

# RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 28 20 16

**6:30 EXECUTIVE SESSION:** Vice-Mayor Shafer motioned to enter into Executive Session at 6:30 p.m. This motion was seconded by Mr. Jones 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, and 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 Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 7:00 p.m., it was moved by Mr. Jones that Council move into Open session, seconded by Vice-Mayor Shafer and approved by 7-0 vote.

The regular meeting of March 28, 2016 was called to order at 7:01 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 Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. The invocation was given by Mr. Sean Hughes, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economic Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Brad Stanton, Public Utilities 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 Council Work Session held March 7, 2016, as recorded and transcribed.

APPROVAL of the Motion Summary of the regular meeting of Council held March 14, 2016, as recorded and transcribed.

**Motion:** Vice-Mayor Shafer moved to approve the Motion Summary for the Council Work Session held March 7, 2016 seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to approve the Motion Summary for the regular meeting of Council held March 14, 2016 seconded by Mr. Jones. Motion approved by a 7-0 vote.

## **ITEM 5: CONSENT AGENDA**

- A. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held February 16, 2016.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held January 27, 2016.
- C. Acceptance of the Motion Summary for the Shade Tree Commission meeting held February 23, 2016.

**Motion:** Mr. DiGenova moved to approve the Consent Agenda, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

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

### PUBLIC PARTICIPATION:

Molly Hobbs  
45 Vernon Avenue  
Delaware, Ohio

Jim Harter  
40 Vernon Avenue  
Delaware, Ohio

Ms. Hobbs read a letter into the record that she wrote to the Delaware Gazette voicing her concern over the poor conditions of properties located near Conger Elementary. Mr. Homan and Mayor Riggle informed Ms. Hobbs that the City had purchased two of the homes to tear down due to their poor condition.

#### A. Circus Ban Petition

Staff received this petition on March 23. Under the Delaware Codified Ordinance 111.01(e)(5) "Council shall consider all other 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."

### PUBLIC PARTICIPATION:

Shelly Emans  
277 Pinecrest Drive  
Delaware, Ohio

Julie McDonough  
614 Boulder Drive  
Delaware, Ohio

Ms. Emans requested that Council deny Circus Pages permission to operate in the city due to history of poor treatment of their circus animals and voiced concerns of the well being of the citizens of Delaware.

Ms. McDonough and Ms. Emans discussed the petition that they provided to Council and their own observations of the treatment of the animals in 2015.

Bill Lowe  
Delaware County Fair Board  
180 Euclid Avenue  
Delaware, Ohio

Henry Thomson  
Delaware County Fair Board  
42 Yorkshire Rd  
Delaware, Ohio

Mr. Lowe and Mr. Thomson reported that they have not seen any animal cruelty or abuse of the animals in the past. Mr. Thomson indicated that the Circus had paid a deposit to the Fair Board in December of 2015.

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A discussion was held regarding when Circus Pages were notified in the past of the need to apply for a permit from the City of Delaware. Mr. DiGenova voiced a concern regarding the petition being signed by non-residents of the City of Delaware.

Beth Keener  
33 Montrose Avenue  
Delaware, Ohio 43015

Ms. Keener stated that she began the petition online and did not realize that it went worldwide.

A discussion was held with Council and City Attorney Shulman on necessary changes to the ordinance. Mr. Shulman recommended possibly increasing permit cost and insurance cost and recommends defining the factor of denying in regards to the treatment of animals. Mr. Shulman also recommended that permits be filed 30 days prior to the event date.

## **ITEM 7: COMMITTEE REPORTS**

Mr. Rohrer provided an update on the sub-committee plans for the Parks and Recreation Advisory Committee.

Mr. Rohrer provided an update on the recommendations from the HPC meeting.

Mr. Hellinger provided an update on the Shade Tree Commission's plans to celebrate Arbor Day at the YMCA and during the May First Friday event.

## **ITEM 8: CONSIDERATION OF LIQUOR PERMIT STOCKHOLDER CHANGE**

A. Authentic Foods, LLC, DBA Corner Café & Restaurant, 535 Sunbury Rd. & Patio, Delaware, OH 43015. Permit Classes: D1, D2 and D3

**Motion:** Vice-Mayor Shafer moved to approve the Liquor Permit change, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

## **ITEM 9: ORDINANCE NO. 16-25** [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR CONCEPT DRAWINGS AND CONSTRUCTION ESTIMATES FOR THREE CITY FACILITIES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

## **ITEM 10: RESOLUTION NO. 16-14** [First Reading]

A RESOLUTION GRANTING PERMISSION FOR CIRCUS PAGES TO OPERATE A CIRCUS IN MARCH WITHIN THE CITY OF DELAWARE.

The Clerk read the resolution for the second time.

Mrs. Keller requested information on when the permit information was turned into the city. Mr. Homan indicated that the permit paperwork was received earlier in the day at around 4:30 p.m. Mrs. Keller voiced

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her concern over the timing for the permit and that it does not provide Council the time to adequately research the decision.

Mr. Jones voiced his concern that there is no time for Council to do its due diligence on the public wellbeing and safety on the concern that an animal may get loose.

A discussion was held to table the discussion to allow for time to get more information.

Mayor Riggle indicated that she will abstain from all votes due to she is a representative of the Delaware County Fair Board.

**Motion:** Mr. DiGenova moved to approve Resolution No. 16-14. Motion dies as there was no second.

**Motion:** Mrs. Keller moved to deny Resolution No. 16-14 and permission due to the lack of timeliness for the city to investigate public safety, seconded by Mr. Jones. A discussion was held on the motion, and Mrs. Keller withdrew her motion and Mr. Jones withdrew his second.

**Motion:** Mrs. Keller moved to deny Resolution No 16-14 and permission to Circus Pages to operate a circus in City of Delaware due to safety concerns, seconded by Mr. Jones. A discussion was held with Council in regards to the lack of information to show the circus is unsafe. Mrs. Keller withdrew her motion, and Mr. Jones withdrew his second.

**Motion:** Mr. Rohrer recommended that Resolution No. 16-14 be tabled, seconded by Vice-Mayor Shafer. Motion approved by a 5-1(DiGenova)-1 (Riggle) vote.

**ITEM 11: PUBLIC RECORDS TRAINING, presented by City Attorney Darren Shulman, named by Council as designee for public records training as required by Ohio Revised Code 149.43(E)(1)**

**ITEM 12: FINANCE DIRECTOR'S REPORT**

A discussion was held on the distribution of the J.E.D.D. money.

**ITEM 13: CITY MANAGER'S REPORT**

Mr. Homan requested that Council notify him if interested in attending the MORPC luncheon.

Mr. Homan stated that there will be a reception on April 4, 2016 to meet the three candidates for the Parks and Natural Resource Director position. Mr. Homan indicated that there will not be a work session held April 4, 2016.

**ITEM 14: COUNCIL COMMENTS**

Mr. Jones requested the date for the next Parking and Safety meeting. Mrs. Walker informed him that the date was scheduled for May 16, 2016.

Mr. Hellinger requested information from Chief Donahue regarding the parking on both sides of streets that are designed like Lofton Circle.

Mayor Riggle requested a break at 8:13 p.m. Mayor Riggle reconvened the meeting at 8:20 p.m.

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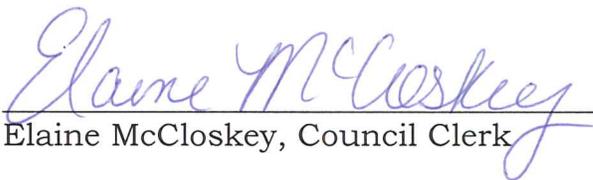
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Mr. DiGenova motioned to re-enter into Executive Session at 8:20 p.m. This motion was seconded by Mr. Jones and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, and 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 Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 9:03 p.m., it was moved by Mr. DiGenova that Council move into open session, seconded by Vice-Mayor Shafer and approved by 7-0 vote.

## **ITEM 15: ADJOURNMENT**

**Motion:** Mr. Rohrer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 9:04 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk