

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 8 20 15

The regular meeting of June 8, 2015 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Reverend Tracey Sumner, Sr. of First Baptist Church, followed by the Pledge of Allegiance.

Staff Present: Dave Efland, Planning and Community Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Dan Whited, Public Service Group Director, Darren Shulman, City Attorney, Brad Stanton, Public Utilities Director, Bill Ferrigno, Public Works Director/City Engineer, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held May 11, 2015, as recorded and transcribed.

Motion: Mr. Brush moved to approve the Motion Summary of the regular meeting of Council held May 11, 2015, as recorded and transcribed, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Resolution No. 15-25, a resolution authorizing the installation of a No Parking Anytime Zone on the inside perimeter of the curve located at 138 Niatross Place.
- B. Resolution No. 15-26, a resolution authorizing the modification of the No Parking Anytime Zone on Coaltrain Court to begin 40 feet east of the bike path on the north side and 45 feet east of the bike path on the south side.
- C. Resolution No. 15-27, a resolution authorizing the City Manager to file an application with the Ohio Development Services Agency, Office of Community Development, for Program Year 2015 Ohio Small Cities CDBG Community Development Allocation Program Funds and supplemented by Local CDBG ED RLF Program Income.
- D. Resolution No. 15-28, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments/reappointments.
- E. Resolution No. 15-29, a resolution authorizing the City Manager to submit a grant request to the Federal Aviation Administration and enter into required agreements for funding the construction of the proposed 800 LF runway extension at Delaware's Municipal Airport.
- F. Acceptance of the Motion Summary for the Parking and Safety Committee meeting held February 16, 2015.
- G. Acceptance of the Motion Summary for the Shade Tree Commission meeting held April 28, 2015.
- H. Acceptance of the Motion Summary for the Planning Commission meeting held May 6, 2015.

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

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ITEM 6: INTRODUCTIONS-NEW HIRE

1. Kevin Wynn, Public Works Refuse/Recycling Tech II
2. Robby Forest, Public Works Refuse/Recycling Tech II

ITEM 7: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Keith Falzone
67 Troy Rd.
Delaware, Ohio

Mr. Falzone requested that Council review Section 505.09 of Ordinance 77-24 which limits ownership of dogs to no more than three. Mr. Falzone stated that his family recently moved back to Delaware and have four dogs. Mr. Falzone requested that the ordinance be based on a case by case status.

Mr. Shulman confirmed that the ordinance was written to limit how many dogs in a household and not by individuals in the home. Council requested that Mr. Shulman provide a review of the ordinance.

ITEM 8: COMMITTEE REPORTS

Mr. Jones stated that HPC will have a special meeting scheduled for June 11, 2015 to discuss the Delaware County Courthouse.

Mrs. Keller stated that the Civil Service Commission will have a special meeting on June 13, 2015.

Mrs. Keller stated that the Recreation Levy Sub-Committee has scheduled a meeting for June 22, 2015.

Mr. DiGenova presented an award received to the City of Delaware for Delaware Place.

Mr. DiGenova updated Council on the Veteran's Memorial and grant funding status.

Mr. DiGenova stated that the Board of Zoning Appeals will meet June 10, 2015.

Mr. Shafer updated Council on the Parking and Safety meeting that was held May 18, 2015 and concerns regarding speeding on Cobblestone Drive.

ITEM 9: PRESENTATIONS

- A. Relay for Life proclamation presentation, Erinn Nicley, Public Relations Spokesperson, American Cancer Society Relay for Life of Delaware
- B. Sustaining Scioto Project, Amelia Costanzo, MORPC Principal Planner

ITEM 10: CONSIDERATION of a Liquor Permit Transfer

- A. From Hamburger Inn Diner, LLC, DBA Hamburger Inn, 16 N. Sandusky St., 1st Flr & Patio Only, Delaware, OH 43015 to CPVR Burger Inn, LLC, 16 N. Sandusky St., 1st Flr & Patio Only, Delaware, OH 43015. Permit Class: D5

Chief Pijanowski voiced no objection on the liquor permit transfer.

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APPLICANT:

Bill Michailidis
16 N. Sandusky St.
Delaware, Ohio 43015

Motion: Mr. Brush moved to approve the liquor permit transfer with no objections, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

B. From Tanglewood Food & Beverage Service, LLC, Patios & Golf Course, 231 Clubhouse Dr., Delaware, OH 43015 to Ganzfair Investment, Inc., DBA Shamrock Golf Club, Patios & Golf Course, 231 Clubhouse Dr., Delaware, OH 43015. Permit Classes: D1, D2, D3, and D6.

Chief Pijanowski voiced no objection on the liquor permit transfer.

Motion: Mr. Brush moved to approve the liquor permit transfer with no objections, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 15-33 [Third Reading]
AN ORDINANCE REVISING SECTIONS OF THE DELAWARE CODIFIED ORDINANCES RELATING TO PARKING AND TRAFFIC OFFENSES.

The Clerk read the ordinance for the third time.

Mr. Shulman reviewed the changes that were requested and informed Council that the ordinance would not be in effect for 30 days from passage.

Motion: Mr. Brush moved to enact Ordinance No. 15-33, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Mrs. Keller voiced her concern on the lack of procedures in place to contest a parking ticket.

Mr. Jones discussed the need for parking ticket payments to be available for online transactions.

ITEM 12: ORDINANCE NO. 15-51 [First Reading]
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER IN TO AN INTERGOVERNMENTAL CULTURAL PROJECT COOPERATIVE USE COOPERATION AGREEMENT AND NON-DISTURBANCE AND ESTOPPEL AGREEMENT WITH THE STATE OF OHIO FOR THE DELAWARE VETERANS MEMORIAL PLAZA PROJECT, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 15-51, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 15-51, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

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Motion: Mr. DiGenova moved to adopt Ordinance No. 15-51, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 15-52 [First Reading]

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO RENEW THE INTERGOVERNMENTAL AGREEMENT WITH THE DELAWARE COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS FOR A PERIOD OF ONE YEAR.

The Clerk read the ordinance for the first time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-52, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to enact Ordinance No. 15-52, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 15-53 [First Reading]

AN ORDINANCE APPROVING THE SALE OF EXCESS EQUIPMENT AT THE WATER TREATMENT PLANT.

The Clerk read the resolution for the first time.

Mr. Stanton reviewed the request to sell excess equipment that is no longer necessary due to the recent upgrades. These items will be sold on an online auction.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-53, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-53, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 15-54 [First Reading]

AN ORDINANCE PLACING AN AMENDMENT TO SECTION 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE TO DECREASE THE EXISTING DELAWARE CITY MUNICIPAL INCOME TAX RATE BY FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) EFFECTIVE ON DECEMBER 31 IN THE CALENDAR YEAR IN WHICH ALL SECURITIES ISSUED FOR THE PURPOSES PROVIDED IN 191.14(B) ARE RETIRED ON THE NOVEMBER BALLOT.

The Clerk read the ordinance for the first time.

Mr. Brush discussed the need to place on the November ballot asking voters to vote on an amendment to the Codified Ordinances to eliminate the .15% recreation levy when the debt services of \$23.8 million have been repaid. Mr. Brush recommends that Council pursue an opinion letter from bond counsel and stated that in preliminary conversations the bond counsel voiced concerns with proceeding with the ordinance. Mr. Brush stated that the cost associated with receiving a formal input from bond counsel would be a minimum \$5,000.00.

A discussion was held regarding the request to pursue an opinion letter. Council agreed to pursue the letter and requested that the City Manager direct the bond counsel to draft an opinion letter.

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ITEM 16: ORDINANCE NO. 15-55

[First Reading]

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO HIRE A PERMANENT PART-TIME POSITION IN THE FINANCE DEPARTMENT, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Stelzer discussed the request for a permanent part-time position to assist the Finance Department in the responsibility of collecting the new income tax affected by the JEDD and to assist in the current income tax collection efforts. Mr. Stelzer reviewed the cost factor for the additional position.

Mr. DiGenova stated that the need for the position should be presented as part of the 2016 budget and that in the interim period utilize current in-house staff to complete the necessary duties.

Mr. Jones requested information on previous discussions and if this position was requested in the past. Mr. Stelzer referenced the June 6, 2014 meeting as a previous discussion of the issue.

A discussion was held on the job duties for the Finance Department. Mayor Riggle voiced her concern on employees filling out time cards manually and the time spent by the Finance Department to complete payroll duties. Mrs. Keller recommended that staff check with other cities to determine how they complete payroll.

ITEM 17: DISCUSSION:

Consideration Parking and Safety Committee's recommendation regarding Cobblestone Drive that the 75 percent rule for unwarranted stop signs be waived.

Mr. Shafer reviewed the May 18, 2015 Parking and Safety meeting and concerns that were presented by multiple residents of speeding on Cobblestone Drive. Mr. Shafer stated that the residents requested stop signs to assist in slowing drivers down and that the Parking and Safety Committee requested that Council waive the petition requiring 75% of resident's signatures in support of a stop sign.

Mrs. Keller provided information on the past efforts of the residents in the neighborhood to deter drivers from speeding.

Mr. Ferrigno reviewed the requirements for a warranted stop sign, and that the standards were set by the Ohio Revised Code. Mr. Ferrigno indicated that stop signs are not an effective tool in speed control and that he recommended that the 75% of neighborhood voters petition for the stop sign.

Mr. Shafer discussed the need to find a solution to the problem and address these concerns. Mrs. Keller stated that the effort to receive signatures of residents in the past have been difficult due to the required signature must be of the homeowner and not by renters.

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Motion: Mrs. Keller moved for Council to waive the 75% rule following the recommendations from the Parking and Safety Committee to put a stop sign at Cobblestone Drive and Carson Farms Blvd, seconded by Mr. Shafer. Motion approved by a 5-2 (DiGenova, Hellinger) vote.

ITEM 18: CITY MANAGER'S REPORT

Mr. Homan requested permission to move forward on hiring a consultant for the AMR project. Mr. Whited reviewed the RFP proposals and the potential cost for the consultant. Council agreed to move forward on hiring a consultant and voiced no opposition.

Mr. Homan updated Council on the status of the citizen survey being completed by Marty Saperstein.

ITEM 19: COUNCIL COMMENTS

Mrs. Keller voiced her concerns over the increasing temperatures in the building during the replacement of the HVAC system. Mr. Ferrigno reviewed temporary measures that are in place to assist in cooling down the building. Mrs. Walker reviewed the cost associated to have mobile air conditioning units installed.

Mr. DiGenova reflected on the recent anniversary of D-Day and reminded Council of Flag Day.

Mr. Brush requested that the Parking and Safety Committee review a request for a stop light at Euclid and Pennsylvania Avenue.

Mr. Brush discussed the House Bill 47 that was passed by the General Assembly and provided a map of potential boundaries in the downtown district. Mr. Brush requested that Mr. Shulman provide a summary of House Bill 47.

Mr. Shafer requested information on the groundbreaking of the Outlet Mall.

Mayor Riggle stated that she received a concern regarding the lack of signage and school markings for Delaware Hayes High School. Mr. Ferrigno to check for compliance.

Mayor Riggle asked for consideration of early start time of 5:30 p.m. for council meetings during July and August.

Mayor Riggle requested that staff investigate whether or not a permit was drawn for scaffolding at Union and Sandusky Street and was concerned that there is no signage.

Mayor Riggle indicated that the flags were taken down and are being cleaned by J & R Cleaners and that the flags will be returned by Flag Day.

ITEM 20: EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of

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confidential information related to a request for economic development assistance.

Mr. Brush moved to enter into Executive Session at 9:30 p.m. This motion was seconded by Mr. Shafer and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) Consideration of Confidential Information Related To A Request For Economic Development Assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle. Following the discussion at 9:49 p.m., it was moved by Mr. Brush that Council move into Open session, seconded by Mr. DiGenova and approved by 7-0 vote.

ITEM 21: ADJOURNMENT

Motion: Mr. Brush moved to adjourn the meeting, seconded by Mr. DiGenova. The meeting adjourned at 9:50 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk