

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 24 20 17

6:30 EXECUTIVE SESSION: Mr. Rohrer motioned to enter into executive session at 6:32 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 Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 6:58 p.m., it was moved by Mrs. Keller that Council move into Open session, seconded by Mr. Rohrer and approved by a 7-0 vote.

The regular meeting of Council held July 24, 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, Fourth Ward Kyle Rohrer, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. The invocation was given by Pastor Kale Booher, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Adam Moore, Police Captain, John Donahue, Fire Chief, Bill Ferrigno, Public Works Director/City Engineer, 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 June 26, 2017, as recorded and transcribed.

Motion: Vice-Mayor Kent Shafer motioned to approve the Motion Summary of the regular meeting of Council held June 26, 2017, as recorded and transcribed, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held May 23, 2017.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held May 24, 2017.
- C. Acceptance of the Motion Summary for the Civil Service Commission meeting held May 3, 2017.
- D. Acceptance of the Motion Summary for the Planning Commission meeting held June 7, 2017.
- E. Resolution No. 17-42, a resolution appointing members to the Delaware Northern New Community Authority and Delaware South New Community Authority, and specifying the term of the appointments.
- F. Resolution No. 17-43, a resolution authorizing the City Manager to prepare and submit an application to participate in the Ohio Public Works Commission (OPWC) Local Transportation Improvements

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- (LTIP) Grant Program (Round 32), and to execute contracts as required for the Winter Street and North Union Street resurfacing and Winter Street Bridge Rehabilitation Project.
- G. Resolution No 17-44, a resolution authorizing the City Manager to enter into a cooperation agreement with Delaware County for an application to the Ohio Public Works Commission (OPWC) for the Winter Street and North Union Street resurfacing and Winter Street Bridge Rehabilitation Project (Round 32 Application).
 - H. Resolution No. 17-45, a resolution authorizing the City Manager to submit an application for technical assistance through the Mid-Ohio Regional Planning Commission Insight2050 Technical Assistance Program.
 - I. Establish August 14, 2017 at 7:20 p.m. as a date and time for a public hearing for Ordinance No. 17-54, 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 and Ordinance No. 17-55, 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.

Mr. Hellinger requested that Item F and G be removed for further discussion.

Motion: Vice-Mayor Shafer motioned to approve the Consent Agenda minus Item F and G, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Mr. Ferrigno provided information on Pavement Resurfacing Programs and the need to apply for funds through various grants.

Motion: Vice-Mayor Shafer motioned to approve Resolution No. 17-43, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to approve Resolution No. 17-44, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC COMMENT:

Rodger Collom
185 West Winter Street
Delaware, Ohio 43015

Mr. Collom voiced concerns regarding lack of knowledge over the halfway house in the neighborhood.

Ken Tyree
937 West Main Street

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Springfield, Ohio

Ryan Boyle
937 West Main Street
Springfield, Ohio

Mr. Tyree and Mr. Boyle provided Council with information on the benefits of washing trees.

Shannon Roof
248 Westwood Avenue
Delaware, Ohio 43015

Ms. Roof voiced concerns regarding the lack of tethering laws and restrictions for animals in the City of Delaware.

ITEM 7: COMMITTEE REPORTS

ITEM 8: PRESENTATION

- A. Proclamation recognizing Warren Rose III for achieving the rank of Eagle Scout through the Boy Scouts of America
- B. Proclamation recognizing Erik Boeriu and Citizens for the Fourth for their efforts organizing the Fourth of July Parade
- C. Delaware General Health District Update – Shelia Hiddleson, Health Commissioner
- D. A Market Based Plan for Climate Change – Marianne Gabel, Citizens' Climate Lobby

ITEM 9: CONSIDERATION OF NEW LIQUOR PERMITS

- A. Greater Gouda LLC, DBA Greater Gouda, 12 N Sandusky St., Delaware, OH 43015. Permit Class: C2

Motion: Mrs. Keller motioned to accept without objection the liquor permit, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 10: 7:30 P.M. PUBLIC DISCUSSION REGARDING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

Mr. Shulman informed Council that no application had been filed in reference to the DORA.

PUBLIC COMMENT:

Zane Grady
21 South Sandusky Street, Apt. 36
Delaware, Ohio 43015

Mr. Grady voiced his opposition to a DORA.

Lauren Stone
204 Euclid Avenue
Delaware, Ohio 43015

Ms. Stone voiced concerns regarding a potential DORA in the downtown area.

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Opas Grill & Tavern
18 South Sandusky Street
Delaware, Ohio 43015

Mr. Koci voiced his support to a DORA in the downtown area

Deborah Guebert
265 W. Fountain Avenue
Delaware, Ohio 43015

Ms. Guebert voiced concerns regarding a potential DORA in the downtown area.

Brian Harpster
Barley Hopsters
1 North Sandusky Street
Delaware, Ohio 43015

Mr. Harpster voiced his support to a DORA in the downtown area.

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

Chip Gregory
Main Street Delaware
1929 Hyatts Road
Delaware, Ohio 43015

Ms. Bibler and Mr. Gregory discussed the plans to have a more formal discussion with members of Main Street Delaware. Mr. Gregory discussed the need to have more information and education.

Patrick Bailey
Endangered Species
11 West William Street
Delaware, Ohio 43015

Mr. Bailey voiced concerns regarding a DORA. Mr. Bailey did not support a DORA during First Friday events.

Joanne Meyers
170 Wagner Way
Delaware, Ohio 43015

Ms. Meyers discussed the benefits to special events with a DORA.

Tracey Peyton
Strand Theatre
28 East Winter Street
Delaware, Ohio

Ms. Peyton discussed current alcohol sales to adults during children movies.

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Bill Gropper
284 Indigo Blue Street
Delaware, Ohio

Mr. Gropper discussed the use of the DORA to bring more people to the downtown area.

Phillip Wilden
Asbury United Methodist Church
160 Curly Smart Circle
Delaware, Ohio

Mr. Wilden voiced concerns regarding alcohol abuse.

David Wiser
Clancey's Pub
7 Marvin Lane
Delaware, Ohio

Mr. Wiser discussed the use of the DORA during special events.

James Halter
Clancey's Pub
1805 Castleton Way
Delaware, Ohio

Mr. Halter discussed the ability to discontinue the use of a DORA if it is not successful.

Mayor Riggle requested a break at 8:50 p.m. and reconvened the meeting at 8:58 p.m.

ITEM 11: RESOLUTION NO. 17-46 [First Reading]
A RESOLUTION ADOPTING THE RENAMING OF EASTSIDE PARK TO BENNETT PARK.

Mayor Riggle read the resolution for the first time.

PUBLIC PARTICIPATION:
Russ Martin, Delaware County Sheriff
149 North Sandusky Street
Delaware, Ohio 4301f5

Sheriff Martin discussed the impact that Richard Bennett had to the community.

Shawn Bennett
5383 Lewis Avenue
Toledo, Ohio

Motion: Mrs. Keller motioned to adopt Resolution No. 17-46, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 12: RESOLUTON NO. 17-47 [First Reading]
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE

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DELAWARE COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS.

The Clerk read the resolution for the first time.

Motion: Mr. Browning motioned to adopt Resolution No. 17-47, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Rohrer) vote.

ITEM 13: RESOLUTION NO. 17-48 [First Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTNERING AGREEMENT WITH THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) FOR THE POINT RAILROAD BRIDGE REPLACEMENT PROJECT, DEL-36-11.03.

The Clerk read the resolution for the first time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 17-48, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 14: RESOLUTION NO. 17-49 [First Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTNERING AGREEMENT WITH THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) FOR THE CITYWIDE SIGNALS UPGRADE PROJECT PHASE 1.

The Clerk read the resolution for the first time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 17-49, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 17-50 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT-ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-50, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-50, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-50, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 17-51 [First Reading]

AN ORDINANCE APPROVING THE SALE OF A SOLID WASTE DEPARTMENT 2006 INTERNATIONAL RECYCLING TRUCK THAT HAS OUTGROWN ITS USEFUL SERVICEABLE LIFE.

The Clerk read the ordinance for the first time.

Motion: Mr. Browning motioned to suspend the rules for Ordinance No.

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17-51 seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Browning motioned to adopt Ordinance No. 17-51 seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 17: ORDINANCE NO. 17-52 [First Reading]

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE AND SIGN A PETITION ON BEHALF OF THE CITY OF DELAWARE, OHIO, AS THE "PROXIMATE CITY" WITHIN THE MEANING OF SECTION 349.01 (M) OF THE OHIO REVISED CODE, TO ADD PROPERTY TO THE BERKSHIRE LANDING NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-52, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-52, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-52, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 18: ORDINANCE NO. 17-53 [First Reading]

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH 2ND HALF VENTURES, LLC, DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON PARCEL 519-432-25-022-000 AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT:

David DiStefano
12 West William Street
Delaware, Ohio 43015

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-53, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-53, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-53, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 19: ORDINANCE NO. 17-54 [First 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

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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 first time.

ITEM 20: ORDINANCE NO. 17-55 [First 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 first time.

ITEM 21: ORDINANCE NO. 17-56 [First 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 first time.

ITEM 22: FINANCE DIRECTOR'S REPORT

ITEM 23: CITY MANAGER'S REPORT

Mr. Homan discussed security recommendations to City Hall.

Mr. Homan discussed the upcoming Ironman Triathlon.

ITEM 24: COUNCIL COMMENTS

Mrs. Keller voiced concerns over signage at the splash pad. Mr. Miller informed Council that staff is to paint on signage to prevent peeling.

Vice-Mayor Shafer requested information on zoning regulations for halfway houses in other cities.

Mayor Riggle informed Council that she will be meeting with the City Manager in regards to the Berkshire JEDD.

Mayor Riggle discussed the upcoming Ironman Triathlon.

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ITEM 25: ADJOURNMENT

Motion: Vice-Mayor Shafer moved to adjourn the meeting. The meeting adjourned at 10:00 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk