

# RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held April 11 20 16

**6:30 EXECUTIVE SESSION:** Mr. Rohrer motioned to enter into Executive Session at 6:34 p.m. This motion was seconded by Vice-Mayor Shafer and approved by a 6-0 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 and Vice Mayor Kent Shafer. Absent from the meeting was Mayor Carolyn Kay Riggle. Following the discussion at 6:56 p.m., it was moved by Mr. Jones that Council move into Open session, seconded by Vice-Mayor Shafer and approved by 6-0 vote.

The regular meeting of March 28, 2016 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 Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle (arrived at 7:01) who presided. The invocation was given by Pastor Philip Wilden, Asbury United Methodist Church, 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, Bill Ferrigno, Public Works Director, 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 March 28, 2016, as recorded and transcribed.

**Motion:** Mr. Jones moved to approve the Motion Summary for the regular meeting of Council held March 28, 2016 seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

## **ITEM 5: CONSENT AGENDA**

- A. Establish April 25, 2016 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-27, an ordinance approving amendments to Chapter 1151.02 (Nonconforming Buildings or Structures) and 1151.03 (Nonconforming Use of Buildings and Land) of the Planning and Zoning Code to revise regulations related to Nonconforming Use of Buildings, Structures and Land.
- B. Establish April 25, 2016 at 7:40 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-28, an ordinance approving a rezoning for Sawmill Delaware Investments, LLC to the existing M-1 PMU (Light Manufacturing Planned Mixed Use Overlay District) at 2663 Airport Road (Parcel #419-220-02-003-00) on approximately 47.558 acres.
- C. Establish April 25, 2016 at 7:50 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-29, an ordinance approving a Conditional Use Permit for Shorty's Casual

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Cuisine to construct a temporary outdoor patio at 554 West Central Avenue on approximately 1.1 acres on property zoned B-3 (Community Business District).

- D. Acceptance of the Motion Summary for the Planning Commission meeting held March 2, 2016.

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

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

### **PUBLIC PARTICIPATION:**

Alexander Ilic  
182 N. Liberty St.  
Delaware, Ohio

Mr. Ilic provided information on the use of food waste and manure for compost and organic gardening.

## **ITEM 7: COMMITTEE REPORTS**

Mr. Jones indicated that there is a Sister City Advisory Board meeting to be held Tuesday, April 12, 2016.

Mr. Jones provided information regarding a meeting with Main Street Delaware and the need to increase member participation.

Mr. DiGenova indicated that there is an upcoming Civil Service Commission.

Mr. DiGenova provided an update on the Hayes Memorial, the upcoming Veteran's Breakfast, and the dedication of Veteran's Memorial.

## **ITEM 8: PRESENTATION**

- A. 2015 Recipient of the Storm Water Pollution Prevention Award – Public Utilities Director Brad Stanton and Watershed Coordinator Kristin Piper
- B. Presentation of Earth Week Proclamation - Watershed Coordinator Kristin Piper

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

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH MIDWEST ACOUST-A-FIBER AND METAL STARS II, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 759 PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time.

### **APPLICANT:**

Patrick Bye  
5161 York County Rd.  
Columbus, Ohio

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-16, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

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**Motion:** Vice-Mayor Shafer moved to approve Ordinance No. 16-16, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**ITEM 10: ORDINANCE NO. 16-26** [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR MIDWEST ACOUST-A-FIBER FOR AN APPROXIMATE 40,000 SQUARE FOOT BUILDING ADDITION ON APPROXIMATELY 14.70 ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) LOCATED AT 759 PITTSBURGH DRIVE.

The Clerk read the resolution for the first time.

Mr. Efland reviewed the proposed site plan.

APPLICANT:

Amy Biondi Huffman  
8400 Industrial Parkway Place  
Plain City, Ohio

Patrick Bye  
5161 York County Road  
Columbus, Ohio

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 16-26, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mr. DiGenova moved to approve Ordinance No. 16-26, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 11: ORDINANCE NO. 16-25** [Second 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 second time.

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-25, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to adopt the emergency clause for Ordinance No. 16-25, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to approve Ordinance No. 16-25, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 12: ORDINANCE NO. 16-27** [First Reading]

AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 1151.02 (NONCONFORMING BUILDINGS OR STRUCTURES) AND 1151.03 (NONCONFORMING USE OF BUILDINGS AND LAND) OF THE PLANNING AND ZONING CODE TO REVISE REGULATIONS RELATED TO NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND.

The Clerk read the ordinance for the first time.

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A public hearing is scheduled for April 25, 2016 at 7:30 p.m.

**ITEM 13: ORDINANCE NO. 16-28** [First Reading]  
AN ORDINANCE APPROVING A REZONING FOR SAWMILL DELAWARE INVESTMENTS, LLC TO THE EXISTING M-1 PMU (LIGHT MANUFACTURING PLANNED MIXED USE OVERLAY DISTRICT) AT 2663 AIRPORT ROAD (PARCEL #419-220-02-003-00) ON APPROXIMATELY 47.558 ACRES.

The Clerk read the ordinance for the first time.

A public hearing is scheduled for April 25, 2016 at 7:40 p.m.

**ITEM 14: ORDINANCE NO. 16-29** [First Reading]  
AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR SHORTY'S CASUAL CUISINE TO CONSTRUCT A TEMPORARY OUTDOOR PATIO AT 554 WEST CENTRAL AVENUE ON APPROXIMATELY 1.1 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the first time.

A public hearing is scheduled for April 25, 2016 at 7:50 p.m.

**ITEM 15: ORDINANCE NO. 16-30** [First Reading]  
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BELMONT PLACE SECTION 2 CONSISTING OF 25 SINGLE FAMILY LOTS ON 6 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON BRETS LANE, ENSIGNS LANE AND MCNAMARA LOOP.

The Clerk read the ordinance for the first time.

APPLICANT:  
Kevin McColley  
6689 Dublin Center Drive  
Dublin Ohio

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-30, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to approve Ordinance No. 16-30, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**ITEM 16: ORDINANCE NO. 16-31** [First Reading]  
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BELMONT PLACE SECTION 3 CONSISTING OF 24 SINGLE FAMILY LOTS 20 7.271 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON BRETS LANE, ENSIGNS LANE AND MCNAMARA LOOP.

The Clerk read the ordinance for the first time.

APPLICANT:  
Kevin McColley

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6689 Dublin Center Drive  
Dublin Ohio

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-31, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to approve Ordinance No. 16-31, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**ITEM 17: ORDINANCE NO. 16-32** [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SPEEDWAY, LLC FOR AN APPROXIMATE 4,608 SQUARE FOOT GAS STATION AND CONVENIENCE STORE ON APPROXIMATELY 12.912 ACRES LOCATED ON THE NORTHWEST CORNER OF US23 NORTH AND HILLS MILLER ROAD ON PROPERTY ZONED B-4 (GENERAL BUSINESS DISTRICT).

The Clerk read the ordinance for the first time.

Mr. Efland provided a presentation that included the location and zoning map. Mr. Efland reviewed the proposed site plan, proposed building elevations, proposed tree removal and replacement plan. Mr. Efland reviewed staff conditions and recommendations.

**APPLICANT:**

Bryan Witt  
5500 Speedway Dr.  
Enon, Ohio

Christopher Warshaw  
395 Springside Dr  
Akron, Ohio

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-32, seconded by Mrs. Keller. Motion approved by a 6-0-1 (Jones) vote.

**Motion:** Vice-Mayor Shafer moved to approve Ordinance No. 16-32, seconded by Mrs. Keller. Motion approved by a 6-0-1 (Jones) vote.

**ITEM 18: CITY MANAGER'S REPORT**

Mr. Homan discussed the celebration for The Strand Theatre operating for 100 years.

Mr. Homan recommended a future discussion on multi-waste pick up services.

Mr. Homan discussed materials for the transportation levy that are available to Council if needed for Homeowner Association meetings and to hand out for public questions.

Mr. Homan provided information on the groundbreaking event for OhioHealth Oncology expansion project.

**ITEM 19: COUNCIL COMMENTS**

Mr. Jones requested updated information for the transportation levy.

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Mr. Jones voiced his concern on the distance between recycling cans and waste cans in the downtown area.

Mrs. Keller discussed an email that was sent by Mr. Hellinger regarding the mess from the delivery of The Bag. Mrs. Keller voiced her concern that throwing the bag on the ground is littering. Mr. Homan stated that he will contact the company.

Mr. DiGenova indicated that the official start for yard waste pick up was today. Mr. Ferrigno stated that limited pick up had been completed prior to the official start date.

Vice-Mayor Shafer stated that there is a MORPC meeting, Thursday, April 14, 2016.

Mayor Riggle voiced her concern over Zeus Tire Company possibly completing work outside in the parking lot.

## **ITEM 20: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer moved to adjourn the meeting. The meeting adjourned at 8:16 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk