

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held January 9 20 17

**6:30 EXECUTIVE SESSION:** Mr. Rohrer motioned to enter into executive session at 6:30 p.m. This motion was seconded by Vice-Mayor 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 Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Following the discussion at 6:59 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Rohrer and approved by a 7-0 vote.

The regular meeting of Council held January 9, 2017 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 Mr. DiGenova, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Brad Stanton, Director of Public Utilities, Bruce Pijanowski, Police Chief, 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 Budget Work Session meeting of Council held December 12, 2016, as recorded and transcribed.

APPROVAL of the Motion Summary of the regular meeting of Council held December 12, 2016, as recorded and transcribed.

APPROVAL of the Motion Summary of the Year-End Meeting of Council held December 22, 2016, as recorded and transcribed.

**Motion:** Mr. DiGenova moved to approve the Motion Summary for the Budget Work Session Meeting of Council held December 12, 2016, as recorded and transcribed, seconded by Mr. Rohrer. Motion approved by a 7-0 vote.

**Motion:** Mr. Rohrer moved to approve the Motion Summary for the regular meeting of Council held December 12, 2016, as recorded and transcribed, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to approve the Motion Summary for the Year-End Meeting of Council held December 22, 2016, as recorded and transcribed, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

## **ITEM 5: CONSENT AGENDA**

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

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**PUBLIC COMMENT:**

Corie Thompson  
25 Mason Avenue  
Delaware, Ohio 43015

Ms. Thompson voiced a concern on the safety of students throughout the city walking to the various schools. Ms. Thompson voiced a concern over the lack of sidewalks on Forest Avenue and Mason Avenue.

**ITEM 7: COMMITTEE REPORTS**

Mr. Jones informed Council that there will be a Sister City Advisory Board meeting on January 10, 2017.

Mrs. Keller informed Council that the Planning Commission meeting will be held on January 18, 2017.

Mr. DiGenova provided an update on the Civil Service Commission meeting.

Mr. DiGenova provided an update on the Hayes Memorial Committee and possible alternate locations.

Mr. Hellinger informed Council of the upcoming Delaware Community Coalition meeting.

**ITEM 8: RESOLUTION NO. 17-01** [First Reading]

A RESOLUTION HONORING THE LIFE OF DR. MARTIN LUTHER KING, JR.

The Clerk read the resolution for the first time.

**Motion:** Mr. DiGenova moved to approve Resolution No. 17-01, seconded by Mr. Rohrer. Motion approved by a 7-0 vote.

**ITEM 9: ORDINANCE NO. 16-110** [Public Hearing and Second Reading]

AN ORDINANCE AMENDING SECTION 737.01 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO CIRCUSES (COUNCIL PERMISSION, LICENSE, BOND AND INSURANCE REQUIRED).

The Clerk read the ordinance for the second time.

**PUBLIC COMMENT:**

Adam Howard  
Delaware General Health District  
1 W. Winter St.  
Delaware, Ohio 43015

Mr. Howard discussed the prohibition of exotic and wild animals to the general public. Mr. Howard provided information on the exemption to circuses to exhibit wild and exotic animals.

Tim Harrison  
Director of Outreach of Animals  
240 Teakwood Lane  
Dayton, Ohio

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Mr. Harrison discussed concerns relating to zoonotic diseases and public safety. Mr. Harrison provided details on past incidents relating to wild and exotic animals. Mr. Harrison discussed his experiences working with inspectors at circuses.

Sherry Drescher  
5018 Colerain Avenue  
Cincinnati, Ohio

Ms. Drescher discussed animal rescue and tracking of smaller circuses.

Sandra Kuhn  
239 Stonhope Dr.  
Delaware, Ohio 43015

Ms. Kuhn informed Council of no violations in past three years for Circus Pages. Ms. Kuhn expressed the desire to allow Circus Pages the opportunity to share with the public their entertainment.

Shelly Emans  
277 Pinecrest Dr.  
Delaware, Ohio 43015

Ms. Emans provided information provided by Animal Defenders International. Ms. Emans discussed difficulty getting inspectors at circuses for investigations. Ms. Emans recommended increase in public liability insurance. Ms. Emans requested that Council consider a partial or full ban of circuses with performing exotic animals.

Julie McDonough  
614 Boulder Dr.  
Delaware, Ohio 43015

Ms. McDonough voiced concern over the stress on the animals and harm that could occur related to that stress. Ms. McDonough requested Council consider a full ban in the City of Delaware for circuses.

Fr. Terry Highland  
779 Barberry Spur Avenue  
Delaware, Ohio 43015

Fr. Highland discussed past personal experiences at circuses and voiced concerns over the treatment of the animals. Fr. Highland requested Council reject circuses in the City of Delaware.

Matt Rossell  
Animal Defenders International  
Campaign Director  
6100 Wilshire Blvd., #1150  
Los Angeles, CA 90048

Mr. Shulman presented to the record an email that was submitted by Mr. Rossell.

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Discussion was held on the liability to the City of Delaware in the event of an accident. Discussion was held with Council on the training of the police department in the event of an incident. Chief Pijanowski discussed training with staff for companion animals only.

Mrs. Keller voiced concern over the safety of residents of Delaware and voiced support for a ban.

Mr. Hellinger voiced concern over public safety, animal safety, and animal rights.

Mr. DiGenova voiced support over ban of circuses.

Mr. Shulman reviewed the draft changes to Ordinance No. 16-110.

**Motion:** Mr. Hellinger moved to incorporate draft Item A into the Ordinance No. 16-110, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to incorporate draft Item B, including the addition of animal control in the text, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

**ITEM 10: ORDINANCE NO. 16-111** [Second Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR BOWTOWN DELAWARE, LTD., OLD COLONY ESTATES PHASE 2 CONSISTING OF 55 SINGLE-FAMILY LOTS ON APPROXIMATELY 14.92 ACRES ZONED R-4 WITH TEXT LIMITATIONS (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND LOCATED ON WALLACE DRIVE, VERNON AVENUE AND PILGRIM CIRCLE.

The Clerk read the ordinance for the second time.

**Motion:** Mrs. Keller moved to suspend the rules for Ordinance No. 16-111, seconded by Vice-Mayor Shafer. Motion approved by 7-0 vote.

**Motion:** Mrs. Keller moved to approve Ordinance No. 16-111, seconded by Vice-Mayor Shafer. Motion approved by 7-0 vote.

**ITEM 11: ORDINANCE NO. 16-112** [Second Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR T&R PROPERTIES FOR WILLOWBROOK WEST CONSISTING OF 96 SINGLE-FAMILY ATTACHED UNITS ON APPROXIMATELY 15.18 ACRES ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

The Clerk read the ordinance for the second time.

**APPLICANT:**

R.J. Sabatino  
2705 Donna Drive  
Columbus, Ohio

Jim Olen  
Ryan Homes

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7077 Sandimark Place  
Westerville, Ohio

Mr. Sabatino discussed the plan for fee simple lots. Discussion held regarding the landscape mound requirements with Mr. Efland. Mr. Olen discussed the projected price range.

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 16-112, seconded by Vice-Mayor Shafer. Motion approved by 7-0 vote.

**Motion:** Mr. DiGenova moved to approve Ordinance No. 16-112, seconded by Vice-Mayor Shafer. Motion approved by 7-0 vote.

**ITEM 12: ORDINANCE NO. 16-113** [Second Reading]

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT FOR T&R PROPERTIES FOR WILLOWBROOK WEST CONSISTING OF 96 SINGLE-FAMILY ATTACHED UNITS ON APPROXIMATELY 15.18 ACRES ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT OVERLAY DISTRICT) LOCATED ON THE WEST SIDE OF SOUTH HOUK ROAD JUST NORTH OF ARTHUR PLACE.

The Clerk read the ordinance for the second time.

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 16-113, seconded by Vice-Mayor Shafer. Motion approved by 7-0 vote.

**Motion:** Mr. DiGenova moved to approve Ordinance No. 16-113, seconded by Vice-Mayor Shafer. Motion approved by 7-0 vote.

**ITEM 13: ORDINANCE NO. 17-01** [First Reading]

AN ORDINANCE MOVING THE CITY CLERK FROM PART-TIME TO FULL-TIME STATUS, AND DECLARING AN EMERGENCY.

Mr. Shulman read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-01, seconded by Mr. Jones. Motion approved by 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to enact the emergency clause for Ordinance No. 17-01, seconded by Mr. Jones. Motion approved by 7-0 vote.

**Motion:** Vice-Mayor Shafer moved to approve Ordinance No. 17-01, seconded by Mr. Jones. Motion approved by 7-0 vote.

**ITEM 14: RESOLUTION NO. 17-02** [First Reading]

A RESOLUTION VACATING THE APPOINTMENT OF A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD.

The Clerk read the resolution for the first time.

PUBLIC COMMENT:

Cory Ratliff  
149 Bridgeport Way  
Delaware, Ohio 43015

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Mr. Ratliff read into the record a statement in regards to Resolution 17-02.

Lucas Ratliff  
149 Bridgeport Way  
149 Bridgeport Way  
Delaware, Ohio 43015

Mr. Ratliff addressed Council regarding Resolution 17-02.

Jim Browning  
189 Hawthorn Blvd.  
Delaware, Ohio 43015

Mr. Browning read into the record a statement regarding Resolution 17-02.

**Motion:** Mrs. Keller moved to approve Resolution No. 17-02, seconded by Mr. Jones. Motion approved by a 5-0-2 (Rohrer and Shafer).

## **ITEM 15: CITY MANAGER'S REPORT**

Mr. Homan discussed the upcoming meeting to discuss the EMS proposal.

Mr. Homan discussed plans to meet with Delaware City School Superintendent regarding scheduling an upcoming joint meeting in February.

Mr. Homan reminded Council of the upcoming Parking Work Session on February 6, 2017.

## **ITEM 16: COUNCIL COMMENTS**

Mr. DiGenova provided information on WOW Cable.

Mr. DiGenova discussed a need to have a meeting with citizens to receive input on the failed road levy.

Vice-Mayor Shafer discussed staff meeting to prepare for upcoming work session.

Mayor Riggle informed Mr. Ferrigno of concerns regarding cars parks on the intersection of N. Sandusky Street and Lincoln Avenue.

Mayor Riggle discussed recent concerns regarding installation by WOW. Mrs. Walker informed Council that she has had no new complaints in past couple of weeks.

Mayor Riggle requested an update on the student recently injured in a crosswalk. Mr. Ferrigno discussed current evaluation on potential improvements.

## **ITEM 17: ADJOURNMENT**

**Motion:** Mrs. Keller moved to adjourn the meeting. The meeting adjourned at 9:33 p.m.

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

  
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Elaine McCloskey, Council Clerk