

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held September 14

20 15

6:30 EXECUTIVE SESSION: Mr. Brush moved to enter into Executive Session at 6:30 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 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 6:58 p.m., it was moved by Mr. Brush that Council move into Open session, seconded by Mr. DiGenova and approved by 7-0 vote.

The regular meeting of September 14, 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 Jason Phelps followed by the Pledge of Allegiance.

Staff Present: Dave Efland, Planning and Community Development Director, Scott Stowers, Chief Information Officer, 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: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held August 24, 2015, as recorded and transcribed.

Motion: Mr. Brush moved to approve the Motion Summary of the regular meeting of Council held August 24, 2015, as recorded and transcribed, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Public Works/Public Utilities Committee meeting held July 7, 2015.
- B. Acceptance of the Motion Summary for the Shade Tree Commission meeting held July 28, 2015.
- C. Acceptance of the Motion Summary for the Planning Commission meeting held August 5, 2015.
- D. Resolution No. 15-46, a resolution authorizing the modification of certain traffic control signage to extend the No Parking Here to Corner zone on the east side of Bruce Road to 150 feet south of Hills Miller Road.
- E. Resolution No. 15-47, a resolution authorizing the modification of certain traffic control signage to adjust the No Parking Here to Corner zone on the west side of North Liberty Street to 65 feet south of Griswold Street and repealing a portion of Resolution No. 87-8 establishing the No Parking zone on the west side of North Liberty Street south of Griswold Street.

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- F. Resolution No. 15-48, a resolution authorizing the installation of a No Parking Anytime zone on the west side of Bruce Road from Hills Miller Road to 165 feet south of Tudor Drive.
- G. Establish September 28, 2015 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 15-94, an ordinance approving a Rezoning from R-3 (One Family Residential District) to B-2 (Central Business District) with text limitations for the Delaware County Board of Commissioners for a new county courthouse located at 110 North Sandusky Street just south of the Hayes building on approximately 1.99 acres and Ordinance No. 15-96, an ordinance approving a Street Vacation for Marshall Court right-of-way and right-of-way along the southeastern portion of the site for the Delaware County Board of Commissions new County courthouse located at 110 North Sandusky Street just south of the Hayes building on approximately 1.99 acres and zoned B-2 (Central Business District) with text limitations.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Carter Johnson
86 W. Lincoln Avenue
Delaware, Ohio 43015

Mr. Johnson discussed his concerns regarding the Central Avenue, CSX Railroad underpass. Mr. Johnson asked that Council consider an increase in the fine.

Mr. DiGenova discussed a recent phone call received requested money for the IRS. Mr. DiGenova stated that he reported the caller to the Attorney General's Office.

ITEM 7: COMMITTEE REPORTS

Mr. DiGenova provided information on a meeting with the Chamber of Commerce.

Mr. Brush provided an update on the Finance Committee meeting held September 10, 2015. Mr. Brush provided an update on the HB5 criteria for a Tax Appeal Board.

ITEM 8: PRESENTATIONS

- A. Veterans Plaza Update – Josh Helms, OHM Advisors and Bill Morgan, 2K General

PRESENTOR:

Josh Helms
7692 Rippengale Street
Blacklick, Ohio

Bill Morgan
19 Gruber Street
Delaware, Ohio

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- B. Electric Vehicle Charging Stations - Cari Oberfield, CBO, Renergy, Inc., Jimmy Smith, Ohio EV Solutions, and Matt Stephens-Rich, Clean Ohio Fuels

PRESENTOR:

Cari Oberfield
184 E. Kossuth Street
Columbus, Ohio

Matt Stephens-Rich
530 West Spring St. Suite 250
Columbus, Ohio

Jimmy Smith
5914 Pelham Drive
Parma, Ohio

ITEM 9: RESOLUTION NO. 15-43 [Second Reading]

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

The Clerk read the resolution for the second time.

Motion: Mr. DiGenova moved to adopt Resolution No. 15-43, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 10: RESOLUTION NO. 15-45 [Second 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 second time.

ITEM 11: ORDINANCE NO. 15-88 [Second 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 second time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-88, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-88, seconded by Vice-Mayor Hellinger. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 15-89 [Second 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 second time.

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Mr. Ferrigno discussed the necessary repairs at rail crossings and the benefits of using rubberized material upgrades. Mr. Ferrigno provided an update regarding when repairs were last completed on Pennsylvania Avenue.

Mr. Brush discussed the need for repairs to London Road, due to the increase truck traffic from Delaware Industrial Park

Motion: Mr. Brush moved to amend Ordinance No. 15-89 such as description removes the words "Pennsylvania Avenue" and such as Section One replaces General Fund Appropriations of \$80,000.00 to \$40,000.00 and transfer to SMR Fund to \$80,000 to \$40,000 and such as Section Two Changes the appropriations from SMR Fund of \$80,000.00 to \$40,000.00, Appropriations Professional Services \$50,000.00 to \$25,000.00 and Appropriation of Operating Supplies of \$30,000.00 to \$15,000.

A discussion was held regarding the amended motion, and what the funds are needed to provide repairs to London Road. Mr. Brush withdrew his amended motion.

Motion: Mr. Brush moved to amend Ordinance No. 15-89 to remove reference to Pennsylvania Avenue, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-89, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to enact the emergency clause for Ordinance No. 15-89, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to approve Ordinance No. 15-89, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

Mayor Riggle requested a break at 8:09 p.m. Mayor Riggle reconvened the meeting at 8:19 p.m.

ITEM 13: ORDINANCE NO. 15-91 [Second 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.

The Clerk read the ordinance for the second time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-91, seconded by Vice-Mayor Hellinger. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-91, seconded by Vice-Mayor Hellinger. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 15-93 [First Reading]
AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR REDWOOD ACQUISITIONS LLC, FOR THE PRESERVE AT QUAIL PASS PHASE 2 FOR 141 SINGLE STORY APARTMENTS ON 22.35 ACRES ZONED M-1 PMU (LIGHT MANUFACTURING DISTRICT WITH A

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PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON THE SOUTH SIDE OF MILL RUN CROSSING BETWEEN THE CITY WETLAND PARK AND GLENN ROAD.

The Clerk read the ordinance for the first time.

Mr. Efland provided a presentation that included the zoning map and an update on Phase One. Mr. Efland reviewed the approved Preliminary Development Plan and the Proposed Final Development Plan for Phase Two.

APPLICANT:

John Lateulere
23775 Commerce Park Dr., Suite 7
Beachwood, Ohio

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-93, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-93, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 15-94 [First Reading]

AN ORDINANCE APPROVING A REZONING FROM R-3 (ONE FAMILY RESIDENTIAL DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) WITH TEXT LIMITATIONS FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS FOR A NEW COUNTY COURTHOUSE LOCATED AT 110 NORTH SANDUSKY STREET JUST SOUTH OF THE HAYES BUILDING ON APPROXIMATELY 1.99 ACRES.

The Clerk read the ordinance for the first time.

A public hearing was set for September 28, 2015 at 7:30 p.m.

ITEM 16: ORDINANCE NO. 15-95 [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS FOR A NEW COURTHOUSE LOCATED AT 110 NORTH SANDUSKY STREET JUST SOUTH OF THE HAYES BUILDING ON APPROXIMATELY 1.99 ACRES AND ZONED B-2 (CENTRAL BUSINESS DISTRICT) WITH TEXT LIMITATIONS.

The Clerk read the ordinance for the first time.

ITEM 17: ORDINANCE NO. 15-96 [First Reading]

AN ORDINANCE APPROVING A STREET VACATION FOR MARSHALL COURT RIGHT-OF-WAY AND RIGHT-OF-WAY ALONG THE SOUTHEASTERN PORTION OF THE SITE FOR THE DELAWARE COUNTY BOARD OF COMMISSIONS NEW COUNTY COURTHOUSE LOCATED AT 110 NORTH SANDUSKY STREET JUST SOUTH OF THE HAYES BUILDING ON APPROXIMATELY 1.99 ACRES AND ZONED B-2 (CENTRAL BUSINESS DISTRICT) WITH TEXT LIMITATIONS.

The Clerk read the ordinance for the first time.

A public hearing was set for September 28, 2015 at 7:30 p.m.

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ITEM 18: ORDINANCE NO. 15-97 [First Reading]

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR CYANOTOXIN TESTING EQUIPMENT AT THE WATER TREATMENT PLANT.

The Clerk read the ordinance for the first time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-97, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-97, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 19: ORDINANCE NO. 15-98 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR CYANOTOXIN TESTING EQUIPMENT AT THE WATER TREATMENT PLANT.

The Clerk read the ordinance for the first time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-98, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-98, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 20: ORDINANCE NO. 15-99 [First Reading]

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF AN OVER HEIGHT DETECTION AND WARNING SYSTEM IN ADVANCE OF THE CSX RAILROAD BRIDGE OVER SR37 (WEST CENTRAL AVENUE).

The Clerk read the ordinance for the first time.

Mr. Ferrigno provided information on grant funding through the Ohio Department of Transportation. Mr. Ferrigno provided a presentation of the equipment and signage.

Mr. Shulman reviewed current legislation on fines if a driver does not have clearance of the CSX Railroad Bridge over SR 37. A discussion was held with Council over the potential increase of the fines.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-99, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-99, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

ITEM 21: Update on Request for Changes to the Canine Ordinance Section 505.09-Darren Shulman, City Attorney

Mr. Shulman reviewed Section 505.09 and provided information on surrounding cities canine ordinances. Mr. Shulman recommended no

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current changes. Mr. Shulman discussed how the Nuisance Order can be applied to outside cats.

Chief Pijanowski provided information on the kennel license.

Council agreeable to not amend Section 505.09.

ITEM 22: CITY MANAGER'S REPORT

Mr. Homan reminded Council of the OWU reception that will be held on November 1, 2015.

Mr. Homan updated Council on the Wellness Program.

Mr. Homan updated Council on the request by Mark McHenry on removing signs from developers in the right-of-ways.

ITEM 23: COUNCIL COMMENTS

Mr. DiGenova stated that he will be having a meeting with a developer regarding potential development near U.S. 23 and Stratford Road.

Mr. Brush indicated that he will be unable to attend the October 5, 2015 Work Session.

Mayor Riggle provided an estimate on the attendance at the All Horse Parade.

ITEM 24: ADJOURNMENT

Motion: Mr. Shafer moved to adjourn the meeting, seconded by Mr. Brush. The meeting adjourned at 9:42 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk