

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held November 27 20 17

The regular meeting of Council held November 27, 2017 was called to order at 7:01 p.m., in the City Council Chambers. The following members of Council were present: 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. Absent from the meeting was First Ward Chris Jones. The invocation was given by Pastor Dave Pacheco, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney; Dean Stelzer, Finance Director, Bruce Pijanowski, Police Chief, Brad Stanton, Director of Public Utilities, Bill Ferrigno, Public Works Director/City Engineer, Lance Schultz, Zoning Administer and Tom Homan, City Manager

**Motion to Excuse:** Vice-Mayor Shafer moved to excuse Councilmember Jones, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

#### **ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held on November 13, 2017, as recorded and transcribed.

APPROVAL of the Motion Summary of the organizational meeting of Council held on November 20, 2017, as recorded and transcribed.

**Motion:** Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held November 13, 2017 and the organizational meeting of Council held November 20, 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 Parks and Recreation Advisory Board meeting held October 17, 2017.
- B. Resolution No. 17-63, a resolution authorizing the City Manager to sign any agreements pertaining to the Police Department and other city, county, or state agencies for purposes of exchanging Law Enforcement Automated Data System (LEADS) information.
- C. Resolution No. 17-64, a resolution authorizing the installation of certain traffic control devices on the west side of Channing Street between East Winter Street and East Central Avenue to prohibit parking on school days between the hours of 7:00 a.m. and 4:00 p.m.

**Motion:** Mr. Browning motioned to approve the Consent Agenda, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

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

#### **ITEM 7: COMMITTEE REPORTS**

#### **ITEM 8: PRESENTATION**

- A. Proclamation recognizing the 175 year anniversary for Ohio Wesleyan University – President Rock Jones

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

- A. Eva LLC DBA Vina Veritas Tavern, 15 E. Winter St., Delaware, Ohio 43015. Permit Class: D5

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

**ITEM 10: ORDINANCE NO. 17-72** [Public Hearing and Second Reading]

AN ORDINANCE FOR THE JUDITH D. HOOK REVOCABLE TRUST FOR APPROVAL OF A REZONING AMENDMENT FOR APPROXIMATELY 44.258 ACRES ON PARCEL # 519-312-01-009-000 FROM R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE WEST SIDE OF TROY ROAD.

The Clerk read the Ordinance for the second time.

**APPLICANT:**

Michael Shade  
P.O. Box 438  
Delaware, Ohio 43015

**PUBLIC PARTICIPATION:**

Cindy Blair  
131 Bridgeport Way  
Delaware, Ohio

Ms. Blair voiced concerns on the potential use of the neighborhood as a cut through.

Sarah Dinovo  
455 Timbersmith Drive  
Delaware, Ohio

Ms. Dinovo voiced concerns over the potential extension of Merrick Blvd. and the need to look at other connection options. Ms. D

John Barnett  
573 Ablemarle Circle  
Delaware, Ohio

Mr. Barnett voiced the need for larger homes to be built in the area. He voiced concerns over the high traffic and speeding in the area.

Council was in agreement to take Ordinance No. 17-72 to a third reading.

**ITEM 11: ORDINANCE NO. 17-73** [Second Reading]

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS ALONG CENTRAL AVENUE IN THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC 5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; AND AUTHORIZING SCHOOL COMPENSATION PAYMENT, AND DECLARING AN EMERGENCY.

The Clerk read the Ordinance for the second time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance

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No. 17-73, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-73, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-73, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 17-74 [Public Hearing and First Reading]

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

There was no public participation. A second public hearing will be held at 7:30 p.m. on December 11, 2017.

Mr. Homan reviewed the dates and times for the Budget Work Sessions.

ITEM 13: ORDINANCE NO. 17-75 [First Reading]

AN ORDINANCE ESTABLISHING A NEW CAPTIAL IMPROVEMENT FUND AND SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR PRELIMINARY ENGINEERING SERVICES FOR THE POINT RAILROAD BRIDGE PROJECT (DEL-36-11.03), AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

PRESENTOR:

Shane Campbell
Gannett Fleming INC, Senior Project Manager
65 Trail Edge Circle
Powell, Ohio

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 17-75, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-75, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 17-75, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 17-76 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2017 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING OF PLANNING REFUNDS TO ALLOW A REFUND OF PREVIOUSLY COLLECTED ADDITIONAL TRANSPORTATION FEES RELATED TO THE COMMUNITIES AT GLENROSS SUBDIVISION, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance

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No. 17-76, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 17-76, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 17-76, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

## **ITEM 15: CITY MANAGER'S REPORT**

Mr. Homan informed Council that Detective Mike Bolen receive the "Top Cop" award for the month of October from Delaware County.

## **ITEM 16: COUNCIL COMMENTS**

Mayor Riggle thanked staff for their assistance during the recent rain and flooding.

Mayor Riggle requested a break at 7:58 p.m. and reconvened the meeting at 8:06 p.m.

**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 Section 121.22(G) (8) consideration of confidential information related to a request for economic development assistance

**Motion:** Vice-Mayor Shafer motioned to enter into Executive Session at 8:06 p.m. 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 Section 121.22(G) (8) consideration of confidential information related to a request for economic development assistance, seconded by Mr. Browning. Motion failed with a 5-1 (Hellinger) vote.

Council remained in Open Session and a discussion was held regarding the requirements to enter into Executive Session and public records law.

## **ITEM 18: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer motioned to adjourn the meeting, seconded by Mr. Browning. The meeting adjourned at 8:29 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk