

# RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held August 24 2015

The regular meeting of August 24, 2015 was called to order at 5:30 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, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was At Large Kent Shafer. The invocation was given by Grace Welch of the Methodist Theological School, 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, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

#### **ITEM 4: MOTION TO EXCUSE At Large Council Member Kent Shafer**

**Motion:** Mr. Brush moved to excuse Mr. Shafer, seconded by Mr. Jones. Motion approved by a 6-0 vote.

#### **ITEM 5: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held August 10, 2015, as recorded and transcribed.

**Motion:** Mr. Brush moved to approve the Motion Summary of the regular meeting of Council held August 10, 2015, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

#### **ITEM 6: CONSENT AGENDA**

- A. Acceptance of the Motion Summaries for the Civil Service Commission meetings held June 15 and July 13, 2015.
- B. Acceptance of the Motion Summary for the Finance Committee meeting held February 12, 2015.
- C. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held July 21, 2015.
- D. Resolution No. 15-41, a resolution accepting the public improvements for the Communities at Glenross, Section 4.
- E. Resolution No. 15-42, a resolution accepting the public improvements for Belmont Place, Phase 1, Section 1.

**Motion:** Mr. Brush moved to approve the Consent Agenda, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

#### **ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

Mark McHenry  
21 Glengary Drive  
Delaware, Ohio 43015

Mr. McHenry voiced his concern regarding the signage advertising home builders in public right of ways. Mr. McHenry stated signs are present during the weekend and make the areas look cluttered.

Mr. Efland is to contact builders to discuss the issue.

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## **ITEM 8: COMMITTEE REPORTS**

Mr. DiGenova provided an update on the awarded bid for Veteran's Memorial.

Mr. DiGenova stated that there is a Shade Tree Commission meeting set for August 25, 2015.

## **ITEM 9: PRESENTATIONS**

- A. Proclamation recognizing Elijah Campbell for his service to veterans.
- B. Delaware General Health District Update – Shelia Hiddleston, Health Commissioner

### PRESENTOR:

Sheila Hiddleston, Health Commissioner  
1 W. Winter Street  
Delaware, Ohio 43015

Travis Irvan, Epidemiologist  
Delaware General Health District  
1 W. Winter Street  
Delaware, Ohio 43015

Adam Howard, Residential Service Manager  
1 W. Winter Street  
Delaware, Ohio 43015

Tom Curtin, Executive Director  
Preservation Parks of Delaware County  
2656 Hogback Road  
Sunbury, Ohio 43074

Ms. Hiddleston discussed the five year community plan.

Mr. Irvan provided an overview of Lyme Disease and the increase in the tick population. Mr. Irvan discussed potential health issues and the life stages of the tick. Information was provided on tick prevention.

Mr. Howard provided information on the black legged tick and the recent finding of West Nile Virus in Berlin and Orange Township.

Mrs. Keller shared her personal experience with Lyme Disease and would like for increase signage of educational material to be placed around city and county parks. Mrs. Keller recommended using the Health Districts information graphics and partner with preservation parks.

Mr. Curtin discussed the placement of the information graphics near the trailheads to allow for easier access.

Mr. Homan recommended signage at city parks in high traffic areas.

## **ITEM 10: RESOLUTION NO. 15-43** [First Reading]

A RESOLUTION NAMING THE STREET WHERE VETERANS PARK AND THE COMMUNITY CENTER/YMCA ARE LOCATED AS VETERANS DRIVE.

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The Clerk read the resolution for the first time.

Mr. Brush recommended that the name be used in honor of a veteran of the City of Delaware.

ITEM 11: RESOLUTION NO. 15-44 [First Reading]

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR TAX YEAR 2015/BUDGET YEAR 2016.

The Clerk read the resolution for the first time.

Motion: Mr. Brush moved to adopt Resolution No. 15-44, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

ITEM 12: RESOLUTION NO. 15-45 [First Reading]

A RESOLUTION ADOPTING THE 2016-2020 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP). THERE WILL BE A BRIEF OVERVIEW OF THE CIP.

The Clerk read the resolution for the first time.

ITEM 13: ORDINANCE NO. 15-75 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR KROGER DISTRIBUTION CENTER TO INSTALL AN ABOVE-GROUND HYDROGEN STORAGE TANK AT 2000 NUTTER LANE ON APPROXIMATELY 162 ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) WITH TEXT LIMITATIONS.

The Clerk read the ordinance for the second time.

There was no public participation.

APPLICANT:

Tony Cox
501 Tomahawk Lane
New Albany, Indiana 57150

Dallas Morrison
2727 Tuller Parkway, Suite 200
Dublin, Ohio 43016

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-75, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-75, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 15-76 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR DELAWARE CITY SCHOOLS FOR AN ADDITION, RENOVATION AND SITE IMPROVEMENTS FOR WOODWARD ELEMENTARY SCHOOL ON APPROXIMATELY 4.55 ACRES ZONED R-4 (MEDIUM DENSITY

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RESIDENTIAL DISTRICT) AND LOCATED AT 200 SOUTH WASHINGTON STREET.

The Clerk read the ordinance for the second time.

There was no public participation.

**APPLICANT:**

Larry Davis  
149 Westwood Avenue  
Delaware, Ohio 43015

Randy Van Tilburg  
57 Thornapple Trail  
Delaware, Ohio 43015

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 15-76, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**Motion:** Mr. DiGenova moved to adopt Ordinance No. 15-76, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**ITEM 15: ORDINANCE NO. 15-77** [Second Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE CITY SCHOOLS FOR AN ADDITION, RENOVATION, AND SITE IMPROVEMENTS FOR WOODWARD ELEMENTARY SCHOOL ON APPROXIMATELY 4.55 ACRES ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED AT 200 SOUTH WASHINGTON STREET.

The Clerk read the ordinance for the second time.

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 15-77, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**Motion:** Mr. DiGenova moved to adopt Ordinance No. 15-77, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**ITEM 16: ORDINANCE NO. 15-78** [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A REZONING FROM R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FOR OHIO WESLEYAN UNIVERSITY FOR SMALL LIVING UNITS (SLU'S) PHASES 1-5 ON APPROXIMATELY 1.373 ACRES LOCATED ON THE NORTH SIDE OF ROWLAND AVENUE BETWEEN SOUTH WASHINGTON STREET AND SOUTH LIBERTY STREET.

The Clerk read the ordinance for the second time.

Mr. Efland provided a presentation on the proposed site plan and provided information on the current established funding for Phase 1. Mr. Efland reviewed the Phases 2-5 including additional parking for each stage and the potential extension of the jay walk on Rowland Avenue.

There was no public participation.

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APPLICANT:

Randy Reger
137 N. Washington Street
Delaware, Ohio 43015

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-78, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-78, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 17: ORDINANCE NO. 15-79 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR OHIO WESLEYAN UNIVERSITY ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR SMALL LIVING UNITS (SLU'S) PHASES 1-5 ON APPROXIMATELY 1.373 ACRES LOCATED ON THE NORTH SIDE OF ROWLAND AVENUE BETWEEN SOUTH WASHINGTON STREET AND SOUTH LIBERTY STREET.

The Clerk read the ordinance for the second time.

There was no public participation.

APPLICANT:

Randy Reger
137 N. Washington Street
Delaware, Ohio 43015

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-79, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-79, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 18: ORDINANCE NO. 15-80 [Second Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR SMALL LIVING UNITS (SLU'S) PHASES 1-5 ON APPROXIMATELY 1.373 ACRES LOCATED ON THE NORTH SIDE OF ROWLAND AVENUE BETWEEN SOUTH WASHINGTON STREET AND SOUTH LIBERTY STREET ON PROPERTY ZONED PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-80, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-80, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 19: ORDINANCE NO. 15-81 [Second Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR SMALL LIVING UNITS (SLU'S) PHASE 1

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ON APPROXIMATELY 1.373 ACRES LOCATED ON THE NORTH SIDE OF ROWLAND AVENUE BETWEEN SOUTH WASHINGTON STREET AND SOUTH LIBERTY STREET ON PROPERTY ZONED PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-81, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-81, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 20: ORDINANCE NO. 15-60** [Public Hearing and Second Reading]

AN ORDINANCE TO AMEND SECTIONS 191.03 AND 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, TO PROVIDE FOR THE CONTINUATION OF AN EXISTING FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) LEVY ON INCOME BY THE CITY FOR THE PURPOSE OF IMPROVING MUNICIPAL RECREATION FACILITIES AND PAYING THE DEBT SERVICES CHARGES ON SECURITIES ISSUED FOR THAT PURPOSE, BUT TO PROVIDE THAT THE FINAL CALENDAR YEAR IN WHICH THAT TAX MAY BE LEVIED SHALL BE THE CALENDAR YEAR IN WHICH THE DEBT SERVICE CHARGES ON SECURITIES ISSUED FOR THAT PURPOSE AND OUTSTANDING AS OF JUNE 1, 2015, AND ON ANY SECURITIES HEREAFTER ISSUED TO REFUND THOSE SECURITIES, HAVE BEEN FULLY PAID OR PROVIDED FOR.

The Clerk read the ordinance for the second time.

There was no public participation.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-60, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-60, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 21: ORDINANCE NO. 15-87** [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE, TO PROVIDE ADDITIONAL FUNDING FOR A PROFESSIONAL ENGINEERING CONTRACT WITH POMEROY & ASSOCIATES TO PROVIDE A STORM WATER STUDY, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 15-87, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**Motion:** Mr. DiGenova moved to enact the emergency clause for Ordinance No. 15-87, seconded by Mr. Brush. Motion approved by a 6-0 vote.

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**Motion:** Mr. DiGenova moved to adopt Ordinance No. 15-87, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**ITEM 22: ORDINANCE NO. 15-88** [First Reading]  
AN ORDINANCE AMENDING ORDINANCE 15-57 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME, INTERMITTENT, AND SEASONAL EMPLOYEES OF THE CITY OF DELAWARE.

The Clerk read the ordinance for the first time.

Mrs. Keller recommended that Ordinance No. 15-88 be taken to a second reading.

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 15-88, seconded by Mr. Brush. Motion failed with a 3-3 (Jones, Keller, Hellinger) vote.

**ITEM 23: ORDINANCE NO. 15-89** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR MATERIAL UPGRADES AT THE CSX RAIL CROSSINGS OF LONDON ROAD AND PENNSYLVANIA AVENUE, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH CSX AS REQUIRED, AN DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Ferrigno discussed the necessary repairs at rail crossings and the benefits of using rubberized material upgrades.

Mr. Brush requested research on repairs needed for Pennsylvania Avenue, as there is little truck traffic on this road. Mr. Ferrigno to research last time this crossing was repaired.

**ITEM 24: ORDINANCE NO. 15-90** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT-ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-90, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-90, seconded by Mr. DiGenova. Motion approved by a 6-0 vote

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-90, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**ITEM 25: ORDINANCE NO. 15-91** [First Reading]  
AN ORDINANCE ESTABLISHING AN ASSESSMENT FOR THE IMPROVEMENT OF PUBLIC STREETS AND EASEMENTS LOCATED AT THE RAIL CROSSING ACROSS PITTSBURGH DRIVE AND PROVIDING ALL NECESSARY APPURTENANCES THERETO.

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The Clerk read the ordinance for the first time.

**ITEM 26: ORDINANCE NO. 15-92** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR CONTRACTED LABOR AND TO REDUCE THE APPROPRIATION FOR WAGES AND BENEFITS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Stelzer discussed the need to use a temporary agency during an employee's maternity leave. Ms. Walker reviewed the City of Delaware Maternity Leave and FMLA regulations.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-92, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-92, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-92, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 27: 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.

Executive Session deemed not necessary.

## **ITEM 28: FINANCE DIRECTOR'S REPORT**

### **ITEM 29: CITY MANAGER'S REPORT**

Mr. Homan provided information regarding an interest from Sakata, Japan on establishing a formal sister city relationship and that officials of Sakata are planning a visit to the City of Delaware along with the students of Sakata on their annual trip.

Mr. Homan indicated that there will be a ribbon cutting event for Habitat for Humanity's.

Information was provided on the YMCA end of summer block party.

Mr. Homan provided an update on the Veteran's Memorial Plaza contract and the wayfinding contract.

A discussion was held on setting Council work sessions for September 12, 2015 and October 5, 2015.

Mr. Homan stated that he will be out of the office August 29 through September 1, 2015.

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## **ITEM 30: COUNCIL COMMENTS**

Mr. Jones requested an update on the potential pilot program to prevent trucks from hitting the railroad bridge on Central Avenue.

Mr. Jones voiced his concern, he discussed in Parking and Safety, regarding the congestion on the sidewalks in the downtown area in reference to the outdoor patios and the placement of planters and trash receptacles.

Mr. Jones requested an update on the dog park status. Mrs. Walker provided information regarding the fencing and an upcoming fundraiser scheduled for October 3, 2015.

Mr. DiGenova thanked Mr. Whited and staff for the Cheshire Crossing aerator.

Mr. Brush discussed a complaint he received regarding neighbors cats and asked if there was a requirement for how many cats a homeowner may have in residence. Mr. Shulman stated he will do some research on ordinances from other cities.

Mr. Brush requested that the fact sheets in the agenda packet have more expense and funding information.

Vice-Mayor Hellinger stated that he has a conversation with a constituent regarding the excellent service provided by EMS and Police.

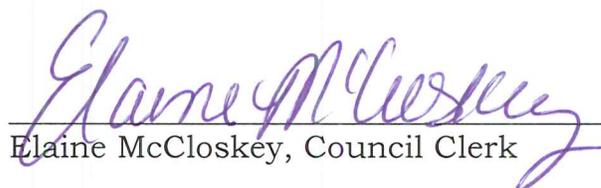
Mayor Riggle provided information on a check received by Vintage Auto Club for hospice.

Mayor Riggle received a concern from a manager of Olentangy View Condominiums regarding the cost of trash removal by the city compared to the cost of private trash removal. Mr. Ferrigno to report to Council on the rate structure.

## **ITEM 31: ADJOURNMENT**

**Motion:** Mr. Brush moved to adjourn the meeting. The meeting adjourned at 7:56 p.m.

  
\_\_\_\_\_  
Mayor Carolyn Kay Riggle

  
\_\_\_\_\_  
Elaine McCloskey, Council Clerk