

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 26 20 18

**6:30 EXECUTIVE SESSION:** Mrs. Keller motioned to enter into executive session at 6:30 p.m. This motion was seconded by Mr. Rohrer 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 6:59 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Browning and approved by a 7-0 vote.

The regular meeting of Council held March 12, 2018 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 Jon Powers, Ohio Wesleyan University, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, Blake Jordan, Director of Public Utilities, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, Bruce Pijanowski, Police Chief, 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 March 12, 2018, as recorded and transcribed.

**Motion:** Mr. Jones motioned to approve the Motion Summary of the regular meeting of Council held March 12, 2018, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

#### **ITEM 5: CONSENT AGENDA**

- A. Resolution No. 18-19, a resolution appointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
- B. Resolution No. 18-20, a resolution authorizing the City Manager to enter into a Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) for the US-23 Micro-Surfacing Project (Lane Mile 11.43-12.68), to execute contracts and construct the project.

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

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

##### **PUBLIC PARTICIPATION:**

Roger Cullum  
185 W. Winter Street

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Mr. Cullum discussed the impact of unregulated Airbnb on local bed and breakfast businesses.

**ITEM 7: COMMITTEE REPORTS**

**ITEM 8: ORDINANCE NO. 18-23** [First Reading]  
AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES.

The Clerk read the ordinance for the first time.

**PUBLIC PARTICIPATION:**  
Judge Marianne Hemmeter  
Delaware Municipal Court  
70 North Union Street  
Delaware, Ohio 43015

Council to take Ordinance No. 18-23 to a second reading.

**ITEM 9: RESOLUTION NO. 18-21** [First Reading]  
A RESOLUTION AUTHORIZING THE PAYMENT OF TUITION LEAVE UNDER THE 2018 MANAGEMENT PAY PLAN.

The Clerk read the resolution for the first time.

Council to take Resolution

**ITEM 10: ORDINANCE NO. 18-18** [Third Reading]  
AN ORDINANCE AMENDING SECTION 933.09 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO REGARDING INTOXICATING BEVERAGES PROHIBITED, AND REPEALING EXISTING SECTION 933.09 IN ITS ENTIRETY, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

**Motion:** Mrs. Keller motioned to enact the emergency clause for Ordinance No. 18-18, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 18-18, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 11: ORDINANCE NO. 18-21** [Public Hearing and Second Reading]  
AN ORDINANCE FOR MEDROCK LLC. APPROVING A ZONING TEXT AMENDMENT TO THE EXISTING WILLOWBROOK FARM TRACT PUD OVERLAY ZONING TEXT (PLANNED UNIT DEVELOPMENT) TO ALLOW A MODIFICATION TO THE MAXIMUM DWELLING UNITS AND DENSITY TO MULTI-FAMILY AREAS 3 AND 4 TO ALLOW ADDITIONAL DWELLING UNITS IN AREA 3 AND REMOVING UNITS IN AREA 4 THEREBY DECREASING THE OVERALL UNITS CURRENTLY ALLOWED IN TOTAL LOCATED ON THE EAST SIDE OF HOUK ROAD ON APPROXIMATELY 36 ACRES ON PROPERTY ZONED R-6 MULTI-FAMILY WITH A PUD OVERLAY.

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The Clerk read the ordinance for the second time.

APPLICANT:

Jeffrey Lewis  
Jeffrey M. Lewis Co., LPA  
1650 Lake Shore Drive, Suite 150  
Columbus, Ohio 43204

Miles Horton  
T&R Properties  
1512 ½ One Avenue  
Columbus, Ohio

Randall Woodings  
Kontogiannis & Associates  
400 S. 5<sup>th</sup> St. #400  
Columbus, Ohio 43215

PUBLIC PARTICIPATION:

Scott Kinslow  
107 Diverston Way  
Delaware, Ohio 43015

Jaime Turinsky  
313 Johann Street  
Delaware, Ohio 43015

Morgan Nickolai  
333 Braxton Street  
Delaware, Ohio 43015

Todd Shuster  
700 Lehner Woods Blvd.  
Delaware, Ohio 43015

Walter Campbell  
900 Canal Street  
Delaware, Ohio 43105

Deb Logan  
102 Diverston Way  
Delaware, Ohio 43015

Mayor Riggle closed the public hearing and Council will have a third reading of Ordinance No. 18-21.

**ITEM 12: ORDINANCE NO. 18-22** [Second Reading]

AN ORDINANCE FOR MEDROCK LLC. APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR MULTI-FAMILY AREA 3 OF THE WILLOWBROOK FARM TRACT FOR A 180 UNIT APARTMENT COMPLEX ON APPROXIMATELY 15.506 ACRES LOCATED ON THE NORTHEAST CORNER OF HOUK ROAD AND DIGENOVA WAY ON PROPERTY ZONED R-6 PUD (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT DISTRICT).

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The Clerk read the ordinance for the second time.

Council to have Ordinance No. 18-22 be taken to a third reading.

**ITEM 13: ORDINANCE NO. 18-24** [First Reading]

AN ORDINANCE GRANTING AN APPEAL OF A DENIAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE REQUEST BY BUNS RESTAURANT LLC FOR REINSTATING STOREFRONT ENTRANCES AT 49 NORTH SANDUSKY STREET WHICH IS ZONED B-2 (CENTRAL BUSINESS DISTRICT) AND LOCATED IN THE DOWNTOWN CORE SUB-DISTRICT OF THE DOWNTOWN HISTORIC DISTRICT OVERLAY.

**APPLICANT:**

Vasili Konstantinidis  
14 West Winter Street  
Delaware, Ohio 43015

**PUBLIC PARTICIPATION:**

Roger Koch  
Historic Preservation Commission, Chairman  
125 North Liberty Street  
Delaware, Ohio 43015

Sherry Riviera  
Historic Preservation Commission  
24 Montrose Avenue  
Delaware, Ohio 43015

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-24, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

**ITEM 14: FINANCE DIRECTOR'S REPORT**

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

Mr. Homan discussed follow up required from the Economic Development Work Session. He discussed the need to provide monthly updates at a Council meeting. Mr. Homan to follow up with Mr. Efland over the Comprehensive Plan updates and how it relates to economic development.

Mr. Homan informed Council that the City was notified by SIMS Recycling that the curbside program will not be continued.

Mr. Homan provided information on the upcoming MORPC award that the City of Delaware will be receiving.

Mr. Homan provided an update on water main breaks that recently occurred.

Mrs. Walker provided information on upcoming Main Street Delaware events.

**ITEM 16: COUNCIL COMMENTS**

Mayor Riggie informed Council that National Vietnam Veterans Day will be March 29, 2018.

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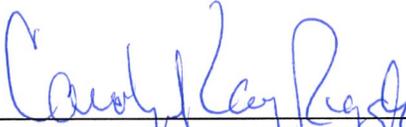
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## ITEM 17: ADJOURNMENT

**Motion:** Mr. Hellinger motioned to adjourn the meeting. The meeting adjourned at 9:00 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk