

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 14 20 18

5:30 EXECUTIVE SESSION: Mrs. Keller motioned to enter into executive session at 5:33 p.m. This motion was seconded by Mayor Riggle 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 6:30 p.m., it was moved by Mr. Browning that Council move into Open session, seconded by Vice-Mayor Shafer and approved by a 7-0 vote.

6:30 P.M. WORK SESSION: The Work Session meeting of Council held May 14, 2018 was called to order at 6:34 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.

ITEM 2: PRESENTATION BY MARIANNE GABEL WITH CITIZENS' CLIMATE LOBBY - DELAWARE, OH CHAPTER

PRESENTORS:

Marianne Gabel
49 Forrest Avenue
Delaware, Ohio

Sharlee Murphy
127 Hillside Drive
Delaware, Ohio

Ms. Gabel and Ms. Murphy provided a presentation from Citizens' Climate Lobby regarding carbon emissions. Ms. Murphy reviewed the mission of Citizens' Climate Lobby and risks throughout the United States and the impacts of climate change to Ohio. Information was provided regarding Carbon Fee and Dividend.

ITEM 3: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting, seconded by Mr. Rohrer. The meeting adjourned at 7:00 p.m.

7:00 REGULAR MEETING: The regular meeting of Council held May 14, 2018 was called to order at 7:04 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 Dan Mauer of Delaware Police Department, followed by the Pledge of Allegiance.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economic Development Director, Dean Stelzer, Finance Director, Blake Jordan, Director of Public Utilities, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, John Donahue, Fire Chief, 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 April 23, 2018, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held April 23, 2018, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Airport Commission meeting held on July 20, 2017, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on February 27, 2018, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Finance Committee meeting held on February 28, 2018, as recorded and transcribed.
- D. Acceptance of the Motion Summary of the Civil Service Commission meeting held on April 4, 2018, as recorded and transcribed.
- E. Acceptance of the Motion Summary of the Planning Commission meeting held on April 4, 2018, as recorded and transcribed.
- F. Resolution No. 18-25, a resolution appointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
- G. Resolution No. 18-26, a resolution authorizing the City Manager to file an application with the Ohio Development Services Agency, Office of Community Development, for the Biennial Program Year 2018 CDBG Community Development Allocation Program and supplemented by local CDBG ED-RLF Program Income.
- H. Resolution No. 18-27, a resolution designating the Planning Director as the Municipal Representative to the Delaware County Land Reutilization Corporation Board of Directors.
- I. Establish June 25, 2018 at 7:30 p.m. as a date and time for a public hearing and third reading of Resolution No. 18-29, a resolution authorizing the City Manager to enter into a Joint Economic Development District (JEDD) contract with Berkshire Township.
- J. Establish June 11, 2018 at 7:20 p.m. as a date and time for a public hearing and second reading for Ordinance No. 18-43, an ordinance for AEP for approval of a Conditional Use Permit request for a new service center building on approximately 50 acres located on the south side of Slack Road and just west of the railroad tracks on property zoned A-1 (Agricultural District).
- K. Establish May 21, 2018 at 7:00 p.m. as a date and time for a public hearing and fifth reading for Ordinance No. 18-21 (REVISED), an ordinance for Medrock, LLC for approval of a (REVISED) 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 38

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 14 20 18

acres on property zoned R-6 Multi-Family Residential District with a PUD (Planned Unit Development) Overlay.

Motion: Mr. Jones 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:

John Lewis
1036 Hills-Miller Rd
Delaware, Ohio 43015

Mike Freeburn
105 Innovation Court
Delaware, Ohio 43015

Mr. Lewis introduced Mr. Freeburn with Guild Associates to City Council.

ITEM 7: COMMITTEE REPORTS

Mr. Hellinger informed Council that the Finance Committee meeting was held on April 25.

ITEM 8: PRESENTATIONS

- A. Proclamation and Recognition of National Police Week and Peace Officers' Memorial Day – May 13-19, 2018
- B. Proclamation and Recognition of Emergency Medical Services Week – May 20-26, 2018

ITEM 9: CONSIDERATION OF NEW LIQUOR PERMIT

- A. Ohio Wesleyan University DBA Selby Stadium, 45 S. Henry Street, Delaware, Ohio 43015. Permit Class: D1

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

ITEM 10: ORDINANCE NO. 18-37 [Second Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 89.618 ± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE WILGUS ANNEXATION BY ANDREW P. WECKER, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the second time.

APPLICANT:

Jack Brickner
2715 Brighton Drive
Liberty Township, Ohio

Council to take Ordinance No. 18-37 to a third reading.

ITEM 11: RESOLUTION NO. 18-28 [First Reading]

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 2.091 ± ACRES OF LAND, MORE OR LESS,

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 14 2018

DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE JOSHUA MORGAN ANNEXATION BY ANDREW P. WECKER, AGENT FOR THE PETITIONERS.

The Clerk read the resolution for the first time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 18-28, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 12: RESOLUTION NO. 18-29 [First Reading] A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) CONTRACT WITH BERKSHIRE TOWNSHIP.

The Clerk read the resolution for the first time. A public hearing and third reading has been scheduled for June 205, 2018 at 7:30 p.m.

ITEM 13: ORDINANCE NO. 18-38 [First Reading] AN ORDINANCE APPROVING A PERFORMANCE BASED ECONOMIC INCENTIVE GRANT AGREEMENT WITH GUILD ASSOCIATES FOR ELECTRICAL UPGRADES TO A BUILDING AT 105 INNOVATION CT. AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT: Mike Freeburn 105 Innovation Court Delaware, Ohio 43015

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 18-38, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to enact the emergency clause for Ordinance No. 18-38, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 18-38, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 18-39 [First Reading] AN ORDINANCE AMENDING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR A PERFORMANCE BASED ECONOMIC INCENTIVE GRANT TO GUILD ASSOCIATES, INC. TO ASSIST IN UPGRADING ELECTRICAL INFRASTRUCTURE THAT WILL ALLOW THE COMPANY TO OCCUPY A PORTION OF THE SYMMETRY II BUILDING AT 105 INNOVATION COURT AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT: Mike Freeburn 105 Innovation Court Delaware, Ohio 43015

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 18-39, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 14 2018

Motion: Mr. Jones motioned to enact the emergency clause for Ordinance No. 18-39, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 18-39, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 18-40 [First Reading] AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH AMERICAN ELECTRIC POWER, OLENTANGY LOCAL SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A NEW BUILD ON SLACK ROAD, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT: Liberty Schindel 1 Riverside Plaza Columbus, Ohio 43215

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-40, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 18-40, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-40, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 18-41 [First Reading] AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH ENGINEERED MATERIALS SYSTEMS, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 100 INNOVATION COURT AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT: Todd Iron 100 Innovation Court Delaware, Ohio 43015

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-41, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 18-41, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-41, seconded by Mr. Jones. Motion approved by a 7-0 vote.

RECORD OF PROCEEDINGS

Held May 14 20 18

ITEM 17: ORDINANCE NO. 18-42 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO REALLOCATE APPROPRIATIONS FROM THE MUNICIPAL COURT ADMINISTRATION BUDGET TO A NEW MISSION COURT BUDGET WITHIN THE MUNICIPAL COURT FUND, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT:

Judge Marianne Hemmeter
Delaware Municipal Court
70 North Union Street
Delaware, Ohio

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 18-42, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to enact the emergency clause for Ordinance No. 18-42, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 18-42, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 18: ORDINANCE NO. 18-43 [First Reading]

AN ORDINANCE FOR AEP FOR APPROVAL OF A CONDITIONAL USE PERMIT REQUEST FOR A NEW SERVICE CENTER BUILDING ON APPROXIMATELY 50 ACRES LOCATED ON THE SOUTH SIDE OF SLACK ROAD AND JUST WEST OF THE RAILROAD TRACKS ON PROPERTY ZONED A-1 (AGRICULTURAL DISTRICT).

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for June 11, 2018 at 7:20 p.m.

ITEM 19: ORDINANCE NO. 18-44 [First Reading]

AN ORDINANCE FOR AEP FOR APPROVAL OF A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A NEW SERVICE CENTER BUILDING ON APPROXIMATELY 50 ACRES LOCATED ON THE SOUTH SIDE OF SLACK ROAD AND JUST WEST OF THE RAILROAD TRACKS ON PROPERTY ZONED A-1 (AGRICULTURAL DISTRICT).

The Clerk read the ordinance for the first time.

ITEM 20: ORDINANCE NO. 18-21 (REVISED) [Fourth Reading]

AN ORDINANCE FOR MEDROCK, LLC FOR APPROVAL OF A (REVISED) 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 38 ACRES ON PROPERTY ZONED R-6 MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PUD (PLANNED UNIT DEVELOPMENT) OVERLAY.

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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The Clerk read the ordinance for the fourth time. A public hearing and fifth reading has been scheduled for May 21, 2018 at 7:00 p.m.

ITEM 21: ORDINANCE NO. 18-22 (REVISED) [Fourth Reading]
AN ORDINANCE FOR MEDROCK, LLC FOR APPROVAL OF A (REVISED) COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN TO MULTI-FAMILY AREA 3 (FLATS ON HOUK) OF THE EXISTING 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 OVERLAY).

The Clerk read the ordinance for the fourth time.

ITEM 22: CITY MANAGER’S REPORT

Mr. Homan provided information on an award received by Mayor Riggle and Mr. Jordan from AEP.

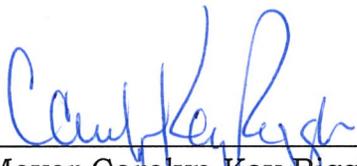
ITEM 23: COUNCIL COMMENTS

Mrs. Keller wanted to provide the public present at the meeting to provide public comment in regards to Ordinance 18-21 and Ordinance 18-22. There was no public participation.

Mayor Riggle provided updates on upcoming activities including the New Moon Marathon, Arts Festival, and the Eyes of Freedom.

ITEM 24: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 8:16 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk