of Lots 3 Number of Units _____

Zoning District/Land Use B3 Proposed Zoning/Land Use B2 Parcel # 519-433-01-005-000, 519-433-01-006-000, 519-433-01-007-000

Applicant Name TRIAD Architects Contact Person Zach Price

Applicant Address 172 E State Street, Suite 600, Columbus, OH 43215

Phone 614-942-1050 Fax _____ E-mail zprice@triadarchitects.com

Owner Name HIRAM LODGE NO 18 F AND AM Contact Person Jerry Raab

Owner Address 51 W William Street, Delaware, OH 43015

Phone 614-580-1398 Fax _____ E-mail jraab38@columbus.rr.com

Engineer/Architect/Attorney TRIAD Architects Contact Person Zach Price

Address 172 E State Street, Suite 600, Columbus, OH 43215

Phone 614-942-1050 Fax _____ E-mail zprice@triadarchitects.com

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

Owner Signature — Jerry Raab for HIRAM LODGE NO 18 F AND AM (Owner Printed Name)

Agent Signature — Zach Price (Agent Printed Name)

Sworn to before me and subscribed in my presence this 18th day of January, 2021.

Notary Stamp: NOTARY PUBLIC STATE OF OHIO — MELISSA PRICE NOTARY PUBLIC STATE OF OHIO COMM. EXPIRES 02-09-2021

Melissa Price — Notary Public

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: February 4, 2021

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1. **Calendar**
   See Attached

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

FEBRUARY

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Council Work Session 6:30 pm – Virtual	2 Public Works/Public Utilities 6:00 pm Virtual	3 Civil Service- 3 pm Planning 6:30	4	5	6
7	8 Council – 7 pm	9	10 BZA 6:30	11	12	13
14	15 Parking and Safety 6pm	16	17	18	19	20
21	22 Council 7 pm	23 Shade Tree 6:30pm	24 HPC 6:30 pm	25	26	27
28						

CONTRACT APPROVAL - 02/08/2021				
VENDOR	**EXPLANATION OF AGREEMENT**	**2021 AMOUNT**	**DEPARTMENT**	**DATE**
Fourty Nine Degrees, LLC	Environmental design elements for City Hall Reno.	$37,332.00	CMO	1/15/2021
Troy Twp.	Snow and ice removal	n/a	Public Works	1/21/2021
Buckeye Ready Mix	Concrete Materials	various amounts	Public Works	1/22/2021
Frontier North, Inc.	Utility relocation costs to resolve utility conflict for path in vicinity of Lexington/Central Ave. intersection	$250,000.00	Public Works	1/25/2021
Liberty Twp.	Snow and ice removal	n/a	Public Works	1/27/2021
ODOT	Snow and ice removal	n/a	Public Works	1/28/2021
Concord Twp.	Snow and ice removal	n/a	Public Works	1/29/2021
Sweeping Corp. of America	Monthly downtown sweeping and city owned parking lots	$70,000.00	Public Works	2/1/2021
Norfolk & Southern Railway	Modification to reimburse NS for engineering svcs. They incur to review the Point Plans.	$50,000.00	Public Works	2/1/2021
National Lime and Stone	Stone materials	various amounts	Public Works	2/1/2021
Delaware County	Fiber Co-op Agreement	n/a	IT	2/1/2021