

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 27 20 17

The regular meeting of Council held February 27, 2017 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, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Third Ward Joe DiGenova. The invocation was given by Pastor Michael Curtis, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Lance Schultz, Zoning Administrator, Brad Stanton, Director of Public Utilities, Bruce Pijanowski, Police Chief, Bill Ferrigno, Public Works Director/City Engineer, and Tom Homan, City Manager

Motion to Excuse: Mr. Jones moved to excuse Mr. DiGenova, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the Council Work Session held February 6, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary of the regular meeting of Council held February 13, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary of the joint meeting between City Council and the Delaware City School Board held February 13, 2017, as recorded and transcribed.

Motion: Mr. Jones moved to approve the Motion Summary of the Council Work Session held February 6, 2017, as recorded and transcribed, the Motion Summary of the regular meeting of Council held February 13, 2017, as recorded and transcribed, and the Motion Summary of the joint meeting between City Council and the Delaware City School Board held February 13, 2017, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the motion summaries for the Finance Committee meetings held on August 29, 2016 and September 19, 2016.
- B. Acceptance of the Motion Summary of the Airport Commission Meeting held on August 25, 2016.
- C. Acceptance of the Motion Summary for the Parking and Safety Meeting held on November 21, 2016.
- D. Acceptance of the Parks and Recreation Advisory Board Meeting held on January 17, 2017.
- E. Resolution No. 17-07, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
- F. Resolution No. 17-08, a resolution appointing a member to the Main Street Delaware Board, and specifying the term of the appointment.
- G. Resolution No. 17-09, a resolution amending Resolution No. 15-57, appointing Council Members to various Committees, Commissions, and/or Boards.
- H. Resolution No. 17-10, a resolution determining the video service provider fee to be paid by a video service provider offering video service in the City pursuant to a state authorization, and giving notice to the provider (Frontier Communications) of the provider fee.
- I. Resolution No. 17-11, a resolution authorizing the City Manager to sign an agreement regarding the Police Department to use County

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- vehicles for purposes of conducting drug investigations.
- J. Resolution No. 17-12, a resolution authorizing the City Manager to sign an agreement regarding transfer of ownership of early warning system controller, base radio, and radio frequency.
 - K. Resolution No. 17-13, a resolution repealing Resolution No. 12-42 authorizing the establishment of a handicapped parking space located in front of 216 North Union Street.
 - L. Establish March 13, 2017 at 7:15 p.m. as a date and time for public comment and second reading of Resolution No. 17-14, a resolution authorizing the installation of certain traffic control signage to establish a No Parking Anytime Zone on the south side of Lexington Boulevard and Buehler Drive from 105 feet west of Thistle Drive to 95 feet southeast of the Lexington Boulevard and Buehler Drive intersection and the extension of the No Parking Here to Corner Zone on the north side of Lexington Boulevard and Buehler Drive to 40 feet west of Thistle Drive and 25 feet southeast of the Lexington Boulevard and Buehler Drive intersection.
 - M. Establish March 13, 2017 at 7:30 p.m. as a date and time for a public hearing and second reading of Ordinance No. 17-11, an ordinance amending sections 913.03(a) and 913.14 of Chapter 913 of the Codified Ordinances of the City of Delaware, Ohio establishing Tap Fees and Water Rates and Repealing existing Sections 913(a) and 913.14 and Ordinance No. 17-12, an ordinance amending the Refuse Collection and Utility Services portions of the Schedule of Fees and Services Charges.

Motion: Vice-Mayor Shafer 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 Butler
407 Western Dreamer Drive
Delaware, Ohio 43015

Mr. Butler discussed concerns regarding racial profiling and training needs for the police department.

Michael Curtis
55 Ross Street
Delaware, Ohio 43015

Mr. Curtis discussed the efforts of his church and other churches in the community to work with the police department and city staff to create the Delaware Community Coalition and build better relationships between the community and police department.

Tim Harrison
240 Teakwood Lane
Dayton, Ohio

Mr. Harrison discussed efforts by the City of Dayton, Ohio to have police ride along for individuals who felt they were profiled as an educational tool.

ITEM 7: COMMITTEE REPORTS

Mr. Shafer provided information on the Parking and Safety Meeting.

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ITEM 8: CONSIDERATION OF NEW LIQUOR PERMITS

- A. ISSA Full Up LLC, DBA Clark Station, 612 Sandusky Street, Delaware, OH 43015. Permit Class: C1 and C2

Chief Pijanowski discussed recommendations to request a hearing due to past violations at the locations and to have the hearing in Delaware County.

Motion: Vice-Mayor Shafer moved to request a hearing for the liquor permit request by ISSA Full up LLC, DBA Clark Station, and for the hearing to be requested in Delaware County, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 9: PRESENTATIONS

- A. Proclamation presentation to The Conference Champion Dempsey Middle School Girls Basketball Team
- B. 2017 Solid Waste Management Program Update – Bill Ferrigno, Public Works Director/City Engineer

PUBLIC COMMENT:

Lincoln Schneider
Hayes Colony Representative
5023 Red Bank Road
Galena, Ohio 43021

Mr. Schneider requested the privatization of commercial refuse and the cost of commercial refuse in the City of Delaware compared to properties in Gahanna.

Doug Price
Olentangy View Condominiums Representative
68 North Sandusky Street
Delaware, Ohio 43015

Mr. Price requested rate decrease to be more competitive with private commercial refuse companies.

ITEM 10: ORDINANCE NO. 16-110 [Fifth 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 fifth time.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 16-110, seconded by Mr. Hellinger. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 11: ORDINANCE NO. 17-02 [Public Hearing and Third Reading]

AN ORDINANCE AMENDING SECTION 505.23 OF THE CITY OF DELAWARE’S CODIFIED ORDINANCES, RELATING TO WILD AND EXOTIC ANIMALS.

The Clerk read the ordinance for the third time.

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There was no public comment.

A discussion was held regarding the language to the exceptions under 505.23 to include the word race horses.

Motion: Mrs. Keller moved to amend Ordinance No. 17-02 to include the additional wording of farm animals such as horses (including race horses), seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-02 as amended, seconded by Mr. Hellinger. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 12: ORDINANCE NO. 17-04 [Third Reading] AN ORDINANCE APPROVING THE NAMING OF THE ACCESS ROAD EXTENDING FROM CRYSTAL PETAL DRIVE TO CHESHIRE ROAD AND ALIGNED PARALLEL TO COLUMBUS PIKE TO KINGMAN HILL DRIVE.

The Clerk read the ordinance for the third time.

Motion: Mr. Jones moved to adopt Ordinance No. 17-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 13: RESOLUTION NO. 17-06 [Public Comment and Second Reading] A RESOLUTION ACCEPTING THE DOWNTOWN PARKING STUDY, DATED FEBRUARY 6, 2017, SUBMITTED BY MKSK CONSULTANTS.

The Clerk read the resolution for the second time.

PUBLIC COMMENT: Jane Moore 284 Kensington Drive Delaware, Ohio 43015

Ms. Moore voiced concern over her experiences with kiosks in Morgantown West Virginia.

Patrick Bailey 11 W. Winter Street Delaware, Ohio 43015

Mr. Bailey voiced his support for the parking study and discussed the need to educate business owners.

A discussion was held with Council regarding electric car charging stations and motorcycle parking.

Motion: Vice-Mayor Shafer moved to adopt Resolution No. 17-06, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 17-05 [Second Reading] AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR AN HONORS HOUSE ON APPROXIMATELY 0.78 ACRES LOCATED AT 81 OAK HILL AVENUE ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL

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DISTRICT) AND R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT).

The Clerk read the ordinance for the second time.

APPLICANT:

Randy Reger
1020 Goodale Blvd.
Columbus, Ohio 43212

Peter Schantz
61 S. Sandusky St.
Delaware, Ohio 43015

Mr. Schantz provided information regarding the parking study that was completed by Ohio Wesleyan University which determined that there was more parking spaces available then applications for parking permits.

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-05, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-05, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 15: ORDINANCE NO. 17-06 [Second Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR A PHASE 3 SMALL LIVING UNIT (SLU) 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.

APPLICANT:

Randy Reger
1020 Goodale Blvd.
Columbus, Ohio 43212

Peter Schantz
61 S. Sandusky St.
Delaware, Ohio 43015

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-06, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-06, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 16: ORDINANCE NO. 17-07 [Second Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR HOMEROCK, LLC FOR BRAUMILLER WOODS SECTION 3 CONSISTING OF 38 SINGLE FAMILY LOTS ON APPROXIMATELY 13.408 ACRES ZONED R-2 (ONE FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON COLONY RIDGE DRIVE AND BUENA PARK DRIVE.

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The Clerk read the ordinance for the second time.

Mrs. Keller informed Council of a concern voiced at the Planning Commission meeting regarding the retention pond location.

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-07, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-07, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

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

A RESOLUTION AUTHORIZING THE INSTALLATION OF CERTAIN TRAFFIC CONTROL SIGNAGE TO ESTABLISH A NO PARKING ANYTIME ZONE ON THE SOUTH SIDE OF LEXINGTON BOULEVARD AND BUEHLER DRIVE FROM 105 FEET WEST OF THISTLE DRIVE TO 95 FEET SOUTHEAST OF THE LEXINGTON BOULEVARD AND BUEHLER DRIVE INTERSECTION AND THE EXTENSION OF THE NO PARKING HERE TO CORNER ZONE ON THE NORTH SIDE OF LEXINGTON BOULEVARD AND BUEHLER DRIVE TO 40 FEET WEST OF THISTLE DRIVE AND 25 FEET SOUTHEAST OF THE LEXINGTON BOULEVARD AND BUEHLER DRIVE INTERSECTION.

The Clerk read the resolution for the first time.

A time for public comment has been scheduled for March 13, 2017 at 7:15 p.m.

ITEM 18: RESOLUTION NO. 17-15 [First Reading]

A RESOLUTION ADOPTING THE PROPOSED CHANGES TO THE USER FEES FOR HIDDEN VALLEY GOLF COURSE.

The Clerk read the resolution for the first time.

ITEM 19: ORDINANCE NO. 17-08 [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 20.445 ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE DELAWARE DEVELOPMENT PLAN (COUGHLIN'S CROSSING) ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time.

APPLICANT:

Michael R. Shade
P.O. Box 438
Delaware, Ohio 43015

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-08, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-08, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 20: ORDINANCE NO. 17-09 [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.7023 ACRES OF

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LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE DELAWARE DEVELOPMENT PLAN (COUGHLIN'S CROSSING RIGHT-OF-WAY) ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time.

APPLICANT:

Michael R. Shade
P.O. Box 438
Delaware, Ohio 43015

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 17-09, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 17-09, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 21: ORDINANCE NO. 17-10 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,015,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 22: ORDINANCE NO. 17-11 [First Reading]

AN ORDINANCE AMENDING SECTIONS 913.03(A) AND 913.14 OF CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO ESTABLISHING TAP FEES AND WATER RATES AND REPEALING EXISTING SECTIONS 913(A) AND 913.14.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for March 13, 2017 at 7:30 p.m.

ITEM 23: ORDINANCE NO. 17-12 [First Reading]

AN ORDINANCE AMENDING THE REFUSE COLLECTION AND UTILITY SERVICES PORTIONS OF THE SCHEDULE OF FEES AND SERVICES CHARGES.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for March 13, 2017 at 7:30 p.m.

ITEM 24: 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.

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Vice-Mayor Shafer moved to enter into Executive Session at 9:16 p.m. 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, seconded by Mr. Rohrer. This motion was approved by a 6-0 vote. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Following the discussion at 9:36 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Jones and approved by a 6-0 vote.

ITEM 25: CITY MANAGER'S REPORT

Mr. Homan provided information regarding the upcoming meeting with Heritage Ohio.

ITEM 26: COUNCIL COMMENTS

Mrs. Keller discussed the concerns by Olivina regarding graffiti and trash being left in alcove of business. Mrs. Keller discussed the need to work with business owners to help solve the problem.

Mr. Rohrer discussed the efforts by Olivina to increase security at the location and alternative suggestions made at the Historic Preservation Commission meeting.

Mayor Riggle requested information regarding the new bike signage on Sandusky Street.

ITEM 27: ADJOURNMENT

Motion: Vice-Mayor Shafer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 9:37 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk