

**RECORD OF PROCEEDINGS**

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held October 9 20 17

The regular meeting of Council held October 9, 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 Chaplain Jonathan Smith of the City of Delaware Fire Department, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney; Dean Stelzer, Finance Director, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Brad Stanton, Director of Public Utilities, Caroline Cicerchi, Watershed/Sustainability Coordinator, Sean Hughes, Economic Development 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 on September 25, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary for the Work Session of Council held October 2, 2017, as recorded and transcribed.

**Motion:** Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held September 25, 2017, and the Motion Summary of the Work Session of Council held October 2, 2017 as recorded and transcribed, seconded by Mr. Browning. Motion approved by a 7-0 vote.

**ITEM 5: CONSENT AGENDA**

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held July 25, 2017.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held July 26, 2017.
- C. Acceptance of the Motion Summary for the Civil Service Commission meeting held September 6, 2017.
- D. Acceptance of the Motion Summary for the Planning Commission meeting held September 6, 2017.
- E. Resolution No. 17-58, a resolution authorizing the City Manager to enter into a Cooperative Agreement with the Ohio Department of Transportation for the resurfacing portions of US-42 between US-36 and CR-270 (Horseshoe Rd.).
- F. Establish October 23, 2017 at 7:45 p.m. as a date and time for a public hearing and second reading for Ordinance No. 17-66, an ordinance for the City of Delaware for approval of a Rezoning Amendment for Fire Station 304 on 4.102 acres to A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway and Ordinance No. 17-67, an ordinance for the City of Delaware for approval of a Conditional Use Permit for Fire Station 304 on 4.102 acres zoned A-1 (Agricultural District) and located at the northwest corner of Cheshire Road and Glenn Parkway.

**Motion:** Mr. Browning motioned to approve the Consent Agenda, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

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

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**ITEM 7: COMMITTEE REPORTS**

Mayor Riggle provided information on the October 10, 2017 Sister City Advisory Board meeting.

**ITEM 8: PRESENTATION**

Mayor Riggle read an additional proclamation to recognize David Wortz of Troop 318 for achieving the rank of Eagle Scout through the Boy Scouts of America.

- A. Proclamation recognizing Melissa Bargar of Oakland Nursery for her efforts to the beautification of Downtown Delaware
- B. Proclamation recognizing October 8 thru October 14 as Fire Prevention Week
- C. Sister City Annual Report – Rand Guebert, Chairman of Sister City Advisory Committee
- D. Presentation on Electric Aggregation – Jay Sell, Aspen Energy

**PRESENTOR:**

Jay Sell, Aspen Energy  
3822 Greensview Drive  
Powell, Ohio 43065

**ITEM 9: CONSIDERATION OF NEW LIQUOR PERMIT**

- A. Tuan Nguyen LLC, DBA Jennis Nail Spa & Bar, 1234 Columbus Pike, Delaware, OH 43015. Permit Class: D3

**Motion:** Mr. Rohrer motioned to not request a hearing, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 10: RESOLUTION 17-54** [Fifth Reading]

A RESOLUTION ADOPTING THE 2018-2022 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

The Clerk read the resolution for the fifth time.

**Motion:** Vice-Mayor Shafer motioned to adopt Resolution No. 17-54, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

**ITEM 11: ORDINANCE NO. 17-61** [Third Reading]

AN ORDINANCE AMENDING THE NEGLECT OF COMPANION ANIMALS SECTION OF THE ANIMAL AND FOWL CHAPTER OF THE GENERAL OFFENSES CODE.

The Clerk read the ordinance for the third time.

A public hearing is scheduled for October 23, 2017 at 7:25 p.m.

**ITEM 12: RESOLUTION NO. 17-57** [Second Reading]

A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) FOR DOWNTOWN DELAWARE AND ENACTING REGULATIONS.

The Clerk read the resolution for the second time.

Mrs. Walker reviewed the proposed signage and cups that would be used. Mayor Riggle discussed the amount of ounces that the cup can hold.

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PUBLIC COMMENT:

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

Chip Gregory  
Main Street Delaware, President of Board of Directors  
1921 Hyatts Road  
Delaware, Ohio 43015

Mr. Gregory and Ms. Bibler discussed their efforts to reach out to Main Street Delaware members to determine their interest in participating in DORA events. Mr. Gregory read into the record a letter from the Main Street Board of Directors to voice their support in a DORA.

Tracey Peyton  
Strand Theatre, Managing Director  
28 East Winter Street  
Delaware, Ohio 43015

Ms. Peyton voiced her support in having a DORA and discussed other cities within Ohio that participate in DORA events.

Larry Vance  
188 N. Franklin Street  
Delaware, Ohio 43015

Mr. Vance voiced opposition with a DORA due to lack of downtown public restroom facilities. Mr. Vance discussed the potential use of 20 East William Street as a building for public restrooms.

Genti Koci  
Opa Grill and Tavern  
18 South Sandusky Street  
Delaware, Ohio 43015

Mr. Koci voiced his support for DORA activities.

Dustin Nanna  
206 Silver Maple Drive  
Delaware, Ohio 43015

Mr. Nanna requested information regarding if the boundaries to a DORA may be expanded or reestablished. Mrs. Walker reviewed the need to resubmit an application to reestablish boundaries.

Al Myers  
17 West Winter Street  
Delaware, Ohio 43015

The Clerk read a letter into the record that Mr. Myers had sent to Councilmember Rohrer voicing concerns regarding a DORA.

Councilmember Hellinger voiced a question if plastic cups is needed for all alcoholic beverages at establishments that accept the DORA.

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Councilmember Jones requested clarification on how many drinks can an individual purchase in DORA approved cups at one time.

Mayor Riggle requested a break at 8:37 p.m. and reconvened the meeting at 8:44 p.m.

**ITEM 13: ORDINANCE NO. 17-62** [Second Reading]  
AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER.

The Clerk read the ordinance for the second time.

**ITEM 14: RESOLUTION NO. 17-59** [First Reading]  
A RESOLUTION OF COMMITMENT TO SUSTAINABLE2050.

The Clerk read the resolution for the first time.

Ms. Cicerchi provided background information regarding MORPC and Sustainable2050.

**Motion:** Mr. Jones motioned to adopt Resolution No. 17-59, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 15: ORDINANCE NO. 17-64** [First Reading]  
AN ORDINANCE APPROVING THE AMENDMENT TO PETITION FOR EXPANSION OF THE NORTHERN NEW COMMUNITY AUTHORITY AND MAKE RELATED FINDINGS, PROVIDE THE METHOD OF SELECTING THE BOARD OF TRUSTEES OF THE NEW COMMUNITY AUTHORITY, AND DEFINE THE BOUNDARY OF THE EXPANDED NEW COMMUNITY DISTRICT.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for October 23, 2017 at 7:20 p.m.

**ITEM 16: ORDINANCE NO. 17-65** [First Reading]  
AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH KB42, LTD., DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A BUILDING AT 42 NORTH SANDUSKY STREET AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**APPLICANT:**  
Denny Bolton  
KB42, LTD  
5 East Winter Street  
Delaware, Ohio

Kreg King  
KB42, LTD  
5 East Winter Street  
Delaware, Ohio

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Councilmember Hellinger voiced a concern regarding the requirement to be a Main Street Delaware member in the agreement.

**Motion:** Mr. Hellinger motioned to amend Ordinance No. 17-65 that requirement of Main Street Delaware membership be stricken as a requirement and be put as a suggestion, seconded by Mr. Browning. Motion failed with a 1-6 (Jones, Keller, Browning, Rohrer, Shafer, Riggle) vote.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-65, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-65, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 17-65, seconded by Mrs. Keller. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 17: ORDINANCE NO. 17-66** [First Reading]

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A REZONING AMENDMENT FOR FIRE STATION 304 ON 4.102 ACRES TO A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for October 23, 2017 at 7:45 p.m.

**ITEM 18: ORDINANCE NO. 17-67** [First Reading]

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for October 23, 2017 at 7:45 p.m.

**ITEM 19: ORDINANCE NO. 17-68** [First Reading]

AN ORDINANCE FOR THE CITY OF DELAWARE FOR APPROVAL OF A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FIRE STATION 304 ON 4.102 ACRES ZONED A-1 (AGRICULTURAL DISTRICT) AND LOCATED AT THE NORTHWEST CORNER OF CHESHIRE ROAD AND GLENN PARKWAY.

The Clerk read the ordinance for the first time.

**ITEM 20: CITY MANAGER'S REPORT**

Mr. Homan informed Council that Mayor Riggle and himself will be meeting with County Commissioner Jeff Benton to discuss funding.

**ITEM 21: COUNCIL COMMENTS**

Mr. Jones requested an update regarding discussion with County Commissioners regarding the use of parking spaces at the new courthouse.

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Mr. Browning discussed the need to review and increase funding for an up ground water reservoir as presented at the Council Work Session.

Mr. Hellinger discussed the need to educate the public that fallen leaves are the responsibility of homeowners to clean up.

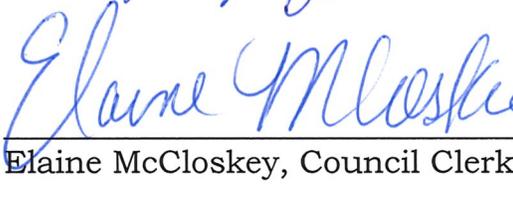
Vice-Mayor Shafer discussed the need to look at additional recycling and trash containers during First Friday events and if the DORA is approved.

Mayor Riggle informed Council that she recently attended the 60<sup>th</sup> Habitat for Humanity House Dedication.

**ITEM 22: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer moved to adjourn the meeting, seconded by Mr. Browning. The meeting adjourned at 9:22 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk