CITY OF DELAWARE
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
7:00 P.M. MEETING

RESCHEDULED MEETING OF JANUARY 26, 2026 AGENDA

7:00 PM **FEBRUARY 2, 2026**

MEETINGS WILL BE STREAMED LIVE AT CITY HALL UNDER "EVENTS" AT www.delawareohio.net

1. **ROLL CALL**

2. **INVOCATION by TBD**

3. **PLEDGE OF ALLEGIANCE**

4. **OATH OF OFFICE** administered to City Attorney, David Moser, by Judge Marianne Hemmeter

5. **APPROVAL OF MOTION SUMMARY**

   Approval of the Motion Summary from the City Council meeting held on January 12, 2026, as recorded and transcribed.

6. **CONSENT AGENDA**

   a. Acceptance of the Motion Summary of the Sister City Advisory Board meeting held on July 8, 2025, as recorded and transcribed.

   b. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on October 8, 2025, as recorded and transcribed.

   c. Acceptance of the Motion Summary of the Sister City Advisory Board meeting held on October 14, 2025, as recorded and transcribed.

   d. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on November 18, 2025, as recorded and transcribed.

   e. Establish **February 9, 2026, at 7:10 PM** as the date and time for the public hearing and second reading of Ordinance No. 26-03, an ordinance amending the procedural Rules of Council set forth in Section 111.01 of the Delaware Codified Ordinances and declaring an emergency.

   f. Establish **February 9, 2026, at 7:15 PM** as the date and time for the public hearing and second reading of Ordinance No. 26-04, an ordinance providing for the issuance and sale of notes in the maximum principal aggregate principal amount of $11,700,000 in anticipation of the issuance of bonds, for the purpose of refunding certain of the City's securities which were issued for the purpose of paying the costs of improving the City's public roadway system and declaring an emergency.

g. Establish **February 9, 2026, at 7:20 PM** as the date and time for the public hearing and second reading of Ordinance No. 26-05, an ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of $20,250,000 for the purpose of paying the costs of (a) improving the municipal fire safety facilities and (b) improving the municipal transportation system and declaring an emergency.

7. **LETTERS, PETITIONS, AND PUBLIC COMMENTS**

ATTEND AN OPEN MEETING: Open meetings are held in City Hall Council Chambers. Sign in forms to speak are available at the door. Name and address are required for public comment. Comments are limited to 3 minutes.
EMAIL, LETTER, PETITION: Emails, letters, and petitions received to the Council Clerk by 10 a.m. the date of the meeting will be presented to members 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. Send to councilclerk@delawareohio.net. PLEASE NOTE SUBMISSION TIME.

8. **COMMITTEE REPORTS**

9. **7:10 PM PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 26-07**

Resolution No. 26-07, a resolution to approve request by M/I Homes of Central Ohio, LLC for approval of a Development Plan for Northwood Sub-Area B Sections 2, 3, and 6-12 containing 251 single-family dwelling units on 95.284 acres of property zoned R-SF PMU (Single-Family District with a Planned Mixed-Use Overlay) and located in the Northwood subdivision.

10. **THIRD READING OF ORDINANCE NO. 25-77**

Ordinance No. 25-77, an ordinance approving a request by Fincon Epic Ventures of a zoning map amendment to expand MX-PUD 25-2 to include 4.468 additional acres currently zoned A-1 (Agricultural) as described in "Exhibit A".

11. **THIRD READING OF ORDINANCE NO. 25-78**

Ordinance No. 25-78, an ordinance approving a request by GTZ Properties for a zoning map amendment from C-CC (Community Commercial) to C-PUD (Commercial Planned Unit Development) on 10.3 acres of property along the north side of Sunbury Road (US36/SR37) and east of Skyview Lane.

12. **THIRD READING OF ORDINANCE NO. 25-79**

Ordinance No. 25-79, an ordinance approving a request to rezone approximately 101.5 acres from A-1, (Agricultural) east of the intersection of Glenn Parkway and Berlin Station Road to R-PUD (Residential Planned Unit Development).

13. **CONSIDERATION OF ORDINANCE NO. 26-02**

Ordinance No. 26-02, an ordinance authorizing the City Manager to execute an amendment to the current lease agreement with the Second Ward Community Initiative.

14. **CONSIDERATION OF ORDINANCE NO. 26-03**

Ordinance No. 26-03, an ordinance amending the procedural Rules of Council set forth in Section 111.01 of the Delaware Codified Ordinances and declaring an emergency.

15. **CONSIDERATION OF ORDINANCE NO. 26-04**

Ordinance No. 26-04, an ordinance providing for the issuance and sale of notes in the maximum principal aggregate principal amount of $11,700,000 in anticipation of the issuance of bonds, for the purpose of refunding certain of the City's securities which were issued for the purpose of paying the costs of improving the City's public roadway system and declaring an emergency.

16. **CONSIDERATION OF ORDINANCE NO. 26-05**

Ordinance No. 26-05, an ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of $20,250,000 for the purpose of paying the costs of (a) improving the municipal fire safety facilities and (b) improving the municipal transportation system and declaring an emergency.

17. **FINANCE DIRECTOR'S REPORT**

a. December 2025 Financial Report

18. **CITY MANAGER'S REPORT**

19. **COUNCIL COMMENTS**

20. **ADJOURNMENT**

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**APPROVAL OF MOTION SUMMARY**
SUBJECT:	Approval of the Motion Summary from the City Council meeting held on January 12, 2026, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:

City Council Motion Summary 01 12 2026 Meeting.docx

ITEM 1. ROLL CALL

The meeting was called to order at 6:15 PM with the following City Council members present Linsey Griffith, First Ward; Adam Haynes, Second Ward; Kyle Bogan, At-Large; Vice-Mayor Catlin Frazier; and Mayor Carolyn Kay Riggle.

Motion to Excuse: Vice-Mayor Frazier motioned to excuse Kevin Rider, Fourth Ward, seconded by Dr. Boger. Motion was approved with a 5-0-0 vote.

6:15 PM EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (1) appointment and (G) (3) pending or imminent court action.

Motion into Executive Session: Vice-Mayor Frazier motioned to go into executive session pursuant to Ohio Revised Code Section 121.22 (G)1 seconded by Dr. Boger. Motion was approved with a 5-0-0 vote.

Staff Present: Sandra Pereira, Planning and Community Development Director; Jonathan Owen, City Engineer; Adam Moore, Police Chief; Rob Alger, Finance Director; Yaz Ashrawi, Frost Brown Todd Law; Alycia Ballone, Budget, Management & Procurement Director; Nic Langford, Economic Development Director; Andy Beare, Assistant City Manager; and Paul Brake, City Manager

ITEM 2. INVOCATION

Invocation was provided by Police Chaplain, Rev. Dan Maurer, Church of God

ITEM 3. PLEDGE OF ALLEGIANCE

ITEM 4. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary of the City Council meeting held on December 15, 2025, as recorded and transcribed.

Motion: Councilwoman Griffith motioned to approve the Motion Summary of the City Council meeting held on December 15, 2025, as recorded and transcribed, seconded by Vice-Mayor Frazier. Motion was approved with a 4-0-1 vote.

ITEM 5. SPECIAL EMPLOYEE RECOGNITION by Paul J. Brake

Scott Brown, Central Ohio Regional Representative for State Auditor, Keith Faber, presented the Finance Department with the Auditor of State Award with Distinction.

Mr. Brown also recognized Finance Director, Rob Alger, with a proclamation recognizing his 31 years of service in the City of Delaware. Mr. Alger provided a few remarks.

ITEM 6. CONSENT AGENDA

a. Acceptance of the Motion Summary of the Parking and Safety Committee meeting held on August 26, 2025, as recorded and transcribed.

b. Acceptance of the Motion Summary of the Planning Commission meeting held on December 3, 2025, as recorded and transcribed.

c. Resolution No. 26-01, a resolution appointing a member to the Delaware General Health District Board and specifying the term of the appointment.

d. Resolution No. 26-02, a resolution amending Resolution No. 25-93, appointing council members to various committees, commissions, and/or boards.

e. Establish January 26, 2026, at 7:10 PM as the date and time for the public hearing and consideration of Resolution No. 26-07, a resolution to approve Development Plan for Northwood Sub-Area B, Sections 2, 3, and 6-12 on 95.284 acres of property zoned R-SF (Single-Family District with a Planned Mixed-Use Overlay) and located in the Northwood.

Motion: Vice-Mayor Frazier motioned to approve the consent agenda, seconded by Dr. Bogan. Motion was approved with a 4-1-0 vote.

ITEM 7. LETTERS, PETITIONS, AND PUBLIC COMMENTS

There was no public participation.

ITEM 8. COMMITTEE REPORTS

Councilwoman Griffith had no reports.

Councilman Haynes shared the BZA will meet on Wednesday.

Dr. Bogan was unable to attend the Parking and Safety Committee meeting last month but watched virtually.

Vice-Mayor Frazier attended the Parking and Safety Committee meeting and there were preliminary discussions on e-bikes and golf carts.

Mayor Riggle attended the Planning Commission meeting last week and will be at the Sister City Advisory Board meeting tomorrow.

ITEM 9. CONSIDERATION OF A TRANSFER LIQUOR LICENSE REQUEST

A transfer liquor license request from Cocinamos LLC to FHDR LLC (DBA Rosebud's) located at 3 W. Winter Street, Delaware, Ohio 43015.

Police Chief Adam Moore reviewed the investigation report and stated there was no finding for an objection.

Motion: Councilwoman Griffith motioned to approve the transfer request, without objection, seconded by Vice-Mayor Frazier. Motion was approved with a 5-0-0 vote.

ITEM 10. CONSIDERATION OF A TRANSFER LIQUOR LICENSE REQUEST

A transfer liquor license request from Ohio Wesleyan University, located at 45 South Henry Street, Delaware, Ohio to AVI Food Systems Inc. (AVI Food Systems/1842), located at 4 Williams Drive, Delaware, Ohio 43015.

Police Chief Adam Moore reviewed the investigation report and stated there was no finding for an objection.

Motion: Councilwoman Griffith motioned to approve the transfer license request, without objection, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

ITEM 11. CONSIDERATION OF A TRANSFER LIQUOR LICENSE REQUEST

A transfer liquor license request from AIC of Ohio LLC, located at 59 Potter Street, Delaware, Ohio 43015 to 12 West William, LLC (DBA Hallihans) located at 12 West William Street, Delaware, Ohio 43015.

Police Chief Adam Moore reviewed the investigation report and stated there was no finding for an objection.

Motion: Councilwoman Griffith motioned to approve the transfer license request, without objection, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

ITEM 12. CONSIDERATION OF A NEW LIQUOR LICENSE REQUEST

A new liquor license for 12 West William, LLC (Hallihans), located at 12 West William Street, Delaware, Ohio 43015.

Police Chief Adam Moore reviewed the investigation report and stated there was no finding for an objection. Chief Moore offered an explanation of why items 11 and 12 were intertwined.

Motion: Councilwoman Griffith motioned to approve the new license request, without objection, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

ITEM 13. CONSIDERATION OF A NEW LIQUOR LICENSE REQUEST

A new liquor license request for Rare Hospitality International Inc (DBA Longhorn Steakhouse) located at 32 Coughlin Lane, Delaware, Ohio 43015

Police Chief Adam Moore reviewed the investigation report and stated there was no finding for an objection.

Motion: Vice-Mayor Frazier motioned to approve the new license request, without objection, seconded by Councilwoman Griffith. Motion was approved with a 5-0-0 vote.

ITEM 14. CONSIDERATION OF A NEW LIQUOR LICENSE REQUEST

A new liquor license request for AIC of Ohio, LLC located at 59 Potter Street, Delaware, Ohio 43015

A discussion about what this license requested occurred. Chief Moore offered to investigate the matter and come back at the end of the meeting with an explanation.

ITEM 15. CONSIDERATION OF RESOLUTION NO. 26-05

Resolution No. 26-05, a resolution honoring the life of Dr. Martin Luther King, Jr.

The clerk read the resolution for the first time.

Mayor Riggle stated this resolution shows support for the Martin Luther King, Jr. Celebration at Ohio Wesleyan.

Motion: Councilwoman Griffith motioned to approve Resolution No. 26-05, seconded by Vice-Mayor Frazier. Motion was approved with a 5-0-0 vote.

ITEM 16. THIRD READING OF ORDINANCE NO. 25-75

Ordinance No. 25-75, an ordinance accepting the annexation of 175.79 acres of land, more or less, description and map are attached hereto for the annexation known as Price Farms Annexation by Michael R. Shade, agent for the petitioners.

The clerk read the ordinance for a third time.

Sandra Pereira, Planning and Community Development Director, stated she had nothing further to add but was available for questions.

Motion: Councilman Haynes motioned to approve Ordinance No. 25-75, seconded by Vice-Mayor Frazier. Motion was approved with a 4-1-0 vote.

ITEM 17. THIRD READING OF ORDINANCE NO. 25-76

Ordinance No. 25-76, an ordinance accepting the annexation of 109.01 acres of land, more or less, description and map are attached hereto for the annexation known as Pine Meadows annexation by David W. Fisher, agent for the petitioners.

The clerk read the ordinance for a third time.

Sandra Pereira, Planning and Community Development Director, stated she had nothing further to add.

Motion: Vice-Mayor Frazier motioned to approve Ordinance No. 25-76, seconded by Councilman Haynes. Motion was approved with a 4-1-0 vote.

ITEM 18. 7:10 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-77

Ordinance No. 25-77, an ordinance approving a request by Fincon Epic Ventures of a zoning map amendment to expand MX-PUD 25-2 to include 4.468 additional acres currently zoned A-1 (Agricultural) as described in "Exhibit A".

The clerk read the ordinance for a second time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation that included the background, request, and concept plan.

Applicant:

Todd Ferris, Ferris Planning and Design
4876 Cemetery Road
Hilliard, Ohio

Mike Shade, Attorney at Law
236 W. Central Avenue
Delaware, Ohio

Mr. Ferris stated this addition will allow the development to look cleaner.

Mr. Shade stated the owner was not able to include this piece in the original design.

The public hearing was opened at 7:32 PM

There was no public participation.

The public hearing closed at 7:32 PM

This ordinance will go to another reading.

ITEM 19. 7:15 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-78

Ordinance No. 25-78, an ordinance approving a request by GTZ Properties for a zoning map amendment from C-CC (Community Commercial) to C-PUD (Commercial Planned Unit Development) on 10.3 acres of property along the north side of Sunbury Road (US36/SR37) and east of Skyview Lane.

The clerk read the ordinance for a second time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation that site location, gave an explanation of why the site is being asked to be rezoned to C-PUD, current zoning and a concept plan.

Applicant:

Mitch Goltz, GTZ Properties
210 Skokie Valley Road
Highland Park, Illinois

Jimmy Gordon, Tebbe Civil Engineering
4700 Lakehurst Court
Dublin Ohio

Mr. Goltz thanked Ms. Pereira for her presentation and stated they are eager to get this project started.

The public hearing was opened at 7:39 PM

Scott McVicker
1935 Ashburn Drive
Delaware, Ohio

Mr. McVicker shared his concern with emergency access to this area, if there were to be a major accident at the intersection of Skyview Lane and US36/SR37 and hoped the traffic impact study would take that into consideration.

The public hearing was closed at 7:41 PM

City Engineer Jonathan Owen stated there is an emergency access point off Bowtown Road for emergency vehicles to gain access to properties along Biltmore Drive. The ultimate goal would be to have Biltmore Drive connected to Byxbe Parkway.

This ordinance will go to another reading.

ITEM 20. 7:20 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-79

Ordinance No. 25-79, an ordinance approving a request to rezone approximately 101.5 acres from A-1, (Agricultural) east of the intersection of Glenn Parkway and Berlin Station Road to R-PUD (Residential Planned Unit Development).

The clerk read the ordinance for a second time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation including the site location, case background, and a concept plan.

The public hearing was opened at 7:47 PM

The was no public participation.

The public hearing was closed at 7:47 PM

Councilman Haynes complimented the layout of the development, especially again the railroad track.

This ordinance will go to another reading.

ITEM 21. 7:25 PM PUBLIC HEARING AND CONSIDERATION READING OF RESOLUTION NO. 25-90

Resolution No. 25-90, a resolution to approve a Development Plan for 7 Brew at 1424 Sunbury Road within the Glennwood Commons Planned Mixed-Use Overlay.

The clerk read the resolution for the first time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation including the site location, case background, site plan, and elevation plans.

Applicant:
Matthew Weymouth
5831 Steward Road
Galena, Ohio

Joseph Horton
2800 Corporate Exchange Drive
Columbus, Ohio

Mr. Weymouth stated they were excited to build in Delaware City.

Councilwoman Griffith expressed her concern with overflow traffic during peak hours would be handled. Mr. Weymouth shared the design is different than the location shared and does hold more cars and thought that would be sufficient.

Councilman Haynes thanked the applicants for deciding on Delaware to open a store.

The public hearing was opened at 7:55 PM.

There was no public participation.

The public hearing was closed at 7:55 PM.

Motion: Vice-Mayor Frazier motioned to approve Resolution No. 25-90, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

ITEM 22. 7:30 PM PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 25-80

Ordinance No. 25-80, an ordinance amending the schedule of fees and service charges and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the city, and for the further reason that the fee changes, which are tied to other budgetary items, must be effective by February 1, 2026, and as such will be in full force and effect immediately upon its passage.

The clerk read the ordinance for the second time.

Alycia Ballone, Budget, Management & Procurement Director, stated this ordinance would update the fee schedule that was passed in December due to some items that were left off and one that was accidentally removed.

Jonathan Owen, City Engineer, gave a brief presentation of the items that have been added.

The public hearing opened at 8:02 PM.

There was no public participation.

The public hearing closed at 8:02 PM.

Motion: Dr. Bogan motioned to suspend the rule of three readings for Ordinance No. 25-80, seconded by Vice-Mayor Frazier. Motion was approved with a 5-0-0 vote.

Motion: Dr. Bogan motioned to approve the emergency clause for Ordinance No. 25-80, seconded by Vice-Mayor Frazier. Motion was approved with a 5-0-0 vote.

Motion: Dr. Bogan motioned to approve Ordinance No. 25-80, seconded by Vice-Mayor Frazier. Motion was approved with a 5-0-0 vote.

ITEM 23. CONSIDERATION OF ORDINANCE NO. 26-01

Ordinance No. 26-01, an ordinance supplementing the 2026 appropriations and declaring an emergency. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and for the further reason that such action is necessary to provide for expenditures through the end of the fiscal year being December 31, 2026, and as such will be in full force and effect immediately upon its passage.

The clerk read the ordinance for the first time.

Alycia Ballone, Budget, Management & Procurement Director, stated the need to for this supplemental was to reconcile the add on for the bid packet for additional dirt that would be used for the Merrick Parkway railroad overpass embankment. The bid came in under the engineer's budget. The supplemental will allow the embankment work to come out of a separate fund, which currently does not exist. The NCA will reimburse the fund for costs.

Motion: Vice-Mayor Frazier motioned to suspend the rule of three readings for Ordinance No. 26-01, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

Motion: Vice-Mayor Frazier motioned to approve the emergency clause for Ordinance No. 26-01, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

Motion: Vice-Mayor Frazier motioned to approve Ordinance No. 26-01, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

ITEM 24. CONSIDERATION OF RESOLUTION NO. 26-03

Resolution No. 26-03, a resolution accepting negotiated changes to the Delaware Public Works, Utilities and Parks Association employee's agreement with the City of Delaware.

The clerk read the resolution for the first time.

Jessica Feller, Human Resources Director, reviewed the changes, omissions and updates to the agreement.

Vice-Mayor Frazier asked how many the mechanics tool stipend affects.

Motion: Councilwoman Griffith motioned to approve Resolution No. 26-03, seconded by Vice-Mayor Frazier. Motion carried with 5-0-0 vote.

ITEM 25. CONSIDERATION OF RESOLUTION NO. 26-04

Resolution No. 26-04, a resolution indicating what services the City of Delaware will provide to 5.0 acres of land, more or less, description and map are attached hereto for the annexation known as the Patel Peachblow Annexation by Michael R. Shade, agent for the petitioner.

The clerk read the resolution for the first time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation on the location of the parcel of land.

Applicant:

Mike Shade, Attorney at Law
236 W. Central Avenue
Delaware, Ohio

Mr. Shade stated this is a parcel owned by a single resident that would like to be annexed into the city.

Motion: Vice-Mayor Frazier motioned to approve Resolution No. 26-04, seconded by Councilman Haynes. Motion was approved with a 5-0-0 vote.

ITEM 14. CONSIDERATION OF A NEW LIQUOR LICENSE REQUEST

A new liquor license request for AIC of Ohio, LLC located at 59 Potter Street, Delaware, Ohio 43015

Chief Adam Moore stated this request is for a D6 license that is currently unavailable, nevertheless, the application did come to the police department and the clerk's office. There are no findings for an objection.

Motion: Councilwoman Griffith motioned to approve the new license request, without objection, seconded by Dr. Bogan. Motion was approved with a 5-0-0 vote.

ITEM 26. CONSIDERATION OF RESOLUTION NO. 26-06

Resolution No. 26-06, a resolution authorizing and approving a pre-annexation agreement for 139.66± acres on the north side of Bunty Station Road, west of Sawmill Parkway, known as the Olentangy School District Annexation.

The clerk read the resolution for the first time.

Sandra Pereira, Planning and Community Development Director, gave a brief presentation on the location of the parcel of land. The city has been in discussion about constructing a high school off Bunty Station Road, which Olentangy Schools already own. The agreement would set in place some expectations about approvals, how school resource officers would be designated, and how water and sewer would be provided before the annexation process begins.

Vice-Mayor Frazier asked about the school resource officer and who would provide and pay for the officer.

Mayor Riggle asked if a similar SRO agreement was in place with Buckeye Valley Schools. City Manager Brake responded that there is not a current Buckeye Valley School located within city limits; that would be the reason for providing one to Olentangy Schools.

Ms. Pereira wanted to clarify that an SRO agreement was not a part of this pre-annexation agreement, only that it would be discussed at a later time.

Motion: Vice-Mayor Frazier motioned to approve Resolution No. 26-06, seconded by Councilwoman Griffith. Motion was approved with a 4-1-0 vote.

ITEM 27. CITY MANAGER'S REPORT

December 2025 Contract Approvals

Paul Brake, City Manager, stated the contracts for the construction of the south industrial loop and US42 and a sanitary sewer extension on Pittsburg Drive were awarded; attended the Strand Theatre marquee lighting.

ITEM 28. COUNCIL COMMENTS

Councilwoman Griffith stated that some women in the area may feel unsettled and thanked the community for their support; stated local, county and state government should be as transparent as possible more than ever; and thanked residents for showing up and participating in government and encourage other to become more engaged.

Councilman Haynes welcomed the scouts in the audience; shared a post on the city's Facebook page about Aaron Landis' help with a scooter being assembled in the front yard of a nearby worksite.

Councilman Bogan thanked the city's outstanding staff for answering questions he has had and is looking forward to starting the orientation with the directors later this week.

Vice-Mayor Frazier wanted to welcome Olentangy Local Schools to the city; will be attending the MLK breakfast at Ohio Wesleyan next Monday.

Mayor Riggle thanked staff for all of their help with answering questions.

ITEM 29. ADJOURNMENT

Vice-Mayor Frazier motioned to adjourn the meeting at 8:29 p.m.

The meeting was adjourned at 8:29 p.m.

_____

Mayor Carolyn Kay Riggle

_____

Sarah Dinovo, Council Clerk

AGENDA ITEM NO. a

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary of the Sister City Advisory Board meeting held on July 8, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
20250708 Motion Summary.pdf

SISTER CITY ADVISORY BOARD
MOTION SUMMARY
JULY 8, 2025

ITEM 2. ROLL CALL

Chairman Guebert called to order the Sister City Advisory Board at 6:00 p.m.

Members Present: Darrell Albon, Franz Gruber, Monika Ray, Mayor Riggle, Vice-Chair Karen Waselko, and Chairman Rand Guebert

Member Absent: Todd Perry

Chair Guebert stated there are several changes to the Sister City Advisory Board. Suzanne Williams has been replaced by Assistant Principal Todd Perry. Chair Guebert asked for a motion to thank Suzanne for her time on the Advisory Board.

Motion: Vice-Chair Waselko motion to thank Suzanne Williams for her time, seconded by Ms. Ray. Motion was approved with a 6-0-0 vote.

Chair Guebert recognized Darell Albon, as this is his last meeting with us. Ohio Wesleyan will be appointing Lisa Ho in Mr. Albon's place.

ITEM 3. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary of Sister City Advisory Board held on April 1, 2025, as recorded and transcribed.

Motion: Mayor Riggle motioned to approve the Sister City Advisory Board Meeting held on April 1, 2025, as recorded and transcribed, motion was seconded by Vice-Chair Waselko. Motion was approved by a 6-0-0 vote.

Chair Guebert invited Micah Giorgi to come up to introduce other members in the audience. Micah introduced his brother Henry, his sister Rilen, his mother Andrea. Micah also introduced Chloe Stewart, Jessica Stewart and Phil Smith

ITEM 4. PUBLIC COMMENT

There was further public participation.

ITEM 5. SISTER CITY UPDATES

a. Sakata

Chair Guebert reviewed the latest update from Sakata.

b. Baumholder

Chair Gubert would like to try again soon to have an online meeting with Bernd Mai. Chair Guebert stated he would like to see the relationship with Baumholder continue with the retirement of Coach Jay Martin from the OWU's soccer team.

A discussion of the background of how the visit began occurred.

ITEM 6. HIGH SCHOOL ENGAGEMENT

Chair Guebert would like to begin sending videos to Sakata and possibly Baumholder promoting Delaware by the high school students. Sakata sends videos annually to vote on as a competition.

a. Global Scholars Diploma Programs

Chair Guebert stated he thought Buckeye Valley and Hayes High Schools would like to partner with the Global Scholars Programs to further the exchange of students.

b. Sakata Video

Micah Giorgi produced a video from a recent exchange student, Fuka, from Japan. The Board was able to watch that video as well as one that the student, Fuka, made.

The Board discussed the possibility of sending videos out and engaging students abroad and local.

ITEM 7. ADJOURNMENT

Mayor Riggle motioned to adjourn, seconded by Vice-Chair Waselko.

The Sister City Advisory Board adjourned at 6:45 p.m.

Chair

Clerk

AGENDA ITEM NO. b

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on October 8, 2025, as recorded and transcribed.

SUGGESTED ACTION:

ATTACHMENTS:
20251008 BZA Motion Summary.pdf

BOARD OF ZONING APPEALS
MOTION SUMMARY
OCTOBER 8, 2025

ITEM 1. Roll Call

Chair Dariano called the meeting to order at 6:31 p.m.

Members Present: Beth Fisher, Mayor Carolyn Kay Riggle, Vince Rosenthal (arriving at 6:36 p.m.), Jim Bownas and Brett Latta

Member Absent: Ben Dariano

Staff Present: Jon White, Development Planner

Motion: Mr. Bownas motioned to excuse Mr. Dariano and Mr. Rosenthal, seconded by Ms. Fisher. Moton was approved with a 5-0-0 vote.

ITEM 3. APPROVAL OF THE MOTION SUMMARY

A. Approval of the Motion Summary of the Board of Zoning Appeals meetings held on June 11, 2025.

Motion: Mr. Bownas motioned to approve the motion summary from June 11, 2025, seconded by Ms. Fisher. Motion was approved with a 4-0-1 vote.

ITEM 4. REGULAR BUSINESS

A. V 25-3: A request by Randall Runyon for approval of a variance to Schedule 1120.06 Residential Structure Minimum Exterior Standards at 34 Prospect Street on 0.231 acres or property zoned R-NT (Residential – Neighborhood Transition) further described as parcel 519-431-28-025-002.

Anticipated Process

a. Swearing in of applicants, staff, and members of the public relating to this case

b. Applicant Presentation

Randy Runyon
34 Prospect Street
Delaware, Ohio

Mr. Runyon stated he purchased the property to build a house to resell. Mr. Runyon submitted plans to the Planning Department which were

approved. The submitted drawings were purchased, not drawn up by his architect, and changes were made to the drawings. Mr. Runyon stated the look of the front of the home was a farmhouse style without brick or stone to reflect that style. The drawings stated brick or stone would be optional. When the inspectors went through the final inspection and stated there was to be brick or stone, according to the plans. Mr. Runyon stated that had he known that brick or stone was a requirement, he would have added it before the final inspection. Now the building is complete and there is a buyer in contract for the property, the change would be very costly. This is why he is seeking a variance.

c. Staff Presentation

Jon White, Development Planner, gave a brief presentation of the background of the case, and stated this would be reviewed under the prior code to reflect when the changes were made, the approved front building elevation, a photo of the current front elevation (which does not have any natural material). Staff recommend denial of the variance due to no hardship proven.

d. Public Testimony

There was no public participation.

A discussion of the neighboring homes occurred.

Mr. Runyon stated the issue with his home did not come up until the final inspection. If the issue was brough up beforehand, he would have complied.

e. BZA action

Discussion that included where the word optional was on the plans, clarification of where Mr. Runyon built (whether it was the City of Delaware or Delaware County, as he had previous stated), why the brick was shown on the elevation plans if there was no intention of using brick, if adding brick or stone to just the gray part of the home to meet the 25% requirement would help, and whether the packet included the requirements.

Motion: Mr. Rosenthal motioned to deny application V25-3 for 34 Prospect Street, finding beyond a reasonable doubt that the decision factors necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning code are not met, seconded by Mr. Agrawal. Motion was approved with a 5-1-0 vote.

ITEM 5. STAFF COMMENTS

Mr. White stated there was not any application for November.

ITEM 2. WELCOME NEW MEMBER

A. Parag Agrawal, Third Ward

Vice-Chair Latta asked Mr. Agrawal to introduce himself. Mr. Agrawal introduced himself and gave a bit of his history both personal and professional.

ITEM 6. MEMBER COMMENTS

A question of whether the applicant is able to appeal the decision tonight to City Council or if becomes a civil matter to be decided at the court.

ITEM 7. NEXT MEETING DATE: November 12, 2025

ITEM 8. ADJOURNMENT

Motion: Vice-Chair Latta motioned to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Bownas. Motion approved with a 6-0-0 vote.

The Board of Zoning Appeals meeting adjourned at 7:22 p.m.

Chair

Clerk

AGENDA ITEM NO. c

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary of the Sister City Advisory Board meeting held on October 14, 2025, as recorded and transcribed.
SUGGESTED ACTION:	

ATTACHMENTS:
20251014 Motion Summary.pdf

SISTER CITY ADVISORY BOARD
MOTION SUMMARY
OCTOBER 14, 2025

ITEM 2. ROLL CALL

Chairman Guebert called to order the Sister City Advisory Board at 6:00 p.m.

Members Present: Lisa Ho, Franz Gruber, Todd Perry, Mayor Riggle, and Chairman Rand Guebert

Member Absent: Monika Ray and Vice-Chair Karen Waselko

Motion to Excuse: Mayor Riggle motioned to excuse Ms. Ray and VC Waselko, seconded by Mr. Gruber. Motion was approved with a 5-0-0 vote.

Introduction of new members: Chairman Guebert introduced Lisa Ho, OWU representative and Todd Perry, Delaware City Schools representative. Ms. Ho gave comments regarding her position at OWU. Mr. Perry gave comments regarding his position at Dempsey Middle School.

ITEM 3. APPROVAL OF MOTION SUMMARY

Approval of the Motion Summary of Sister City Advisory Board held on July 8, 2025, as recorded and transcribed.

The clerk stated there was no quorum at this meeting to vote on the minutes of July 8, 2025, motion summary and would be added to the next meeting agenda.

ITEM 3. PUBLIC COMMENT

There was further public participation.

ITEM 4. SISTER CITY UPDATES

a. Sakata:

1. Review of video about Delaware

Micah ~~Jorgie~~ Gorgi
170 W. Lincoln Avenue
Delaware, Ohio

A video was displayed showcasing parts of Delaware and Hayes High School. Chairman Guebert asked for opinions about the video. Members of the advisory

board shared their opinions, suggested edits and asked about how certain aspects of the video would be received by the intended viewers. Ms. Ho suggested that Japanese exchange students that are attending OWU view the video to provide feedback.

2. Review of plans for 2027 visit

Chairman Guebert wanted to start talking about plans for the possible 2027 visit from Sakata. A quick discussion regarding the time of year and who would take the lead occurred.

b. Baumholder:

1. Sending Sakata video to Baumholder

Chairman Guebert stated he mentioned to Bernd Mai about exchanging videos, who is excited about the idea of exchanges videos.

2. Photo display legacy

Chairman Guebert shared a request from Melanie Mai about where the photos were displayed. Chairman Guebert said he would take responsibility for gathering that information, if the information was shared.

3. Engagement with veterans from Baumholder

Chairman Guebert asked for possible ways to get our veterans who may have served in Baumholder in touch with our Sister City for better engagement.

Members of the committee made a few suggestions of organizations that could help.

Ms. Ho reminded everyone that there will be a meeting on October 29, 2025, at noon (EST) to catch up with Bernd Mai and Mayor Alsfasser.

c. Future Leadership of Advisory Committee

Chairman Guebert stated while he would like to continue to serve of the Advisory Committee, he does not wish to be Chairman. There will be the selection of a Chair and Vice-Chair at the January meeting so there will be time to think of others who may want to volunteer for the seat.

Ms. Ho stated OWU offers a Hayes Scholarship every year to Paraguay students. Ms. Ho spoke with the First Secretary of the new ambassador from Paraguay. The First Secretary shared that there will be a conference room

renamed the Rutherford B. Hayes conference room and would like a representative to be in attendance.

ITEM 5. ADJOURNMENT

Chairman Guebert motioned to adjourn the meeting at 6:52 p.m.

The Sister City Advisory Board adjourned at 6:54 p.m.

Chair

Clerk

AGENDA ITEM NO. d

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sarah Dinovo, City Clerk
ITEM TYPE:	Motion Summary
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on November 18, 2025, as recorded and transcribed.
SUGGESTED ACTION:	

ATTACHMENTS:
20251118 Motion Summary.pdf

PARKS AND RECREATION ADVISORY BOARD
MOTION SUMMARY
NOVEMBER 18, 2025

ITEM 1. Roll Call

The meeting was called to order at 6:30 p.m. by Chair Bricker.

Members Present: Linsey Griffith, Council Representative; Corie Thompson, Fourth Ward Representative; Chair Joshua Bricker and Vice-Chair Dianna Hibinger; Zach Katona, At-Large; and Ryan Summers, Third Ward Representative

City Staff Present: Ted Miller, Parks and Resource Director and Bridget Kocianic, Recreation Program Superintendent

YMCA Staff Present: Roger Hanafin, District Vice President of Operations

Members Absent: Chandler White, At-Large

Motion: Ms. Griffith motioned to excuse Chandler White, At-Large Representative, seconded by Mr. Katona. Motion was approved with a 6-0-0 vote.

ITEM 2. APPROVAL of the Motion Summary for the meeting held May 20, 2025, as recorded and transcribed.

Motion: Mr. Katona motioned to approve the Motion Summary for the meeting held May 20, 2025, as recorded and transcribed, seconded by Vice-Chair Hibinger. Motion approved by a 6-0-0 vote.

ITEM 3. PUBLIC COMMENTS

There was no public participation.

ITEM 4. UPDATE OF DELAWARE AREA COMMUNITY CENTER YMCA

Roger Hanafin, District Vice President of Operations, reported some of the community events that the YMCA hosts are still going strong.

ITEM 5. UPDATE ON PARKS AND NATURAL RESOURCES

Ted Miller, Parks and Resource Director, discussed the facility maintenance items for the Parks and Recreation Department, working on a space study for the entire city, reviewed staffing, and the 2026 budget requests for parks, recreation, and trails. Mr. Miller also reviewed the accomplishments for urban forestry, cemetery, employee retention for lifeguards, and Hidden Valley Golf

Course. Mr. Miller went over the additions to some of the parks, including a disc golf course.

a. Unity Park Splash Pad

Mr. Miller stated the splash pad is scheduled to open by May of 2026. The restroom will be put on hold until more funding can be found to construct that.

b. Trail Updates

Mr. Miller stated there have been several trails finished this year.

ITEM 6. STAFF COMMENTS

Bridget Kocianic, Recreation Program Superintendent, stated there will be basketball hoops installed on Thursday of this week and stated the Trails and Treats event was the largest to date.

ITEM 7. MEMBER COMMENTS

A member showed a photo of paved trail with a big hole near the play equipment. Mr. Miller stated that hole may have been repaired by the manufacturer.

Mr. Katona reported the annual car show was a success this year, having to turn cars away due to lack of space.

ITEM 8. ADJOURNMENT

Mr. Katona motioned to adjourn the meeting at 6:57 p.m.

The meeting was adjourned at 6:57 p.m.

Chandler White

Chairperson

Sarah Olmos

Clerk

AGENDA ITEM NO. e

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Paul Brake, City Manager Office
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Establish **February 9, 2026, at 7:10 PM** as the date and time for the public hearing and second reading of Ordinance No. 26-03, an ordinance amending the procedural Rules of Council set forth in Section 111.01 of the Delaware Codified Ordinances and declaring an emergency.
SUGGESTED ACTION:	
ATTACHMENTS:	

AGENDA ITEM NO. f

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Establish **February 9, 2026, at 7:15 PM** as the date and time for the public hearing and second reading of Ordinance No. 26-04, an ordinance providing for the issuance and sale of notes in the maximum principal aggregate principal amount of $11,700,000 in anticipation of the issuance of bonds, for the purpose of refunding certain of the City's securities which were issued for the purpose of paying the costs of improving the City's public roadway system and declaring an emergency.
SUGGESTED ACTION:	
ATTACHMENTS:	

AGENDA ITEM NO. g

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSENT AGENDA**
SUBJECT:	Establish **February 9, 2026, at 7:20 PM** as the date and time for the public hearing and second reading of Ordinance No. 26-05, an ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of $20,250,000 for the purpose of paying the costs of (a) improving the municipal fire safety facilities and (b) improving the municipal transportation system and declaring an emergency.
SUGGESTED ACTION:	
ATTACHMENTS:	

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Resolutions
AGENDA SECTION:	**7:10 PM PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 26-07**
SUBJECT:	Resolution No. 26-07, a resolution to approve request by M/I Homes of Central Ohio, LLC for approval of a Development Plan for Northwood Sub-Area B Sections 2, 3, and 6-12 containing 251 single-family dwelling units on 95.284 acres of property zoned R-SF PMU (Single-Family District with a Planned Mixed-Use Overlay) and located in the Northwood subdivision.
SUGGESTED ACTION:	

ATTACHMENTS:

1 Fact Sheet.docx
2 Staff Report.docx
3 Resolution.docx
4 2023-4256 DVP #3 Northwood Sub-Area B Sections 2,3, 6-12 DVP.pdf
5 PC Resolution.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 9 | DATE: 1/26/2026

ORDINANCE NO: | RESOLUTION NO: 26-07

READING: FIRST | PUBLIC HEARING: YES **(JANUARY 26, 2026 at 7:10 PM)**

TO: Mayor & Members of City Council

FROM: Paul J. Brake, ICMA-CM, CEcD, City Manager

VIA: Sandra Pereira, AICP, Director of Planning & Community Development

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION TO APPROVE A REQUEST BY M/I HOMES OF CENTRAL OHIO, LLC FOR APPROVAL OF A DEVELOPMENT PLAN FOR NORTHWOOD SUB-AREA B SECTIONS 2, 3, AND 6-12 CONTAINING 251 SINGLE-FAMILY DWELLING UNITS ON 95.284 ACRES OF PROPERTY ZONED R-SF PMU (SINGLE-FAMILY DISTRICT WITH A PLANNED MIXED-USE OVERLAY) AND LOCATED IN THE NORTHWOOD SUBDIVISION.

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To approve the Development Plan for the Reserve at Northbourne

COMMITTEE RECOMMENDATION:
Planning Commission recommended approval by a vote of 6-0 on January 7, 2026.

PRESENTER(S):
Sandra Pereira, Director of Planning and Community Development

RECOMMENDATION:
Staff and Planning Commission recommend approval as submitted with the documented conditions.

ATTACHMENT(S)
Staff Report
Council Resolution
Planning Commission Resolution
Proposed Development Plans

CITY COUNCIL STAFF REPORT

CASE ID: 2023-4356 Northwood PMU Development Plan #3
Sub-Area B Sections 2, 3, 6-12

APPLICANT: **M/I Homes of Central Ohio, LLC**
4131 Worth Avenue, Suite 310
Columbus, Ohio 43219

REQUEST

A request by M/I Homes of Central Ohio, LLC for approval of a Development Plan for Northwood Sub-Area B Sections 2, 3, and 6-12 containing 251 single-family dwelling units on 95.284 acres of property zoned R-SF PMU (Single-Family District with a Planned Mixed-Use Overlay) and located in the Northwood subdivision.

BACKGROUND/CASE HISTORY

The site received Zoning, Conditional Use, and Preliminary Development Plan approval (Ordinances 23-93-95) in April of 2024. The applicant subsequently received approval for a Development Plan for Sub-Area B Sections 1, 4, and 5 to construct 53, 32, and 21 single-family lots, respectively, and a Development Plan for Sub-Area A (The Reserve at Northbourne). Now, the applicant is requesting approval for a Development Plan for Sub-Area B Sections 2, 3, and 6-12 to construct 251 single-family dwelling units as approved in the Development Text for the subdivision.

EXISTING CONDITIONS/CURRENT ZONING

The subject property is currently farmland or vacant land and was rezoned in 2024. As a property within a Planned Mixed-Use (PMU) Overlay, this land is governed by the approved Development Text associated with that overlay.

Location	Zoning	Land Use
North	R-SF PMU	Vacant (proposed Northwood subdivision)
South	R-SF PMU / R-SF	Vacant (proposed Northwood subdivision) / single-family
East	R-SF PMU	Vacant (proposed Northwood subdivision)
West	R-SF PMU / R-SF	Vacant (proposed Northwood subdivision) / single-family

---

STAFF ANALYSIS

Zoning:

The approved Development Text for the Northwood subdivision permits single-family residential development in Sub-Area B. The applicant's proposal to construct 251 single-family dwelling units complies in all respects with this text. All proposed lot sizes, setbacks, and elevations are also in compliance.

Procedurally, no construction of infrastructure for any of these sections can commence until a plat is approved for that section. No homebuilding can commence until the public improvements have been accepted and the plat recorded.

Site Layout:

Sections 2 and 3 (75 single-family dwelling units)

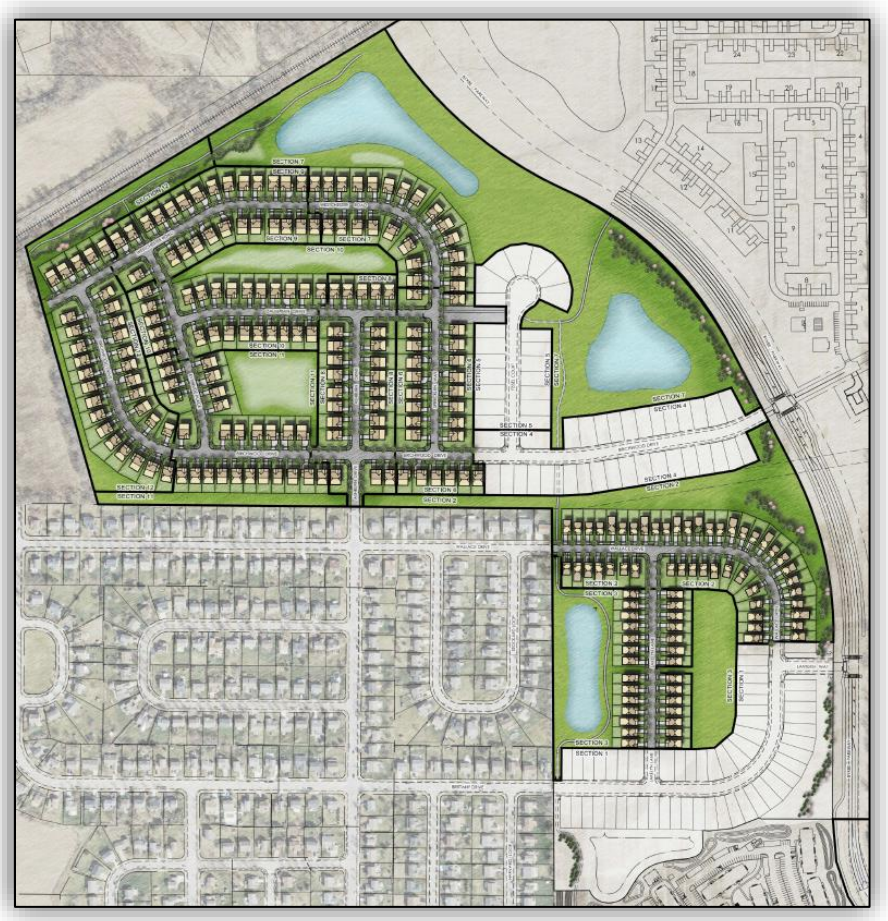
Sections 2 and 3 would contain 42' x 125' (5,250 square feet) lots on an extension of existing Brittany and Wallace Drives and a new connector street, Lakelyn Lane.

Sections 6-12 (176 single-family dwelling units)

Sections 6-12 would contain 52' x 120' (6,240 square feet) lots on Birchwood Drive, Westchester Road, Dalmatian Drive, Sprecklen Way, and an extended Ashburn Drive.

Roads and Traffic

The previous development plan application for Sub-Area B included two access points on the west side of the future Byxbe Parkway extension, which is required to be constructed prior to or concurrent with the construction of the infrastructure for all sections. No building permits will be accepted for review until public improvements have been accepted for Byxbe Parkway and the public roadways servicing these sections. No construction traffic, including for the construction of single-family homes, is permitted on the existing roadways in the Kensington subdivision. All construction traffic is to utilize Byxbe Parkway. This development plan includes connections to the existing Kensington subdivision as well as internal public streets throughout the subdivision.



Bike Paths and Pedestrian Routes

The proposed site plan shows five-foot sidewalks on both sides of all public streets as required. This sidewalk network will connect to the multi-use path on the future Byxbe Parkway extension, as well as to the leisure path network throughout the subdivision.

Open Space and Landscaping

The open space layout for all of Sub-Area B was determined at the zoning stage for this development and the applicant's submittal complies with the zoning approvals. As required by code, the attached tree canopy exhibit shows the installation of street trees on all public roads. The applicant is also proposing to install 3-5-foot undulating mounds with landscaping along the northern boundary of the site as shown on their submitted landscape plans. Each home shall have one front yard tree, to be installed during the home construction process. The applicant has

submitted a Tree Canopy Management Plan for the Sub-Area. This plan complies with Chapter 1122 and has been routed to the Shade Tree Commission for their review.

Building Design

Being a PMU Overlay, specific Development Text sets forth the development standards and requirements for this development. Not only would the houses have to meet the minimum standards of the Residential Development Design Criteria in the Zoning Code (including minimum 25% natural materials on front elevations, minimum eight-inch roof overhang/rake, etc.) but also the more restrictive residential architectural standards in the approved PMU (Planning Mixed Use Overlay District) development text.

Some of the upgrades for the single-family houses include:

1) Dimensional shingles on all homes;
2) Upgraded garage door standards for doors that face a public street;
3) All front elevations shall include a variety of styles, colors, and/or material types of materials and shall meet the varied locations requirements of the Zoning Code.



Lighting

A lighting plan has been submitted and is in review by City staff to ensure compliance with the zoning code.

RECOMMENDATION

Staff and Planning Commission recommend approval the request with the conditions of approval outlined in the attached resolution.

RESOLUTION 26-07

A RESOLUTION TO APPROVE A REQUEST BY M/I HOMES OF CENTRAL OHIO, LLC FOR APPROVAL OF A DEVELOPMENT PLAN FOR NORTHWOOD SUB-AREA B SECTIONS 2, 3, AND 6-12 CONTAINING 251 SINGLE-FAMILY DWELLING UNITS ON 95.284 ACRES OF PROPERTY ZONED R-SF PMU (SINGLE-FAMILY DISTRICT WITH A PLANNED MIXED-USE OVERLAY) AND LOCATED IN THE NORTHWOOD SUBDIVISION.

WHEREAS,M/I Homes of Central Ohio, LLC has made a request for approval of a development plan for Northwood Sub-Area B Sections 2, 3, and 6-12 containing 251 single-family dwelling units on 95.284 acres of property zoned R-SF PMU (Single-Family District with a Planned Mixed-Use Overlay) and located in the Northwood Subdivision.

WHEREAS, a public hearing was held on January 7, 2026, by the City of Delaware Planning Commission, and on January 26, 2026 by City Council as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City Council of the City of Delaware finds that the facts submitted with this Development Plan application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for Development Plan approval as per §1105.12 of the Planning and Zoning Code; and

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

SECTION 1. Approval of a development plan for Northwood Sub-Area B Sections 2, 3, and 6-12 containing 251 single-family dwelling units on 95.284 acres of property zoned R-SF PMU (Single-Family District with a Planned Mixed-Use Overlay) and located in the Northwood Subdivision, except as further modified by the following conditions and requirements:

SECTION 2. Conditions of Approval:

1. The site plan dated 11/26/25 shall be the approved site plan for this development.

2. The landscape plan dated 11/26/25 shall be the approved landscape plan for the development.

3. The Tree Canopy Management Plan dated 12/18/25 shall be the approved TCMP for the development.

4. All comments and concerns of the City Engineer, including any stormwater and utility requirements must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.

5. Roads and Traffic:

    a. Any additional right-of-way or temporary construction easements needed by the City for the future extension of Byxbe Parkway shall be dedicated at no cost by the applicant or future landowner of the development. The City will be responsible for the preparation of deeds and easements as well as the full construction costs of any impacts and restoration within the additional right of way or easement areas.

    b. No building permits or Acceptance of Public Improvements shall be released or granted until public improvements have been accepted for the Byxbe Parkway extension from State Route 521 to Birchwood Drive.

    c. No building permits or Acceptance of Public Improvements shall be released or granted for Sections 6 through 12 until the sanitary lift station has been accepted.

    d. No construction traffic, including but not limited to site improvement construction or homebuilding construction, shall utilize the existing public streets in the Kensington subdivision. All construction traffic shall use Byxbe Parkway. Signs stating such shall be installed by the applicant at all locations where new construction abuts existing street stubs.

    e. A temporary gravel drive for emergency access only shall be provided from the western terminus of Section 6 to the existing Ashburn Drive stub. Signs shall be placed by the applicant at the stub of Ashburn Drive indicating emergency access only.

    f. Each single-family home shall be subject to a per dwelling unit transportation fee of $1,000 due at time of building permit issuance.

6. Building Design and Layout:

    a. The elevations marked “approved” shall be the approved elevations for this development.

b. All lots and dwelling units shall comply with the minimum bulk and setback requirements in the approved Development Text.

7. Buffers, Landscaping, and Open Space:

   a. The retention basin east of Section 5 in Reserve I shall be platted with Section 7. The retention basin in Reserve E shall be platted with Section 3.

   b. All open space shall be owned and maintained by an association of owners and open to the public.

   c. Cluster mailbox unit locations shall be approved by the City Engineer.

8. Pedestrian Access:

   a. The asphalt path connecting Fissel Court to Byxbe Parkway in Reserve I shall be installed with Section 7. The asphalt path on the east side of the western basin in Reserve E shall be installed with Section 3.

9. No building permits or Acceptance of Public Improvements shall be released or granted for Sections 6-12 until the sanitary lift station has been accepted.

10. Signage shall be permitted as approved in the approved sign plan for the development.

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.

PASSED: _____, 2026 YEAS____ NAYS____ ABSTAIN ____

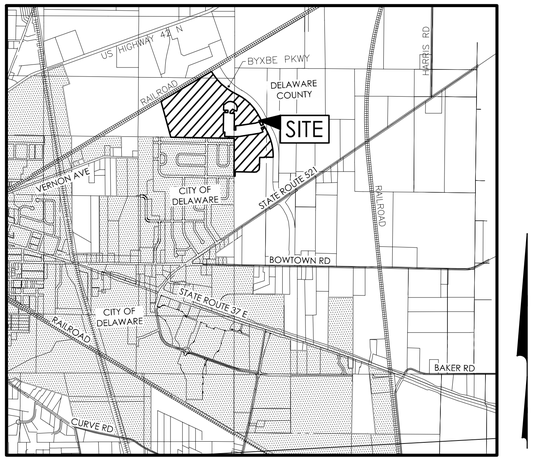
ATTEST: _____ _____

CITY CLERK Mayor

NORTHWOOD
SECTION 2, 3 & 6-12

DEVELOPMENT PLAN

(Similar to Sections 1,4 & 5 Final Development Plan)



LOCATION MAP

NO SCALE

PREPARED FOR:

M/I HOMES

4131 WORTH AVENUE, SUITE 310

COLUMBUS, OH 43219

(614) 379-4044

INDEX OF DRAWINGS

FINAL PLAT:	
SECTION 2:	SHEET 1-2
SECTION 3:	SHEET 3-4
SECTION 6:	SHEET 5-6
SECTION 7:	SHEET 7-9
SECTION 8:	SHEET 10-11
SECTION 9:	SHEET 12-13
SECTION 10:	SHEET 14-15
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SECTION 12:	SHEET 18-19
SITE PLAN:	SHEET 20-21
PHASING PLAN:	SHEET 22
PHOTOMETRIC PLAN:	SHEET 23-24
STREET TREE & LANDSCAPE PLAN:	SHEET 25-27
ILLUSTRATIVE SITE PLAN:	SHEET 28
SHADE TREE COMMISSION PLAN:	SHEET L1-L2

SUBMITTAL: NOVEMBER 26, 2025

CIVIL ENGINEER AND PLANNERS

Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

J:\2025\20259\Dwg\04Sheets\Final Development Plan\0 Cover.dwg, Last Saved By: jlooby, 11/24/2025 4:07 PM Last Printed By: O'Hara, Shaun, 11/25/2025 1:40 PM (No Xrefs)

DESIGN STANDARDS

SECTION 2, 3 & 6-12

LOT SIZE:
- MINIMUM LOT WIDTH: 42 FEET
- MINIMUM LOT AREA: 5,040 S.F. (0.116 AC)

SETBACKS:
- BUILDING LINE: 25 FEET*
- SIDE YARD SETBACK: 6 FEET*
- REAR YARD SETBACK 25 FEET*
- BYXBE ROAD 70 FEET PVMT AND BLDG FROM RIGHT-OF-WAY

* SEE DEVELOPMENT TEXT FOR ALLOWABLE ENCROACHMENTS

PARKING:
EACH HOME SHALL HAVE A TWO CAR GARAGE AND 2 OFF-STREET PARKING SPACES ON THE DRIVEWAY.

ON-STREET PARKING IS PERMITTED ON ONE SIDE OF EACH STREET, ON THE SIDE OPPOSITE THE SIDE WHERE FIRE HYDRANTS ARE LOCATED.

* CBU LOCATION

SITE STATISTICS:

TOTAL ACREAGE:	±95.284 ACRES
SECTION 2:	±12.970 ACRES
SECTION 3:	±10.245 ACRES
SECTION 6:	±5.844 ACRES
SECTION 7:	±25.932 ACRES
SECTION 8:	±8.844 ACRES
SECTION 9:	±5.636 ACRES
SECTION 10:	±6.947 ACRES
SECTION 11:	±8.357 ACRES
SECTION 12:	±10.509 ACRES
TOTAL NUMBER OF LOTS:	251 LOTS
SECTION 2:	47 LOTS
SECTION 3:	28 LOTS
SECTION 6:	24 LOTS
SECTION 7:	22 LOTS
SECTION 8:	24 LOTS
SECTION 9:	26 LOTS
SECTION 10:	24 LOTS
SECTION 11:	26 LOTS
SECTION 12:	30 LOTS
TOTAL GROSS DENSITY:	±2.63 LOTS/ACRE
SECTION 2:	±3.62 LOTS/ACRE
SECTION 3:	±2.73 LOTS/ACRE
SECTION 6:	±4.10 LOTS/ACRE
SECTION 7:	±0.84 LOTS/ACRE
SECTION 8:	±2.71 LOTS/ACRE
SECTION 9:	±4.61 LOTS/ACRE
SECTION 10:	±3.45 LOTS/ACRE
SECTION 11:	±3.11 LOTS/ACRE
SECTION 12:	±2.85 LOTS/ACRE
TOTAL OPEN SPACE:	±40.528 ACRES
SECTION 2:	±5.088 ACRES
SECTION 3:	±5.997 ACRES
SECTION 6:	±0.370 ACRES
SECTION 7:	±21.134 ACRES
SECTION 8:	±0.00 ACRES
SECTION 9:	±0.055 ACRES
SECTION 10:	±1.970 ACRES
SECTION 11:	±2.015 ACRES
SECTION 12:	±3.899 ACRES

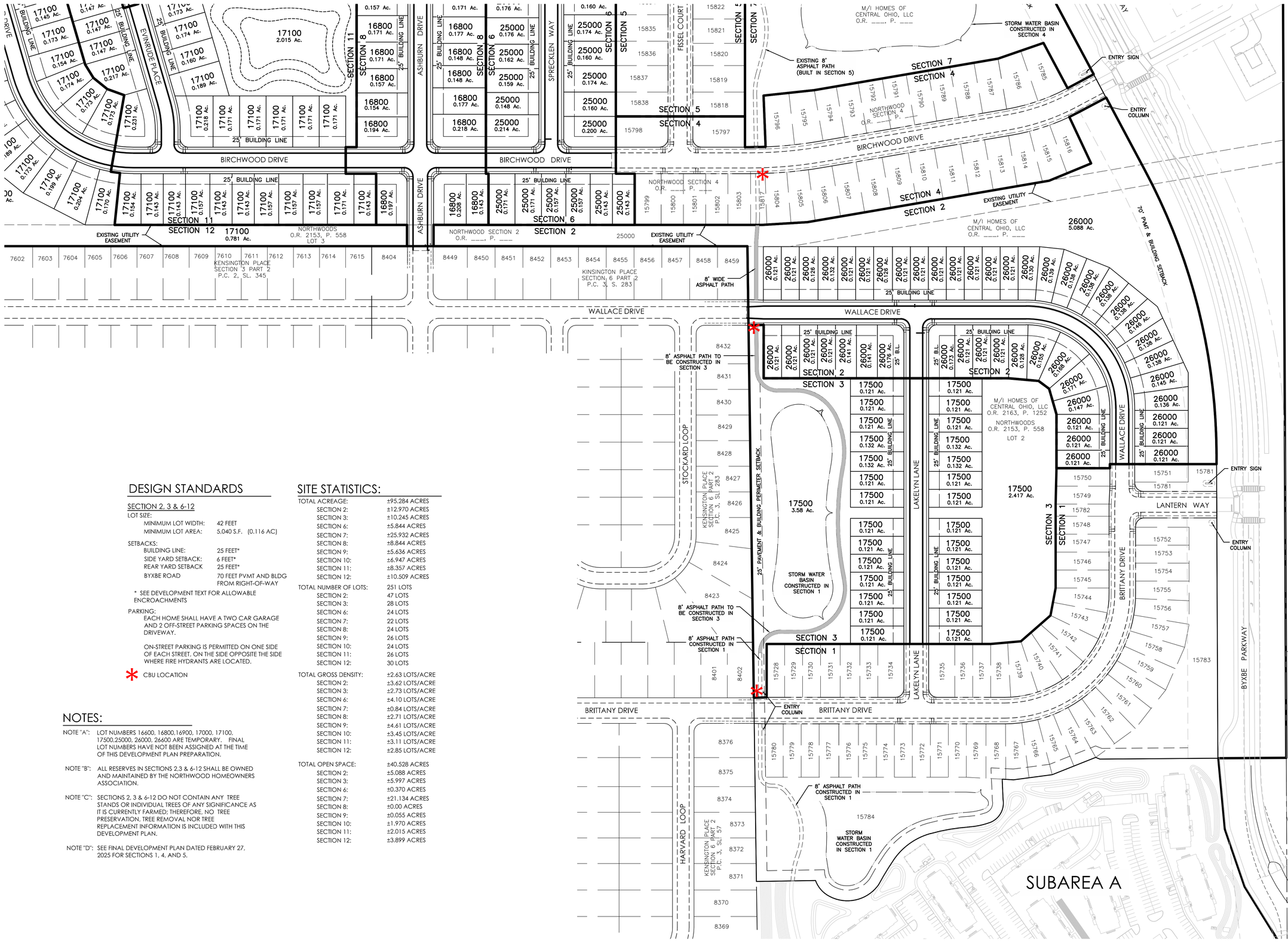
NOTES:

NOTE "A": LOT NUMBERS 16600, 16800,16900, 17000, 17100, 17500,25000, 26000, 26600 ARE TEMPORARY. FINAL LOT NUMBERS HAVE NOT BEEN ASSIGNED AT THE TIME OF THIS DEVELOPMENT PLAN PREPARATION.

NOTE "B": ALL RESERVES IN SECTIONS 2,3 & 6-12 SHALL BE OWNED AND MAINTAINED BY THE NORTHWOOD HOMEOWNERS ASSOCIATION.

NOTE "C": SECTIONS 2, 3 & 6-12 DO NOT CONTAIN ANY TREE STANDS OR INDIVIDUAL TREES OF ANY SIGNIFICANCE AS IT IS CURRENTLY FARMED; THEREFORE, NO TREE PRESERVATION, TREE REMOVAL NOR TREE REPLACEMENT INFORMATION IS INCLUDED WITH THIS DEVELOPMENT PLAN.

NOTE "D": SEE FINAL DEVELOPMENT PLAN DATED FEBRUARY 27, 2025 FOR SECTIONS 1, 4, AND 5.



MARK	DATE	DESCRIPTION
		REVISIONS

M I HOMES
mihomes.com
4131 WORTH AVENUE, SUITE 310
COLUMBUS, OH 43219
(614) 379-4044

CITY OF DELAWARE, DELAWARE COUNTY, OHIO
DEVELOPMENT PLAN
FOR
NORTHWOOD
SECTION 2, 3 & 6-12
SITE PLAN

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone 614.775.4500 Toll free: 888.775.3648
emht.com

DATE
November 26, 2025

SCALE
1" = 100'

JOB NO.
20250259

SHEET
20/31

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NOTES:

NOTE "A": "16000" DENOTES TEMPORARY LOT NUMBERS. FINAL LOT NUMBERS HAVE NOT BEEN ASSIGNED AT THE TIME OF THIS FDP PREPARATION.

NOTE "B": "RESERVES 16000" SHALL BE OWNED AND MAINTAINED BY NORTHWOOD HOMEOWNERS ASSOCIATION.

NOTE "C": SECTION 2, 3 & 6-12 DOES NOT CONTAIN ANY TREE STANDS OR INDIVIDUAL TREES OF ANY SIGNIFICANCE AS IT IS CURRENTLY FARMED; THEREFORE, NO TREE PRESERVATION, TREE REMOVAL NOR TREE REPLACEMENT INFORMATION IS INCLUDED WITH THIS FINAL DEVELOPMENT PLAN:

DESIGN STANDARDS

SECTION 2, 3 & 6-12

LOT SIZE:
- MINIMUM LOT WIDTH: 42 FEET
- MINIMUM LOT AREA: 5,040 S.F. (0.116 AC)

SETBACKS:
- BUILDING LINE: 25 FEET*
- SIDE YARD SETBACK: 6 FEET*
- REAR YARD SETBACK 25 FEET*
- BYXBE ROAD 70 FEET PVMT AND BLDG FROM RIGHT-OF-WAY

* SEE DEVELOPMENT TEXT FOR ALLOWABLE ENCROACHMENTS

PARKING:
EACH HOME SHALL HAVE A TWO CAR GARAGE AND 2 OFF-STREET PARKING SPACES ON THE DRIVEWAY.

ON-STREET PARKING IS PERMITTED ON ONE SIDE OF EACH STREET, ON THE SIDE OPPOSITE THE SIDE WHERE FIRE HYDRANTS ARE LOCATED.

✱ CBU LOCATION

SITE STATISTICS:

TOTAL ACREAGE:	±95.284 ACRES
SECTION 2:	±12.970 ACRES
SECTION 3:	±10.245 ACRES
SECTION 6:	±5.844 ACRES
SECTION 7:	±25.932 ACRES
SECTION 8:	±8.844 ACRES
SECTION 9:	±5.636 ACRES
SECTION 10:	±6.947 ACRES
SECTION 11:	±8.357 ACRES
SECTION 12:	±10.509 ACRES
TOTAL NUMBER OF LOTS:	251 LOTS
SECTION 2:	47 LOTS
SECTION 3:	28 LOTS
SECTION 6:	24 LOTS
SECTION 7:	22 LOTS
SECTION 8:	24 LOTS
SECTION 9:	26 LOTS
SECTION 10:	24 LOTS
SECTION 11:	26 LOTS
SECTION 12:	30 LOTS
TOTAL GROSS DENSITY:	±2.63 LOTS/ACRE
SECTION 2:	±3.62 LOTS/ACRE
SECTION 3:	±2.73 LOTS/ACRE
SECTION 6:	±4.10 LOTS/ACRE
SECTION 7:	±0.84 LOTS/ACRE
SECTION 8:	±2.71 LOTS/ACRE
SECTION 9:	±4.61 LOTS/ACRE
SECTION 10:	±3.45 LOTS/ACRE
SECTION 11:	±3.11 LOTS/ACRE
SECTION 12:	±2.85 LOTS/ACRE
TOTAL OPEN SPACE:	±40.528 ACRES
SECTION 2:	±5.088 ACRES
SECTION 3:	±5.997 ACRES
SECTION 6:	±0.370 ACRES
SECTION 7:	±21.134 ACRES
SECTION 8:	±0.00 ACRES
SECTION 9:	±0.055 ACRES
SECTION 10:	±1.970 ACRES
SECTION 11:	±2.015 ACRES
SECTION 12:	±3.899 ACRES

SUBAREA C

GRAPHIC SCALE
0 50 100 200
1 inch = 100 feet

REVISIONS			
MARK	DATE	DESCRIPTION	

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CITY OF DELAWARE, DELAWARE COUNTY, OHIO
DEVELOPMENT PLAN
FOR
NORTHWOOD
SECTION 2, 3 & 6-12
SITE PLAN

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8800 Lyra Drive, Suite 450, Columbus, OH 43240
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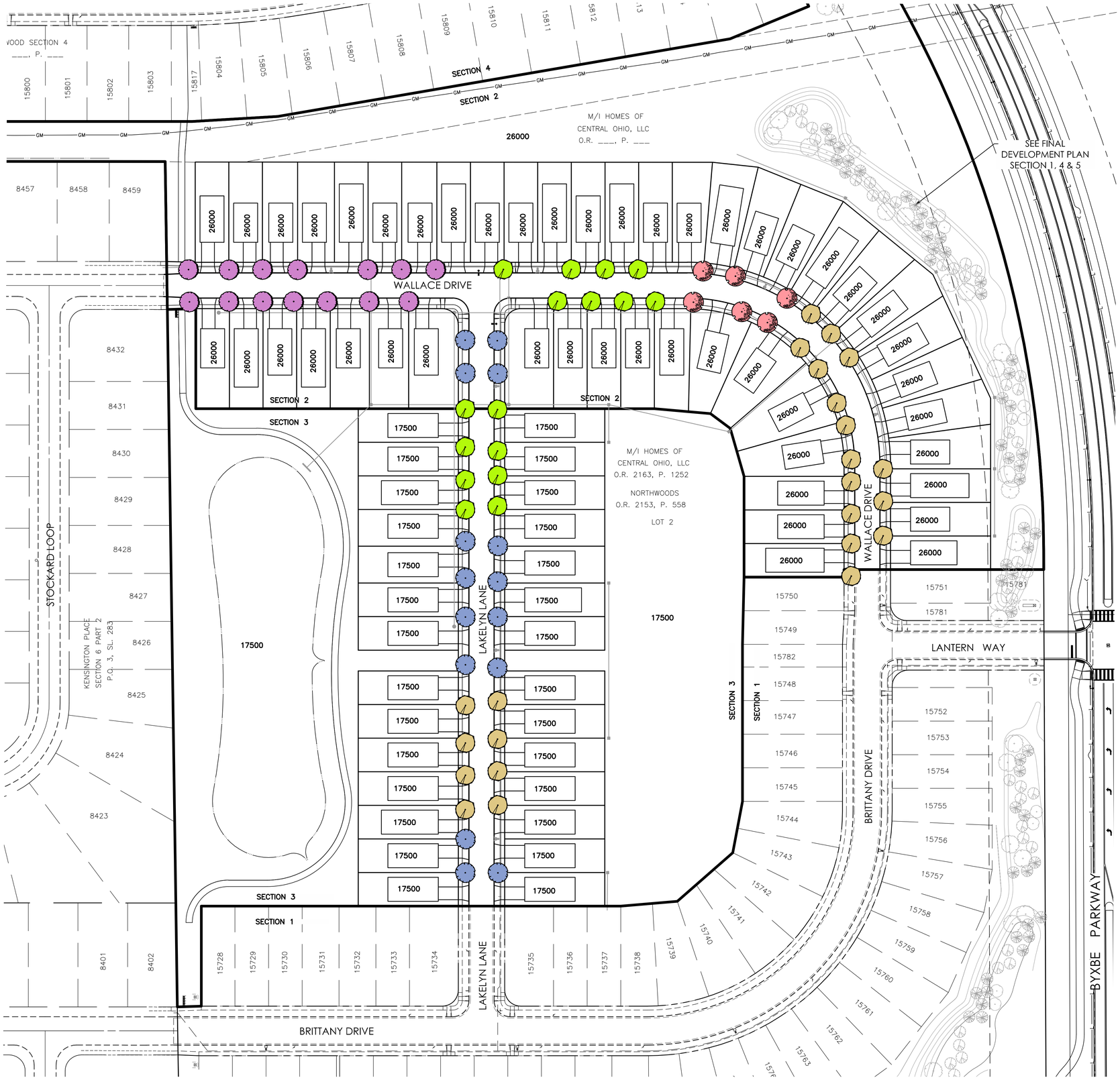
DATE
November 26, 2025

SCALE
1" = 100'

JOB NO.
20250259

SHEET
21/31

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PLANT SCHEDULE STREET TREE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
STREET TREES						
	GI	44	Gleditsia triacanthos inermis 'Impcole'	Imperial Honey Locust	1.75" Cal.	B&B
	LP	70	Liriodendron tulipifera	Tulip Poplar	1.75" Cal.	B&B
	NC	54	Nyssa sylvatica 'MON2'	Majestic® Black Gum	1.75" Cal.	B&B
	PC	75	Platanus x acerifolia	London Plane Tree	1.75" Cal.	B&B
	QM	32	Quercus muehlenbergii	Chinkapin Oak	1.75" Cal.	B&B
	UP	75	Ulmus americana 'Princeton'	Princeton American Elm	1.75" Cal.	B&B

PLANT SCHEDULE LANDSCAPE BUFFER

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
TREES						
	PN	6	Platanus occidentalis	American Sycamore	2" Cal.	B&B
	PX	5	Platanus x acerifolia	London Plane Tree	2" Cal.	B&B
	QC	5	Quercus macrocarpa	Burr Oak	2" Cal.	B&B
	QR	2	Quercus rubra	Northern Red Oak	2" Cal.	B&B
	UA	5	Ulmus americana 'Princeton'	Princeton American Elm	2" Cal.	B&B
EVERGREEN TREES						
	PA	15	Picea abies	Norway Spruce	8' Ht.	B&B
	PI	15	Pinus nigra	Austrian Pine	8' Ht.	B&B
	PR	15	Pinus resinosa	Red Pine	8' Ht.	B&B
	PL	32	Pinus strobus 'Louie'	Louie Eastern White Pine	8' Ht.	B&B
	PS	13	Pinus sylvestris	Scotch Pine	8' Ht.	B&B
	PV	15	Pinus virginiana	Virginia Pine	8' Ht.	B&B

NOTES:
1. SEE SHEETS L1 AND L2 FOR SHADE TREE COMMISSION APPROVED STREET TREE SPECIES.
2. A MINIMUM OF ONE DECIDUOUS TREE THAT IS A MINIMUM OF TWO INCHES IN CALIPER AT THE TIME OF PLANTING SHALL BE PLANTED IN THE YARD AREA OF EACH HOME IN THIS SUBAREA.
3. EACH HOME IN THIS SUBAREA SHALL HAVE AT A MINIMUM EIGHT SHRUBS IN MUCH BEDS: TWO FIVE-GALLON, TWO TWO-GALLON AND FOUR ONE-GALLON. PER 1171.08.E.6.A

GRAPHIC SCALE
0 30 60 120
1 inch = 60 feet

REVISIONS

MARK	DATE	DESCRIPTION

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CITY OF DELAWARE, DELAWARE COUNTY, OHIO
DEVELOPMENT PLAN
FOR
NORTHWOOD
SECTION 2, 3 & 6-12
STREET TREE & LANDSCAPE PLAN

EMHT
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5500 New Albany Road, Columbus, OH 43054
Phone: (614) 775-4500 toll free: 888.775.3648
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DATE
November 26, 2025

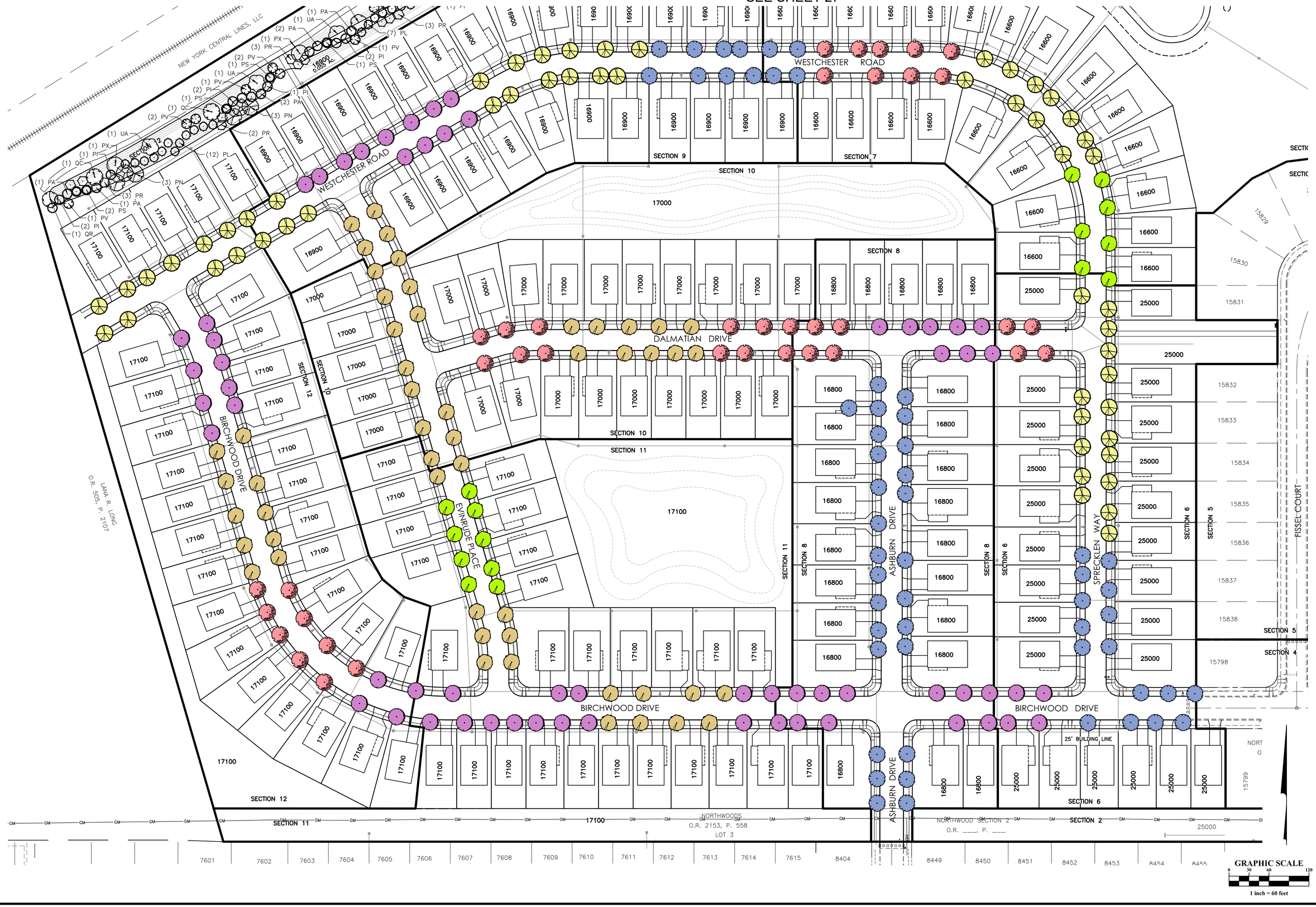
SCALE
1" = 60'

JOB NO.
20250259

SHEET
25/31

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SEE SHEET 27



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CITY OF DELAWARE, DELAWARE COUNTY, OHIO
DEVELOPMENT PLAN
FOR

NORTHWOOD

SECTION 2, 3 & 6-12

STREET TREE & LANDSCAPE PLAN

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DATE
November 26, 2025

SCALE
1" = 60'

JOB NO.
20250259

SHEET
26/31

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SEE SHEET 26

REVISIONS

MARK	DATE	DESCRIPTION

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COLUMBUS, OH 43219
(614) 379-4044

CITY OF DELAWARE, DELAWARE COUNTY, OHIO
DEVELOPMENT PLAN
FOR

NORTHWOOD

SECTION 2, 3 & 6-12
STREET TREE & LANDSCAPE PLAN

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Engineers • Surveyors • Planners • Scientists
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DATE
November 26, 2025

SCALE
1" = 60'

JOB NO.
20250259

SHEET
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SHEET	JOB NO.	SCALE	DATE
28/31	20250259	None	November 26, 2025

EMHT
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5500 New Albany Road, Columbus, OH 43054
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emht.com

CITY OF DELAWARE, DELAWARE COUNTY, OHIO
DEVELOPMENT PLAN
FOR
NORTHWOOD
SECTION 2, 3 & 6-12
ILLUSTRATIVE SITE PLAN

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COLUMBUS, OH 43219
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REVISIONS		
MARK	DATE	DESCRIPTION

RESOLUTION

CITY OF DELAWARE
PLANNING COMMISSION
January 7, 2026

2023-4256 DVP #3
NORTHWOOD SUB-AREA B
SECTIONS 2, 3, 6-12
DEVELOPMENT PLAN

WHEREAS, M/I Homes of Central Ohio, LLC, 4131 Worth Avenue, Suite 310, Columbus, OH 43219, has filed an application requesting approval of a Development Plan for Northwood Sub-Area B Sections 2, 3, and 6-12 containing 251 single-family dwelling units on 95.284 acres located north and east of the Kensington subdivision within the Northwood Planned Mixed Use Overlay.

WHEREAS, a public hearing was held on January 7, 2026, by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this Development Plan application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for Development Plan approval as per §1129.06 of the Planning and Zoning Code; and

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. Approval of a Development Plan for Northwood Sub-Area B Sections 2, 3, and 6-12 on 95.284-acres, except as further modified by the following conditions and requirements:

SECTION 2. Conditions of Approval:

1. The site plan dated 11/26/25 shall be the approved site plan for this development.

2. The landscape plan dated 11/26/25 shall be the approved landscape plan for the development.

3. The Tree Canopy Management Plan dated 12/18/25 shall be the approved TCMP for the development.

4. All comments and concerns of the City Engineer, including any stormwater and utility requirements must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.

5. Roads and Traffic:

   a. Any additional right-of-way or temporary construction easements needed by the City for the future extension of Byxbe Parkway shall be dedicated at no cost by the applicant or future landowner of the development. The City will be responsible for the preparation of deeds and easements as well as the full construction costs of any impacts and restoration within the additional right of way or easement areas.

   b. No building permits or Acceptance of Public Improvements shall be released or granted until public improvements have been accepted for the Byxbe Parkway extension from State Route 521 to Birchwood Drive.

   c. No building permits or Acceptance of Public Improvements shall be released or granted for Sections 6 through 12 until the sanitary lift station has been accepted.

   d. No construction traffic, including but not limited to site improvement construction or homebuilding construction, shall utilize the existing public streets in the Kensington subdivision. All construction traffic shall use Byxbe Parkway. Signs stating such shall be installed by the applicant at all locations where new construction abuts existing street stubs.

   e. A temporary gravel drive for emergency access only shall be provided from the western terminus of Section 6 to the existing Ashburn Drive stub. Signs shall be placed by the applicant at the stub of Ashburn Drive indicating emergency access only.

   f. Each single-family home shall be subject to a per dwelling unit transportation fee of $1,000 due at time of building permit issuance.

6. Building Design and Layout:

   a. The elevations marked "approved" shall be the approved elevations for this development.

   b. All lots and dwelling units shall comply with the minimum bulk and setback requirements in the approved Development Text.

7. Buffers, Landscaping, and Open Space:

   a. The retention basin east of Section 5 in Reserve I shall be platted with Section 7. The retention basin in Reserve E shall be platted with Section 3.

   b. All open space shall be owned and maintained by an association of owners and open to the public.

   c. Cluster mailbox unit locations shall be approved by the City Engineer.

8. Pedestrian Access:

   a. The asphalt path connecting Fissel Court to Byxbe Parkway in Reserve I shall be installed with Section 7. The asphalt path on the east side of the western basin in Reserve E shall be installed with Section 3.

9. No building permits or Acceptance of Public Improvements shall be released or granted for Sections 6-12 until the sanitary lift station has been accepted.

10. Signage shall be permitted as approved in the approved sign plan for the development.

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: January 7, 2026 YEAS 6 NAYS Ø ABSTAIN Ø

ATTEST: Sarah Reiners
CITY CLERK

COMMISION CHAIRMAN

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**THIRD READING OF ORDINANCE NO. 25-77**
SUBJECT:	Ordinance No. 25-77, an ordinance approving a request by Fincon Epic Ventures of a zoning map amendment to expand MX-PUD 25-2 to include 4.468 additional acres currently zoned A-1 (Agricultural) as described in "Exhibit A".

SUGGESTED ACTION:

ATTACHMENTS:

1 Fact Sheet PUD 24-2 MOD 10-25.docx
2 CC Staff Report.docx
3 Ordinance- PUD 24-2 MOD 10-25 Zoning Map Amendment.docx
4 MX PUD 24-2 MOD 10-25 exhibits and attachments.pdf
5 MX-PUD 24-2 Amend 10-25 Simpkins Crossing Rezoning.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 10	DATE: 01/26/2026
ORDINANCE NO: 25-77	RESOLUTION NO:
READING: THIRD	PUBLIC HEARING: YES (JANUARY 12, 2026 at 7:10 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An ordinance approving a request by Fincon Epic Ventures for approval of a Zoning Map Amendment to expand MX-PUD 24-2 to include 4.468 additional acres currently zoned A-1 (Agricultural), as described in "Exhibit A".

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Chapter 1105: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 6-0 on December 3, 2025

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:
Staff and Planning Commission recommend approval

ATTACHMENT(S)
See attached

CITY COUNCIL STAFF REPORT

CASE ID: MX-PUD 24-2 Amend 10-25
Simpkins Crossing

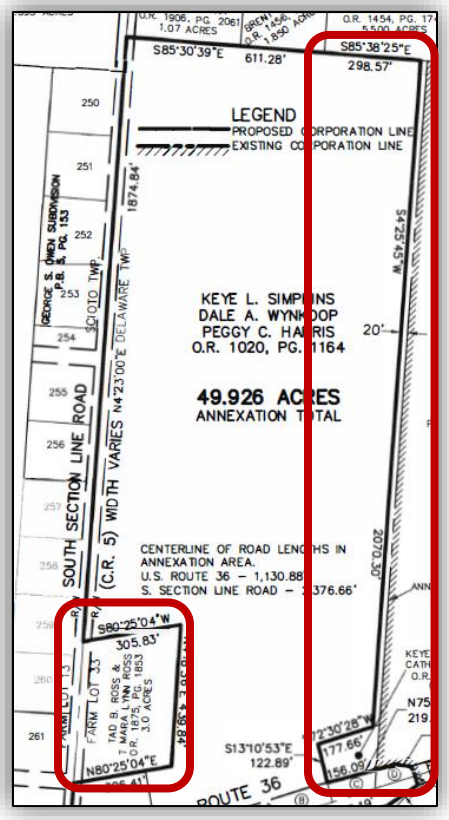
APPLICANT: Fincon Epic Ventures LTD
203 Olentangy Crossing West
Delaware, OH 43015

REQUEST

A request by Fincon Epic Ventures for approval of a Zoning Map Amendment to expand MX-PUD 24-2 to include 4.468 additional acres currently zoned A-1 (Agricultural), as described in "Exhibit A".

BACKGROUND/ LOCATION

In 2024, City Council approved the annexation of 49.926 acres located on the northeast corner of S. Section Line Road and Marysville Road (Ordinance 24-06). Later that year, Council approved a zoning amendment to establish MX PUD 24-2 on this property (Ordinance 24-64). At that time, the applicant did not have ownership over the properties located at 1093 S. Section Line Road or 3048 Marysville Road, so a 20-foot strip on the east side of the site was left out of the annexation to ensure compliance with the annexation regulations in Ohio Revised Code. These areas are circled in red, right.



Earlier in 2025, City Council approved the annexation of those two parcels as well as the 20-foot strip following the applicant's acquisition of those parcels (Ordinance 25-25). Now, the applicant is requesting to expand and amend their existing MX PUD 24-2 to include the additional 4.468 acres, with minor amendments to the original zoning to accommodate this new property.

EXISTING CONDITIONS/ CURRENT ZONING



The full site (shown in red, left) totals 54.394 acres and is located on the northeast corner of S. Section Line Road and Marysville Road, directly west of the Limestone Ridge subdivision. The area is currently primarily farmland, with two existing single-family homes, outbuildings, and an existing vacant commercial establishment. The surrounding zoning is as follows:

Location	Zoning	Land Use
North	FR-1 (Farm Residential) – *Delaware Township*	Single-Family Dwellings
South	A-1 PMU (Agricultural with Planned Mixed-Use Overlay)	Vacant
East	R-SF (Residential – Single Family)	Single-Family Dwellings
West	FR-1 (Farm Residential) – *Scioto Township*	Single-Family Dwellings

STAFF ANALYSIS

Zoning: The applicant is requesting to expand the existing MX-PUD to include the additional 4.468 acres annexed in 2025. The remainder of the PUD would remain largely the same, though some uses have been modified and added to reflect the uses listed in base code. The use table for this PUD is as follows:

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D
Residential Uses				
One- or Two-Family Dwelling	P	P		
Three- or Four-Family Dwelling		P	P	
Multi-Family Complex			P	
Dwelling units on upper floor of a commercial or office building				P
Institutional Uses				
Public or Private Recreational Facility	P	P	P	
School – trade, business, or cultural arts				P
Commercial Uses				
Day care – child or adult				P
Health Club			P	P
Entertainment – indoor				P
Financial institution, bank				P
Nursing Home			P	
Offices (including clerical/professional, medical/dental, and veterinary with no boarding kennel)				P
Residential Care Facility			P	
Retail development with minimum gross floor area under 80,000 square feet				P
Restaurant				P
Automotive and Transportation Uses				
Car wash				P
Gasoline Station				P
Drive-thru associated with a permitted or conditional use				P

Land Use and Comprehensive Plan: The expansion of MX-PUD 24-2 remains in conformance with the Delaware Together Comprehensive Plan and the Suburban Residential Character Area designated at the subject location.

Concept Plan: The conceptual plan dated "10/06/25" is the proposed concept plan for the PUD and remains consistent with the previous concept plan, but with the additional acreage added to Sub-Area 'D'. Details around lot dimensions, building design, internal road layout, etc. will be determined at the Development Plan stage. The remainder of the sub-areas remain unchanged from the previous concept.

Roads and Traffic

Access points shall generally conform to those shown on the concept plan. A Traffic Impact Study (TIS) is required to determine the exact location and geometry of these access points. The TIS will also determine what on- and off-site improvements are necessary at the Development Plan stage.

Density and Layout

The gross density of the development shall not exceed 8.0 (eight) dwelling units per acre, and the gross density of the development within Sub-Areas A and B combined shall not exceed 4.0 (four) dwelling units per acre.. The exact layout of each sub-area, including internal roadways, building layout and size, and setbacks, shall be determined at the Development Plan stage.

Buffers, Landscaping, and Open Space

As required by the Zoning Code, net site coverage shall not exceed 65% of the total acreage. A minimum of 10% of the provided open space is to be common space.

RECOMMENDATION

Staff and Planning Commission recommend approval of the request with the conditions of approval outlined in the attached ordinance.

ORDINANCE NO. 25-77

AN ORDINANCE APPROVING A REQUEST BY FINCON EPIC VENTURES FOR APPROVAL OF A ZONING MAP AMENDMENT TO EXPAND MX-PUD 24-2 TO INCLUDE 4.468 ADDITIONAL ACRES AT THE NORTHEAST CORNER OF SOUTH SECTION LINE AND MARYSVILLE ROADS.

WHEREAS, Fincon Epic Ventures, LTD, 203 Olentangy Crossing West, Delaware, Ohio, 43015, requests rezoning and concept plan approval; and

WHEREAS, the City of Delaware Planning Commission at its meeting on December 3, 2025, recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Delaware City Council finds the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §1114.07 of the Zoning Code and;

WHEREAS, Delaware City Council finds that pursuant to §1114.13 of the Zoning Code, each and all of the permitted and conditional uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Delaware City Council has voted to adopt the recommendation of the Planning Commission with modifications.

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

SECTION 1.

The zoning map referenced in §1110.02 of the Zoning Code is hereby further amended to change approximately 4.468 acres of land described in the attached “Exhibit A” from A-1, Agricultural to MX-PUD 24-2, Mixed Use Planned Unit Development.

SECTION 2.

The following conditions and requirements shall apply:

1. All conditions of MX-PUD 24-2 as outlined in Ordinance 24-64 (“Exhibit B”) remain in full force and effect unless modified herein.

2. The concept plan dated "Received 10/06/25" illustrates the general layout of the development within this Planned Unit Development.

3. Uses permitted (P) in this Mixed-Use Planned Unit Development shall be as noted below:

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D
Residential Uses				
One- or Two-Family Dwelling	P	P		
Three- or Four-Family Dwelling		P	P	
Multi-Family Complex			P	
Dwelling units on upper floor of a commercial or office building				P
Institutional Uses				
Public or Private Recreational Facility	P	P	P	
School – trade, business, or cultural arts				P
Commercial Uses				
Day care – child or adult				P
Health Club			P	P
Entertainment – indoor				P
Financial institution, bank				P
Nursing Home			P	
Offices (including clerical/professional, medical/dental, and veterinary with no boarding kennel)				P
Residential Care Facility			P	
Retail development with minimum gross floor area under 80,000 square feet				P
Restaurant				P
Automotive and Transportation Uses				
Car wash				P
Gasoline Station				P
Drive-thru associated with a permitted or conditional use				P

   a. The existing commercial building located at 3048 Marysville Road may be used for Contractor Sales/Service for up to three years or until the first Development Plan in Sub-Area D is approved, whichever comes first.

4. Setbacks:
   a. Site setbacks shall be as shown on the concept plan dated "Received 10/06/25".

5. Density

a. The gross residential density of PUD 24-2 shall not exceed eight (8) dwelling units per acre.
b. The gross residential density of Sub-Areas A and B shall not exceed four (4) dwelling units per acre.

6. Landscaping and Buffering:
   a. Buffers shall be provided consistent with previous approvals and zoning code requirements.

7. Roads and Access:
   a. Points of access shall be limited to those shown on the concept plan dated 10/06/2025 and shall adhere to the below requirements:
      i. Access from South Section Line Rd shall require northbound right and southbound left turn lanes.
      ii. Access from Marysville Road shall be limited to, at most, a right-in/right-out only access designed to restrict the ability for illegal left turns.
      iii. The commercial access road shall be a private street and shall be designed to allow for future connection to the existing business to remain.
      iv. Right-of-way shall be dedicated to the City along South Section Line Road and Marysville Road as required by the City Engineer.
      v. All roads shall be designed as curb and gutter.
      vi. A Traffic Impact Study (TIS) for the full subdivision is required and shall be completed and accepted prior to the first development plan application.
      vii. The applicant shall be responsible for any improvements and/or financial obligations of the TIS per the City Engineer.
      viii. Secondary access to Sub-Area C is required by Fire Code and shall be provided as a second public access to the north of the subarea directly from Poppy Place.

8. Pedestrian Access:
   a. A minimum 10-foot asphalt path shall be required along S. Section Line Road and Marysville Road.
   b. All public roads shall have a minimum of 5-foot sidewalks on each side.

9. The property shall be required to participate in either a new or existing

New Community Authority (NCA) at a millage not to exceed 7.5 mills.

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 Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS_____NAYS_____ ABSTAIN_____

PASSED: _____, 2026 YEAS_____NAYS_____

ABSTAIN_____

ATTEST: _____ _____
CITY CLERK MAYOR

EXHIBIT A-1

ANNEXATION OF 4.468 ACRES

FROM DELAWARE TOWNSHIP
TO THE CITY OF DELAWARE, OHIO
DESCRIPTION OF 3.0 ACRES

Situated in the State of Ohio, County of Delaware, Township of Delaware, being located in Quarter Township 3, Township 5, Range 19, Farm Lot 33, United States Military Lands, being all of that 3.0 acre tract of land as described in a deed to Tad B. Ross and Tamara Lynn Ross, of record in Official Record 1875, Page 1853, all records referenced herein being to those located in the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

Beginning at a point at the centerline intersection of U.S. Route 36 (width varies) and S. Section Line Road (C.R. 5, width varies), being also in the westerly corporation line of the City of Delaware established by Ord. No. 24-06 and filed for record in Official Record 2093, Page 733; thence North 04°23'00" East, along the centerline of S. Section Line Road, a distance of 323.67 feet to a point at the southwesterly corner of said 3.0-acre tract and being the **TRUE PLACE OF BEGINNING**;

Thence North 04°23'00" East, continuing along said centerline, the westerly line of said 3.0 acre tract, a distance of 439.98 feet to an angle point in the referenced corporation line;

Thence along the perimeter of said 3.0-acre tract and said corporation line the following courses;

1. North 80°25'04" East, a distance of 305.83 feet to a point;
2. South 04°18'36" West, a distance of 439.84 feet to a point;
3. South 80°25'04" West, a distance of 306.41 feet to the **TRUE PLACE OF BEGINNING** and containing 3.0 acres of land.

DESCRIPTION OF 1.468 ACRES

Situated in the State of Ohio, County of Delaware, Township of Delaware, being located in Quarter Township 3, Township 5, Range 19, Farm Lot 33, United States Military Lands, being 0.948 acre of that land (51+ acres) as described in a deed to Keye L. Simpkins, Dale A. Wynkoop and Peggy C. Harris of record in Official Record 1020, Page 1164 and all of that land (0.52 acre) as described in a deed to Fincon Simpkins Ltd., of record in Official Record 2116, Page 1220, all records referenced herein being to those located in the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

Beginning at the northeasterly corner of said 51+ acres, the northwesterly corner of Limestone Ridge Phase 2 subdivision, of record in Plat Cabinet 6, Slide 115, and at an angle point in the perimeter of the corporation line of the City of Delaware established by Ord. No. 21-06 and filed for record in Official Record 1860, Page 1190;

Thence South 4°25'45" West, along the easterly line of said 51+ acres, the westerly line of said Limestone Ridge and along the easterly line of said 0.52 acre tract, a distance of 2203.09 feet to a point in the northerly right-of-way line of U.S. Route 36 and in the perimeter of the corporation line of the City of Delaware established by Ord. No. 24-06 and filed for record in Official Record 2093, Page 733;

J:\144371_Fin_USR36Del\7.0_Production\7.03_Design\02_Survey-Mapping\ANNEX\ANNEXATION LEGAL DESCRIPTION 4.468_x2.docx

EXHIBIT A-2

Thence along said corporation line the following courses:

1. South 75°28'47" West, a distance of 156.09 feet to a point;
2. North 13°10'53" West, a distance of 122.89 feet;
3. North 72°30'28" East, a distance of 177.66 feet;
4. North 4°25'45" East, a distance of 2070.30 feet to a point in the northerly line of said 51+ acre tract;

Thence South 85°35'14" East, along said northerly line, a distance of 20.00 feet to the place of beginning and containing 1.468 acres of land.

There are no known unincorporated islands created by this annexation.

Additional annexation information: Total perimeter length of this annexation area is 6242.11 feet of which 5802.13 feet is contiguous with the existing City of Delaware corporation line, producing a 93% perimeter contiguity.

Bearings based on the Ohio State Plane Coordinate System, North Zone, NAD83 (2011).

This description was prepared by Arcadis/IBI Group Survey, Columbus, Ohio, and is based on available records and a field survey of the premises performed in August 2023.

Delaware County Engineer
Map Department

I herby certify the within to be a true copy of the original on file in the Map Department

_____
County Engineer

_____
Supervisor

By_____
David L. Chiesa Date
Registered Surveyor No. 7740

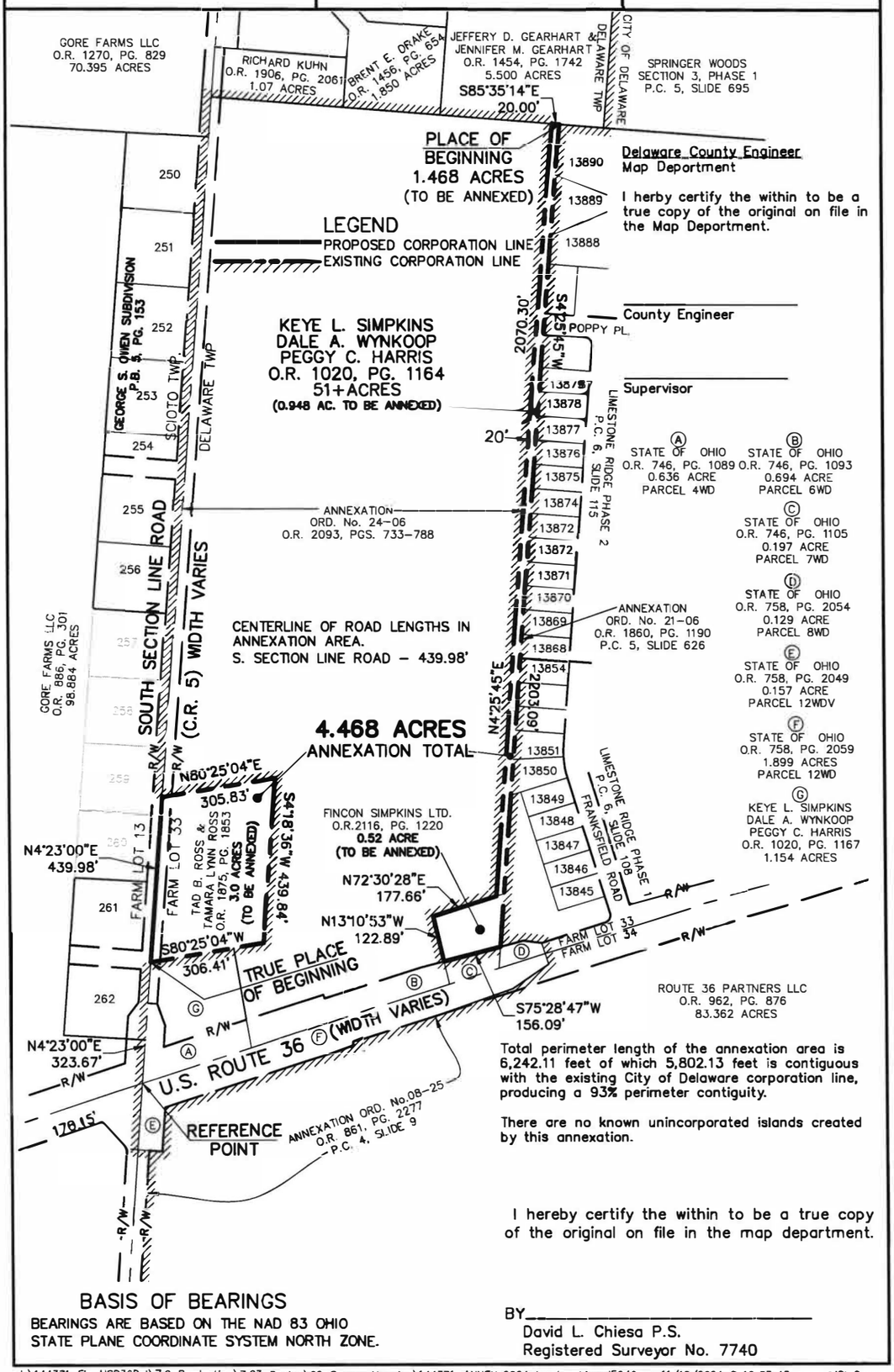
EXHIBIT A-3

ARCADIS
IBI GROUP
8101 North High Street, Suite 100
Columbus OH 43235 USA
tel 614 818 4900 fax 614 818 4901
arcadis.com

ANNEXATION EXHIBIT

STATE OF OHIO, COUNTY OF DELAWARE,
TOWNSHIP OF DELAWARE, SECTION 3,
TOWNSHIP 5, RANGE 19,
FARM LOT 33,
UNITED STATES MILITARY LANDS

GRAPHIC SCALE
0 150 300
(IN FEET)
1 inch = 300 ft.



Delaware County Engineer
Map Deportment

I herby certify the within to be a true copy of the original on file in the Map Deportment.

County Engineer

Supervisor

Total perimeter length of the annexation area is 6,242.11 feet of which 5,802.13 feet is contiguous with the existing City of Delaware corporation line, producing a 93% perimeter contiguity.

There are no known unincorporated islands created by this annexation.

I hereby certify the within to be a true copy of the original on file in the map department.

BY_____
David L. Chiesa P.S.
Registered Surveyor No. 7740

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NAD 83 OHIO STATE PLANE COORDINATE SYSTEM NORTH ZONE.

J:\144371_Fin_USR36Del\7.0_Production\7.03_Design\02_Survey-Mapping\144371-ANNEX 2024.dwg by: chiesad5246 on 11/18/2024 @ 10:53:43 am ~©IBI Group

ORDINANCE NO. 24-64

AN ORDINANCE APPROVING A REQUEST BY FINCON EPIC VENTURES LTD FOR APPROVAL OF A REZONING AMENDMENT FROM A-1 (AGRICULTURAL) TO MX-PUD (MIXED-USE PLANNED UNIT DEVELOPMENT) ON 49.926 ACRES ON THE NORTHEAST CORNER OF SOUTH SECTION LINE ROAD AND MARYSVILLE ROAD, FURTHER DESCRIBED AS PARCEL NUMBERS 519-330-030-03-000 AND 519-330-010-02-000.

WHEREAS, the Planning Commission at its meeting on July 17, 2024 recommended approval of a request by Fincon Epic Ventures LTD for approval of a Rezoning Amendment from A-1 (Agricultural) to MX-PUD (Mixed-Use Planned Unit Development) on 49.926 acres on the northeast corner of South Section Line Road and Marysville Road, further described as parcel numbers 519-330-030-03-000 and 519-330-010-02-000 (PC Case PUD 24-2)

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

SECTION 1. A request by Fincon Epic Ventures LTD for approval of a Rezoning Amendment from A-1 (Agricultural) to MX-PUD (Mixed-Use Planned Unit Development) on 49.926 acres on the northeast corner of South Section Line Road and Marysville Road, further described as parcel numbers 519-330-030-03-000 and 519-330-010-02-000, is hereby confirmed, approved, and accepted with the following conditions:

1. The concept plan dated "Received 06/05/24" illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) and conditionally permitted (C) in this Mixed-Use Planned Unit Development shall be as noted below:

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D
Single-Family Detached	P	P		
Single-Family Attached	P	P		
Two- or Three-Family		P	P	
Multi-Family			P	
Recreation Facility, public or private	P	P	P	
Office – medical, veterinary or professional				P
Day care – child or adult				P
Financial institution, bank				P
Retail and service establishment				P
Restaurant with or without outdoor seating				P

Car wash				C
Gasoline Station				C
Drive-thru associated with a permitted or conditional use				C

3. Setbacks:
   a. Site setbacks shall be as shown on the concept plan dated "Received 06/05/24".
   b. Minimum building setbacks within individual Sub-Areas shall be established at the Development Plan stage.
4. Building plans, designs, and elevations for all structures within this PUD shall be subject to review and approval at the Development Plan stage.
5. Roads and Access:
   a. Points of access shall be limited to those shown on the concept plan dated "Received 06/05/2024" and shall adhere to the below requirements:
   b. Access from South Section Line Road shall require northbound right and southbound left turn lanes.
   c. Access from Marysville Road shall be limited to, at most, a right-in only access designed to restrict the ability for illegal left turns.
   d. The continuation of Poppy Place shall require a highway easement on the property not located within the City of Delaware.
   e. The commercial access road shall be a private street and shall be designed to allow for future connection to the existing business to remain.
   f. Right-of-way shall be dedicated to the City along South Section Line Road and Marysville Road as required by the City Engineer.
   g. All roads shall be designed as curb-and-gutter.
   h. A Traffic Impact Study (TIS) for the full subdivision is required and shall be completed and accepted prior to the first development plan application.
6. Pedestrian Access:
   a. A minimum 10-foot asphalt path shall be required along S. Section Line Road and Marysville Road.
   b. All public roads shall have a minimum of 5-foot sidewalks on each side.
7. Buffering:
   a. There shall be a mound, landscape buffer, or combination thereof, on the west side of Sub-Areas "A" and "C".
   b. The existing trees on the northern and eastern boundaries of the site shall be preserved and placed in a Tree Preservation Easement.
   c. Buffering shall be provided adjacent to the existing single-family home located at 1093 S. Section Line Road. This may be in the form of preserved trees, mounds, landscaping installation, or any combination of these.
8. Open Space:
   a. Active open space (i.e. pocket parks, trails, etc.) shall be required in each residential Sub-Area.
9. Signage:
   a. Signage requirements shall be determined at the Development Plan stage.

SECTION 2. That the Zoning Map referenced in §1131.02 of the Planning and Zoning Code be amended to rezone approximately 49.926 Acres of land as further depicted in Exhibit A, from A-1, Agricultural to MX-PUD, Mixed-Use Planned Until Development.

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 6 NAYS Ø ABSTAIN Ø

PASSED: August 12, 2024 YEAS 6 NAYS Ø ABSTAIN Ø

ATTEST: Sarah Dinan
CITY CLERK

Carl Kaplan
MAYOR

It is the intent of Fincon Epic Ventures Ltd to develop the parcels at 3134 Marysville Rd, Delaware OH 43015, 3048 Marysville Rd, Delaware 43015, and 1093 Section Line Rd, Delaware 43015, hereby referred to as 'property' as a Planned Mixed Use District (MX).

The ±54.394 acre property is currently zoned as A-1, and MX. The property current contains three single family residential structures with several accessory structures, and one one commercial structure along Marysville Rd.. The majority of the property is being used for farming.

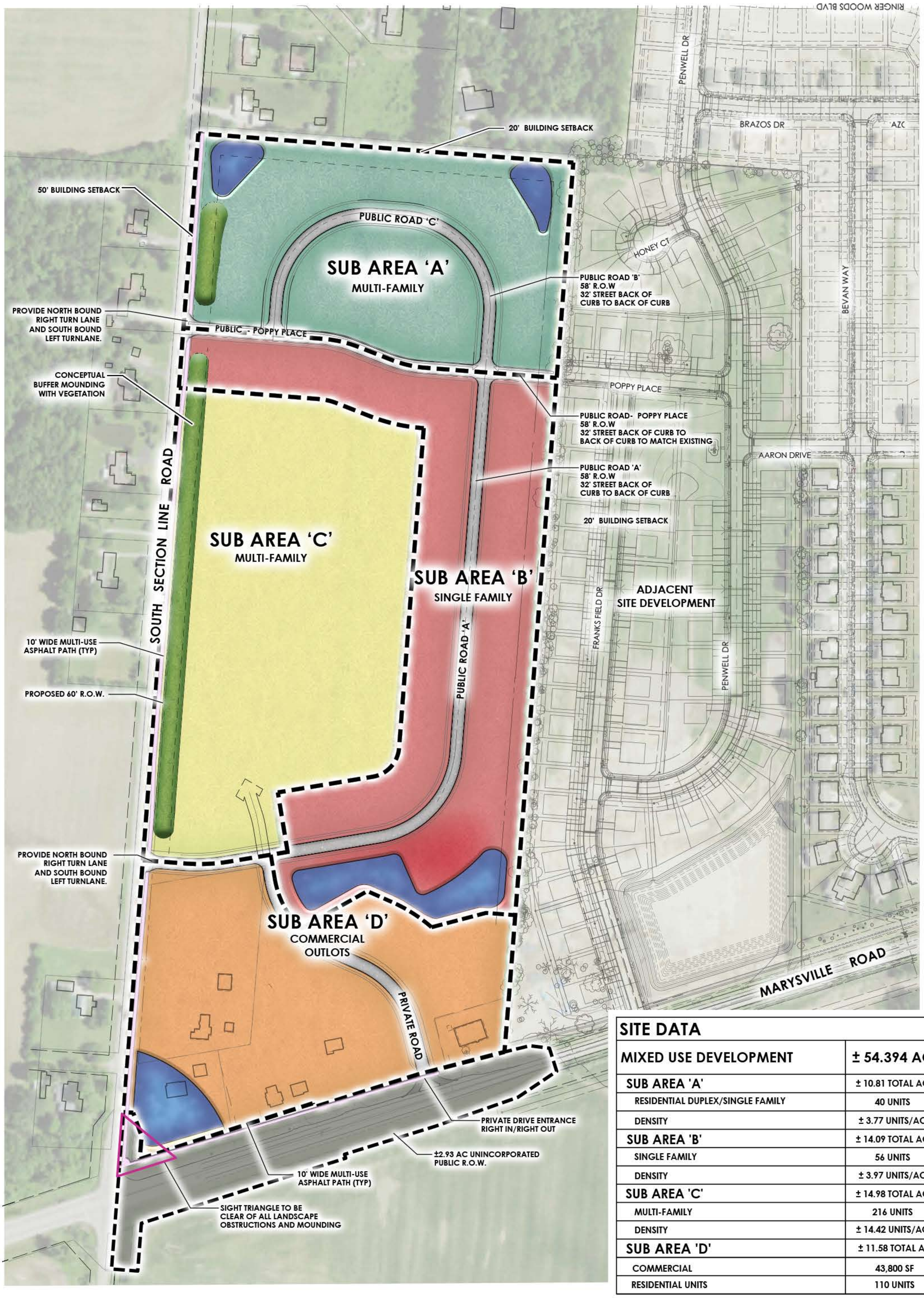
The Planned District will be comprised of four (4) subareas. Subarea A shall contain single-family/duplex homes, Subarea B shall contain single family homes, Subarea C shall contain multi-family apartment buildings, and Subarea D shall contain mixed used including commercial, office, and second story residential spaces. The district will include an extension of Poppy Place connecting with South Section Line as well as two new public roads. A private road with a right in/right out only entry off US 36 will provide access to mix-use Subarea 'D'.

The district will also provide 10' multi-use pathways along both US 36 and S. Section Line Rd, internal sidewalks and pathway connections through parklike open spaces.

Post development the district shall be controlled by a Master Association with Sub-associations for each sub-area.

Signed,

Padmanabha Iragamreddy
Fincon Epic Ventures Ltd
203 Olentangy Xing W
Delaware, OH 43015



SITE DATA	
MIXED USE DEVELOPMENT	± 54.394 AC
SUB AREA 'A'	± 10.81 TOTAL AC
RESIDENTIAL DUPLEX/SINGLE FAMILY	40 UNITS
DENSITY	± 3.77 UNITS/AC
SUB AREA 'B'	± 14.09 TOTAL AC
SINGLE FAMILY	56 UNITS
DENSITY	± 3.97 UNITS/AC
SUB AREA 'C'	± 14.98 TOTAL AC
MULTI-FAMILY	216 UNITS
DENSITY	± 14.42 UNITS/AC
SUB AREA 'D'	± 11.58 TOTAL AC
COMMERCIAL	43,800 SF
RESIDENTIAL UNITS	110 UNITS

MX-PUD CONCEPTUAL PLAN

SIMPKINS CROSSING

PREPARED FOR FINCON EPIC VENTURES LIMITED

DATE: 10.06.25

NORTH
SCALE: 1"=40'
0 20' 40' 80' 120'

Faris Planning & Design
LAND PLANNING LANDSCAPE ARCHITECTURE
243 N. 5th Street Suite 401 Columbus, OH 43
p (614) 487-1964 www.farisplanninganddesign.

CITY OF DELAWARE
PLANNING COMMISSION
December 3, 2025

MX-PUD 24-2 AMEND 10-25
SIMPKINS CROSSING
REZONING

RESOLUTION

WHEREAS, Fincon Epic Ventures, LTD, 203 Olentangy Crossing West, Delaware, Ohio, 43015, has filed an application requesting to amend MX-PUD 24-2 to include 4.468 additional acres of property currently zoned A-1 (Agricultural) as described in Exhibit "A".

WHEREAS, a public hearing was held on December 3, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1114.07 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1114.15 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific MX-PUD; and

WHEREAS, the City of Delaware Planning Commission finds that the applicant's plans are in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone approximately 4.468 acres of land described in Exhibit "A", from A-1 Agriculture to MX-PUD (Mixed-Use Planned Unit Development).

SECTION 2.

1. All conditions of MX-PUD 24-2 remain in full force and effect unless modified herein.

2. The lands described in Exhibit "A" shall be included within MX-PUD 24-2.

3. The concept plan dated "Received 10/06/25" illustrates the general layout of the development within this Planned Unit Development.

4. Uses permitted (P) in this Mixed-Use Planned Unit Development shall be as noted below:

	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D
Residential Uses				
One- or Two-Family Dwelling	P	P		
Three- or Four-Family Dwelling		P	P	
Multi-Family Complex			P	
Dwelling units on upper floor of a commercial or office building				P
Institutional Uses				
Public or Private Recreational Facility	P	P	P	
School – trade, business, or cultural arts				P
Commercial Uses				
Day care – child or adult				P
Health Club			P	P
Entertainment – indoor				P
Financial institution, bank				P
Nursing Home			P	
Offices (including clerical/professional, medical/dental, and veterinary with no boarding kennel)				P
Residential Care Facility			P	
Retail development with minimum gross floor area under 80,000 square feet				P
Restaurant				P
Automotive and Transportation Uses				
Car wash				P
Gasoline Station				P
Drive-thru associated with a permitted or conditional use				P

   a. The existing commercial building located at 3048 Marysville Road may be used for Contractor Sales/Service for up to three years or until the first Development Plan in Sub-Area D is approved, whichever comes first.

5. Setbacks:
   a. Site setbacks shall be as shown on the concept plan dated "Received 10/06/25".

6. Density
   a. The gross residential density of PUD 24-2 shall not exceed eight dwelling units per acre.
   b. The gross residential density of Sub-Areas A and B shall not exceed four dwelling units per acre.

7. Landscaping and Buffering:
   a. Buffers shall be provided consistent with previous approvals and zoning code requirements.

8. Roads and Access:
   a. Points of access shall be limited to those shown on the concept plan dated 10/06/2025 and shall adhere to the below requirements:
      i. Access from South Section Line Rd shall require northbound right and southbound left turn lanes.
      ii. Access from Marysville Road shall be limited to, at most, a right-in/right-out only access designed to restrict the ability for illegal left turns.
      iii. The commercial access road shall be a private street and shall be designed to allow for future connection to the existing business to remain.
      iv. Right-of-way shall be dedicated to the City along South Section Line Road and Marysville Road as required by the City Engineer.
      v. All roads shall be designed as curb and gutter.
      vi. A Traffic Impact Study (TIS) for the full subdivision is required and shall be completed and accepted prior to the first development plan application.
      vii. The applicant shall be responsible for any improvements and/or financial obligations of the TIS per the City Engineer.
      viii. Secondary access to Sub-Area C is required by Fire Code and shall be provided as a second public access to the north of the subarea directly from Poppy Place.

9. Pedestrian Access:
   a. A minimum 10-foot asphalt path shall be required along S. Section Line Road and Marysville Road.
   b. All public roads shall have a minimum of 5-foot sidewalks on each side.

10. The property shall be required to participate in either a new or existing New Community Authority (NCA) at a millage not to exceed 7.5 mills.

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: December 3, 2025 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: _____ _____
CITY CLERK CHAIRMAIN

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**THIRD READING OF ORDINANCE NO. 25-78**
SUBJECT:	Ordinance No. 25-78, an ordinance approving a request by GTZ Properties for a zoning map amendment from C-CC (Community Commercial) to C-PUD (Commercial Planned Unit Development) on 10.3 acres of property along the north side of Sunbury Road (US36/SR37) and east of Skyview Lane.

SUGGESTED ACTION:

ATTACHMENTS:

1 Fact Sheet PUD 25-15 Trailhead Crossing.docx
2 CC Staff Report PUD 25-15 Trailhead Crossing.docx
3 Ordinance- PUD 25-15 Trailhead Crossing Zoning Map Amendment.docx
4 PUD 25-15 Trailhead Crossing Concept Plan Exhibit.pdf
5 C-PUD 25-15 Trailhead Crossing Rezoning.pdf
1137 C-PUD Trailhead Crossing West - Survey Legal.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 11	DATE: 01/26/2026
ORDINANCE NO: 25-78	RESOLUTION NO:
READING: THIRD	PUBLIC HEARING: YES (January 12, 2026 at 7:20 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

An ordinance approving a request by GTZ Properties for approval of a Zoning Map Amendment from C-CC (Community Commercial) to C-PUD (Commercial Planned Unit Development) on 10.3 acres of property located on the north side of US-36/ SR-37 east of Skyview Lane.

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Chapter 1105: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 6-0 on December 3, 2025

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):

Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:
Staff recommends approval

ATTACHMENT(S)
See attached

CITY COUNCIL STAFF REPORT

CASE ID: PUD 25-15 Trailhead Crossing

APPLICANT: **GTZ Properties**
210 Skokie Valley Road, Suite A
Highland Park, IL 60035

REQUEST

A request by GTZ Properties for approval of a Zoning Map Amendment from C-CC (Community Commercial) to C-PUD (Commercial Planned Unit Development) on 10.3 acres of property located on the north side of US-36/ SR-37 east of Skyview Lane.

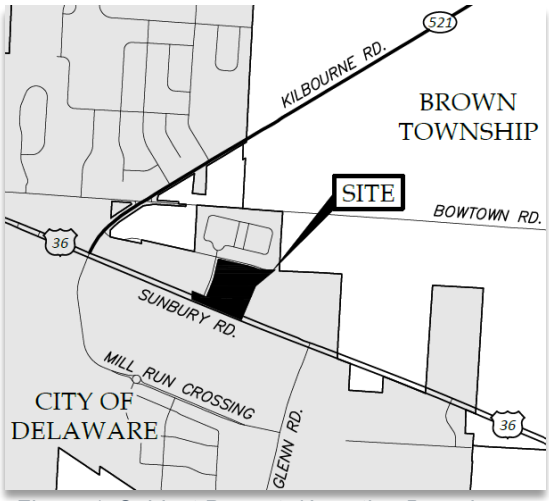


Figure 1: Subject Property/ Location Boundary

BACKGROUND/ LOCATION

The 10.3-acre property is located on the north side of US-36/ SR-37 east of Skyview Lane and south of Biltmore Drive and the Seattle House Apartments. The applicant is proposing to rezone the site from C-CC (Community Commercial) to C-PUD (Commercial Planned Unit Development) for a future commercial development of various uses, including retail and restaurants.

EXISTING CONDITIONS/ CURRENT ZONING

The subject property is located within the Far East Focus Area of the City of Delaware's, Delaware Together Comprehensive Plan. The property is currently vacant and unimproved land located along the US-36/ SR-37 commercial corridor with C-CC Community Commercial zoning. The surrounding properties to the west have developed commercially while the areas to the east remain undeveloped. The Seattle House apartments are immediately to the north and across the street to the south is the Glenwood Crossing Shopping Center.

STAFF ANALYSIS

Zoning: The applicant is requesting to rezone the 10.3-acre subject property to a Commercial-Planned Unit Development (C-PUD) with the intent to construct various commercial uses, specifically retail and restaurants. While the existing C-CC Community Commercial zoning would permit the proposed uses, amending the zoning map to a C-PUD will allow the applicant to provide more thoughtful and comprehensive site planning for the entire site, as well as ensure that the permitted land uses as amended in the C-PUD remain appropriate for the US-36/ SR-37 commercial corridor and to cap the number of permitted drive-throughs. Per C-PUD code requirements, the maximum building coverage permitted will be 40% coverage for all buildings, and 70% coverage of all buildings and impervious surfaces.

Land Use and Comprehensive Plan: The subject property is located within the Far East Focus Area along the US-36/ SR-37 commercial corridor. The future land use map for this location supports a Community-Scale Activity Center development type. Appropriate development types within this development type support retail, restaurants, services, and entertainment land uses.

This proposed Zoning Map Amendment meets several of the goals and actions of the Comprehensive Plan, including:

- **Objective A.1:** *Encourage a greater mix of land uses in selected locations.*
  - **Action A.1.4:** *Work with experienced developers.*
- **Objective A.9:** *Maximize compatibility between existing and new development, while allowing for appropriate changes.*
  - **Action A.9.1:** *Require transition areas at edges of development.*
- **Objective A.16:** *Focus new development to the Southeast, Southwest and portions of the Far East Focus Areas.*

Concept Plan: The proposed commercial development shows a conceptual build-out and the re-platting of six (6) new lots for the 10.3-acres site. The development will consist of various commercial retail and restaurant uses. A detention pond will be included to address stormwater control for the full build-out. If the zoning map amendment is approved, the final site plan and layout, including all setbacks and total parking requirements, will be approved at the Development Plan stage, but should be generally similar to the concept plan included in this application.

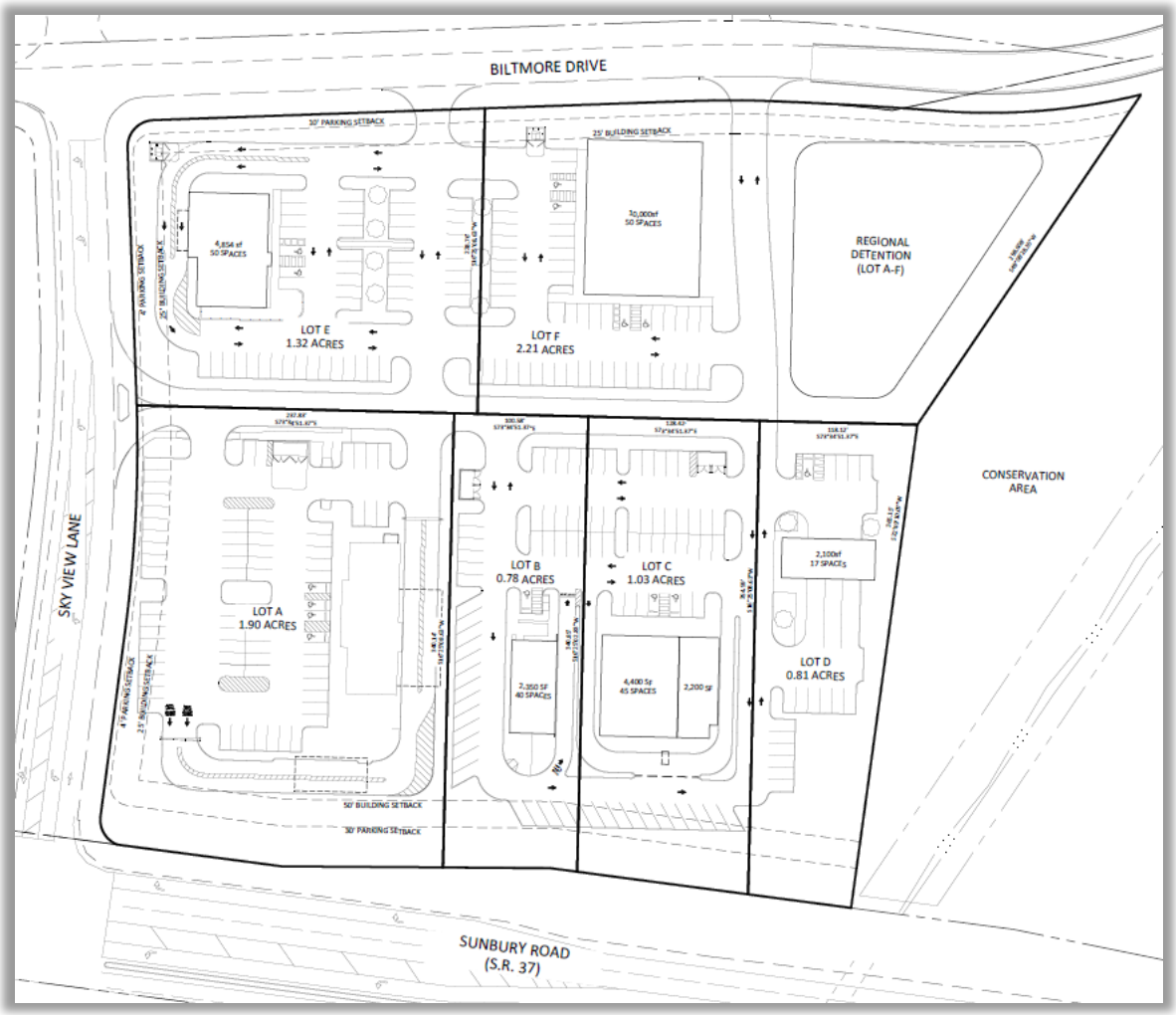


Figure 2: Conceptual Site Plan

Access and Traffic

There are three proposed points of access into the development, including a right-in/right-out along Skyview Lane and two full access ingress/ egress off Biltmore Drive. The final design and location of all roads and access points will be reviewed and approved at the development plan stage as approved by the City Engineer. The applicant will be required to complete a Traffic Impact Study (TIS) for this site, which must be completed and accepted prior

to the submittal of a Development Plan application. Pedestrian access will be required along the northern, western, and southern perimeter as well as along the interior access roads and require connection to individual store fronts.

Screening, Buffering, and Landscaping

All screening, buffering, and landscaping will be reviewed and approved at the Development Plan stage. Pending review of a final landscaping plan, additional landscaping and screening barriers may be required along the northern perimeter to provide additional buffer for the Seattle House apartments from noise generating activities of the commercial development.

Building Design

Building plans, designs, and elevations for all structures are to be determined and will be reviewed and approved at the Development Plan stage.

Signage and Lighting

A lighting plan and comprehensive sign plan will be required and reviewed at the Development Plan Stage.

Procedures:

The applicant will be required to receive a Development Plan approval and final subdivision approval for the full site (including all easements, right-of-way, etc.) prior to the issuance of any building permits.

RECOMMENDATION

Staff recommends approval of the request with the conditions of approval outlined in the attached resolution.

ORDINANCE NO. 25-78

AN ORDINANCE APPROVING A REQUEST BY GTZ PROPERTIES FOR APPROVAL OF A ZONING MAP AMENDMENT FROM C-CC (COMMUNITY COMMERCIAL) TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) ON 10.3-ACRES OF PROPERTY ALONG THE NORTH SIDE OF SUNBURY ROAD (US-36/ SR-37) EAST OF SKYVIEW LANE.

WHEREAS, GTZ Properties, 210 Skokie Valley Road, Suite A, Highland Park, IL 60035, requests rezoning and concept plan approval; and

WHEREAS, the City of Delaware Planning Commission at its meeting on December 3, 2025, recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Delaware City Council finds the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §1114.07 of the Zoning Code and;

WHEREAS, Delaware City Council finds that pursuant to §1114.13 of the Zoning Code, each and all of the permitted and conditional uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Delaware City Council has voted to adopt the recommendation of the Planning Commission with modifications.

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

SECTION 1.

The zoning map referenced in §1110.02 of the Zoning Code is hereby further amended to change approximately 10.3 acres of land described in the attached "Exhibit A" from C-CC, Community Commercial to C-PUD, Commercial Planned Unit Development.

SECTION 2.

The following conditions and requirements shall apply:

1. The concept plan dated "Received 11/14/25" illustrates the general layout of the development within this Planned Unit Development.
2. Uses permitted (P) in this Residential Planned Unit Development are as

follows:

Land Use	**Permitted Use**
Retail development with a minimum gross floor area under 80,000 square feet	P
Retail development with a minimum gross floor area of 80,000 square feet or greater	P
Restaurant	P
Financial Institution	P
Health Club	P
Entertainment, indoor	P
Event venue – capacity of 50 or fewer	P
Offices: Clerical/ professional, medical/ dental, veterinary, no boarding kennel	P
Drive-thru facilities associated with any Permitted Use.*	P
***A maximum of three (3) drive-thru facilities shall be permitted**	

3. Roads, Traffic, and Engineering:

   a. All comments and concerns of the City Engineer, including any stormwater and utility requirements, must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.

   b. A Traffic Impact Study (TIS) dated 12/6/2023 was previously completed and accepted for the western portion of this area (referred to as the Original 2023 TIS). As this applicant is pursuing development of a larger area, a TIS is required for the full development (referred to as the Trailhead Crossing East & West TIS), which may result in modifications to the improvements required by the Original 2023 TIS. The applicant shall be responsible for any improvements and/or financial obligations of the Original 2023 TIS and/or the Trailhead Crossing East & West TIS per the City Engineer.

   c. The City Engineer shall determine the final design and location of all access points during development plan review.

   d. The property shall be required to participate in either a new or existing New Community Authority (NCA) at a millage not to exceed 7.5 mills.

4. Buffers, Landscaping, and Screening:

   a. Landscaping, screening, and buffers shall be determined at the

Development Plan stage and shall at a minimum comply with Chapter 1121 of City Code requirements.

5. Pedestrian Access

    a. Pedestrian facilities with a minimum of 5-foot sidewalks shall be provided along the perimeter of the site as determined by the City Engineer as well as along interior access roads and require connection to individual store fronts. Pedestrian facilities shall be established at the Development Plan stage.

6. Minimum building and parking setbacks shall be established at the Development Plan stage.

7. Signage requirements shall be determined at the Development Plan stage and shall require the submission of a comprehensive sign plan for the entire PUD.

8. A development agreement for this C-PUD in compliance with Chapter 1105.31 of City Code requirements must be approved and executed prior to the release of any building permits.

9. A final subdivision plat to include all dedicated easements and right of way must be recorded prior to the release of permits.

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 Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS_____NAYS_____ ABSTAIN_____

PASSED: _____, 2026 YEAS_____NAYS_____ABSTAIN_____

ATTEST: _____ _____
CITY CLERK MAYOR

DESCRIPTION OF 10.222 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of Farm Lots 28 and 29, Quarter Township 4, Township 5, Range 19, being part of Farm Lot 18, Quarter Township 3, Township 5, Range 18, United States Military Lands, being all of an original 0.12 acre tract of land, being part of an original 19.25 acre tract of land, and being part of an original 20 acre tract of land described in deed to Nutter Farm, Inc. of record in Deed Book 636, Page 808, being all of a 0.929 acre tract of land described in deed to Nutter Farm, Inc. of record in Official Record Volume 1684, Page 2018, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

COMMENCING at the southeast corner of the Seattle House (Bowtown South) Condominium of record in Official Record Volume 1869, Page 2637 and Page 2708, being on the north line of a 0.929 acre tract of land known as the Seattle House (Bowtown South) Condominium Association Common Element as described in Official Record Volume 1869, Page 2637 and Page 2708, and being at the southwest corner of a 4.049 acre tract of land (Parcel 1) described in deed to Donna J. Bukovec of record in Official Record Volume 660, Page 1596;

Thence North 86°49'59" West, a distance of 65.82 feet with the south line of said Seattle House (Bowtown South) Condominium, with the north line of said 0.929 acre common element, and with the north line of said 20 acre tract, to the **POINT OF BEGINNING** of the tract to be described;

Thence crossing said 20 acre tract with the following two (2) courses:

1) **South 49°02'16" West**, a distance of **337.65 feet**, to a point;

2) **South 22°50'13" West**, a distance of **499.16 feet**, to the south line of said 20 acre tract and being on the centerline of Sunbury Road (U.S. Route 36/State Route 37);

Thence **North 67°28'24" West**, a distance of **735.67 feet** with the south line of said 20 acre tract, with the south line of said 0.12 acre tract, with the south line of said 19.25 acre tract, and with the centerline of said Sunbury Road, to the southwest corner of said 19.25 acre tract and being at the southeast corner of a 7.658 acre tract of land described in deed to 1069 State Route 37 East LLC of record in Official Record Volume 1369, Page 2353;

Thence **North 03°22'05" East**, a distance of **116.45 feet** with the west line of said 19.25 acre tract and with the east line of said 7.658 acre tract, to the southwest corner of a 0.259 acre tract of land described in deed to City of Delaware, Ohio of record in Official Record Volume 1684, Page 1997;

Thence with the south and east lines of said 0.259 acre tract, the following four (4) courses:

1) **South 67°28'24" East**, a distance of **223.43 feet**, to a point;

2) With the arc of a curve to the right having a radius of **20.00 feet**, a central angle of **76°08'44"**, an arc length of **26.58 feet**, a chord bearing of **North 15°29'35" West**, and a chord distance of **24.67 feet**, to a point of tangency;

3) **North 22°34'47" East**, a distance of **140.66 feet**, to a point of curvature;

4) With the arc of a curve to the left having a radius of **1037.20 feet**, a central angle of **9°37'04"**, an arc length of **174.11 feet**, a chord bearing of **North 17°46'15" East**, and a chord distance of **173.90 feet**, to a point of tangency at the most northerly corner of said 0.259 acre tract, being at the southwest corner of said Nutter Farm 0.929 acre tract, and being on the east right-of-way line of Skyview Lane dedicated on the plat of Seattle House (Bowtown South) of record in Official Record Volume 1816, Page 2671;

Thence with the west and north lines of said Nutter Farm 0.929 acre tract, with the east right-of-way line of said Skyview Lane, and with the south right-of-way line of Biltmore Drive dedicated on the plat of Seattle House (Bowtown South) of record in Official Record Volume 1816, Page 2671, the following four (4) courses:

1) **North 12°57'44" East**, a distance of **187.40 feet**, to a point of curvature;

2) With the arc of a curve to the right having a radius of **20.00 feet**, a central angle of **90°00'00"**, an arc length of **31.42 feet**, a chord bearing of **North 57°57'44" East**, and a chord distance of **28.28 feet**, to a point of tangency;

3) **South 77°02'16" East**, a distance of **398.48 feet**, to a point of curvature;

4) With the arc of a curve to the right having a radius of **970.00 feet**, a central angle of **9°11'20"**, an arc length of **155.57 feet**, a chord bearing of **South 72°26'36" East**, and a chord distance of **155.40 feet**, to the northeast corner of said Nutter Farm 0.929 acre tract, being at the southwest corner of the right-of-way of said Biltmore Drive, and being on the north line of said 20 acre tract;

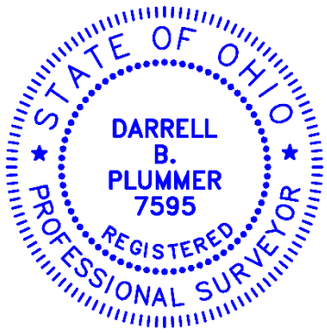
Thence **South 86°49'59" East**, a distance of **212.36 feet** with the north line of said 20 acre tract, with the south right-of-way line of said Biltmore Drive, and with the south line of said Seattle House (Bowtown South) Condominium, to the **POINT OF BEGINNING** containing **10.222 acres**, more or less, there being 0.170 acres out of said 0.12 acre tract and Parcel Number 519-444-01-001-000, being 5.572 acres out of said 19.25 acre tract and Parcel Number 519-444-01-001-000, being 3.551 acres out of said 20 acre tract and Parcel Number 518-300-01-105-000, and being 0.929 acres out of said Nutter Farm 0.929 acre tract and Parcel Number 519-444-01-001-003.

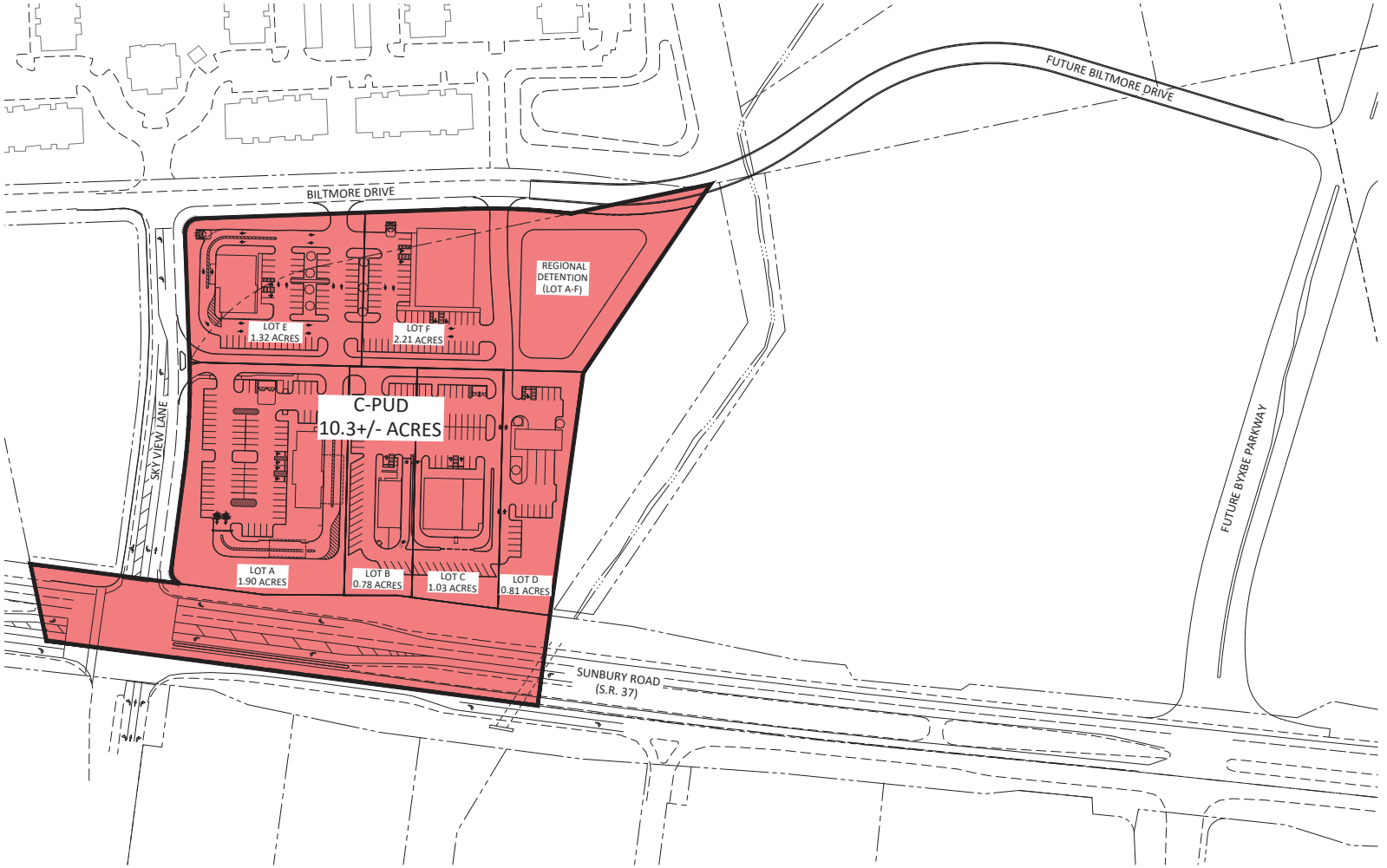
The above description is based on deeds of record and available existing surveys, aforementioned description is not intended to be used for the transfer of real property. The acreages and distances shown are intended for zoning purposes only.

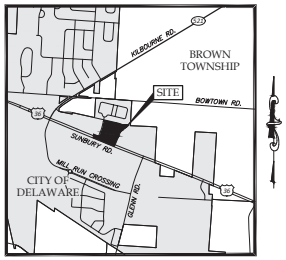
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Darrell B. Plummer 10/09/2025

Darrell B. Plummer, P.S. Date
Professional Surveyor No. 7595







VICINITY MAP

SCALE: 1" = 2000'

ZONING INFORMATION	
PARCEL NO.:	519444010010003 519444010010000 518300010050000
EXISTING ZONING:	C-CC - COMMUNITY COMMERCIAL DISTRICT
PROPOSED ZONING:	C-PUD - COMMERCIAL PLANNED USE DISTRICT
EXISTING USE:	VACANT LAND
PROPOSED USE:	COMMERCIAL OUTLOTS

SCALE: 1" = 80'

80 40 0 80 160

REVISION RECORD

NO.	DATE	REVISION DESCRIPTION

TEBBE CIVIL ENGINEERING, LLC
4700 Lakehurst Court, Suite 135
Dublin, Ohio 43016
Phone (614) 565-5866 ● tebbecivil.com

C-PUD EXHIBIT

TRAILHEAD CROSSING WEST

STATE ROUTE 37

CITY OF DELAWARE, OHIO

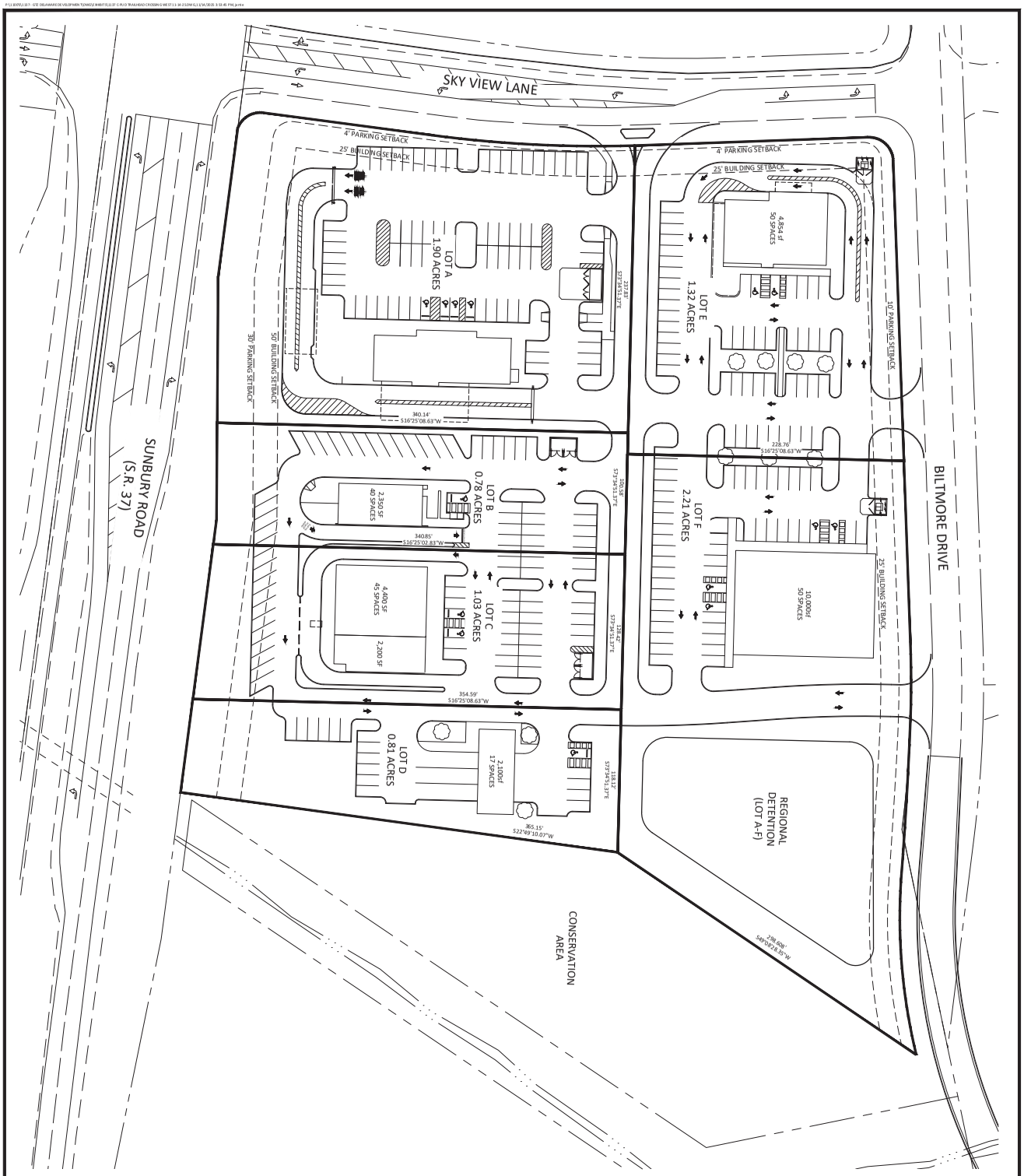
11-14-25

JOB NO.	1137
DRAWN BY	MJM
DESIGN BY	JSG
CHECKED BY	CMT

SHEET

C-PUD

P:\1137\1137-072 DELAWARE DEVELOPMENT\DWG\EXHIBITS\1137 C-PUD TRAILHEAD CROSSING WEST 11-14-25.DWG, 11/14/2025 3:53:45 PM, jmee



SITE DATA TABLE

	1.90 AC
LOT A AREA	
LOT A BUILDING COVERAGE (5,422 SF)	6.6%
LOT A LOT COVERAGE (58,928 SF)	71.2%
	0.78 AC
LOT B AREA	
LOT B BUILDING COVERAGE (2,350 SF)	6.9%
LOT B LOT COVERAGE (34,146 SF)	72.0%
	1.03 AC
LOT C AREA	
LOT C BUILDING COVERAGE (6,600 SF)	14.8%
LOT C LOT COVERAGE (42,597 SF)	95.4%
	0.81 AC
LOT D AREA	
LOT D BUILDING COVERAGE (2,100 SF)	6.0%
LOT D LOT COVERAGE (16,860 SF)	48.0%
	1.32 AC
LOT E AREA	
LOT E BUILDING COVERAGE (4,854 SF)	8.4%
LOT E LOT COVERAGE (44,070 SF)	76.4%
	2.21 AC
LOT F AREA	
LOT F BUILDING COVERAGE (10,000 SF)	10.4%
LOT F LOT COVERAGE (39,398 SF)	40.8%
	8.05 AC
DEVELOPMENT TOTAL AREA	
DEVELOPMENT TOTAL BUILDING COVERAGE (31,326 SF)	8.9%
DEVELOPMENT TOTAL LOT COVERAGE (235,899 SF)	67.3%

C-PUD

SHEET

CHECKED BY: CMT
DESIGN BY: JSG
DRAWN BY: MJM
JOB NO. 1137

11-14-25

C-PUD SITE PLAN
TRAILHEAD CROSSING WEST
STATE ROUTE 37
CITY OF DELAWARE, OHIO

TEBBE CIVIL ENGINEERING, LLC
4700 Lakehurst Court, Suite 135
Dublin, Ohio 43016
Phone (614) 845-5888 ● Chris@TebbeCivil.Com

REVISION RECORD

NO.	DATE	REVISION DESCRIPTION

CITY OF DELAWARE
PLANNING COMMISSION
DECEMBER 3, 2025

C-PUD 25-15
TRAILHEAD CROSSING REZONING

RESOLUTION

WHEREAS, GTZ Properties, 210 Skokie Valley Road, Suite A, Highland Park, IL 60035, has filed an application requesting to rezone 10.3 acres of land from C-CC, Community Commercial to C-PUD (Commercial Planned Unit Development). The property is located on the north side of US-36/ SR-37 east of Skyview Lane, further described in Exhibit A.

WHEREAS, a public hearing was held on December 3, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1114.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1114.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific R-PUD; and

WHEREAS, the City of Delaware Planning Commission finds that the applicant's plans are in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone approximately 10.3 acres of land described as parcels 519-444-01-001-003, 519-444-01-001-000, and 518-300-01-105-000, further described in Exhibit A, from C-CC Community Commercial to C-PUD (Commercial Planned Unit Development).

SECTION 2.

1. The concept plan dated "Received 11/14/25" illustrates the general layout of the development within this Planned Unit Development.

2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

Land Use	Permitted Use
Retail development with a minimum gross floor area under 80,000 square feet	P
Retail development with a minimum gross floor area of 80,000 square feet or greater	P
Restaurant	P
Financial Institution	P
Health Club	P
Entertainment, indoor	P
Event venue – capacity of 50 or fewer	P
Offices: Clerical/ professional, medical/ dental, veterinary, no boarding kennel	P
Drive-thru facilities associated with any Permitted Use.*	P
***A maximum of three (3) drive-thru facilities shall be permitted**	

3. Roads, Traffic, and Engineering:

   a. All comments and concerns of the City Engineer, including any stormwater and utility requirements must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.

   b. A Traffic Impact Study (TIS) dated 12/6/2023 was previously completed and accepted for the western portion of this area (referred to as the Original 2023 TIS). As this applicant is pursuing development of a larger area, a TIS is required for the full development (referred to as the Trailhead Crossing East & West TIS), which may result in modifications to the improvements required by the Original 2023 TIS. The applicant shall be responsible for any improvements and/or financial obligations of the Original 2023 TIS and/or the Trailhead Crossing East & West TIS per the City Engineer.

   c. The City Engineer shall determine the final design and location of all access points during development plan review.

d. The property shall be required to participate in either a new or existing New Community Authority (NCA) at a millage not to exceed 7.5 mills.

4. Buffers, Landscaping, and Screening:
   a. Landscaping, screening, and buffers shall be determined at the Development Plan stage and shall at a minimum comply with Chapter 1121 of City Code requirements.
5. Pedestrian Access
   a. Pedestrian pathways with a minimum 5-foot width shall be provided along all public road frontage where required by the City Engineer and along interior access roads with connections to individual store fronts. The locations of all pedestrian facilities shall be established at the Development Plan stage.
6. Minimum building and parking setbacks shall be established at the Development Plan stage.
7. Signage requirements shall be determined at the Development Plan stage and shall require the submission of a comprehensive sign plan for the entire PUD.
8. A development agreement for this C-PUD in compliance with Chapter 1105.31 of City Code requirements must be approved and executed prior to the release of any building permits.
9. A final subdivision plat to include all dedicated easements and right of way must be recorded prior to the release of permits.

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: December 3, 2025 YEAS 4 NAYS 0
ABSTAIN 0

ATTEST: Sarah Junior
CITY CLERK

CHAIRMAIN

DESCRIPTION OF 10.222 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, being part of Farm Lots 28 and 29, Quarter Township 4, Township 5, Range 19, being part of Farm Lot 18, Quarter Township 3, Township 5, Range 18, United States Military Lands, being all of an original 0.12 acre tract of land, being part of an original 19.25 acre tract of land, and being part of an original 20 acre tract of land described in deed to Nutter Farm, Inc. of record in Deed Book 636, Page 808, being all of a 0.929 acre tract of land described in deed to Nutter Farm, Inc. of record in Official Record Volume 1684, Page 2018, all references being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

COMMENCING at the southeast corner of the Seattle House (Bowtown South) Condominium of record in Official Record Volume 1869, Page 2637 and Page 2708, being on the north line of a 0.929 acre tract of land known as the Seattle House (Bowtown South) Condominium Association Common Element as described in Official Record Volume 1869, Page 2637 and Page 2708, and being at the southwest corner of a 4.049 acre tract of land (Parcel 1) described in deed to Donna J. Bukovec of record in Official Record Volume 660, Page 1596;

Thence North 86°49'59" West, a distance of 65.82 feet with the south line of said Seattle House (Bowtown South) Condominium, with the north line of said 0.929 acre common element, and with the north line of said 20 acre tract, to the **POINT OF BEGINNING** of the tract to be described;

Thence crossing said 20 acre tract with the following two (2) courses:

1) **South 49°02'16" West**, a distance of **337.65 feet**, to a point;

2) **South 22°50'13" West**, a distance of **499.16 feet**, to the south line of said 20 acre tract and being on the centerline of Sunbury Road (U.S. Route 36/State Route 37);

Thence **North 67°28'24" West**, a distance of **735.67 feet** with the south line of said 20 acre tract, with the south line of said 0.12 acre tract, with the south line of said 19.25 acre tract, and with the centerline of said Sunbury Road, to the southwest corner of said 19.25 acre tract and being at the southeast corner of a 7.658 acre tract of land described in deed to 1069 State Route 37 East LLC of record in Official Record Volume 1369, Page 2353;

Thence **North 03°22'05" East**, a distance of **116.45 feet** with the west line of said 19.25 acre tract and with the east line of said 7.658 acre tract, to the southwest corner of a 0.259 acre tract of land described in deed to City of Delaware, Ohio of record in Official Record Volume 1684, Page 1997;

Thence with the south and east lines of said 0.259 acre tract, the following four (4) courses:

1) **South 67°28'24" East**, a distance of **223.43 feet**, to a point;

2) With the arc of a curve to the right having a radius of **20.00 feet**, a central angle of **76°08'44"**, an arc length of **26.58 feet**, a chord bearing of **North 15°29'35" West**, and a chord distance of **24.67 feet**, to a point of tangency;

3) **North 22°34'47" East**, a distance of **140.66 feet**, to a point of curvature;

4) With the arc of a curve to the left having a radius of **1037.20 feet**, a central angle of **9°37'04"**, an arc length of **174.11 feet**, a chord bearing of **North 17°46'15" East**, and a chord distance of **173.90 feet**, to a point of tangency at the most northerly corner of said 0.259 acre tract, being at the southwest corner of said Nutter Farm 0.929 acre tract, and being on the east right-of-way line of Skyview Lane dedicated on the plat of Seattle House (Bowtown South) of record in Official Record Volume 1816, Page 2671;

Thence with the west and north lines of said Nutter Farm 0.929 acre tract, with the east right-of-way line of said Skyview Lane, and with the south right-of-way line of Biltmore Drive dedicated on the plat of Seattle House (Bowtown South) of record in Official Record Volume 1816, Page 2671, the following four (4) courses:

8800 Lyra Drive, Suite 300 | Columbus, OH 43240 | p: 614-540-6633 f: 614-540-6638 | www.cecinc.com

1) **North 12°57'44" East**, a distance of **187.40 feet**, to a point of curvature;

2) With the arc of a curve to the right having a radius of **20.00 feet**, a central angle of **90°00'00"**, an arc length of **31.42 feet**, a chord bearing of **North 57°57'44" East**, and a chord distance of **28.28 feet**, to a point of tangency;

3) **South 77°02'16" East**, a distance of **398.48 feet**, to a point of curvature;

4) With the arc of a curve to the right having a radius of **970.00 feet**, a central angle of **9°11'20"**, an arc length of **155.57 feet**, a chord bearing of **South 72°26'36" East**, and a chord distance of **155.40 feet**, to the northeast corner of said Nutter Farm 0.929 acre tract, being at the southwest corner of the right-of-way of said Biltmore Drive, and being on the north line of said 20 acre tract;

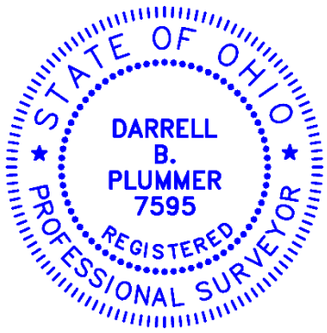
Thence **South 86°49'59" East**, a distance of **212.36 feet** with the north line of said 20 acre tract, with the south right-of-way line of said Biltmore Drive, and with the south line of said Seattle House (Bowtown South) Condominium, to the **POINT OF BEGINNING** containing **10.222 acres**, more or less, there being 0.170 acres out of said 0.12 acre tract and Parcel Number 519-444-01-001-000, being 5.572 acres out of said 19.25 acre tract and Parcel Number 519-444-01-001-000, being 3.551 acres out of said 20 acre tract and Parcel Number 518-300-01-105-000, and being 0.929 acres out of said Nutter Farm 0.929 acre tract and Parcel Number 519-444-01-001-003.

The above description is based on deeds of record and available existing surveys, aforementioned description is not intended to be used for the transfer of real property. The acreages and distances shown are intended for zoning purposes only.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Darrell B. Plummer 10/09/2025

Darrell B. Plummer, P.S. Date
Professional Surveyor No. 7595



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Sandra Pereira, Planning Department
ITEM TYPE:	Ordinances
AGENDA SECTION:	**THIRD READING OF ORDINANCE NO. 25-79**
SUBJECT:	Ordinance No. 25-79, an ordinance approving a request to rezone approximately 101.5 acres from A-1, (Agricultural) east of the intersection of Glenn Parkway and Berlin Station Road to R-PUD (Residential Planned Unit Development).

SUGGESTED ACTION:

ATTACHMENTS:

1 Fact Sheet.docx
2 CC Pine Meadows Staff Report.docx
3 Ordinance- PUD 25-14 Pine Meadows Zoning Map Amendment.docx
4 Pine Meadows Attachments.pdf
5 Resolution- R-PUD 25-14, Pine Meadows Zoning Map Amendment.pdf

FACT SHEET

AGENDA ITEM NO: 12	DATE: 1/26/2026
ORDINANCE NO: 25-79	RESOLUTION NO:
READING: THIRD	PUBLIC HEARING: YES (JANUARY 12, 2026 AT 7:20 PM)

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Sandra Pereira, Planning & Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A REQUEST TO REZONE APPROXIMATELY 101.5 ACRES FROM A-1 (AGRICULTURAL) EAST OF THE INTERSECTION OF GLENN PARKWAY AND BERLIN STATION ROAD TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT).

BACKGROUND:
See attached staff report.

REASON WHY LEGISLATION IS NEEDED:
To achieve compliance with Chapter 1105: Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:
Planning Commission approved this case 7-0 on November 5, 2025

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
N/A

PRESENTER(S):
Sandra Pereira, Planning & Community Development Director

RECOMMENDATION:

Staff recommends approval at the Third Reading.

ATTACHMENT(S)
See attached

CITY COUNCIL STAFF REPORT

CASE ID: PUD 25-13 Pine Meadows

APPLICANT: **Romanelli Company, LLC**
148 W. Schrock Road
Westerville, OH 43081

REQUEST

A request by Romanelli Company LLC for approval of a Zoning Map Amendment from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development) on 101.5 acres of property located on the south side of Berlin Station Road east of the Norfolk Southern railroad tracks.

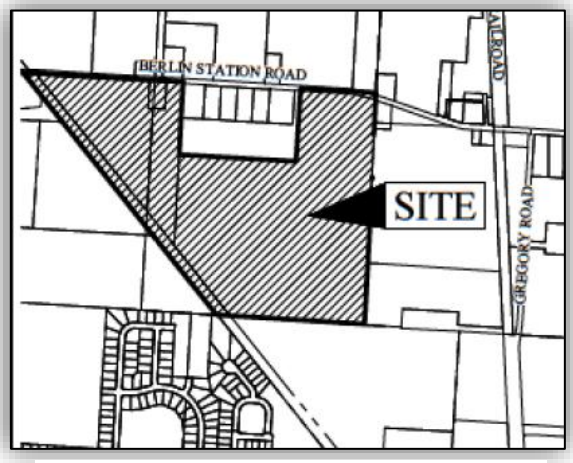


Figure 1: Subject Property/ Location Boundary

BACKGROUND/ LOCATION

The 101.5-acre property is located on the south side of Berlin Station Road east of the Norfolk Southern railroad tracks. The parcels were recently annexed into the city of Delaware in September 2025 and have been utilized as farmland. The applicant is proposing to rezone the site from A-1 Agriculture to R-PUD (Residential-Planned Unit Development for a proposed single-family and townhome development.

EXISTING CONDITIONS/ CURRENT ZONING

The subject property is located within Sub-Area 5 of the designated Southeast Focus Area of the city of Delaware's Delaware Together Comprehensive Plan. The subject property is currently utilized as agricultural and/or unimproved land with an underlying A-1 Agriculture zoning. The surrounding properties east of the Norfolk Southern railroad tracks and outside the subject property are located within the Southeast Focus Area Overlay but are currently unincorporated from the city.

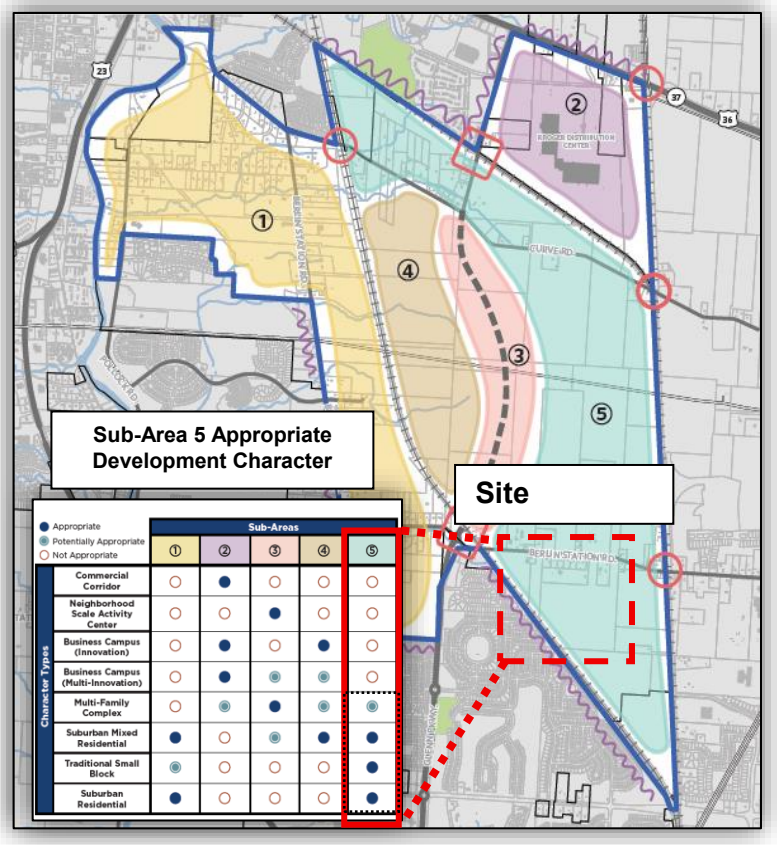


Figure 2: Southeast Focus Area Sub-Area 5 Appropriate Development Types

STAFF ANALYSIS

Zoning: The applicant is requesting to rezone the 101.5-acre subject property to a Residential-Planned Unit Development (R-PUD) with the intent to permit a development comprised of single-family homes and attached townhomes. Should the zoning map amendment be approved, the proposed R-PUD would be divided into three residential sub-areas. Sub-Area A (9.3-acres) will permit a single-family residential. Sub-Area B (58.3-acres) will permit single/two/three-family residential. Sub-Area C will permit single/two/three/four or multi-family. Sub-Area D (21.1-acres) will be designated as Open Space.

Land Use and Comprehensive Plan: The subject property is located within Sub-Area 5 of the Southeast Focus Area which prioritizes residential development (see Figure 2 above). Appropriate development types within this sub-area of the southeast area include Suburban-Mixed Residential, Traditional Small Block, and Suburban Residential with multi-family being potentially appropriate.

The proposed R-PUD zoning map amendment will permit the development type aligned with Suburban Mixed Residential by providing a variety of housing typologies including single-family, attached townhomes, and multi-family residential developed near the (future) Glenn Parkway commercial corridor. This proposed Zoning Map Amendment meets several of the goals and actions of the Southeast Plan, including:

- **Action A3**. *Promote multiple types of residential development along the future Glenn Parkway.*
- **Action B4**. *Provide infrastructure for multimodal access and ease of mobility for pedestrians and cyclists.*
- **Action B5**. *Implement a connected road network with future development.*
- **Action D2**: *Establish a high-quality design for the Southeast Area.*

Additionally, this proposal meets several of the goals and actions of Delaware Together, including:

- **Objective A.1:** *Encourage a greater mix of land uses in selected locations.*
- **Objective A.8:** *Improve design quality and align the design of major corridors.*
- **Action A.10.1:** *Require coordinated development on larger parcels.*
- **Action B.8.10:** *Integrate new uses at key locations.*

Concept Plan: The proposed residential development will be comprised of four sub-areas. The applicant intends to develop Sub-Area A (light brown) and Sub-Area B (dark brown) with single-family dwelling units. Sub-Area A is proposed to develop 29 single-family homes and Sub-Area B is proposed to develop 208 single-family homes. Sub-Area C (yellow) proposes to develop 110 attached town homes. Based on the proposed dwelling units, the entirety of the development will permit up to five (5) dwelling units per acre. Sub-Area D (green) will be 21.1 acres of designated Open Space which will provide both active open space areas and storm water management basins. Should the zoning map amendment be approved, the applicant will need to follow-up plans and plats for the four sub-areas.

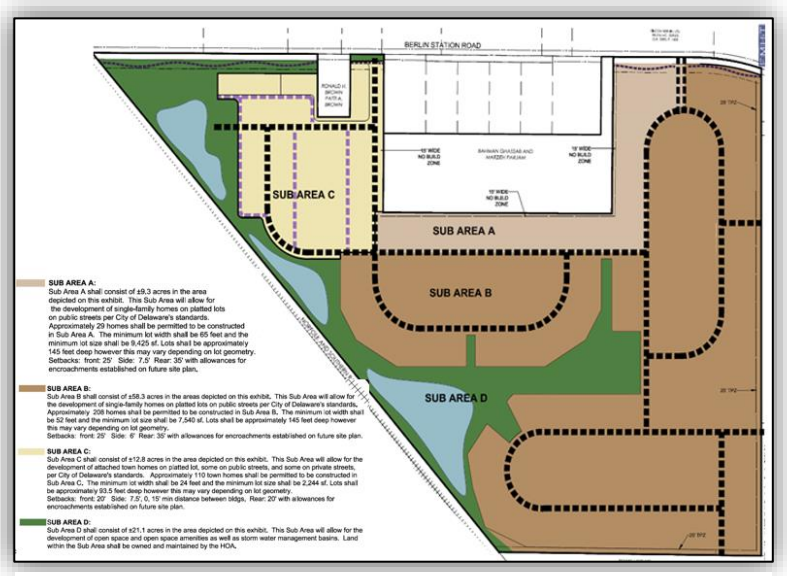


Figure 3: Pine Meadows Conceptual Site Plan

Access and Traffic

There will be two points of access into the development located along Berlin Station Road. There will also be two future points of access within Sub-Area B to the east and one to the south, which will allow for connection to future development in those areas. The final design and location of all roads and access points will be reviewed and approved at the development plan stage and the City Engineer will determine which roads are public or private prior to approval of a development plan. The applicant will be required to complete a Traffic Impact Study (TIS) for this site, which must be completed and accepted prior to the submittal of a Development Plan application.

Screening and Buffering

A fifteen-foot "no-build" buffer will be provided along the northern and western perimeter of Sub-Area A as well as along the eastern perimeter of Sub-Area C. A twenty-five-foot tree preservation zone (TPZ) will be provided along the entirety of the eastern and southern perimeter located within Sub-Area B which will preserve existing trees located along the existing property lines. The subject property is largely devoid of trees as it is currently utilized for agricultural purposes. The TPZ will not be located within future individual lots and will provide buffering from future development to the south and east. The final details of the overall development landscaping plan will be reviewed and approved at the development plan stage.

Open Space

Dedicated open space is shown as Sub-Area D of the proposed Concept Plan which includes 21.1 acres (or 20.1%) of the total 101.5 development. For R-PUDs, the coverage of the total gross area of the development shall not exceed sixty-five percent (65%) of the entire development which includes the area covered by all buildings, all parking areas, all driveways, and all public and private streets and paved rights-of-way. At the time of the development plan, the developer will need to demonstrate that 35% of the entire development meets the open space standard. A minimum of 10% of all open space shall be required to be a common (active) open space area. Active open space areas (i.e. pocket parks, trails, etc.) will need to be accessible and connect to the interior sidewalk network and be shown on the Development Plan applications. A minimum 10-foot asphalt multi-use path will also be provided along the south side of Berlin Station Road.

Building Design

Building plans, designs, and elevations for all structures are to be determined and will be reviewed and approved at the Development Plan stage.

Signage and Lighting

A lighting plan and comprehensive sign plan will be required and reviewed at the Development Plan Stage.

Procedures:

The applicant will be required to receive a Development Plan approval and plat the full site (including all easements, right-of-way, etc.) prior to the issuance of any building permits.

RECOMMENDATION

Staff and Planning Commission recommend approval of the request with the conditions of approval outlined in the attached resolution.

ORDINANCE NO. 25-79

AN ORDINANCE APPROVING A REQUEST TO REZONE APPROXIMATELY 101.5 ACRES FROM A-1 (AGRICULTURAL), EAST OF THE INTERSECTION OF GLENN PARKWAY AND BERLIN STATION ROAD TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT).

WHEREAS, Romanelli Company LLC, 148 West Shrock Road, Westerville, Ohio, 43081 requests rezoning and concept plan approval; and

WHEREAS, the City of Delaware Planning Commission at its meeting on November 5, 2025 recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Delaware City Council finds the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §1114.07 of the Zoning Code and;

WHEREAS, Delaware City Council finds that pursuant to §1114.13 of the Zoning Code, each and all of the permitted and conditional uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Delaware City Council has voted to adopt the recommendation of the Planning Commission with modifications.

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

SECTION 1.

The zoning map referenced in §1110.02 of the Zoning Code is hereby further amended to change approximately 101.5 acres of land described in the attached “Exhibit A” from A-1, Agricultural to R-PUD, Residential Planned Unit Development.

SECTION 2.

The following conditions and requirements shall apply:

1. The concept plan dated “Received 10/17/25” illustrates the general layout of the development within this Planned Unit Development, unless modified herein.

2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

	Sub-Area A	Sub-Area B	Sub-Area C
Single-Family	P	P	P
Two- or Three-Family		P	P
Four-Family or Multi-Family			P

- Sub-Area D shall be reserved for open space.

3. Roads and Traffic:
    a. The applicant is required to complete a Traffic Impact Study (TIS). The TIS is required to be submitted prior to the development plan and must be accepted by the City Engineer prior to submitting a subdivision plat application. The applicant shall be responsible for any improvements and/or financial obligations of the TIS per the City Engineer.
    b. Access to Berlin Station Road shall be as specified by the City Engineer.
    c. The City Engineer shall determine the final design and location of all access points during development plan review.
    d. The City Engineer will determine which roads are public or private prior to approval of a development plan.
4. Density and Layout:
    a. The net density of the development shall not exceed 5.0 dwelling units per acre.
5. Buffers, Landscaping, and Open Space:
    a. Active open space (i.e. pocket parks, trails, etc.) shall be required in each residential Sub-Area and the open space amenities shall be determined at the Development Plan stage.
    b. Sub-Area D (Open Space) shall be included as part of the Development Plan for either Sub-Areas A, B, or C.
    c. 25-foot Tree Preservation Zone shall be provided on the eastern and southern property line of sub-area B and shall not be located within future individual lots.
    d. Site setbacks shall be as shown on the concept plan dated "Received 10/17/25".
6. Pedestrian Access
    a. A minimum 10-foot asphalt path shall be required along the south side of Berlin Station Road.

b. All public and private roads in each sub-area shall have a minimum of 5-foot sidewalks on each side.

7. Minimum building setbacks within individual Sub-Areas shall be established at the Development Plan stage.
8. All comments and concerns of the City Engineer, including any stormwater and utility requirements must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.
9. The applicant shall be responsible for paying the City's full cost of third-party engineering plan reviews.
10. The property shall be required to participate in either a new or existing New Community Authority (NCA) at a millage not to exceed 7.5 mills.
11. Signage requirements shall be determined at the Development Plan stage.

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 Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS_____NAYS_____ ABSTAIN_____

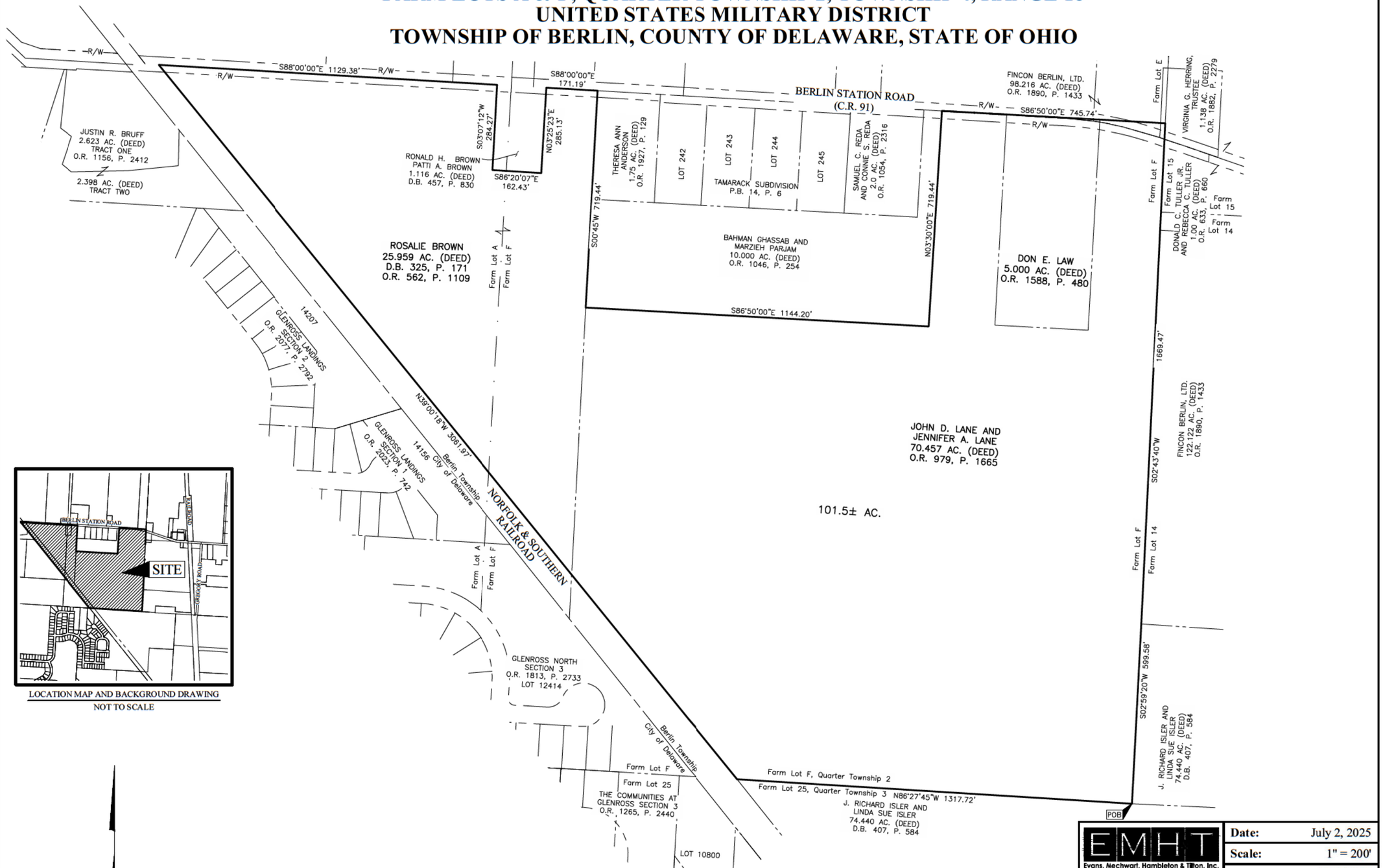
PASSED: _____, 2026 YEAS_____NAYS_____ABSTAIN_____

ATTEST: _____ _____
CITY CLERK MAYOR

EXHIBIT A

ZONING EXHIBIT

FARM LOTS A & F, QUARTER TOWNSHIP 2, TOWNSHIP 4, RANGE 18
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF BERLIN, COUNTY OF DELAWARE, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

200 0 200 400
GRAPHIC SCALE (in feet)

Date:	July 2, 2025
Scale:	1" = 200'
Job No:	2022-0075
Sheet:	1 of 1

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

REVISIONS

MARK	DATE	DESCRIPTION

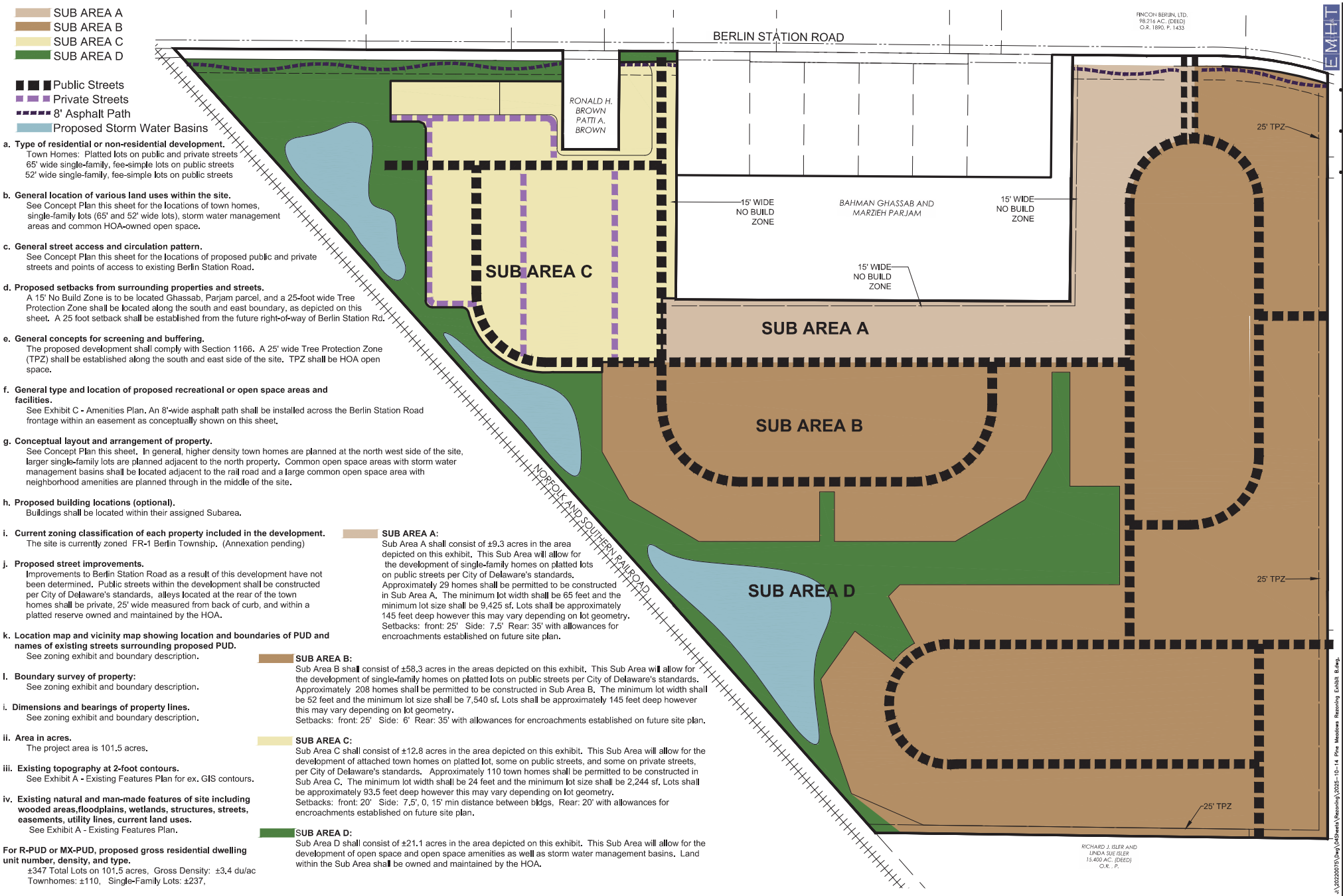
J:\20220075\Dwg\04Sheets\Exhibits\20220075-VS-EXHB-ZONE-03.dwg plotted by Kirk, Matthew on 7/2/2025 7:49:46 AM last saved by tmcmullen on 7/1/2025 3:22:04 PM

The Applicant and Developer, Romanelli Company, LLC, intends to develop the 101.5-acre site depicted on the Concept Plan submitted with their Master Zoning and Development Application. The project will include town homes, single-family fee-simple lots, as well as amenities in the open space areas, in accordance with the City of Delaware's standards. More details regarding proposed streets, utilities, landscaping and neighborhood amenities will be provided in future phases once the rezoning and annexation are approved.

Jim Ohlin

7/15/25

Date



a. Type of residential or non-residential development.
Town Homes: Platted lots on public and private streets
65' wide single-family, fee-simple lots on public streets
52' wide single-family, fee-simple lots on public streets

b. General location of various land uses within the site.
See Concept Plan this sheet for the locations of town homes, single-family lots (65' and 52' wide lots), storm water management areas and common HOA-owned open space.

c. General street access and circulation pattern.
See Concept Plan this sheet for the locations of proposed public and private streets and points of access to existing Berlin Station Road.

d. Proposed setbacks from surrounding properties and streets.
A 15' No Build Zone is to be located Ghassab, Parjam parcel, and a 25-foot wide Tree Protection Zone shall be located along the south and east boundary, as depicted on this sheet. A 25 foot setback shall be established from the future right-of-way of Berlin Station Rd.

e. General concepts for screening and buffering.
The proposed development shall comply with Section 1166. A 25' wide Tree Protection Zone (TPZ) shall be established along the south and east side of the site. TPZ shall be HOA open space.

f. General type and location of proposed recreational or open space areas and facilities.
See Exhibit C - Amenities Plan. An 8'-wide asphalt path shall be installed across the Berlin Station Road frontage within an easement as conceptually shown on this sheet.

g. Conceptual layout and arrangement of property.
See Concept Plan this sheet. In general, higher density town homes are planned at the north west side of the site, larger single-family lots are planned adjacent to the north property. Common open space areas with storm water management basins shall be located adjacent to the rail road and a large common open space area with neighborhood amenities are planned through in the middle of the site.

h. Proposed building locations (optional).
Buildings shall be located within their assigned Subarea.

i. Current zoning classification of each property included in the development.
The site is currently zoned FR-1 Berlin Township. (Annexation pending)

j. Proposed street improvements.
Improvements to Berlin Station Road as a result of this development have not been determined. Public streets within the development shall be constructed per City of Delaware's standards, alleys located at the rear of the town homes shall be private, 25' wide measured from back of curb, and within a platted reserve owned and maintained by the HOA.

k. Location map and vicinity map showing location and boundaries of PUD and names of existing streets surrounding proposed PUD.
See zoning exhibit and boundary description.

l. Boundary survey of property:
See zoning exhibit and boundary description.

i. Dimensions and bearings of property lines.
See zoning exhibit and boundary description.

ii. Area in acres.
The project area is 101.5 acres.

iii. Existing topography at 2-foot contours.
See Exhibit A - Existing Features Plan for ex. GIS contours.

iv. Existing natural and man-made features of site including wooded areas,floodplains, wetlands, structures, streets, easements, utility lines, current land uses.
See Exhibit A - Existing Features Plan.

For R-PUD or MX-PUD, proposed gross residential dwelling unit number, density, and type.
±347 Total Lots on 101.5 acres, Gross Density: ±3.4 du/ac
Townhomes: ±110, Single-Family Lots: ±237,

SUB AREA A:
Sub Area A shall consist of ±9.3 acres in the area depicted on this exhibit. This Sub Area will allow for the development of single-family homes on platted lots on public streets per City of Delaware's standards. Approximately 29 homes shall be permitted to be constructed in Sub Area A. The minimum lot width shall be 65 feet and the minimum lot size shall be 9,425 sf. Lots shall be approximately 145 feet deep however this may vary depending on lot geometry.
Setbacks: front: 25' Side: 7.5' Rear: 35' with allowances for encroachments established on future site plan.

SUB AREA B:
Sub Area B shall consist of ±58.3 acres in the areas depicted on this exhibit. This Sub Area will allow for the development of single-family homes on platted lots on public streets per City of Delaware's standards. Approximately 208 homes shall be permitted to be constructed in Sub Area B. The minimum lot width shall be 52 feet and the minimum lot size shall be 7,540 sf. Lots shall be approximately 145 feet deep however this may vary depending on lot geometry.
Setbacks: front: 25' Side: 6' Rear: 35' with allowances for encroachments established on future site plan.

SUB AREA C:
Sub Area C shall consist of ±12.8 acres in the area depicted on this exhibit. This Sub Area will allow for the development of attached town homes on platted lot, some on public streets, and some on private streets, per City of Delaware's standards. Approximately 110 town homes shall be permitted to be constructed in Sub Area C. The minimum lot width shall be 24 feet and the minimum lot size shall be 2,244 sf. Lots shall be approximately 93.5 feet deep however this may vary depending on lot geometry.
Setbacks: front: 20' Side: 7.5', 0, 15' min distance between bldgs, Rear: 20' with allowances for encroachments established on future site plan.

SUB AREA D:
Sub Area D shall consist of ±21.1 acres in the area depicted on this exhibit. This Sub Area will allow for the development of open space and open space amenities as well as storm water management basins. Land within the Sub Area shall be owned and maintained by the HOA.

CONCEPT PLAN FOR ZONING

October 14, 2025

Pine Meadows
City of Delaware

J:\20220075\Dwg\04Sheets\Rezoning\2025-10-14 Pine Meadows Rezoning Exhibit B.dwg,

CITY OF DELAWARE
PLANNING COMMISSION
NOVEMBER 5, 2025

R-PUD 25-14
PINE MEADOWS REZONING

RESOLUTION

WHEREAS, Romanelli Company LLC, 148 W. Schrock Road, Westerville, Ohio 43081, has filed an application requesting to rezone 101.5 acres of land from A-1, Agricultural, with the Southeast Overlay to R-PUD (Residential Planned Unit Development). The property is located along Berlin Station Road, further described as parcel numbers 418-230-01-032-000, 418-230-01-034-000, and 418-230-01-041-000.

WHEREAS, a public hearing was held on November 5, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1114.06 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1114.06 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific R-PUD; and

WHEREAS, the City of Delaware Planning Commission finds that the applicant's plans are in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone approximately 101.5 acres of land described as parcels 418-230-01-032-000, 418-230-01-034-000, and 418-230-01-041-000, A-1 Agriculture with the Southeast Overlay to R-PUD (Residential Planned Unit Development).

SECTION 2.

1. The concept plan dated "Received 10/17/25" illustrates the general layout of the development within this Planned Unit Development.

2. Uses permitted (P) in this Residential Planned Unit Development are as follows:

	Sub-Area A	Sub-Area B	Sub-Area C
Single-Family	P	P	P
Two- or Three-Family		P	P
Four-Family or Multi-Family			P

Sub-Area D shall be reserved for open space.

3. Roads and Traffic:

   a. The applicant is required to complete a Traffic Impact Study (TIS). The TIS is required to be submitted prior to the development plan and must be accepted by the City Engineer prior to submitting a subdivision plat application. The applicant shall be responsible for any improvements and/or financial obligations of the TIS per the City Engineer.

   b. Access to Berlin Station Road shall be as specified by the City Engineer.

   c. The City Engineer shall determine the final design and location of all access points during development plan review.

   d. The City Engineer will determine which roads are public or private prior to approval of a development plan.

4. Density and Layout:

   a. The net density of the development shall not exceed 5.0 dwelling units per acre.

5. Buffers, Landscaping, and Open Space:

   a. Active open space (i.e. pocket parks, trails, etc.) shall be required in each residential Sub-Area and the open space amenities shall be determined at the Development Plan stage.

   b. Sub-Area D (Open Space) shall be included as part of the Development Plan for either Sub-Areas A, B, or C.

   c. 25-foot Tree Preservation Zone shall be provided on the eastern and southern property line of sub-area B and shall not be located within future individual lots.

   d. Site setbacks shall be as shown on the concept plan dated "Received

10/17/25".

6. Pedestrian Access
   a. A minimum 10-foot asphalt path shall be required along the south side of Berlin Station Road.
   b. All public and private roads in each sub-area shall have a minimum of 5-foot sidewalks on each side.
7. Minimum building setbacks within individual Sub-Areas shall be established at the Development Plan stage.
8. All comments and concerns of the City Engineer, including any stormwater and utility requirements must be addressed through the Engineering and Utilities Departments prior to the release of any permits for this development.
9. The applicant shall be responsible for paying the City's full cost of third-party engineering plan reviews.
10. The property shall be required to participate in either a new or existing New Community Authority (NCA) at a millage not to exceed 7.5 mills.
11. Signage requirements shall be determined at the Development Plan stage.

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: November 5, 2025 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Deborah Dunlap
CITY CLERK

CHAIRMAIN

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Ted Miller, Parks and Recreation
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 26-02**
SUBJECT:	Ordinance No. 26-02, an ordinance authorizing the City Manager to execute an amendment to the current lease agreement with the Second Ward Community Initiative.

SUGGESTED ACTION:

ATTACHMENTS:

ord res fact sheet 26-02,-unity park lease agreement - NSH 09102025 Edits.docx
ord 26-02 - First Amendment to 01072021 SWCI Lease Agreement - NSH 05252025-09102025 Edits.doc
SWCI Lease Agreement 2021.pdf
MOU2026signed.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 13 | DATE: 01/26/2026

ORDINANCE NO: 26-02 | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Ted Miller, Parks and Recreation Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF DELAWARE AND SECOND WARD COMMUNITY INITIATIVE.

BACKGROUND:

The City of Delaware entered into a Lease Agreement with the Second Ward Community Initiative (SWCI) on January 7, 2021, for property located at 50 Ross Street, Delaware, Ohio, known as Unity Park. The First Amendment to the Lease permits the removal and demolition of a building on the property and clarifies operational control of the buildings by the City, while maintaining SWCI's exclusive programming use. The amendments reflect collaborative efforts to improve and maintain Unity Park's facilities and support community programming.

The Delaware Parks and Recreation Department is pursuing the construction of a new public restroom facility and splash pad at Unity Park. These additions are part of a long-term strategy to enhance recreational access, promote family-friendly outdoor activity, and improve park infrastructure.

REASON WHY LEGISLATION IS NEEDED:

The Lease Agreement may only be amended in a writing executed by all parties. City Council approval is required to authorize the City Manager to execute the amendment.

FISCAL IMPACT(S):

No direct fiscal impact from the lease amendments. Any future capital improvements or maintenance undertaken by the city will be addressed through the approved budget process.

POLICY CHANGES:
Shifts operational control of buildings at Unity Park to the City while maintaining SWCI's programming role.

RECOMMENDATION:
Staff recommends approval of the resolution to execute the First and Second Amendments to the Lease Agreement with SWCI, supporting facility improvements, operational oversight, and continued community programming at Unity Park.

ATTACHMENT(S)
Existing Lease Agreement
Proposed First Amendment to Lease Agreement

ORDINANCE NO. 26-02

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CURRENT LEASE AGREEMENT WITH THE SECOND WARD COMMUNITY INITIATIVE.

WHEREAS, the City of Delaware, Ohio entered a Lease Agreement with the Second Ward Community Initiative ("SWCI") on January 7, 2021, to lease property owned by the City of Delaware located at 50 Ross Street, Delaware, Ohio to SWCI; and

WHEREAS, the City of Delaware and SWCI desire to amend the Lease Agreement to permit the removal and demolition of buildings on the property among other things; and

WHEREAS, the Lease Agreement provides that it can only be amended through a written amendment signed by all parties to the agreement.

NOW THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio, that:

SECTION 1. The City Manager is hereby authorized to execute the First Amendment to the Lease Agreement between The City of Delaware and The Second Ward Community Initiative attached hereto.

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

VOTE ON RULE SUSPENSION: YEAS____ NAYS____
ABSTAIN ____

PASSED: _____, 2026 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

DocuSign Envelope ID: 1EE851D4-EF50-401A-807C-9A5C7ACD74EB

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") made and entered into this 7th day of January, 2021, between The City of Delaware, Ohio (hereinafter referred to as "Landlord") and the Second Ward Community Initiative (hereinafter referred to as "Tenant").

WITNESSETH:

WHEREAS, Landlord is the fee owner of certain real property being, lying and situated in Delaware County, Ohio, such real property having a street address of 50 A Ross Street, Delaware, OH 43015 (hereinafter referred to as the "Premises").

WHEREAS, Landlord seeks to lease the Premises to Tenant under the terms and conditions contained in this lease; and

WHEREAS, Tenant seeks to lease the Premises from Landlord under the terms and conditions contained in this lease;

NOW, THEREFORE, for and in consideration of the sum of One Dollar ($1.00), the covenants and obligations contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. **TERM**. Landlord leases to Tenant and Tenant leases from Landlord the above described Premises together with any and all appurtenances thereto, for a term of ten (10) years, with the option of two-five (5) year renewals provided the Tenant is not in default of any provisions hereof and shall begin on (a) seventh day of January, 2021 [redacted] For purposes of this lease, the term, "Lease Year" shall mean a period of 12 consecutive calendar months following the Commencement Date. Each succeeding Lease Year shall commence upon the anniversary date of the Commencement Date.

2. **RENT**. The total rent for the term hereof is the sum of one dollar ($1). Annual rent rate will be reevaluated upon the expiration of the initial 10 year lease commitment.

3. **PREMISES**: This lease permits Tenant to use the portions of the Premises marked in Exhibit A notated as "SWCI", "Connector" and "Building 2".

DocuSign Envelope ID: 1EE851D4-EF50-401A-807C-9A5C7ACD74EB

4. **USE OF PREMISES**. The Premises shall be used and occupied by Tenant as a Community Center. The following activities are permitted in the community center:

a. Computer lab
b. Tutorial Center
c. Exercise/Dance sessions
d. Teaching/Instruction/Classes
e. Library
f. Arts and Crafts
g. Entertainment such as movies, computer games, and card games.
h. Meetings

Additional uses agreed upon by both parties will be included in an addendum to this lease. Tenant shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.

5. **ASSIGNMENT AND SUB-LETTING**. Tenant shall not assign this Agreement, or sub-let or grant any license to use the Premises or any part thereof without the prior written consent of Landlord. Subject to the notice and approval requirements in this section, Tenant may sublease part of the premises to other non-profit organizations as a way to raise funds. Tenant shall provide a request in writing 60 days prior to the date of the sublease. Such notice shall provide a description of the non-profit sublessee and the area of the building being subleased. Any sublease will include terms that the sublease will be bound by the same requirements as this agreement. Consent by Landlord to one such assignment, sub-letting or license shall not be deemed to be a consent to any subsequent assignment, sub-letting or license. An assignment, sub-letting or license without the prior written consent of Landlord or an assignment or sub-letting by operation of law shall be absolutely null and void and shall, at Landlord's option, terminate this Agreement.

6. **ALTERATIONS AND IMPROVEMENTS**. Tenant shall make no alterations to the buildings or improvements on the Premises or construct any building or make any other improvements on the Premises without the prior written consent of Landlord, necessary construction documents and building permit. Any and all alterations, changes, and/or improvements built, constructed or placed on the Premises by Tenant shall, unless otherwise provided by written agreement between Landlord and Tenant, be and become the property of Landlord and remain on the Premises at the expiration or earlier termination of this Agreement.

7. **HAZARDOUS MATERIALS**. Tenant shall not keep on the Premises any item of a dangerous, flammable or explosive character that might

unreasonably increase the danger of fire or explosion on the Premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

8. **UTILITIES**. Tenant shall be responsible for arranging for and paying for all utility services required on the buildings which includes the Premises. In the event Tenant fails to pay utility bills by the time they are due, this lease shall terminate automatically.

9. **MAINTENANCE AND REPAIR; RULES**. Tenant is leasing premises as is. The City is not required to make any additional improvements or repairs to the building under this lease. Tenant will, at its sole expense, keep and maintain the Premises and appurtenances in good and sanitary condition and repair during the term of this Agreement and any renewal thereof and shall be responsible for any ongoing repairs. Without limiting the generality of the foregoing, Tenant shall:

a. Not obstruct the driveways, sidewalks, courts, entry ways, stairs and/or halls, which shall be used for the purposes of ingress and egress only;
b. Keep all windows, glass, window coverings, doors, locks and hardware in good, clean order and repair;
c. Not obstruct or cover the windows or doors;
d Not leave windows or doors in an open position during any inclement weather;
e Not hang any laundry, clothing, sheets, etc. from any window, rail, porch or balcony nor air or dry any of same within any yard area or space;
f Not cause or permit any locks or hooks to be placed upon any door or window without the prior written consent of Landlord;
g Keep all air conditioning filters clean and free from dirt;
h Keep all lavatories, sinks, toilets, and all other water and plumbing apparatus in good order and repair and shall use same only for the purposes for which they were constructed. Tenant shall not allow any sweepings, rubbish, sand, rags, ashes or other substances to be thrown or deposited therein. Any damage to any such apparatus and the cost of clearing stopped plumbing resulting from misuse shall be borne by Tenant;
i. Ensure that Tenant's guests shall at all times maintain order in the Premises and at all places on the Premises, and shall not make or permit any loud or improper noises, or otherwise disturb other residents;

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j Keep all radios, television sets, stereos, etc., turned down to a level of sound that does not annoy or interfere with other residents;

k Deposit all trash, garbage, rubbish or refuse in the locations provided therefore and shall not allow any trash, garbage, rubbish or refuse to be deposited or permitted to stand on the exterior of any building or within the common elements;

10. **DAMAGE TO PREMISES**. In the event the Premises are destroyed or rendered wholly untenantable by fire, storm, earthquake, or other casualty not caused by the negligence of Tenant, this Agreement shall terminate from such time except for the purpose of enforcing rights that may have then accrued hereunder.

11. **INSPECTION OF PREMISES**. Landlord and Landlord's agents shall have the right at all reasonable times during the term of this Agreement and any renewal thereof to enter the Premises to inspect the Premises and all buildings and improvements thereon and to make any repairs, additions or alterations as may be deemed appropriate by Landlord for the preservation of the Premises or the building. The right of entry shall likewise exist for the purpose of removing placards, signs, fixtures, alterations or additions, that do not conform to this Agreement or to any restrictions, rules or regulations affecting the Premises. The landlord shall be provided a grand master key to access the building and all interior rooms.

12. **RENEWAL**. In keeping with conditions of Section 1 of this agreement, the Tenant will have option of two five-year renewals. Future renewals must be negotiated by the Landlord and Tenant.

13. **SURRENDER OF PREMISES**. Upon the expiration of the term hereof, Tenant shall surrender the Premises in as good a state and condition as they were at the commencement of this Agreement, reasonable use and wear and tear thereof and damages by the elements excepted.

14. **MOWING**. Tenant shall be responsible for mowing the yard and maintaining surrounding landscaping. In the event Tenant's failure to mow the yard results in a violation of Chapter 905 of the Delaware Codified Ordinances, Landlord may contract to mow the lawn and add the cost of the service to the Tenant's rent. If the City has to mow the premises more than once a season, the lease will be immediately terminated.

15. **PEST CONTROL.** Tenant shall be responsible for all pest and vermin control within the Premises.

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16. **SIGNAGE.** All signs posted by Tenant on the Premises must be in conformance with current city code and is subject to the planning review and approval process.

17. **NONDISCRIMINATION**. Tenant shall not discriminate against any member of the public on the basis of age, race, color, sex, religion, ancestry, political affiliation, military status, or disability.

18. **TAXES & ASSESSMENTS**. The property is currently not subject to property taxes. However, Tenant shall pay or cause to be paid any and all real estate taxes and installments or assessments on the Premises which result from any activity in the space that causes property taxes to be assessed.

19. **INSURANCE**. Tenant will maintain an insurance policy with a $1,000,000 limit and name the City of Delaware as an additional insured party. Contractors and vendors who use the Premises are required to name both Tenant and the City of Delaware as additional insured parties on their policies. In the event Tenant fails to maintain the required insurance policy, this lease shall terminate automatically.

20. **INDEMNIFICATION**. Landlord shall not be liable for any damage or injury of or to the Tenant, Tenant's, guests, invitees, agents or employees or to any person entering the Premises or the building of which the Premises are a part or to goods or equipment, or in the structure or equipment of the structure of which the Premises are a part. Tenant hereby agrees to indemnify, defend and hold Landlord harmless from any and all claims or assertions of arising out of Tenant's actions or failure to act.

21. **DEFAULT**. If Tenant fails to comply with any of the material provisions of this Agreement, other than the covenant to pay rent, or of any present rules and regulations or any that may be hereafter prescribed by Landlord, or materially fails to comply with any duties imposed on Tenant by statute, within seven (7) days after delivery of written notice by Landlord specifying the non-compliance and indicating the intention of Landlord to terminate the Lease by reason thereof, Landlord may terminate this Agreement.

22. **RIGHTS AND REMEDIES**. The rights and remedies under this lease are cumulative, and either party's using any one right or remedy will not preclude or waive that party's right to use any other. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

23. **GOVERNING LAW**. This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Ohio.

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24. **SEVERABILITY**. If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

25. **BINDING EFFECT**. The covenants, obligations and conditions herein contained shall be binding on and inure to the benefit of the heirs, legal representatives, and assigns of the parties hereto.

26. **DESCRIPTIVE HEADINGS**. The descriptive headings used herein are for convenience of reference only and they are not intended to have any effect whatsoever in determining the rights or obligations of the Landlord or Tenant.

27. **CONSTRUCTION**. The pronouns used herein shall include, where appropriate, either gender or both, singular and plural.

28. **NON-WAIVER**. No indulgence, waiver, election or non-election by Landlord under this Agreement shall affect Tenant's duties and liabilities hereunder.

29. **MODIFICATION**. The parties hereby agree that this document contains the entire agreement between the parties and this Agreement shall not be modified, changed, altered or amended in any way except through a written amendment signed by all of the parties hereto.

30. **NOTICE**. Any notice required or permitted under this Lease or under state law shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

To Landlord:
City of Delaware, Ohio
Attention: R. Thomas Homan, City Manager
1 South Sandusky Street
Delaware, Ohio 43015
Phone: 740.203.1010
Email: cmo@delawareohio.net

To Tenant:
SWCI Second Ward Community Initiative
Attention: Karriejoi Coit, Executive Director
50 A Ross Street
Delaware, OH 43015
Phone: 740.362.7611
Email: kcoit@swcidelaware.org

Landlord and Tenant shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

32. **ADDITIONAL PROVISIONS; DISCLOSURES.**

_____

_____

_____

_____

_____

_____

[Landlord should note above any disclosures about the premises that may be required under Federal or Ohio law, such as known lead-based paint hazards in the Premises. The Landlord should also disclose any flood hazards.]

As to Landlord, this (date)

LANDLORD:

Sign: DocuSigned by: 18D125B7D1204AD...

R. Thomas Homan, City Manager Date: 1/11/2021

As to Tenant, this (date)

TENANT ("Tenant"):

Sign: DocuSigned by: AAED617668E4471...

Print: Ruchelle Pride Date: 1/5/2021

TENANT:

Sign: DocuSigned by: Karriejoi Coit 817A039069784E8...

Print: Karriejoi Coit Date: 1/7/2021

Approved as to form:

Sign: DocuSigned by: Natalia Harris AA08A3FA5E294DF...

Print: Natalia Harris

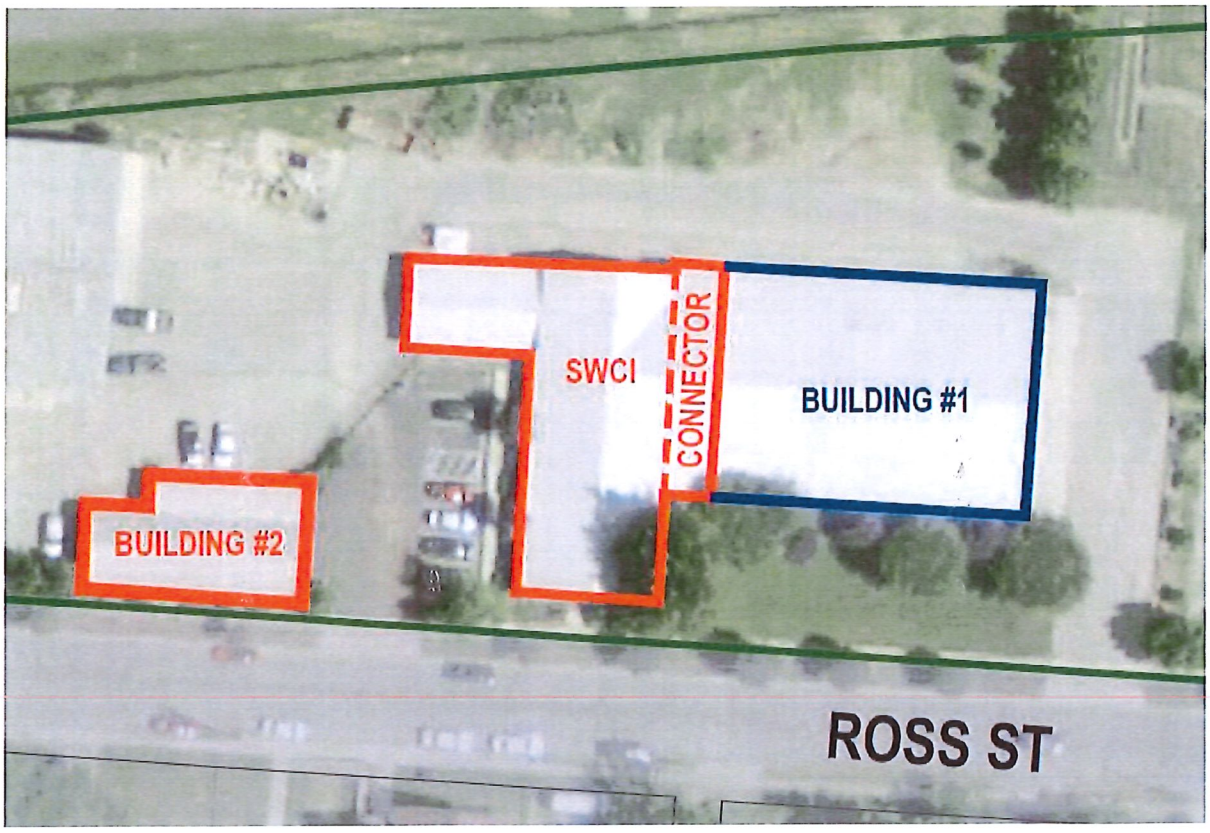
Delaware City Attorney Date: 1/8/2021

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Exhibit A

As mentioned in Article 3, "The Premise", the lease provides access for the Second Community Ward Initiative to the properties notated in the below graphic as "SWCI", "Connector" and "Building 2" to occupy, program and have the option to sublet with permission of the City as stated in Article 7 "Assignment & Sub-letting".

Building #1 will remain utilized by the City for cold storage needs, but can be renegotiated with SWCI at a later date for their use, once the City has determined a new location for storage.



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Exhibit B

September 22, 2020

SWCI Second Ward Community Initiative
Attention: Karriejoi Coit, Executive Director
50 A Ross Street
Delaware, OH 43015

Dear Ms. Coit and SWCI Board:

It is with great pleasure that the City of Delaware looks to renew our partnership with the Second Ward Community Initiative (SWCI) in providing a longer-term lease on City owned property at 50 A Ross Street (see lease document). Staff agrees that the initial lease term of 10 years with the option for two-five year renewals will allow for a longer-term commitment by both parties and for SWCI to properly raise funds for upgrades to your facility and continued support for the programs.

As both parties are aware, one of the persistent issues that has been discussed during the negotiations is the condition of the roof, particularly the section of the roof over the space the city leases to SWCI and whose responsibility it is to replace it. While SWCI has done an adequate job of "patching" the roof, the real need is for its replacement, including removal of the insulation on the roof's underside.

Given these circumstances, the city has agreed to fund the project this fall using its Community Development Block Grant (CDBG) program. The project meets one of the primary objectives of the program which is to benefit low-to-moderate income neighborhood.

Building improvement items include:

- Complete metal roof replacement on SWCI building portion and roof repair on cold storage (City portion) of the building
- Moisture-damaged ceiling insulation replacement in the SWCI portion

Funding would be from the City's CDBG RLF Program Income for the projects directly attributed to the SWCI Community Center building needs.

These financial contributions to the property by the City of Delaware are to bring the building up to a better condition and to free up SWCI of the obligation of current roof repair to fundraise toward other needs, whether additional building improvements and/or programming needs.

Per Section 9 "Maintenance and Repair; Rules" in the lease, "Tenant is leasing premises as is. The City is not required to make any additional improvements or repairs to the building under this lease. Tenant will, at its sole expense, keep and maintain the Premises and appurtenances in good and sanitary condition and repair during the term of this Agreement and any renewal thereof and shall be responsible for any ongoing repairs."

It is the City's intent to be clear that after the above improvements are made, and the lease is signed, that SWCI will be responsible for any future improvements and repairs as outlined in Section 9 above.

This letter serves as an acknowledgement of the partnership between the City of Delaware and SWCI, the investment being made for the above building improvements and the understanding that future improvements to the property being leased will be the sole responsibility of SWCI.

DocuSigned by:
18D125B7D1204AD...

R. Thomas Homan
City Manager
City of Delaware

DocuSigned by:
Karriejoi Coit
817A039069784E8...

Karriejoi Coit
Executive Director
SWCI Second Ward Community Initiative

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/02/2020

PRODUCER
Andrew Musilli Agency, LLC
60 East Olentangy Street
Powell, Ohio 43065

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Second Ward Community Initiative
DBA: Unity Community Center
PO Box 1414
Delaware, Ohio 43015

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: ANI- RRG	10023
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY ☑ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☑ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC	32014	09/26/2020	09/26/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 500,000 $ 20,000 $ 1,000,000 $ 3,000,000 $ 3,000,000
A		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☑ HIRED AUTOS ☑ NON-OWNED AUTOS	32014	09/26/2020	09/26/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION $				EACH OCCURRENCE AGGREGATE	$ $
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				☐ WC STATU-TORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $
A		OTHER Directors & Officers	32014	09/26/2020	09/26/2021	$1,000,000/$1,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Kyle Kridler, MPA
740.203.1032
kkridler@delawareohio.net

CERTIFICATE HOLDER
City of Delaware
Attn:Kyle Kridler, MPA
1 South Sandusky St.
Delaware, Ohio 43015

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Andrew Musilli

© ACORD CORPORATION 1988

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF DELAWARE AND SECOND WARD COMMUNITY INITIATIVE

This First Amendment ("Amendment") is made and entered into as of [Date], between the **City of Delaware, Ohio** ("Landlord") and **Second Ward Community Initiative** ("Tenant"), to modify the Lease Agreement dated January 7, 2021 between Landlord and Tenant (the "Original Lease Agreement"), for the property located at 50 Ross Street, Delaware, Ohio ("Premises"). Landlord and Tenant are hereinafter referred to collectively as the "Parties" in this Amendment.

The Parties mutually agree to eliminate Section 8 and insert the following text after Section 32 ADDITIONAL PROVISIONS; DISCLOSURES of the Original Lease Agreement:

33. REMOVAL AND DEMOLITION AUTHORITY. Landlord and Tenant agree that Landlord may remove and/or demolish any building on the Premises, including the structure identified, and identified as BUILDING #2 in Exhibit A of the original agreement in accordance with applicable laws and regulations.

34. OPERATIONAL CONTROL,MAINTENANCE, AND UTILITIES. Landlord shall assume operational control of the buildings on the Premises, including authority over maintenance, repair, capital improvements, upgrades, and all utility services (including but not limited to electricity, water, gas, sewer, and any other utilities required for the Premises). Landlord shall be responsible for arranging and paying for all such utilities, superseding any contrary provisions in Section 8 of the Original Lease Agreement. Landlord may inspect, repair, and make improvements at its discretion, with reasonable notice to Tenant. Tenant shall no longer bear responsibility for utilities, maintenance, or repairs unless otherwise agreed in writing.

35. TENANT OCCUPANCY AND PROGRAMMING. Tenant retains exclusive use of the Premises for its educational, community, and youth programming purposes, consistent with the Original Lease Agreement.

36. COLLABORATIVE OVERSIGHT AND

SUPPORT. As legally permitted, Landlord may collaborate with Tenant on programming and operational enhancements, including but not limited to:

- Facility improvements
- Expansion of services
- Grant and fundraising support
- Participation in and support for educational, community, and youth programs
- Facility usage by third-party partners approved by both parties

37. LANDLORD ACCESS. Landlord shall have access to the Premises to inspect, oversee contractors, and perform maintenance or upgrades.

The Parties mutually agree that all other terms of the Original Lease Agreement not expressly amended by this Amendment shall remain in full force and effect."

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first written above.

LANDLORD:
The City of Delaware, Ohio

By: _____
Paul J. Brake
Delaware City Manager

TENANT:
Second Ward Community Initiative
By: _____
Name: Lonny Ransaw
Title: Board President
1/11/26

Approved as to form:

_____
Delaware City Attorney

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Paul Brake, City Manager Office
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 26-03**
SUBJECT:	Ordinance No. 26-03, an ordinance amending the procedural Rules of Council set forth in Section 111.01 of the Delaware Codified Ordinances and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet RE - Amending the Procedural Rules of Council.docx

Ord. No. 26-03- Amending Council's Order of Business.docx

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 14	DATE: 01/26/2026
ORDINANCE NO: 26-03	RESOLUTION NO:
READING: FIRST	PUBLIC HEARING: YES **(February 9, 2026 at 7:10 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, ICMA-CM, CEcD, City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING THE PROCEDURAL RULES OF COUNCIL SET FORTH IN SECTION 111.01, OF THE DELAWARE CODIFIED ORIDINANCES AND DECLARING AN EMERGENCY

BACKGROUND:
This is presented as a staff recommendation on a procedural change regarding when public comments will be made during City Council meetings, with the goal of improving meeting flow and ensuring meaningful public participation. Currently, public comment is taken after the approval of the consent agenda, but before action items.

As such, this modification simply places the public comment portion of the meeting before the approval of the consent agenda. This adjustment is intended to enhance transparency and public participation; ensuring Council Members have the benefit of public input before voting on the consent agenda; and, lastly, maintain orderly and efficient meetings.

REASON WHY LEGISLATION IS NEEDED:
In order to facilitate a change to the process, an ordinance is required to amend the rules that govern the procedure of the Council. The emergency measure will allow the change to be effective immediately instead of waiting 30 days.

FISCAL IMPACT(S):
None

POLICY CHANGES:
Pursuant to and under the authority of Section 17 of the City Charter, the rules govern the procedure of the Council. This amendment will modify the order of the items as placed on the meeting agenda.

RECOMMENDATION:
Staff recommends approval of the Ordinance Amending the Procedural Rules of Council.

ATTACHMENT(S)
Ordinance No. 26-03

ORDINANCE NO. 26-03

AN ORDINANCE AMENDING THE PROCEDURAL RULES OF COUNCIL SET FORTH IN SECTION 111.01 OF THE DELAWARE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 111 of the Delaware Codified Ordinances sets forth the administrative procedures of this Council; and

WHEREAS, Section 111.01 states the rules that govern the procedure of Council; and

WHEREAS, this Council embraces the opportunity to better serve Delaware residents and believes a change in its order of business will enhance the opportunity for more public engagement with Council.

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

SECTION 1. Section 111.01 of the Delaware Codified Ordinances shall be amended as follows:

111.01. - Rules of Council.

Pursuant to and under authority of Section 17 of the City Charter, the following rules shall govern the procedure of Council:

(a) Rule 1. Regular Meeting. Regular meetings shall be held on the second and fourth Mondays of each month beginning at 7:00 p.m. When such regular meeting falls on a holiday, such meeting shall be held on the following night.
(Ord. 00-88. Passed 9-11-00)

(b) Council may, by a vote of four or more of its members, cancel or reschedule any regularly scheduled Council meeting, provided there shall be twenty-four hours written notice to all of its absent members.

(c) Rule 2. Special Meetings. A special meeting of Council may be called by the Mayor or any three members of Council upon twenty-four hours written notice to all elected members.

(d) Rule 3. Calling Council to Order. The Mayor, if present, and if not, the Vice Mayor, shall call Council to order at the hour fixed for the meeting, but if both the Mayor and Vice Mayor are absent or disabled,

Council shall choose one of its members to be President Pro tempore and to act in the place of the Mayor.

(e) Rule 4. Order of Business. The following order of business shall be adhered to as nearly as possible, except that the Mayor may adjust the order to meet established public hearing times or as a courtesy to groups interested in certain subjects:

(1) All regular meetings of Council shall be opened by prayer and the Pledge of Allegiance.

(2) The Clerk of Council shall call a roll and make an entry on the Clerk's journal of all members present and absent. Any member of Council not present may be excused from the session of Council by a majority vote of all members elected to Council.

(3) Council shall consider the record of the preceding regular meeting and any special meetings held prior to the regular meeting.
(Ord. 91-18. Passed 3-25-91)

(4) ~~Council shall consider a consent agenda to include resolutions, written communications, petitions and committee reports unless removed therefrom by vote of a majority of Council present at the meeting.~~
~~(Ord. 00-133. Passed 11-27-00)~~
COUNCIL SHALL RECEIVE ORAL AND WRITTEN PETITIONS AND ORAL AND WRITTEN PUBLIC COMMENTS. ACTION SHALL NOT BE TAKEN AT THE FIRST MEETING ON A PETITION OR LETTER WHICH IS PRESENTED FROM THE FLOOR, UNLESS COUNCIL DETERMINES THAT AN EMERGENCY EXISTS.

(5) **COUNCIL SHALL CONSIDER A CONSENT AGENDA TO INCLUDE RESOLUTIONS AND ORAL AND WRITTEN PETITIONS, UNLESS REMOVED THEREFROM BY VOTE OF A MAJORITY OF COUNCIL PRESENT AT THE MEETING.**

(6) Council shall consider **ANY RESOLUTION OR** ~~all other oral and written~~ petition~~s and committee reports, including those~~ removed from the consent agenda. ~~Action shall not be taken at the first meeting on a petition or letter which is presented from the floor, unless Council determines that an emergency exists.~~

(7) **COUNCIL SHALL PRESENT COMMITTEE REPORTS.**

(~~6~~**8**) Unfinished business remaining from a preceding meeting shall be considered.

(~~7~~**9**) New business shall be considered.

(~~8~~**10**) The Finance Director's report shall be given monthly, and otherwise as required.

(~~9~~**11**) The City Manager's report shall be given.

(1~~0~~**12**) The meeting shall be adjourned.

(f) Rule 5. Agenda. An agenda shall be prepared by the City Manager for each regular and special meeting of Council. Conforming to the prescribed order of business the agenda shall set forth outlines of petitions, reports, resolutions and ordinances to be considered. Such agendas for each regular meeting shall be completed by 5:00 p.m. of the Thursday preceding the meeting whenever it is possible to do so. In all cases the agenda shall be prepared by 5:00 p.m. on the Friday preceding the meeting. Copies shall be delivered forthwith to each Council member, and notification shall be given to the news media and residents of the City as prescribed in Section 111.02. A copy of the agenda shall be posted in City Hall lobby at the time the agenda goes to the media.
(Ord. 91-18. Passed 3-25-91)

(g) Rule 6. Committees. Committees may be authorized by vote of Council. All committees shall be appointed by the Mayor and each shall be composed of three members of Council. The City Manager shall be a member ex-officio of every committee. Upon vote of Council, matters shall be referred to committee by the Mayor and, unless otherwise directed, a report shall be prepared for the next regular meeting of Council. This report or minutes must be given to the City Manager before noon on Thursday preceding the regular meeting, in order that the matter may be included in the agenda. A Finance Committee of Council may be established, but shall not be authorized as a committee to consider or make recommendations on the annual budget, except by a specific resolution of Council.
(Ord. 98-97. Passed 11-9-98)

(h) Rule 7. Seating. Seats at the Council table shall be occupied by members of Council, the Clerk of Council and the City Manager. The City Attorney and such other administrative officers as the City Manager may determine, as well as representatives of the press, shall occupy seats adjacent to the Council table.

(i) Rule 8. Quorum and Absence. Four members of Council shall be a quorum to do business, but fewer may recess from time to time. When such recess is taken the Clerk shall notify absent members personally or by telephone, not less than twenty-four hours before the time set for the recessed meeting. If these members are then absent without reasonable excuse, as determined by Council, they may be considered in violation of Council Rules.

(j) Rule 9. Recognition of Speakers. Every member of Council previous to speaking shall address the Mayor, but shall not proceed with his remarks until recognized. While a member is speaking no other shall hold any private discourse. No member may leave the Council Chamber without permission of the Mayor.

A person in the audience who wishes to speak shall first be recognized by the Mayor. Upon being recognized, such person shall give his name and address.

(k) Rule 10. Parliamentary Rules. All parliamentary rules applicable and not in conflict with the foregoing Rules, shall be in force for the government of Council. Robert's Rules of Order shall control subsidiary, incidental and privileged questions of order. Debate can be closed by the following motions, which are undebatable and, except for the motion to lay on the table, shall require a vote of five for their adoption:

(1) An objection to the consideration of the question;

(2) To lay on the table;

(3) The previous question; and

(4) To adopt an order limiting debate on a certain subject or closing debate upon the subject at a stated time, when all pending questions shall be put to a vote without debate.

(l) Rule 11. Confirmation to City Charter. It is the intent of these Rules to supplement and clarify the provisions of the City Charter. Therefore, all sections of the Charter pertaining to the duties and procedures of Council shall be considered a part of these Rules as if fully rewritten herein.
(Ord. 91-18. Passed 3-25-91)

SECTION 2. The provisions of this ordinance shall be codified in Chapter 141 of the Delaware Codified Ordinances.

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 hereby declared to be an emergency measure necessary to provide for the usual daily operation of an office of the City, City Council, to maximize the ability of the public to provide input to this Council as it conducts the business of the City of Delaware, and as such will be in full force and effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE: YEAS____ NAYS____

ABSTAIN ____

PASSED: _____, 2026 YEAS____ NAYS____

ABSTAIN ____

ATTEST: _____ _____

CITY CLERK MAYOR

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 26-04**
SUBJECT:	Ordinance No. 26-04, an ordinance providing for the issuance and sale of notes in the maximum principal aggregate principal amount of $11,700,000 in anticipation of the issuance of bonds, for the purpose of refunding certain of the City's securities which were issued for the purpose of paying the costs of improving the City's public roadway system and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet - Notes - Sawmill, Byxbe, Merrick.docx
Note Ordinance.docx
FOC note signed.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 15	DATE: 01/26/2026
ORDINANCE NO: 26-04	RESOLUTION NO:
READING: FIRST	PUBLIC HEARING: YES **(February 9, 2026 at 7:15 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Alycia Ballone, Director of Management, Budget & Procurement

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $11,700,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S SECURITIES WHICH WERE ISSUED FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S PUBLIC ROADWAY SYSTEM AND DECLARING AN EMERGENCY.

BACKGROUND:
The purpose of this Ordinance is to pay off and reissue notes in an amount not to exceed $11.7 million. The notes were previously authorized under ordinances 25-24, 25-57, and 25-58. These notes are for roadway improvements to Sawmill Parkway, Byxbe, and Merrick. This includes paying $1 million off of the existing notes for Merrick Boulevard.

REASON WHY LEGISLATION IS NEEDED:
The enclosed ordinance is needed to authorize City administration to coordinate with bond counsel to issue this long-term bond.

COMMITTEE RECOMMENDATION:
Not Applicable

FISCAL IMPACT(S):

This short-term debt is supported by the General Fund. Revenues include future TIF PILOTs and NCA charges.

POLICY CHANGES:
Not Applicable

PRESENTER(S):
Alycia Ballone, Director of Management, Budget & Procurement
David Conley, Rockmill Financial
Rob Alger, Finance Director

RECOMMENDATION:
Staff recommends approval at second reading

ATTACHMENT(S):

ORDINANCE NO. 26-04

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $11,700,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S SECURITIES WHICH WERE ISSUED FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S PUBLIC ROADWAY SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 25-24 passed April 14, 2025, notes in anticipation of bonds in the principal amount of $3,200,000, dated June 26, 2025 (the "*Outstanding Public Roadway System Notes*"), were issued for the purpose stated in clause (a) of Section 1, to mature on April 16, 2026; and

WHEREAS, pursuant to Ordinance No. 25-57 as Amended passed November 10, 2025, notes in anticipation of bonds in the principal amount of $1,000,000, dated December 22, 2025 (the "*Outstanding Byxbe Parkway Notes*"), were issued for the purpose stated in clause (b) of Section 1, to mature on April 16, 2026; and

WHEREAS, pursuant to Ordinance No. 25-58 passed November 10, 2025, notes in anticipation of bonds in the principal amount of $8,500,000, dated December 22, 2025 (the "*Outstanding Merrick Boulevard Notes*" and collectively with the Outstanding Public Roadway System Notes and the Outstanding Byxbe Parkway Notes, the "*Outstanding Notes*"), were issued for the purpose stated in clause (c) of Section 1, to mature on April 16, 2026; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; 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 each component purpose of the Improvement described in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and the maximum maturity of the Notes described in Section 3 to be issued in anticipation of the Bonds; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of each component purpose of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of (i) $3,200,00 of the Bonds described in clause (a) of Section 1 is twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is July 7, 2042, (ii) $1,000,000 of the Bonds described in clause (b) of Section 1 is at least twenty (20) years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is December 22, 2045, and (iii) $7,500,000 of the Bonds described in clause (c) of Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is December 22, 2045;

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

Section 1 Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of this City in the maximum aggregate principal amount of $11,700,000 (the "*Bonds*") for the purpose of paying the costs of improving the City's public roadway system by (a) constructing and extending Sawmill Parkway, installing utility and lighting improvements, curbs and gutters, ramps, sidewalks, signage, signalization, traffic pavement markings and landscaping, and acquiring real property and interests therein and providing for related site preparation, together with all related costs and necessary appurtenances thereto, (b) constructing Byxbe Road between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto and (c) extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto (collectively, the "*Improvement*").

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately April 1, 2027, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2027.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this City Council determines that notes in the maximum aggregate principal amount of $11,700,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the component purposes described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The aggregate principal amount of Notes to be issued (not to exceed the stated maximum aggregate principal amount authorized for each component purpose) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the City Clerk. The Note 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 Note 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 Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser and/or the Paying Agent in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. Execution of Notes; Book Entry System. The Notes 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 one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations as determined by the Director of Finance in the Certificate of Award (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate 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 Notes and that principal and interest.

"*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 Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company).

"*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.

The Notes 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, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) 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 (d) the Notes 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 Notes 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 Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes 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 also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance, the Certificate of Award and the Note Purchase Agreement. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Note Purchase Agreement between the City and the original purchaser and now on file with the City Clerk is approved, and the City Manager and the Director of Finance are authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this Ordinance, are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance. Any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and are approved by the City Manager and the Director of Finance shall be evidenced conclusively by the signing of the Note Purchase Agreement by the City Manager and the Director of Finance.

The City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, 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. Any actions heretofore taken by the City Manager, the Director of Finance, the City Attorney, the City Clerk or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

To the extent that the Director of Finance determines that it would be in the best interest of the City and elects to utilize the Ohio Market Access Program (the "*Ohio Market Access Program*") which is administered by the Treasurer of the State of Ohio (the "*Treasurer*"), the City Manager and the Director of Finance are authorized to sign and deliver, in the name and on behalf of the City, the Standby Note Purchase Agreement (the "*Standby Note Purchase Agreement*") in substantially the form as presented to this City Council with such changes as are not materially adverse to the City and as may be approved by the officers of the City executing the Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer agrees to (a) purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer for such purchase at a price of par plus accrued interest to maturity or (b) purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, *provided* that in connection with the Treasurer's purchase of such renewal notes the City shall deliver to the Treasurer an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer at stated maturity.

Section 7. Application of Note Proceeds. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Note Purchase Agreement may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Note Purchase Agreement and/or the Note Registrar Agreement for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

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

(a) Primary Offering Disclosure – Official Statement. If, in the judgment of the City Manager and the Director of Finance it would be in the best interest of and financially advantageous to this City, 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 Notes 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 Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (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 Notes, 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 Notes 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 Notes, 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 Note Purchase Agreement, from the proceeds of the Notes 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. If required by the Rule, for the benefit of the holders and beneficial owners from time to time of the Notes, 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 Director of Law 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 Notes, to the extent not paid or reimbursed by the original purchaser and/or the Paying Agent pursuant to the Note Purchase Agreement and/or the Note 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 Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Provision for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. 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 Notes or 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 Notes or 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 Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; 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 Notes or the Bonds.

Section 11. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (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 Notes 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 Notes 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 Notes 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 Notes 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 Notes 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 Notes 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 Notes, 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 Notes, 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes 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 Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (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 Notes 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 Notes.

Section 12. Certification and Delivery of Ordinance. The Director of Finance is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Delaware County, Ohio.

Section 13. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 Notes and securities issued in renewal of the Notes 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 Note Purchase Agreement and/or the Note 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 Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. 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 Notes. 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 Note Purchase Agreement and/or the Note 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 Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. Satisfaction of Conditions for Note Issuance. This City 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 Notes 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 Notes 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 10) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City 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 17. Captions and Headings. 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 18. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, or 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 Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; 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: _____, 2026 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 certificates of April 13, 2022, September 30, 2025 and October 7, 2025, I certify in connection with your proposed issue of notes in the maximum aggregate principal amount of $11,700,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the City's public roadway system by (a) constructing and extending Sawmill Parkway, installing utility and lighting improvements, curbs and gutters, ramps, sidewalks, signage, signalization, traffic pavement markings and landscaping, and acquiring real property and interests therein and providing for related site preparation, together with all related costs and necessary appurtenances thereto, (b) constructing Byxbe Parkway between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto and (c) extending Merrick Boulevard between certain termini, excavating, grading and paving, installing drainage, storm water, sanitary sewer and water improvements, utility relocations, street lighting, conduit, curbs and gutters, signage, traffic signalization, bikeways, sidewalks, landscaping, including site preparation, and acquiring real property and interests therein, together with all incidental work and related 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 estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is as follows:

- The maximum maturity of $3,200,000 of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years.

- The maximum maturity of $1,000,000 of the Bonds to be used for the component purpose described in clause (b) above is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five (5) years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years.

- The maximum maturity of $7,500,000 of the Bonds to be used for the component purpose described in clause (c) above is at least twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in

excess of five (5) years, then the maximum maturity of the Bonds would still be at least twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years.

If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes for any of the component purposes of the Improvement, the period in excess of those five years shall be deducted from the maximum maturity of the Bonds to be issued for that component purpose.

3. The maximum maturity of the Notes to be issued for the component purposes described in clause (a) above is July 7, 2042 and in clauses (b) and (c) above is December 22, 2045.

Dated: January 21, 2026

Director of Finance
City of Delaware, Ohio

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 2, 2026
SUBMITTED BY:	Alycia Ballone, Budgement Management and Procurement
ITEM TYPE:	Ordinances
AGENDA SECTION:	**CONSIDERATION OF ORDINANCE NO. 26-05**
SUBJECT:	Ordinance No. 26-05, an ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of $20,250,000 for the purpose of paying the costs of (a) improving the municipal fire safety facilities and (b) improving the municipal transportation system and declaring an emergency.

SUGGESTED ACTION:

ATTACHMENTS:

Fact Sheet - Bonds - Station 305 & Point.docx
Bond Ordinance.docx
FOC signed.pdf

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 16 | DATE: 01/26/2026

ORDINANCE NO: 26-05 | RESOLUTION NO:

READING: FIRST | PUBLIC HEARING: YES **(February 9, 2026 at 7:20 PM)**

TO: Mayor and Members of City Council

FROM: Paul J. Brake, City Manager

VIA: Robert Alger, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $20,250,000 FOR THE PURPOSE OF PAYING THE COSTS OF (A) IMPROVING THE MUNICIPAL FIRE SAFETY FACILITIES AND (B) IMPROVING THE MUNICIPAL TRANSPORTATION SYSTEM, AND DECLARING AN EMERGENCY.

BACKGROUND:
The purpose of this Ordinance is to (A) replace the initial note issuance with bonds to fund the costs of reconstructing fire station 305 City's east side and to (B) replace the note issuance for the Point Project bridge replacement on the City's east side.

REASON WHY LEGISLATION IS NEEDED:
The enclosed ordinance is needed to authorize City administration to coordinate with bond counsel to issue this long-term bond.

COMMITTEE RECOMMENDATION:
Not Applicable

FISCAL IMPACT(S):

This long-term debt is financially supported by the income taxes levied for the Fire Departments' operations and capital, and through special district financing to pay down the principal balance and interest each year.

POLICY CHANGES:
Not Applicable

PRESENTER(S):
Alycia Ballone, Director of Management, Budget & Procurement
David Conley, Rockmill Financial
Rob Alger, Finance Director

RECOMMENDATION:
Staff recommends approval after second reading

ATTACHMENT(S):

ORDINANCE NO. 26-05

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $20,250,000 FOR THE PURPOSE OF PAYING THE COSTS OF (A) IMPROVING THE MUNICIPAL FIRE SAFETY FACILITIES AND (B) IMPROVING THE MUNICIPAL TRANSPORTATION SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 25-15 passed February 24, 2025, notes in anticipation of bonds in the principal amount of $15,500,000, dated April 17, 2025 (the "Outstanding Fire Station Notes") were issued for the component purpose described in clause (a) of Section 2, to mature on April 16, 2026; and

WHEREAS, pursuant to Ordinance No. 25-24 passed April 14, 2025, notes in anticipation of bonds in the principal amount of $4,750,000, dated June 26, 2025 (the "Outstanding Point Project Notes" and, collectively with the Outstanding Fire Station Notes, the "Outstanding Notes") were issued for the component purpose described in clause (b) of Section 2, to mature on April 16, 2026; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City; 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 each component purpose 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 each component purpose of the Improvement is at least five (5) years and the maximum maturity of the Bonds is (i) twenty (20) years allocable to the $15,500,000 portion of the component purpose described in clause (a) of Section 2 and (ii) twenty (20) years allocable to the $4,750,000 portion of the component purpose described in clause (b) 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 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).

"*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.

"*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 from and including 2026 to and including 2045; *provided* that for each component purpose, the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be deferred by one year or advanced by such number of years as determined necessary by the Director of Finance, and *provided further* that in no case shall the final Principal Payment Date of any portion of the Bonds issued for any component purpose exceed the maximum maturity limitation referred to in the preambles hereto for that 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.

"*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 City 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 $20,250,000 (the "*Bonds*") for the purpose of paying the costs of (a) improving the municipal fire safety facilities by constructing, renovating, remodeling, furnishing and equipping a fire station, and otherwise improving the site therefor, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto and (b) improving the municipal transportation system, together in cooperation with the Ohio Department of Transportation, including the approaches to and intersections of U.S. Route 36 and State Routes 37 and 521 to improve the "Point Project" formerly known as "DEL-36-11.03" by constructing, reconstructing, widening, grading, draining, curbing, paving and resurfacing the roadway, reconstructing and lengthening the related Norfolk Southern railroad structure, installing storm water, sanitary sewer and water improvements, street lighting, traffic signalization, bikeways, sidewalks, and landscaping, including site preparation, and acquiring any necessary interests in real property, together with all incidental work and related 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 an amount determined by the Director of Finance in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the component purposes stated in this Section 2, taking into account the costs of refunding the Outstanding Notes, other City funds available for the purpose, the estimates of the Financing Costs and the interest rates on the Bonds.

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 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) or 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 financial advantages 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 aggregate principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds issued for each component purpose in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(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 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 by the Original Purchaser and/or the Bond Registrar 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.

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. Any actions heretofore taken by the Mayor, the City Manager, the Director of Finance, the City Attorney, the City Clerk or other City official, 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 laws of the State of Ohio, and the Charter of the City; 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 or reimbursed by the Original Purchaser and/or the Bond Registrar in accordance with 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. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP, as bond counsel, 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 11. 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 12. 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 Delaware County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This City 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 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City 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 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, or 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 timely retire the Outstanding Notes and thereby preserve its credit; 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: _____, 2026 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 fiscal officer's certificates of November 28, 2022 and February 24, 2025, I certify in connection with your proposed issue of bonds in the maximum aggregate principal amount of $20,250,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of (a) improving the municipal fire safety facilities by constructing, renovating, remodeling, furnishing and equipping a fire station, and otherwise improving the site therefor, and acquiring real property and interests therein, together with all incidental work and related appurtenances thereto and (b) improving the municipal transportation system, together in cooperation with the Ohio Department of Transportation, including the approaches to and intersections of U.S. Route 36 and State Routes 37 and 521 to improve the "Point Project" formerly known as "DEL-36-11.03" by constructing, reconstructing, widening, grading, draining, curbing, paving and resurfacing the roadway, reconstructing and lengthening the related Norfolk Southern railroad structure, installing storm water, sanitary sewer and water improvements, street lighting, traffic signalization, bikeways, sidewalks, and landscaping, including site preparation, and acquiring any necessary interests in real property, together with all incidental work and related 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 $15,500,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years which is 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 $4,750,000 portion of the Bonds to be used for the component purpose described in clause (b) above is twenty (20) years which is based upon the 20-year estimate of the average life or period of usefulness of that portion of the Improvement.

Dated: January 21, 2026

Director of Finance
City of Delaware, Ohio

AGENDA ITEM NO. a

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 2, 2026

SUBMITTED BY: Rob Alger, Finance

ITEM TYPE: Finance Report

AGENDA SECTION: **FINANCE DIRECTOR'S REPORT**

SUBJECT: December 2025 Financial Report

SUGGESTED ACTION:

ATTACHMENTS:
DEC 2025 FINANCIAL REPORT.pdf

EST 1808
CITY OF
DELAWARE
OHIO

TO: PAUL J. BRAKE, CITY MANAGER

FROM: ROB ALGER, FINANCE DIRECTOR

SUBJECT: DECEMBER 2025 FINANCIAL REPORT

DATE: January 7, 2026

BACKGROUND

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

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

Appendix A details the year-to-date activity for all the City's active funds. It is important to note the ending balance, encumbrances, and unencumbered balance. The unencumbered balance is the amount remaining in the fund if the City were to expend all the monies listed as encumbrances. The ending balance is the amount of funds available to the City as of December 31, 2025, and ties to the amount listed in Appendix B.

Appendix B is the Financial Statement for the City as of December 31, 2025. This statement provides a listing of the City's funds held at various financial institutions. Also presented is a chart of the various instrument types held earning interest. Finally, a chart showing an estimate of interest to be earned in the next year.

Appendix C is the Debt Schedule for the City through December 31, 2025. All principal and interest payments that have been paid to date are included in the schedule.

Appendix D is a graphical representation of the water consumption and wastewater treatment in terms of units billed.

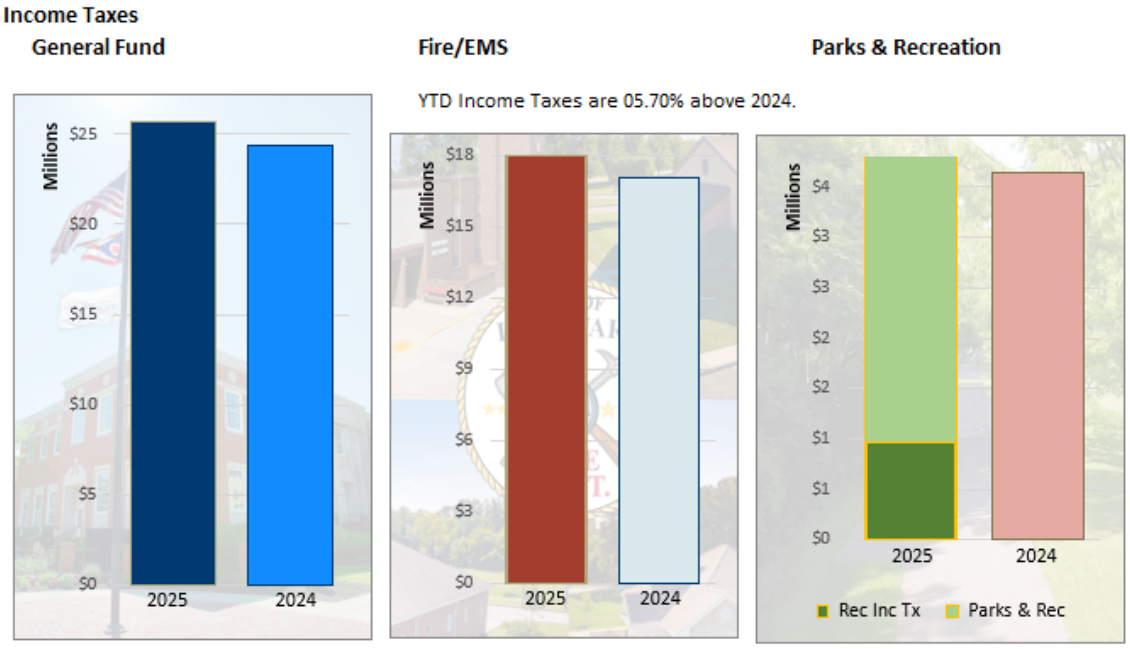
Appendix E is a graphical representation of 2 growth-related revenues; Impact and Capacity Fees charged to new buildings and developments. These fees can only be used towards what their titles imply; to purchase or construct assets needed to provide for the

impact or increase in capacity of City services as they relate to the growth, and not for maintenance or replacement of current assets.

Appendix F is a graphical representation of our Self-Insurance Fund; Claims versus Premiums over the past 5 years and where they are currently.

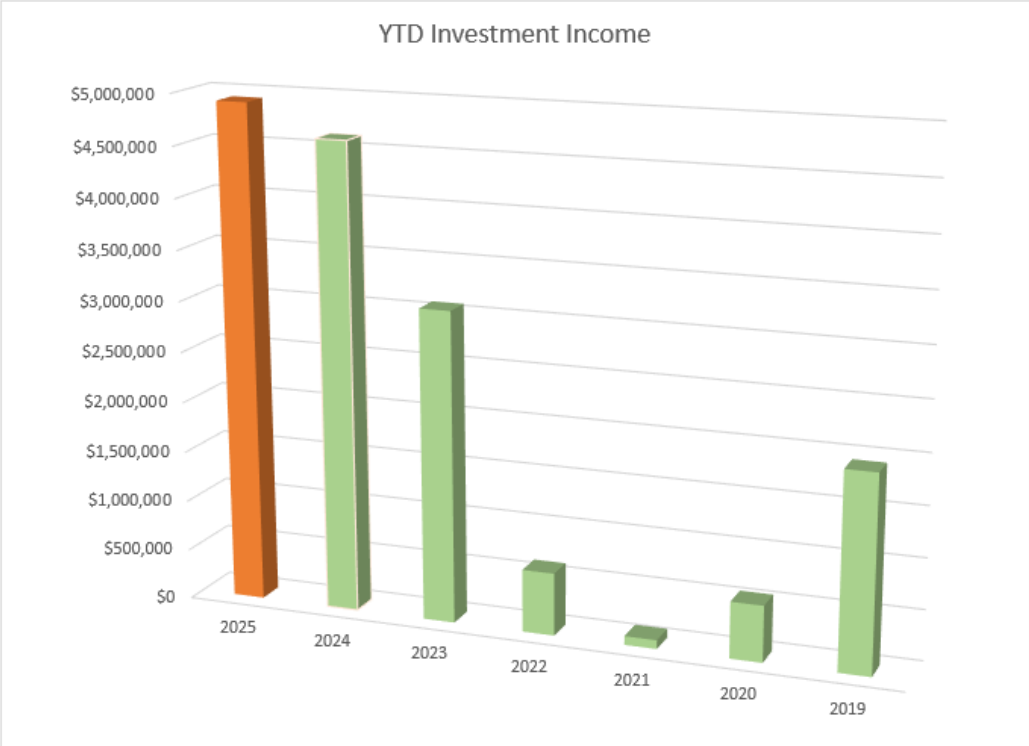
HIGHLIGHTS

- City income tax revenue is the largest source of discretionary income and supports the most operations and capital purchases. For December, we are up from a year ago by over 5.7%. The following graph shows our current standing with the budget and over last year's YTD collections. For 2025, Parks & Recreation 'replacement' levy collections are in light green and 'old' levy collections are in dark green.

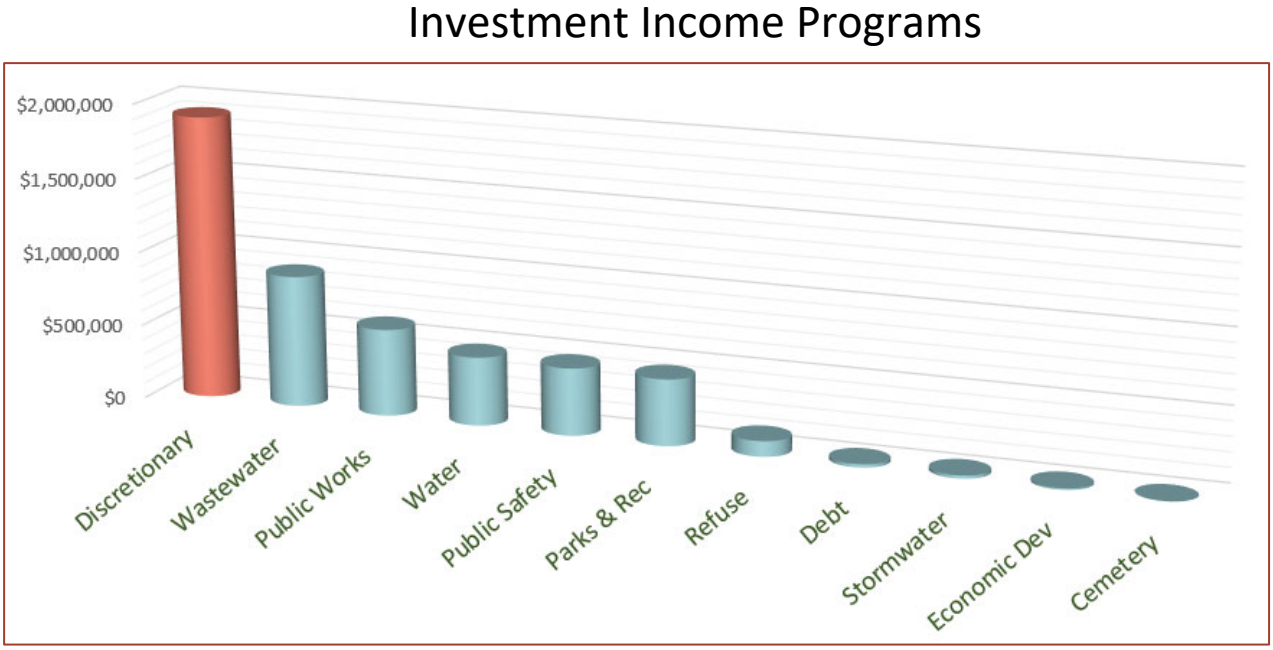


- Interest rates on investments were very strong in 2024 and remain strong in 2025. See page 23 for more information.

Total Interest Earnings for YTD over the current and preceding years:

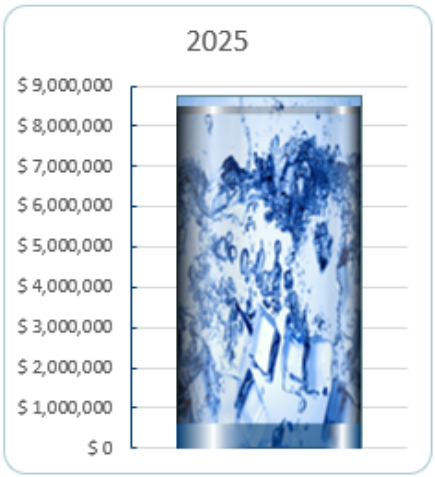


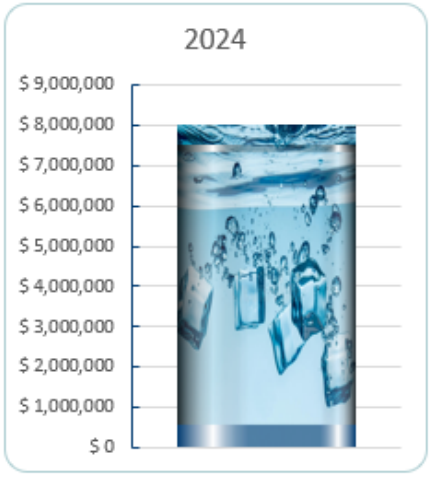
- Below shows to which City programs the interest is allocated.



- Utility receipts slightly exceed 2024.

Water Fees



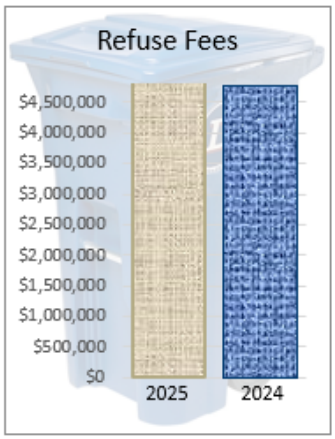


Wastewater Fees





Refuse and Stormwater Fees





- Planning fees remain *below* 2024.



GENERAL FUND

The General Fund is the main operating fund for the City and is used to account for all financial transactions which are not reported in other funds. Major sources of revenue include income tax and property tax. Please refer to page 7 for a breakdown of the revenues and expenditures through December 31, 2025.

Revenues

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

- Income Tax – Receipts total $25.7m, which is $1.39m and 5.7% more than the amount the City received through December, last year.
- Property Tax – the distributions were $2.74m, up $95k or 3.6% over the amount received in 2024.
- Charges for Services and Chargeback Fees – Charges and Fees ended up about $628k, 15%, over 2024.
- Investment Interest – As mentioned, Interest revenue remains strong but was down 134k and 6.6% from 2024.

Expenditures

The General Fund expenditures performed as expected through December 31, 2025.

GENERAL FUND
STATEMENT OF REVENUE AND EXPENDITURES
December 31, 2025

	2024 Actual YTD	2025 Actual YTD	2025 Total Budget	2025 % of Budget
REVENUES				
Income Taxes	$ 24,329,569	**$ 25,717,148**	$ 25,873,000	99.40%
Property Taxes	2,649,412	**2,744,871**	2,736,000	100.32%
Department Chargeback	2,496,484	**2,970,829**	2,970,829	100.00%
Fees, Licenses, & Permits	2,062,477	**1,927,821**	2,080,000	92.68%
Charges for Services	1,583,472	**1,737,012**	1,463,000	118.73%
Intergovernmental Receipts	1,524,735	**1,546,573**	1,300,000	118.97%
Miscellaneous	261,462	**196,209**	245,000	80.09%
Fines & Forfeitures	720	**5,763**	-	0.00%
Special Assessments	40,911	**34,550**	55,000	62.82%
Investment Interest	2,041,447	**1,907,364**	1,000,000	190.74%
Advances in	20,000	**1,536,000**	1,536,000	100.00%
Transfers in	491,221	**498,129**	502,565	99.12%
Total Revenues	$ 37,501,910	**$ 40,822,269**	$ 39,761,394	102.67%
EXPENDITURES				
Council	$ 261,180	**$ 277,528**	$ 302,369	91.78%
City Manager	939,525	**1,000,712**	1,038,216	96.39%
Admin Services	664,845	**628,567**	687,808	91.39%
Econ Development	479,167	**520,686**	614,699	84.71%
Risk Management	425,808	**429,358**	465,000	92.34%
Legal Affairs	940,873	**1,052,241**	1,563,268	67.31%
Mgmt, Budget, & Proc	366,111	**526,702**	564,047	93.38%
Finance	1,877,462	**2,054,601**	2,134,239	96.27%
Income Tax Refunds	760,283	**861,088**	900,000	95.68%
General Admin	1,140,818	**1,047,483**	(700,275)	-149.58%
Transfer to Gen Bond Ret	50,000	**35,000**	35,000	100.00%
Transfer to Capital Imp	4,916,317	**6,678,000**	6,678,000	100.00%
Transfer to PRNR	2,400,000	**-**	-	0.00%
Transfer to SMR	2,550,000	**2,750,000**	2,750,000	100.00%
Transfer to Airport	280,000	**280,000**	280,000	100.00%
Transfer to Cemetery	150,000	**200,000**	200,000	100.00%
Transfer to Muni Court	505,000	**500,000**	500,000	100.00%
Transfer to Clerk of Court	1,310,000	**1,200,000**	1,200,000	100.00%
Transfer to IT Rotary	78,494	**-**	-	0.00%
Transfer to Fac Maint Rotary	-	**375,587**	375,587	100.00%
Transfer to Dev Reserve	75,000	**92,275**	92,275	100.00%
Transfer to Budg Reserve	465,000	**75,000**	75,000	100.00%
Advances to other funds	1,800,000	**460,000**	740,000	62.16%
Planning & Comm Dev.	1,833,785	**2,123,235**	2,217,529	95.75%
Police	10,648,239	**11,399,671**	13,443,133	84.80%
Engineering	2,457,722	**2,506,074**	3,238,502	77.38%
Facility Maintenance [residual]		**37,083**		
Total Expenditures	$ 37,375,629	**$ 37,110,891**	$ 39,394,397	94.20%

Beginning Balance	$ 13,075,093
Ending Balance	$ 16,786,471
Encumbrances	$ 872,291

FIRE/EMS INCOME TAX FUND

The Fire/EMS Income Tax Fund is a Special Revenue Fund which means that the resources are restricted to only funding expenditures that support the Fire Department. Please refer to page 9 for a breakdown of the revenues and expenditures through December 31, 2025.

Revenues

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

- Income Tax –Receipts total $18m year-to-date, which is $972k and 5.7%, above the amount the City received through last December.
- EMS Service Agreement [Charges for Services]- The City contracts with Delaware County to provide EMS services to certain unincorporated portions of the County. The City received the 4th quarter of 2024 and the 1st, 2nd, and 3rd quarters for 2025.

Expenditures

Fire/EMS Income Tax Fund expenditures performed as expected through December 31, 2025. Debt Service has been moved to the Fire Capital fund.

FIRE/EMS INCOME TAX FUND
STATEMENT OF REVENUE AND EXPENDITURES
December 31, 2025

	2024 Actual YTD	2025 Actual YTD	2025 Total Budget	2025 % of Budget
REVENUES				
Income Taxes	$ 17,030,080	**$ 18,002,004**	$ 18,110,111	99.40%
Charges for Services	992,594	**1,014,779**	1,032,297	98.30%
Miscellaneous	103,399	**1,066**	15,000	7.11%
Intergovernmental Receipts	5,902	**-**	-	0.00%
Other Financing	-	**76,862**	-	0.00%
Transfer In	772,447	**1,206,174**	1,210,621	99.63%
Total Revenues	$ 18,904,422	**$ 20,300,885**	$ 20,368,029	99.67%
EXPENDITURES				
Personal Services	$ 11,372,654	**$ 12,921,662**	$ 14,239,755	90.74%
Services & Charges	1,703,848	**2,078,294**	2,262,365	91.86%
Materials & Supplies	386,278	**514,370**	495,711	103.76%
Capital Outlay	1,208,318	**538,476**	771,494	69.80%
Refunds	532,198	**602,761**	650,000	92.73%
Transfer	4,516,382	**2,000,000**	2,000,000	100.00%
Total Fire Expenditures	$ 19,719,678	**$ 18,655,563**	$ 20,419,325	91.36%
SAFER Grant Reimbursements		**708,005**	[in Transfers In]	
Beginning Balance		$ 13,420,043		
Ending Balance		$ 15,065,365		
Encumbrances		$ 1,290,957		

RECREATION CENTER INCOME TAX FUND

Other than income tax receipts, interest income, debt service payments, sign purchases, and refunds, no other activity is occurring in the fund. At the end of 2024, we had collected enough tax revenue to pay off the original bonds issued for the YMCA construction. These bonds will be paid off in 2026. No 'new' taxes are being collected for 2025, only those due to the City for 2024 and prior. With the current fund balance [circled in GREEN], we have enough to continue to pay off the debt associated with the YMCA construction [circled in RED] and grounds improvements completed after 2015 [circled in ORANGE]. Those bonds will be paid off in 2034. The surplus amount at the bottom of the 2025 Actual column is what remains after the debt payments subtracted from the current fund balance.

There is a graph on page 2 showing the collections for the replacement levy that is being collected in the Parks & Recreation fund.

REC CENTER INCOME TAX FUND
RECREATION LEVY SUMMARY
December 31, 2025

Description	*2024 YTD Actual*	*2025 Actual Fund 233*	*2025 Budget Fund 233*	*2026+ Projected*
Income Tax Revenue	$ 3,649,283	**$ 970,424**	$ 979,597	$ 0
Investment Interest	306,221	**275,211**	130,000	50,000
Total Revenues	$ 3,955,504	**$ 1,245,635**	$ 1,109,597	$ 50,000
Refunds	$ 114,042	**$ 129,163**	$ 120,000	$ 0
Transfer to Capital	0	**1,000,000**	0	0
Debt Principal	2,195,000	**2,280,000**	2,280,000	3,790,000
Debt Interest	344,580	**278,880**	278,880	404,125
Total Expenditures	$ 2,653,622	**$ 3,688,043**	$ 2,678,880	$ 4,194,125
Excess Revenues	$ 1,301,882	**$ (2,442,408)**	$ (1,569,283)	$ (4,144,125)
Balance January 1		**$ 7,515,230**	$ 5,072,822	$ 3,503,539
Current Fund Balance		**$ 5,072,822**	$ 3,503,539	$ (640,586)
2010 Debt Obligations [P&I]		2,373,000		
2015 Debt Obligations [P&I]		1,821,125		
Surplus [2034]		$ 878,697		

STORMWATER FUND

The Stormwater Fund is an Enterprise Fund that was established to account for the costs of repairing, replacing, and improving the City's storm drainage system. User fees sustain the expenses of this fund. Please refer to page 12 for a breakdown of the revenues and expenses through December 31, 2025.

Revenues

The December Stormwater Fund revenues came in above 2024:

- Charges for Services – Receipts exceed 2024 by $295k.

Expenses

The Stormwater Fund expenses performed as expected.

STORMWATER FUND
STATEMENT OF REVENUE AND EXPENSES
December 31, 2025

	2024 Actual YTD	2025 Actual YTD	2025 Total Budget	2025 % of Budget
REVENUES				
Charges for Services	$ 1,633,436	$ 1,928,582	$ 1,804,107	106.90%
Miscellaneous	2,221	5,114	25,000	20.46%
Intergovernmental Revenue	-	-	-	0.00%
Investment Interest	31,519	20,792	2,500	831.68%
Total Revenues	$ 1,667,176	$ 1,954,488	$ 1,831,607	106.71%
EXPENSES				
STORMWATER OPERATIONS				
Personal Services	$ 513,364	$ 453,381	$ 639,057	70.95%
Services & Charges	183,665	134,487	190,019	70.78%
Materials & Supplies	45,543	34,372	88,000	39.06%
Capital Outlay	13,523	34,655	35,500	97.62%
Refunds	-	706	-	0.00%
Debt	71,084	74,108	74,109	100.00%
Transfer	1,708,615	1,000,000	1,000,000	100.00%
Total Ops Expenses	$ 2,535,794	$ 1,731,709	$ 2,026,685	85.45%

Beginning Balance	$ 271,981
Ending Balance	$ 494,760
Encumbrances	$ 66,783

WATER FUND

The Water Fund was established to account for the treatment and distribution of water to residential and commercial users. This fund is also an Enterprise Fund, with user fees financing the expenses. Please refer to page 14 for a breakdown of the revenues and expenses through December 31, 2025.

Revenues

The Water Fund revenues came in over 2024 by 8.5%:

- Charges for Services – Receipts exceeded last year by $718k.

Expenses

The Water Fund expenses performed as expected through December 31, 2025, with the included factor of increased costs in chemicals to treat the water.

WATER FUND
STATEMENT OF REVENUE AND EXPENSES
December 31, 2025

	2024 Actual YTD	2025 Actual YTD	2025 Total Budget	2025 % of Budget
REVENUES				
Charges for Services	$ 8,024,474	$ 8,742,687	$ 8,502,899	102.82%
Miscellaneous	25,976	51,590	20,000	257.95%
Investment Interest	481,794	459,321	350,000	131.23%
Total Revenues	$ 8,532,244	$ 9,253,598	$ 8,872,899	104.29%
EXPENSES				
WATER ADMINISTRATION				
Personal Services	$ 391,558	$ 394,913	$ 442,403	89.27%
Services & Charges	1,413,812	1,514,883	1,733,054	87.41%
Materials & Supplies	197	-	500	0.00%
Refunds	13,612	42,473	50,000	84.95%
Transfers	2,497,788	2,750,000	3,650,000	75.34%
Total Admin Expenses	$ 4,316,967	$ 4,702,269	$ 5,875,957	80.03%
WATER TREATMENT				
Personal Services	$ 1,038,608	$ 1,111,280	$ 1,125,904	98.70%
Services & Charges	1,125,777	1,174,291	1,384,568	84.81%
Materials & Supplies	744,472	699,807	929,940	75.25%
Capital Outlay	72,940	109,158	115,000	94.92%
Total Trmt Expenses	$ 2,981,797	$ 3,094,536	$ 3,555,412	87.04%
WATER DISTRIBUTION				
Personal Services	$ 701,158	$ 705,026	$ 835,464	84.39%
Services & Charges	178,921	169,007	203,147	83.19%
Materials & Supplies	334,626	314,935	413,095	76.24%
Capital Outlay	20,670	12,350	40,950	30.16%
Total Dist Expenses	$ 1,235,375	$ 1,201,318	$ 1,492,656	80.48%
Total Expenses	$ 8,534,139	$ 8,998,123	$ 10,924,025	82.37%

Beginning Balance	$ 2,248,238
Ending Balance	$ 2,503,713
Encumbrances	$ 319,906

WASTEWATER FUND

The purpose of the Wastewater Fund is to provide wastewater collection and treatment service to resident and commercial users. This fund is also an Enterprise Fund, with user fees financing the expenses. Please refer to page 16 for a breakdown of the revenues and expenses through December 31, 2025.

Revenues

The Wastewater Fund revenues also came in above 2024; 5.9%:

- Charges for Services – revenues exceeded last December by $584k and 6.9%.

Expenses

The Wastewater Fund expenses performed as expected through December 31, 2025.

WASTEWATER FUND
STATEMENT OF REVENUE AND EXPENSES
December 31, 2025

	2024 Actual YTD	2025 Actual YTD	2025 Total Budget	2025 % of Budget
REVENUES				
Charges for Services	$ 8,454,422	$ 9,038,601	$ 8,545,000	105.78%
Miscellaneous	1,002	1,870	1,000	187.00%
Investment Interest	914,187	883,545	500,000	176.71%
Total Revenues	$ 9,369,611	$ 9,924,016	$ 9,046,000	109.71%
EXPENSES				
WASTEWATER ADMINISTRATION				
Personal Services	$ 391,562	$ 393,865	$ 442,403	89.03%
Services & Charges	1,343,677	1,536,949	1,748,048	87.92%
Materials & Supplies	168	192	200	96.00%
Refunds	-	105	-	0.00%
Transfers	4,580,000	4,500,000	4,500,000	100.00%
Total Admin Expenses	$ 6,315,407	$ 6,431,111	$ 6,690,651	96.12%
WASTEWATER TREATMENT				
Personal Services	$ 1,152,240	$ 1,197,798	$ 1,239,482	96.64%
Services & Charges	1,129,768	1,367,489	1,638,565	83.46%
Materials & Supplies	318,252	330,317	416,203	79.36%
Capital Outlay	-	16,924	30,000	56.41%
Total Treat Expenses	$ 2,600,260	$ 2,912,528	$ 3,324,250	87.61%
WASTEWATER COLLECTION				
Personal Services	$ 248,329	$ 399,928	$ 395,574	101.10%
Services & Charges	222,060	180,344	280,755	64.24%
Materials & Supplies	157,923	181,276	224,043	80.91%
Capital Outlay	5,587	21,884	21,884	100.00%
Total Coll Expenses	$ 633,899	$ 783,432	$ 922,256	84.95%
Total Expenses	$ 9,549,566	$ 10,127,071	$ 10,937,157	92.59%

Beginning Balance	$ 9,305,027
Ending Balance	$ 9,101,972
Encumbrances	$ 370,218

REFUSE FUND

The Refuse Fund accounts for the costs of providing refuse services. This fund is an Enterprise Fund which means that the main source of revenue is the monthly fees charged to residents for this service. Please refer to page 18 for a breakdown of the revenues and expenses through December 31, 2025.

Revenues

The Refuse Fund revenues finished above last December:

- Charges for Services – Revenues exceeded prior year by $740k.

Expenses

The Refuse Fund expenses performed as expected through December 31, 2025.

REFUSE FUND
STATEMENT OF REVENUE AND EXPENSES
December 31, 2025

	2024 Actual YTD	2025 Actual YTD	2025 Total Budget	2025 % of Budget
REVENUES				
Charges for Services	$ 4,781,157	$ 5,520,914	$ 5,217,385	105.82%
Miscellaneous	18,760	12,241	-	100.00%
Other Financing	100,000	202,000	100,000	202.00%
Investment Interest	79,117	103,107	40,000	257.77%
Total Revenues	$ 4,979,034	$ 5,838,262	$ 5,357,385	108.98%
EXPENSES				
REFUSE ADMINISTRATION				
Services & Charges	$ 326,040	$ 378,120	$ 466,226	81.10%
Refunds	2,085	2,496	1,800	138.67%
Total Admin Expenses	$ 328,125	$ 380,616	$ 468,026	81.32%
REFUSE COLLECTION				
Personal Services	$ 1,549,689	$ 1,598,296	$ 1,678,687	95.21%
Services & Charges	1,801,316	1,930,908	2,323,175	83.12%
Materials & Supplies	479,023	472,586	579,365	81.57%
Capital Outlay	160,141	302,525	1,174,078	25.77%
Total Collect Expenses	$ 3,990,169	$ 4,304,315	$ 5,755,305	74.79%
Total Expenses	$ 4,318,294	$ 4,684,931	$ 6,223,331	75.28%

Beginning Balance	$ 2,369,076
Ending Balance	$ 3,522,407
Encumbrances	$ 1,077,547

APPENDIX A

YEAR TO DATE FUND REPORT

December 31, 2025

Fund #	FUND	BEGINNING BALANCE	YTD REVENUES	YTD EXPEND	ENDING BALANCE	ENCUMB	UNENCUMB BALANCE
101	General Fund	13,075,093	(40,822,269)	37,110,891	16,786,471	872,291	15,914,180
200	Street Maintenance	1,566,942	(5,209,555)	4,772,123	2,004,374	471,255	1,533,119
201	State Highway Fund	517,630	(198,929)	527,409	189,151	0	189,151
202	License Fee Fund	1,325,239	(785,631)	350,394	1,760,475	19,383	1,741,092
204	Performance Bond Fu	63,100	(32,876)	23,100	72,875	0	72,875
210	Parks & Recreation	1,011,397	(3,295,641)	2,753,132	1,553,907	52,297	1,501,609
212	Cemetery Fund	55,120	(393,573)	417,055	31,638	25,315	6,323
215	Tree Replacement Fu	843,943	(197,058)	178,703	862,298	37,986	824,312
222	Airport Fund	578,057	(1,442,882)	1,370,711	650,228	27,648	622,580
223	T-Hangar Fund	259,011	(107,259)	88,779	277,490	0	277,490
231	Fire/EMS Income Tax	13,420,043	(20,300,885)	18,655,564	15,065,364	1,290,957	13,774,407
233	Rec. Center Income	7,515,230	(1,245,635)	3,688,043	5,072,821	0	5,072,821
235	Airport TIF Fund	221,487	(23,997)	25,423	220,061	123,206	96,855
236	Glenn Road Bridge T	8,314,886	(2,549,687)	152,684	10,711,889	0	10,711,889
237	Sky Climber/V&P TIF	0	(88,096)	88,096	0	0	0
238	Mill Run TIF Fund	0	(128,085)	128,085	0	0	0
239	Winterbourne TIF Fu	0	(423,328)	423,328	0	0	0
240	Municipal Court Fun	429,921	(2,309,179)	2,398,473	340,627	6,014	334,613
241	Court-IDIAM Fund	33,615	(18,775)	0	52,389	0	52,389
242	Clerk of Court	400,676	(2,232,508)	1,677,970	955,214	433	954,781
250	Drug Enforcement Fu	58,618	(1,514)	0	60,132	0	60,132
251	Court-Alcohol Treat	740,887	(32,700)	52,262	721,326	7,225	714,101
252	OMVI Enforcement/Ed	9,801	(1,121)	5,000	5,922	0	5,922
253	Police Judgment Fun	89,946	(4,672)	24,215	70,404	0	70,404
254	Police Federal Judg	4,636	(170)	0	4,806	0	4,806
255	Park Exaction Fee F	62,579	0	0	62,579	62,579	0
256	Comp Legal Res Fund	152,911	(41,864)	78,033	116,743	19	116,724
257	Court Special Proje	958,954	(345,188)	222,789	1,081,353	61,926	1,019,427
258	Comp Legal Res Fund	737,183	(215,880)	156,463	796,600	60,000	736,600

APPENDIX A

YEAR TO DATE FUND REPORT

December 31, 2025

Fund #	FUND	BEGINNING BALANCE	YTD REVENUES	YTD EXPEND	ENDING BALANCE	ENCUMB	UNENCUMB BALANCE
259	Probation Services	825,084	(351,406)	538,600	637,890	1,728	636,163
261	Police Disability P	0	(498,129)	498,129	0	0	0
262	Fire Disability Pen	0	(498,169)	498,169	0	0	0
265	Opioid Recovery Fun	116,331	(42,883)	0	159,214	0	159,214
272	Community Promotion	81,465	(116,354)	83,740	114,079	0	114,079
275	Commercial TIFs	10,343	(10,265)	0	20,608	0	20,608
276	Residential TIFs	0	0	0	0	0	0
277	Sawmill Pkwy TIF	0	0	0	0	0	0
278	Sawmill Pointe TIF	0	(559,410)	0	559,410	0	559,410
279	Northwest TIFs	319,915	(10,000)	173,481	156,434	55,725	100,709
280	Parkview/Lucy Ridge TIF	0	(7,800,000)	0	7,800,000	0	7,800,000
282	FEMA Grant Fund	0	(717,045)	708,005	9,040	0	9,040
291	Comm. Development B	0	(1,156,205)	788,390	367,815	358,795	9,020
292	Police Fed Treasury	12,758	(463)	598	12,623	0	12,623
295	Revolving Loan Fund	300,834	(57,555)	50,500	307,889	33,334	274,555
300	General Bond Retire	205,997	(1,335,019)	1,213,233	327,784	0	327,784
301	Park Improvement Bo	38,277	(2,362,269)	2,354,750	45,796	0	45,796
302	SE Highland Bond Fu	3,828	(826,647)	824,200	6,276	0	6,276
410	Capital Improvement	1,929,033	(11,698,432)	8,818,638	4,808,826	1,281,555	3,527,271
412	Ohio Public Works C	140,688	(481,420)	447,347	174,761	88,455	86,307
415	Point Project Fund	650,694	(5,092,022)	5,252,866	489,851	74,873	414,978
420	Parks & Recreation Capital	0	(1,000,000)	0	1,000,000	0	1,000,000
430	FAA Airport Grant F	34,441	(1,224,734)	1,248,407	10,767	198,917	(188,149)
440	Equipment Replaceme	713,250	(1,178,500)	781,011	1,110,739	931,986	178,753
445	Fire/EMS Capital Fu	2,837,063	(18,902,195)	2,504,880	19,234,378	16,718,904	2,515,474
460	Northwest NCA Fund	65,004	(920,095)	266,696	718,403	49,855	668,548
465	Transportation Fees	0	(142,950)	0	142,950	0	142,950
491	Parks Impact Fee Fu	4,171,078	(999,854)	198,304	4,972,627	43,663	4,928,965
492	Police Impact Fee F	456,908	(202,297)	208,140	451,065	287	450,777

APPENDIX A

YEAR TO DATE FUND REPORT

December 31, 2025

Fund #	FUND	BEGINNING BALANCE	YTD REVENUES	YTD EXPEND	ENDING BALANCE	ENCUMB	UNENCUMB BALANCE
493	Fire Impact Fee Fun	865,863	(325,608)	483,713	707,757	616	707,141
494	Municipal Impact Fe	852,978	(355,716)	216,276	992,418	469	991,949
496	Glenn Road South Co	2,214,863	(1,533,955)	947,800	2,801,018	0	2,801,018
498	Glenn Road North Co	204,616	(241,259)	212,720	233,155	0	233,155
499	Terra Alta NCA Fund	24,789	(22,951)	0	47,740	0	47,740
501	Golf Course Fund	255,447	(391,455)	378,214	268,687	27,535	241,153
520	Parking Lots Fund	124,431	(264,240)	226,752	161,919	20,697	141,222
523	Stormwater Fund	271,981	(1,954,487)	1,731,710	494,758	66,783	427,975
524	Stormwater Capital	1,432,118	(1,000,001)	855,903	1,576,216	21,565	1,554,651
530	Water Fund	2,248,238	(9,253,597)	8,998,124	2,503,711	319,906	2,183,806
531	Water Construction	3,706,111	(2,760,000)	3,550,973	2,915,138	1,402,882	1,512,255
533	Water Utility Reser	0	0	0	0	0	0
535	Water Deposit Fund	119,619	(19,652)	59,793	79,478	0	79,478
536	Water Capacity Fee	7,110,577	(4,609,960)	3,016,282	8,704,256	3,823,663	4,880,593
540	Wastewater Fund	9,305,028	(9,924,016)	10,127,070	9,101,974	370,218	8,731,756
541	Wastewater Construc	6,546,866	(1,000,000)	2,524,976	5,021,890	1,156,158	3,865,732
543	Wastewater Utility	1,500,000	0	1,500,000	0	0	0
546	Wastewater Capacity	6,060,115	(8,249,180)	3,485,623	10,823,673	5,973,489	4,850,183
548	SE Highland Sewer F	1,208,735	(716,800)	827,400	1,098,135	0	1,098,135
550	Refuse Fund	2,369,076	(5,838,261)	4,684,930	3,522,408	1,077,547	2,444,860
601	Garage Rotary Fund	653,702	(2,091,197)	1,838,252	906,647	270,612	636,035
602	Information Technol	186,295	(2,957,504)	3,043,555	100,244	96,039	4,206
603	Facility Maint Rota	0	(1,289,015)	1,032,172	256,843	100,324	156,519
610	Self-Insurance Fund	2,249,929	(12,858,335)	13,108,167	2,000,097	35,360	1,964,738
620	Workers Compensatio	2,380,684	(392,409)	491,384	2,281,709	137,615	2,144,094
701	Fire Donations Fund	1,833	0	0	1,833	0	1,833
702	Park Donations Fund	8,188	0	2,378	5,810	0	5,810
703	Police Donations Fu	9,631	(250)	0	9,881	0	9,881
704	Mayor's Donations F	2,330	(751)	632	2,450	1,200	1,250

APPENDIX A

YEAR TO DATE FUND REPORT

December 31, 2025

Fund #	FUND	BEGINNING BALANCE	YTD REVENUES	YTD EXPEND	ENDING BALANCE	ENCUMB	UNENCUMB BALANCE
705	Project Trust Fund	1,561,615	(142,568)	245,272	1,458,911	87,941	1,370,970
707	Unclaimed Funds Tru	30,552	(28,630)	0	59,182	0	59,182
708	Muni Court Unclaime	186,999	(7,327)	1,369	192,957	0	192,957
709	Development Reserve	266,436	(267,275)	(3,731)	537,441	0	537,441
710	Budget Reserve Acco	1,903,864	(75,000)	0	1,978,864	0	1,978,864
750	Cemetery Perpetual	35,734	(7,805)	1,222	42,317	0	42,317
801	State Highway Patro	3,866	(46,833)	49,430	1,269	0	1,269
803	State Building Perm	6,006	(18,381)	18,211	6,176	0	6,176
811	Berkshire JEDD Fund	125,120	(594,328)	584,428	135,020	0	135,020
812	Berkshire JEDD2 Fun	17,621	(182,732)	161,167	39,186	0	39,186
	Total All Funds	$ 121,411,749	$ (210,054,757)	$ 167,228,975	$ 164,237,531	$ 37,947,229	$ 126,290,301

CITY OF DELAWARE, OHIO
FINANCIAL STATEMENT
December 31, 2025

	Weighted Average Interest Rate	YTD Interest Earned	Ending Balance
Checking/Depository			
Checking (Operating & Payroll)*		$ 0	$ 23,866,875
Deposits in Transit			472,663
Outstanding Checks			(965,733)
			-
Corrections/Adjustments			(17,589)
Chase Certificates of Deposit	2.84 - 3.01%	55,341	1,673,303
Total Bank Deposits		$ 55,341	$ 25,029,519
Investments			
Redtree	various	$ 2,236,305	$ 71,507,883
STAR Ohio	4.14%	2,571,520	67,700,130
Total Investments		$ 4,807,825	$ 139,208,013
TOTAL BANK DEPOSITS & INVESTMENTS		$ 4,863,166	$ 164,237,532

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

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

Robert L. Alger — 1/1/2026

Finance Director — Date

Paul J. Brake — 1/1/2026

City Manager — Date

INVESTMENTS [other than STAR Ohio]

Portfolio Allocation as of 12/31/2025



Allocation Information

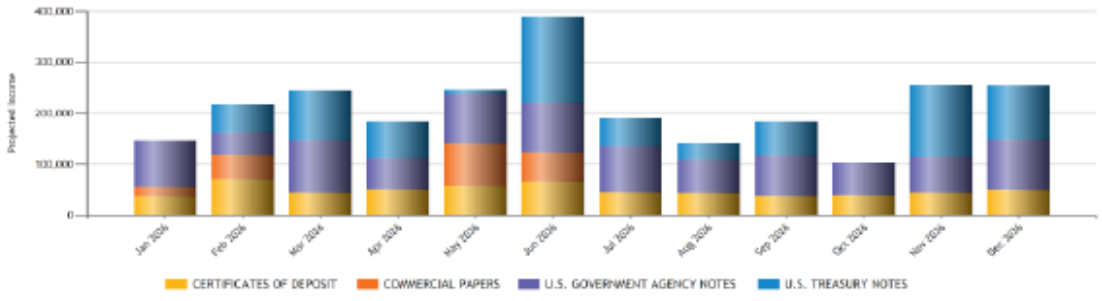
Security Type	Market Value	% Assets	Yield	WAM
U.S. GOVERNMENT AGENCY NOTES	29,695,344.62	40.7	4.18	3.51
U.S. TREASURY NOTES	20,596,719.46	28.2	4.16	3.46
CERTIFICATES OF DEPOSIT	15,589,126.88	21.4	4.38	1.89
COMMERCIAL PAPERS	7,011,259.90	9.6	4.16	0.32
MONEY MARKET FUNDS	110,105.13	0.2	3.64	0.00
Total	**73,002,556.00**	**100.0**	**4.21**	**2.84**

REDTREE INVESTMENT GROUP

City of Delaware - General Funds
US Bank Custodian Acct Ending x0853
Attn: Rob Alger

Estimated Gross Income Projection

1/1/2026 - 12/31/2026



	Jan 2026	Feb 2026	Mar 2026	Apr 2026	May 2026	Jun 2026	Jul 2026	Aug 2026	Sep 2026	Oct 2026	Nov 2026	Dec 2026
CERTIFICATES OF DEPOSIT	37,676	71,392	45,020	49,304	56,848	65,642	45,854	44,380	37,921	39,693	44,618	48,866
COMMERCIAL PAPERS	17,197	47,949	0	0	84,404	56,320	0	0	0	0	0	0
U.S. GOVERNMENT AGENCY NOTES	90,225	43,613	101,220	62,594	96,501	98,384	90,225	64,238	80,595	62,594	70,600	98,384
U.S. TREASURY NOTES	0	53,400	98,125	71,838	7,813	168,438	53,400	32,938	65,188	0	140,400	107,688
Total	**145,098**	**216,354**	**244,365**	**183,735**	**245,566**	**388,783**	**189,479**	**141,556**	**183,704**	**102,287**	**255,618**	**254,937**

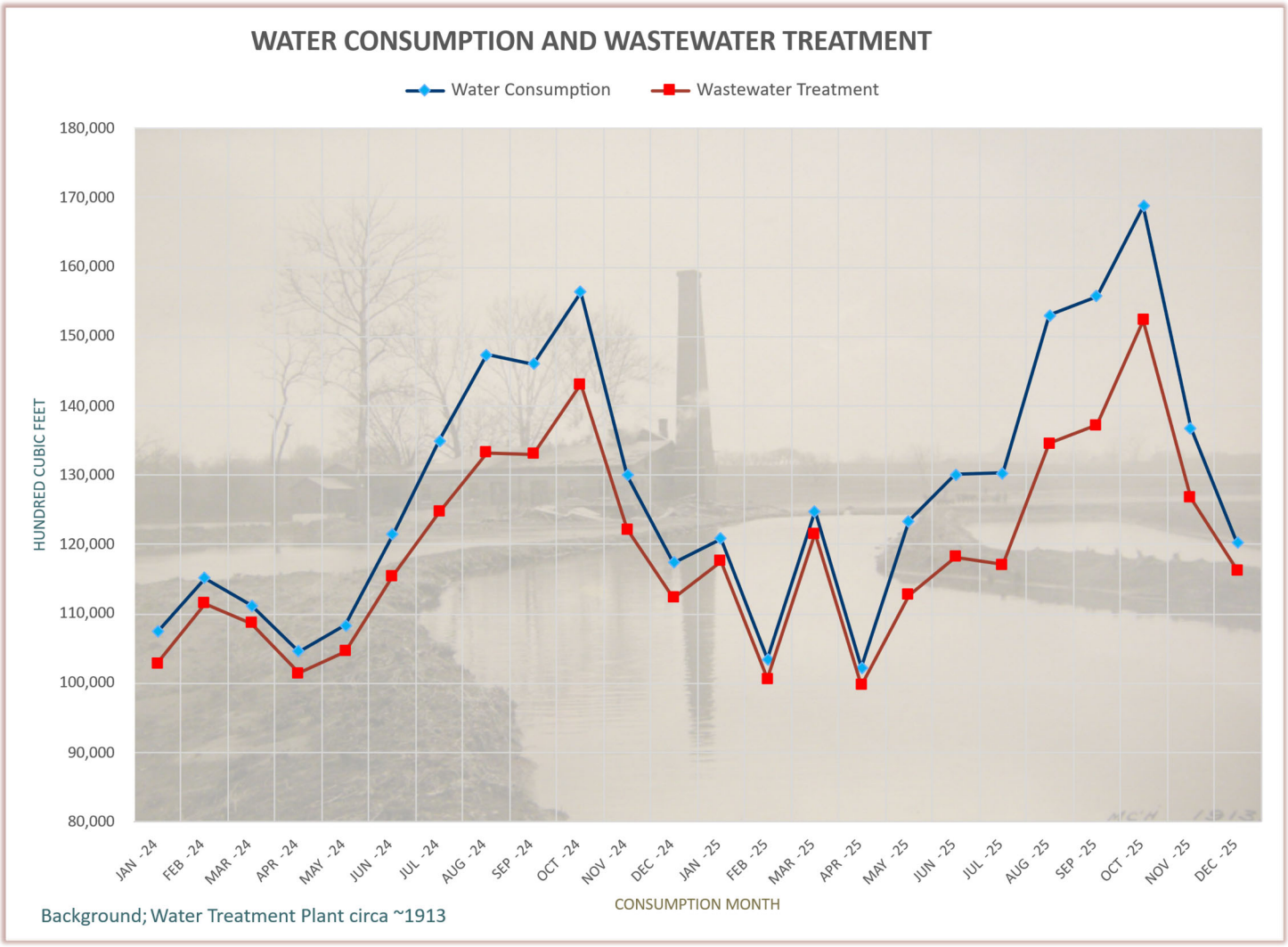
Grand Total	**2,551,482**

APPENDIX C

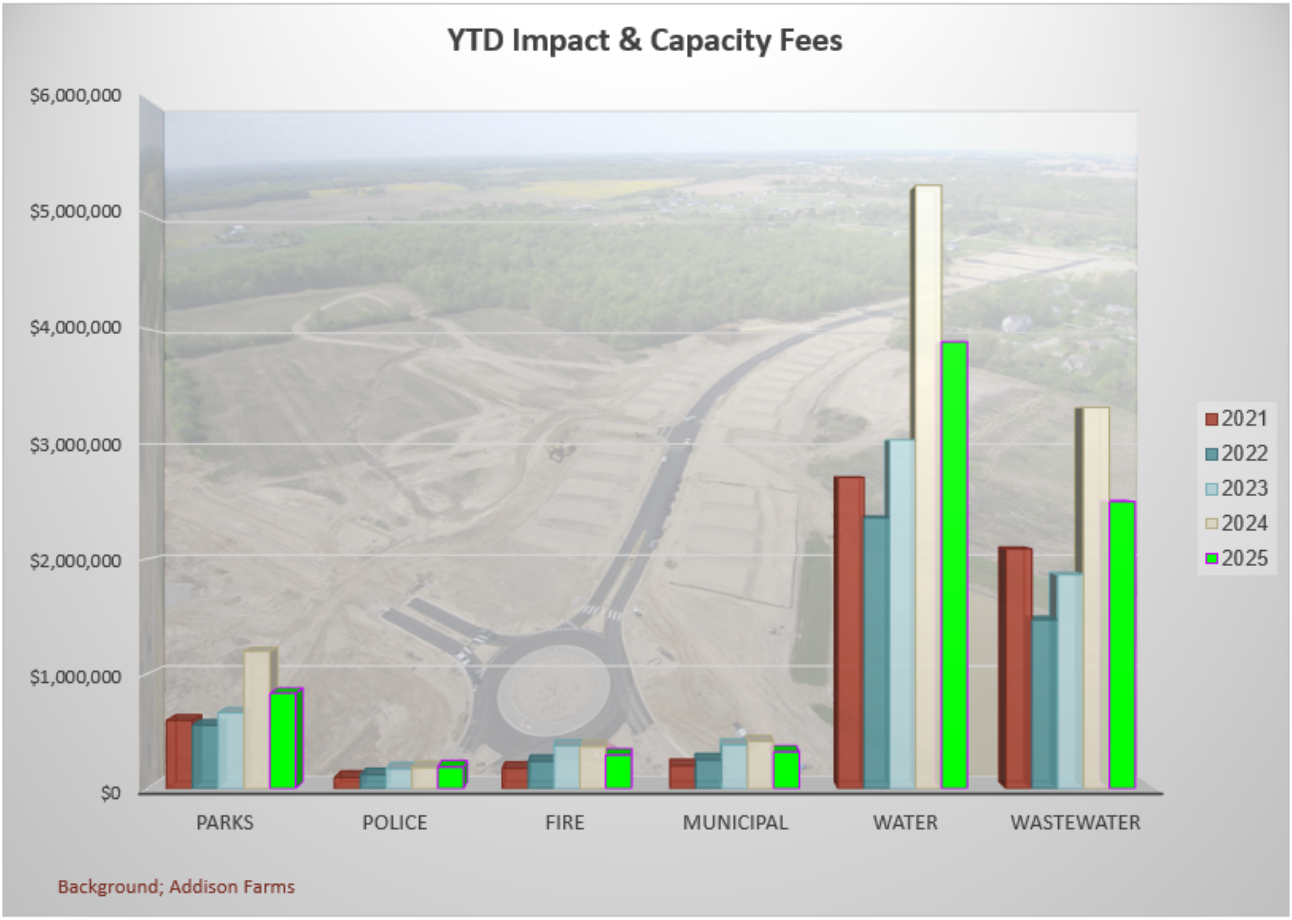
CITY OF DELAWARE
DEBT SCHEDULE [Principal only]
December 31, 2025

Type of Debt	Outstanding Balance	General	Airport T-Hangars	Fire/EMS	Rec Levy	Police Impact Fee	Fire Impact Fee	Municipal Impact Fee	Glenn Rd. TIF/NCA	Water Operations	Water Capacity Fee	Wastewater Operations	Wastewater Capacity Fee
Bonds													
2021 GO Bonds	2,307,500	$ -	$ -	$ 752,500	$ -	$ 494,500	$ 157,500	$ 301,000	$ 602,000	$ -	$ -	$ -	$ -
2020 Rec Levy Bonds	2,260,000	-	-	-	2,260,000	-	-	-	-	-	-	-	-
2019 GO Bonds	12,195,000	615,000	-	-	-	-	-	1,025,000	2,825,000	-	-	-	7,730,000
2017 GO Bonds	3,195,000	-	345,118	1,480,000	-	-	-	-	-	-	1,069,228	-	300,654
2015 GO Bonds	3,315,000	-	-	-	1,530,000	-	-	-	1,785,000	-	-	-	-
OWDA WW Projects	1,795,954	-	-	-	-	-	-	-	-	-	-	154,811	1,641,143
OWDA Water Projects	22,331,349	-	-	-	-	-	-	-	-	14,397,991	7,933,358	-	-
Total Long Term Debt	$ 47,399,803	$ 615,000	$ 345,118	$ 2,232,500	$ 3,790,000	$ 494,500	$ 157,500	$ 1,326,000	$ 5,212,000	$ 14,397,991	$ 9,002,586	$ 154,811	$ 9,671,797
Fund Balance Reserves		$ 15,914,180	$ 277,490	$ 13,774,407	$ 5,072,821	$ 450,777	$ 707,141	$ 991,949	$ 13,746,062	$ 2,183,806	$ 4,880,593	$ 8,731,756	$ 4,850,183
Notes													
2025 BAN	$ 9,500,000	$ 9,500,000											
2025 BAN	8,950,000	7,950,000	-	1,000,000									
2025 BAN	15,500,000			15,500,000									
Total Short Term Debt	$ 33,950,000	$ 17,450,000	$ -	$ 16,500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Annual Debt Service	$ 10,073,604	$ 205,256	$ 68,098	$ 94,050	$ 2,525,880	$ 131,123	$ 483,535	$ 421,908	$ 1,202,173	$ 1,285,727	$ 961,730	$ 155,729	$ 2,538,395
2025 Revenue [estimated]		$ 39,761,394	$ 108,000	$ 20,368,029	$ 1,109,597	$ 210,000	$ 435,000	$ 470,000	$ 4,006,757	$ 8,872,899	$ 5,720,000	$ 9,046,000	$ 9,421,523

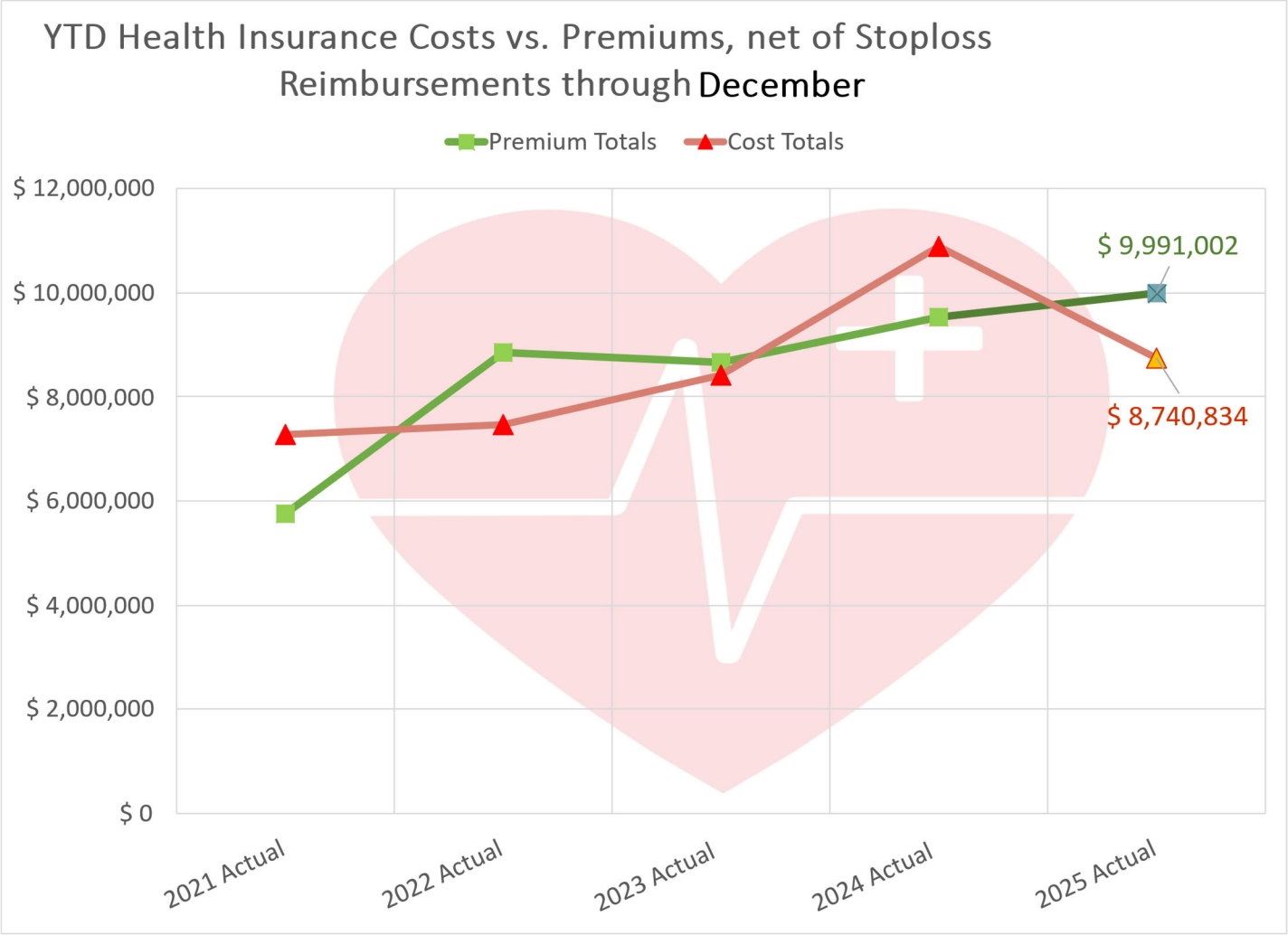
APPENDIX D


WATER CONSUMPTION AND WASTEWATER TREATMENT
Water Consumption
Wastewater Treatment
HUNDRED CUBIC FEET
180,000
170,000
160,000
150,000
140,000
130,000
120,000
110,000
100,000
90,000
80,000
JAN -24
FEB -24
MAR -24
APR -24
MAY -24
JUN -24
JUL -24
AUG -24
SEP -24
OCT -24
NOV -24
DEC -24
JAN -25
FEB -25
MAR -25
APR -25
MAY -25
JUN -25
JUL -25
AUG -25
SEP -25
OCT -25
NOV -25
DEC -25
CONSUMPTION MONTH
Background; Water Treatment Plant circa ~1913

Growth Related Revenues through December 31, 2025



APPENDIX F


YTD Health Insurance Costs vs. Premiums, net of Stoploss Reimbursements through December
Premium Totals
Cost Totals
$ 12,000,000
$ 10,000,000
$ 8,000,000
$ 6,000,000
$ 4,000,000
$ 2,000,000
$ 0
$ 9,991,002
$ 8,740,834
2021 Actual
2022 Actual
2023 Actual
2024 Actual
2025 Actual