

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 8 20 17

The regular meeting of Council held May 8, 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 (arrived at 7:01 p.m.) who presided. The invocation was given by Nicol Gazi, with the Islamic Center of Delaware County, 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, Joe Bullis, Public Works Superintendent, Terry Davenport, Public Works Division Supervisor, Ted Miller, Parks and Natural Resource 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 April 24, 2017, as recorded and transcribed.

Motion: Mr. Hellinger motioned to approve the Motion Summary of the regular meeting of Council held April 24, 2017, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission Meeting held on March 28, 2017.
- B. Acceptance of the Motion Summary for the Planning Commission Meeting held on April 5, 2017.
- C. Acceptance of the Motion Summary for the Civil Service Commission Meeting held on January 4, 2017.
- D. Establish May 22, 2017 at 7:20 p.m. as the date and time for a public hearing and second reading of Ordinance No. 17-32, an ordinance approving an amendment to Chapter 1111 Subdivision Regulations of the Planning and Zoning Code pertaining to acceptance of public improvements and bonding.
- E. Establish May 22, 2017 at 7:25 p.m. as the date and time for a public hearing and second reading of Ordinance No. 17-33, an ordinance approving a Street Vacation of Stratford Drive for Coughlin's Crossing encompassing approximately 77.102 acres zoned A-1 PMU (Agricultural District with a Planned Mixed Use Overlay District) and located east of US 23, west of Stratford Road and north of Meeker Way.

Motion: Mrs. Keller motioned to approve the Consent Agenda, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

ITEM 8: ORDINANCE NO. 17-16

[Fifth Reading]

AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 1168.07 REPLACEMENT OF REMOVED TREES OF CHAPTER 1168 TREE PRESERVATION REGULATIONS OF THE PLANNING AND ZONING CODE.

The Clerk read the ordinance for the fifth time.

RECORD OF PROCEEDINGS

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Vice-Mayor Shafer recommended removing the sentence that reads as "at no time shall the fee be less than \$100 caliper inch of required replacement". Mr. Efland discussed the recommendation to put the changes into the Fee Schedule.

PUBLIC COMMENT:

Paul Olen
Shade Tree Commission, Chairperson
358 1/2 N. Sandusky Street
Delaware, Ohio 43015

Mr. Olen informed Council that he had received clarification from staff regarding the changes and his plan to discuss at the upcoming Shade Tree Commission meeting policy and fees. Mr. Olen voiced no opposition to the recommendation by Vice-Mayor Shafer.

Motion: Vice-Mayor Shafer moved to amend 1168.07 to strike the sentence that reads as "at no time shall the fee be less than \$100 caliper inch of required replacement", seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance 17-16, as amended, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 9: RESOLUTION NO. 17-29 [Second Reading]
A RESOLUTION ACCEPTING THE PARK AND FACILITIES NAMING AND DEDICATION POLICY.

The Clerk read the resolution for the second time.

A discussion was held with Council regarding the requirements in the policy. Mr. Hellinger recommended that the policy include city-wide assets. Mr. Shulman informed Council that Mr. Miller is currently working on a sponsorship policy.

Motion: Vice-Mayor Shafer moved to adopt Resolution No. 17-29, seconded by Mr. Rohrer. Motion approved by a 5-1 (Hellinger) vote.

ITEM 10: ORDINANCE NO. 17-29 [Public Hearing and Second Reading]
AN ORDINANCE REPEALING AND REPLACING SECTION 929 OF THE CITY OF DELAWARE STREETS, UTILITIES, AND PUBLIC SERVICES CODE ESTABLISHING GENERAL RULES AND REGULATIONS FOR THE COLLECTION OF REFUSE.

The Clerk read the ordinance for the second time.

Mr. Ferrigno presented to Council a letter received from Mr. Lincoln Schneider, President of Provident United.

Public Comment:
Brian Lyle
131 Rock Creek Drive
Delaware, Ohio 43015

Mr. Lyle informed Council that he represented Hayes Colony and

RECORD OF PROCEEDINGS

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supported the changes establishing regulation for the collection of refuse.

Council was in agreement to take Ordinance No 17-29 to a third reading.

ITEM 11: ORDINANCE NO. 17-30 [Public Hearing and Second Reading]

AN ORDINANCE AMENDING SECTION 521.08 OF CHAPTER 521 OF THE CODIFIED ORDINANCE OF THE CITY OF DELAWARE, OHIO ESTABLISHING AUTHORITY TO REMOVE LITTER, AND THE RIGHT TO APPEAL OF A NOTICE OF VIOLATION.

The Clerk read the ordinance for the second time.

There was no public comment.

Motion: Mrs. Keller moved to suspend the rules for Ordinance No. 17-30, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mrs. Keller moved to adopt Ordinance No. 17-30, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 12: RESOLUTION NO. 17-30 [First Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT WITH DELAWARE COUNTY OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DCOHSEM) TO COORDINATE EMERGENCY MANAGEMENT ACTIVITIES WITHIN DELAWARE COUNTY.

The Clerk read the resolution for the first time.

Motion: Mr. Jones moved to adopt Resolution No. 17-30, seconded by Mr. Hellinger. Motion approved by a 5-0-1 (Rohrer) vote.

ITEM 13: ORDINANCE NO. 17-31 [First Reading]

AN ORDINANCE AMENDING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR COMPLETING A MULTI-USE TRAIL EXTENSION ON THE SPRINGFIELD BRANCH TRAIL, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Miller provided information regarding the extension of the Springfield Branch Trail.

Council was in agreement to take Ordinance No. 17-31 to a second reading.

ITEM 14: ORDINANCE NO. 17-32 [First Reading]

AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 1111 SUBDIVISION REGULATIONS OF THE PLANNING AND ZONING CODE PERTAINING TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND BONDING.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for May 22, 2017 at 7:20 p.m.

RECORD OF PROCEEDINGS

Minutes of

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 8 2017

ITEM 15: ORDINANCE NO. 17-33 [First Reading]

AN ORDINANCE APPROVING A STREET VACATION OF STRATFORD DRIVE FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 77.102 ACRES ZONED A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the first time.

A public hearing has been set for May 22, 2017 at 7:25 p.m.

ITEM 16: ORDINANCE NO. 17-34 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR COUGHLIN'S CROSSING ENCOMPASSING APPROXIMATELY 77.102 ACRES ZONED A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the first time.

ITEM 17: ORDINANCE NO. 17-35 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR COUGHLIN'S CROSSING PHASE 1 (INFRASTRUCTURE) ENCOMPASSING APPROXIMATELY 77.102 ACRES ZONED A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED EAST OF US 23, WEST OF STRATFORD ROAD AND NORTH OF MEEKER WAY.

The Clerk read the ordinance for the first time.

ITEM 18: ORDINANCE NO. 17-36 [First Reading]

AN ORDINANCE AMENDING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR DEBT ISSUANCE COSTS ASSOCIATED WITH THE VARIOUS PURPOSE IMPROVEMENT AND REFUNDING BONDS, SERIES 2017 ISSUED BY THE CITY, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. Jones moved to suspend the rules for Ordinance 17-36, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Jones moved to enact the emergency clause for Ordinance 17-36, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Jones moved to adopt Ordinance 17-36, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 19: 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.

RECORD OF PROCEEDINGS

Minutes of

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Mrs. Keller moved to enter into Executive Session at 8:23 p.m. This motion was seconded by Mr. Jones 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, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 9:11 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Jones and approved by 6-0 vote.

ITEM 20: CITY MANAGER'S REPORT

Mr. Homan provided an update to Council regarding the recent notification from the Division of Liquor Control regarding the TREX for the Flying Pig Ale House, LLC and Issa Full Up, LLC. Mr. Homan requested consent from Council to appeal the findings for Issa Full Up.

Motion: Mr. Rohrer moved to appeal the Issa Full Up, LLC findings, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Mr. Homan provided an update regarding the JEDD discussions with Berkshire Township.

A discussion was held regarding medical marijuana and regulations issues by cultivators and dispensaries.

Mr. Homan invited Council to the June 24, 2017 dedication of the Water Plant Education Center.

ITEM 21: COUNCIL COMMENTS

Mr. Hellinger reminded Council that Financial Disclosures are due in the coming week.

Mrs. Keller requested a review of the application by Columbia Gas regarding the cleaning of the gas pipe which resulted in a large flame. Mrs. Keller voiced a concern regarding the flame being close to residential areas and the sounds that it produced.

Mayor Riggle provided an update on her recent attendance at the Eagles' "God, Flag, and Country" competition, and the 200 year anniversary celebration by St. Peter's Episcopal Church.

Mayor Riggle provided an update regarding the recent meeting held with Mayor Ginther at City Hall.

ITEM 22: ADJOURNMENT

Motion: Mayor Riggle moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 9:12 p.m.

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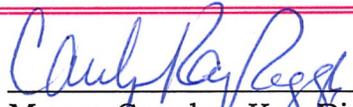
Minutes of

Delaware City Council

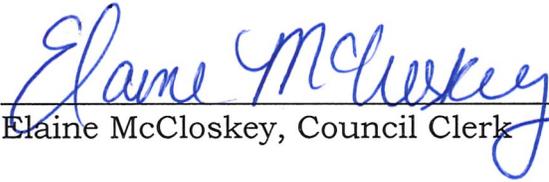
Meeting

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Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk