

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held August 14 20 17

The regular meeting of Council held August 14, 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, Third Ward Jim Browning, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Fourth Ward Kyle Rohrer. The invocation was given by Chaplain Jon Powers, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Brad Stanton, Public Utilities Director, Dave Efland, Planning and Community Development Director, Sean Hughes, Economic Development Director, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Carrie Fortman, Project Engineer, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

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

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held July 24, 2017, as recorded and transcribed.

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

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held June 27, 2017.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held June 28, 2017.
- C. Acceptance of the Motion Summary for the Airport Commission meeting held January 19, 2017.
- D. Acceptance of the Motion Summary for the Planning Commission meeting held July 19, 2017.
- E. Resolution No. 17-50, a resolution authorizing the City Manager to enter into an agreement for the Comprehensive, Continuing and Cooperative (3-C) Transportation Planning Process with the Mid-Ohio Regional Planning Commission ("MORPC") acting as the Metropolitan Planning Organization (MPO) for Central Ohio and the City of Delaware ("City").

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

Mr. Jones informed Council that the Finance Committee will meet on August 16, 2017.

Mr. Browning informed Council that the Parks and Recreation Advisory Board will meet on August 15, 2017.

Vice-Mayor Shafer informed Council that the Parking and Safety Committee will meet August 21, 2017.

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ITEM 8: PRESENTATION

- A. Proclamation to recognize The Foot and Ankle Wellness Center and Delaware's Day of Kindness
- B. Berkshire Township JEDD Expansion: Update, Bill Holtry, Berkshire Township Trustee

PRESENTOR:

Bill Holtry
Berkshire Township Trustee
1454 Rome Corners Road
Galena, Ohio 43021

Motion: Mayor Riggle motioned to move forward with the JEDD with Berkshire Township, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 9: CONSIDERATION OF TRANSFER OF LIQUOR PERMIT

- A. La Cabana Mexican Restaurant LLC, DBA Mi Cerrito Mexican Restaurant, 19 E. Winter St., OH 43015, 1st floor only to Cerrito Potrillos LLC, DBA Mi Cerrito, 19 E. Winter St., OH 43015, 1st floor only. Permit Class: D5

Motion: Vice-Mayor Shafer motioned to accept without objection the transfer of the liquor permit, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 17-54

[Public Hearing and Second Reading]

AN ORDINANCE FOR TREPLUS COMMUNITIES FOR APPROVAL OF A REZONING AMENDMENT FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FOR BURR OAK COMMONS CONTAINING 92 APARTMENT UNITS ON APPROXIMATELY 20.06 ACRES LOCATED ON THE NORTH SIDE OF SR 37 JUST WEST OF WESTFIELD SHOPPING CENTER AND JUST EAST OF LANTERN CHASE SUBDIVISION.

The Clerk read the ordinance for the second time.

APPLICANT:

Jane Arthur-Rostovic
1515 Lake Shore Drive
Columbus, Ohio 43204

Ms. Arthur-Rostovic provided information on amenities that will be provided to tenants and rental cost.

PUBLIC PARTICIPATION:

Dustin Nanna
206 Silver Maple Drive
Delaware, Ohio

Mr. Nanna voiced concerns over the projected rental cost and requested if staff had received input from surrounding residents. Mr. Efland discussed the process of notifying the public of public hearings. Ms. Arthur-Rostovic

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informed Council of various meetings held with the Home Owners Association.

Andrew Lukens
2215 Farmland Drive
Delaware, Ohio 43015

Mr. Lukens voiced concerns over dropping property values and the potential north access location. Mr. Lukens also voiced concerns over wildlife becoming territorial during the construction process.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 17-54, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 17-54, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 11: ORDINANCE NO. 17-55 [Public Hearing and Second Reading]

AN ORDINANCE FOR TREPLUS COMMUNITIES FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) FOR BURR OAK COMMONS CONTAINING 92 APARTMENT UNITS ON APPROXIMATELY 20.06 ACRES LOCATED ON THE NORTH SIDE OF SR 37 JUST WEST OF WESTFIELD SHOPPING CENTER AND JUST EAST OF LANTERN CHASE SUBDIVISION.

The Clerk read the ordinance for the second time.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 17-55, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 17-55, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 17-56 [Second Reading]

AN ORDINANCE FOR TREPLUS COMMUNITIES FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR BURR OAK COMMONS CONTAINING 92 APARTMENTS UNITS ON APPROXIMATELY 20.06 ACRES ZONED B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF SR 37 JUST WEST OF WESTFIELD SHOPPING CENTER AND JUST EAST OF LANTERN CHASE SUBDIVISION.

The Clerk read the ordinance for the second time.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 17-56, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 17-56, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 13: ORDINANCE NO. 17-57 [First Reading]

AN ORDINANCE FOR MCDONALD'S REAL ESTATE GROUP FOR APPROVAL OF AN AMENDED FINAL DEVELOPMENT PLAN FOR AN APPROXIMATE 3,915 SQUARE FOOT MCDONALD'S ON 2.0 ACRES

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ZONED B-4 (GENERAL BUSINESS DISTRICT) AND LOCATED AT 2091 US 23 NORTH.

The Clerk read the ordinance for the first time.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 17-57, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 17-57, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 17-58 [First Reading]

AN ORDINANCE FOR JACKSON REAL ESTATE AND DEVELOPMENT FOR APPROVAL OF A FINAL DEVELOPMENT PLAN FOR A NEW RETAIL/OFFICE BUILDING ON APPROXIMATELY 1.2 ACRES ON PROPERTY ZONED B-3 PUD (COMMUNITY BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) LOCATED ON THE OUT LOT JUST WEST OF PANERA BREAD.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-58, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-58, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 15: DISCUSSION REGARDING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA).

Mrs. Walker and Mr. Shulman provided a presentation on the DORA application process. Mrs. Walker provided a map of the DORA boundaries and discussed the requirement for a public hearing.

PUBLIC PARTICIPATION:

Susie Bibler
Executive Director, Main Street Delaware
20 E. Winter Street
Delaware, Ohio 43015

Ms. Bibler provided information on the responses received from downtown merchants.

A straw poll was conducted with verbal support of proceeding with the DORA application from Mr. Jones, Mrs. Keller, Mr. Browning, Vice-Mayor Shafer, and Mayor Riggle. Mr. Hellinger voiced that he did not support proceeding with the DORA application.

ITEM 16: 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.

Mrs. Keller moved to enter into Executive Session at 9:08 p.m. following a five minute break. This motion was seconded by Mayor Riggle and

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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 Jim Browning, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 9:26 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.

ITEM 17: CITY MANAGER'S REPORT

Mr. Homan informed Council on the status of the CIP.

Mr. Homan informed Council that AEP will have a meeting on August 15, 2017 with city staff regarding their Smart Grid Project.

ITEM 18: COUNCIL COMMENTS

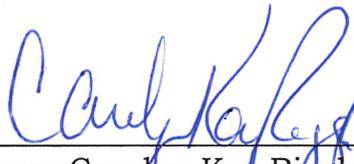
Mr. Jones questioned the responsibility of Treplus if a traffic signal is deemed necessary.

Mr. Jones provided information on House Bill 94 in regards to the tethering of animals and requested that the City Attorney provide draft legislation for debate at the next Council meeting.

Mr. Browning discussed the need to improve city communication with the public and presented the idea of an automatic call system.

ITEM 19: ADJOURNMENT

Motion: Vice-Mayor Shafer moved to adjourn the meeting, seconded by Mr. Jones. The meeting adjourned at 9:28 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk