

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held October 23 20 17

The regular meeting of Council held October 23, 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 Mike Cheek of the Highpoint Nazarene Church, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney; Dean Stelzer, Finance Director, Lory Johnson, Income Tax Administrator, Adam Moore, Police Captain, John Donahue, Fire Chief, Brad Stanton, Director of Public Utilities, 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 October 9, 2017, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held October 9, 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 Sister City Advisory Board meeting held July 11, 2017.
- B. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held August 15, 2017.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

Mr. Browning discussed the October Parks and Recreation Advisory Board meeting and the request for additional pickleball courts.

ITEM 8: PRESENTATION

- A. Presentation Delaware City Schools – Paul Craft, Superintendent

ITEM 9: CONSIDERATION OF NEW LIQUOR PERMIT

- A. Delaware Lanes Inc., 536 Sunbury Road, Delaware, Ohio Permit Class: D5

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

ITEM 10: ORDINANCE NO. 17-64 [Public Hearing and Second 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.

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The Clerk read the ordinance for the second time.

There was no public participation.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-64, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-64, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 17-61 [Public Hearing and Fourth 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 fourth time.

PUBLIC COMMENT:

Shannon Roof
248 Westwood Avenue
Delaware, Ohio 43015

Ms. Roof voiced her support for the tethering law and provided information on other cities in Ohio that support a tethering law.

Robin Coral
363 Linwood Street
Delaware, Ohio 43015

Ms. Coral voiced her support for the tethering law and the need to help animals.

A discussion was held with Council regarding the proposed amendment presented to put tethering restrictions from 10:00 p.m. to 6:00 a.m.

Motion: Mr. Jones motioned to amend Ordinance No. 17-61 to add the second amendment which will add the language "505.25(a)(4) A companion animal shall be considered an 'unattended companion animal' when no owner or harbinger is present and awake on the premises the companion animal is present." and "505.25(b)(4) Leave an unattended companion animal restrained by a tether outdoors for an excess of 15 continuous minutes between the hours of 10:00PM and 6:00AM.", seconded by Mr. Browning. Motion approved by a 5-2 (Rohrer, Hellinger) vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 17-61, as amended, seconded by Mr. Browning. Motion approved by a 6-1 (Hellinger) vote.

ITEM 12: ORDINANCE NO. 17-66 [Public Hearing and Second 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.

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The Clerk read the ordinance for the second time.

APPLICANT:

John Donahue, Fire Chief
99 S. Liberty St.
Delaware, Ohio 43015
Joe Weithman
Mull & Weithman Architects, Inc.
4525 Indianola Avenue
Columbus, Ohio 43214

PUBLIC COMMENT:

David Carpenter
932 Executive Blvd.
Delaware, Ohio 43015

Mr. Carpenter discussed the benefits and cost effectiveness of solar power and for staff to consider the placement of solar panels on the project and future projects.

Mr. Weithman discussed building lay out, roof line concerns and direction building is facing as concerns for placement of solar panels. Mr. Efland informed Council that further decisions can be made through administrative approval regarding potential changes if design can accommodate solar energy.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-66, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-66, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 17-67 [Public Hearing and Second 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 second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-67, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-67, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 17-68 [Second 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 second time.

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Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-68, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-68, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 15: RESOLUTION NO. 17-57 [Third Reading]
A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) FOR DOWNTOWN DELAWARE AND ENACTING REGULATIONS.

The Clerk read the resolution for the third time.

A discussion was held with Council regarding the color of the cup to be used and recommended label.

Motion: Mr. Browning motioned to adopt Resolution No. 17-57, seconded by Vice-Mayor Shafer. Motion approved with a 6-1 (Hellinger) vote.

ITEM 16: ORDINANCE NO. 17-62 [Third Reading]
AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-62, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 17: RESOLUTION NO. 17-60 [First Reading]
A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN JOINT LITIGATION TO CHALLENGE PROVISIONS OF STATE LAW WHICH VIOLATE HOME RULE AUTHORITY GRANTED TO CITIES BY THE OHIO CONSTITUTION.

The Clerk read the resolution for the first time.

Mr. Stelzer introduced Ms. Johnson, City Tax Administrator, to Council.

Motion: MR. Jones motioned to adopt Resolution No. 17-60, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 18: ORDINANCE NO. 17-69 [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.

ITEM 19: ORDINANCE NO. 17-70 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR VARIOUS WATER PLANT LINE ITEMS ACCOUNTS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

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Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-70, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-70, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-70, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 20: ORDINANCE NO. 17-71 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR ADMINISTRATIVE SERVICES WAGES LINE ITEM.

The Clerk read the ordinance for the first time.

ITEM 21: FINANCE DIRECTOR'S REPORT

ITEM 22: CITY MANAGER'S REPORT

Mr. Homan provided information to Council regarding the upcoming Delaware County Courthouse Dedication and Open House. Mr. Homan also discussed continued conversations with the County regarding parking at the courthouse.

Mr. Homan provided information on the Sagan National Colloquium that will be held at Ohio Wesleyan University.

Information was provided to Council on the upcoming Thanksgiving Dinner that will be held for officials visiting from Sakata, Japan.

ITEM 23: COUNCIL COMMENTS

Mr. Jones thanked Council for their support regarding Ordinance No. 17-61.

Mrs. Keller discussed the opportunity to explore medical marijuana as an opportunity for economic development.

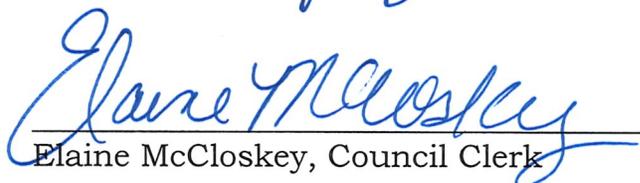
Mayor Riggle requested an update regarding Council accessing their emails on their personal phone.

ITEM 24: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting, seconded by Vice-Mayor Shafer. The meeting adjourned at 9:19 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk