

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 9 20 18

6:30 EXECUTIVE SESSION: Mr. Rohrer motioned to enter into executive session at 6:31 p.m. This motion was seconded by Vice-Mayor Shafer and approved by a 6-0 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, 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 Mayor Riggle that Council move into Open session, seconded by Vice-Mayor Shafer and approved by a 6-0 vote.

The regular meeting of Council held July 9, 2018 was called to order at 7:01 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, 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 Second Ward Lisa Keller. The invocation was given by Pastor Kale Booher, of Lifepoint Church, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Ted Miller, Parks and Natural Resource 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, and Tom Homan, City Manager

Motion to Excuse: Vice-Mayor Shafer motioned to excuse Mrs. Keller, seconded by Mr. Browning. 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 June 25, 2018, as recorded and transcribed.

Motion: Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held June 25, 2018, as recorded and transcribed, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on April 24, 2018, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on February 28, 2018, as recorded and transcribed.
- C. Resolution No. 18-43, a resolution authorizing the City Manager to prepare and submit an application to participate in the Ohio Public Works Commission (OPWC) Local Transportation Improvements (LTIP) Grant Program (Round 33), and to execute contracts as required for the Houk Road (Sections B & D) and North Union Improvements.
- D. Resolution No. 18-44, a resolution authorizing the City Manager to enter into a Cooperation Agreement with Delaware County for an

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- application to the Ohio Public Works Commission (OPWC) for the Houk Road (Sections B & D) and North Union Improvements.
- E. Resolution No. 18-45, a resolution authorizing the City Manager to prepare and submit formal applications for Federal Attributable Funding through the Mid-Ohio Regional Planning Commission (MORPC) for the planning, design, and construction of the Houk Road (Sections A & C) Improvements.

Motion: Vice-Mayor Shafer motioned to approve the Consent Agenda, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORT

Mr. Hellinger informed Council that there is a Finance Committee Meeting on Wednesday, July 11, 2018.

Mayor Riggle informed Council that there is a Sister City Advisory Board Meeting on Tuesday, July 10, 2018.

ITEM 8: PRESENTATIONS

- A. Presentation and recommendation by the Parks and Recreation Advisory Board regarding a No Tobacco Policy at City Parks – Allyson Lash, Chairwoman

PRESENTORS:

Allyson Lash
Parks and Recreation Advisory Board Chairwoman
381 Timbersmith Drive
Delaware, Ohio 432015

Abby Trimble
Delaware General Health District
1 West Winter Street
Delaware, Ohio 43015

Ted Miller
Parks and Natural Resource Director

Ms. Lash provided background regarding the request by the Health Department on having tobacco free parks. Mr. Miller discussed the efforts to discourage smoking around youth sporting events and that staff and the Parks and Recreation Advisory Board reviewed similar policies to prohibit tobacco products from other cities. Vice-Mayor Shafer voiced a concern over a complete ban compared to designated areas. Mr. Hellinger recommended that all city parks and property, including Hidden Valley Golf Course, to be tobacco free. Ms. Trimble recommended that the ban include all tobacco, smokeless tobacco, and vapor smoking.

- B. Continued discussion and questions regarding the request for a Terra Alta New Community Authority (NCA) - David Fisher, Principal, Kephart Fisher, LLC, et al.

PRESENTORS:

Michael R. Shade

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P.O. Box 438
Delaware, Ohio

Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Mr. Shade informed Council that he will be providing them with the language regarding NCA's in the Columbus Board of Realtor's Contract. He discussed the analysis that was completed to show the voting outcome from the November 2016 election and voting trends by those that were under the current NCA's. Mr. Homan informed Mr. Shade and Council that the formal petition had not been received. Mr. Cuckler discussed the opportunity the NCA will provide for high end housing. Mr. Cuckler discussed the average home value for the City of Delaware and the average new home price for City of Delaware. He discussed the average home values for a home in Delaware City School District to increase with the NCA. Mr. Cuckler discussed other comparable cities with NCA's, including the NCA in the Golf Village development located in Powell. He discussed that the board will be comprised of residents of the development.

ITEM 9: RESOLUTION NO. 18-40 [Public Comment and Second Reading]

A RESOLUTION AUTHORIZING THE RESTRICTION OF ON STREET PARKING ON THE NORTH SIDE OF WEST FOUNTAIN AVENUE BETWEEN FOREST AVENUE AND EUCLID AVENUE BETWEEN THE HOURS OF 7:30 AM AND 3:45 PM ON SCHOOL DAYS.

The Clerk read the resolution for the first time.

Chief Pijanowski provided an update on the request for no parking on West Fountain Avenue during school hours. He discussed the difficulty maneuvering through the street during school hours due to the narrow street and having cars parked on both sides.

PUBLIC PARTICIPATION:

Deborah Guebert
265 West Fountain Avenue
Delaware, Ohio

Ms. Guebert voiced opposition to the parking restrictions and the impact to having reduced parking on the streets, which will create more parking in front of her residence. She provided suggestions of 2-3 hour parking during daytime hours, parking passes, and city ordinance to restrict parking within so many feet of driveways.

Dick Jackson
270 West Fountain Avenue
Delaware, Ohio

Mr. Jackson voiced his support to the restrictions and that he has difficulty getting safely out of his driveway during school days and hours.

Vice-Mayor Shafer recommended to have the restrictions as a temporary measure during the 2018-2019 school year and then reevaluate. Council was in agreement to this reevaluation.

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Motion: Vice-Mayor Shafer motioned to amend Resolution No. 18-40 to have a trial period during the 2018-2019 school year, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 18-40, as amended, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 10: RESOLUTION NO. 18-41 [Second Reading]
A RESOLUTION ACCEPTING NEGOTIATED CHANGES TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), LOCAL 606 AND THE CITY OF DELAWARE.

The Clerk read the resolution for the second time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 18- 41, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 11: RESOLUTION NO. 18-29 [Fourth 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 fourth time.

Mr. Shulman discussed that the City is currently waiting for Berkshire Township to provide the notification to property owners in the JEDD area.

Motion: Mr. Jones motioned to table Resolution No. 18-29 until the City receives signed paperwork from Berkshire Township, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 18-50 [Third Reading]
AN ORDINANCE FOR MANOS PROPERTIES FOR APPROVAL OF A REZONING AMENDMENT FOR THE WESLEYAN INN ON APPROXIMATELY 1.09 ACRES (PARCELS 519-433-04-005-000 AND 519-433-04-002) FROM PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT) AND R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) TO PO/I AND R-3 PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 235 AND 239 WEST WILLIAM STREET.

The Clerk read the ordinance for the third time.

APPLICANT:
Jim Manos
5973 Macewen Ct.
Dublin, Ohio

Joe Clase
Plan4Land.LLC
10 W. North St.
Ostrander, Ohio

Pat Manly
4405 Olentangy Blvd.

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Columbus, Ohio

PUBLIC COMMENT:

Cat Wimer
250 West Williams Street
Delaware, Ohio

Ms. Wimer voiced concerns over the lack of visibility to see oncoming cars when backing out of property. She discussed the negative impact to the neighborhood with the proposed development and the high cost to the developer to make changes to the south side of Williams Street.

Sue Macklin
12 Montrose Avenue
Delaware, Ohio

Ms. Macklin questioned on how far improvements will be made on the south side of Williams Street and will these improvements take from the right-a-way. Mr. Ferrigno discussed that these will be right-a-way improvements and the expected distance and location of the improvements.

Cheryl Hutchinson
256 West William Street
Delaware, Ohio

Ms. Hutchinson voiced concerns over the safety issue if there are changes to the north side of William Street.

Tom Tobin
253 West William Street
Delaware, Ohio

Mr. Tobin voiced opposition to the development and concerns on how the development will be successful if the surrounding community does not support it. He also discussed that families will want to stay closer to amenities.

Lori Flaglor
35 Montrose Avenue
Delaware, Ohio

Ms. Flaglor discussed concerns over Conditions 2 and 4 in the staff recommendations and questioned if Ohio Wesleyan University has approved the emergency access point.

Cathy Tobin
253 West William Street
Delaware, Ohio

Ms. Tobin voiced concerns over the increase in traffic and current traffic concerns. She discussed concerns over the lights from cars shining into her house and the lack of privacy. Ms. Tobin voiced concerns of the potential loss in value to her home and insurance increases for homeowners insurance.

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Pat Manly
4405 Olentangy Blvd.
Columbus, Ohio

Mr. Manly discussed the market study that was completed to encourage the project and the motivation of the applicant to restore and preserve the house both inside and out. He discussed the requirements for an emergency access by the City of Delaware Fire Department and that the area will have a landscape buffer. Mr. Manly discussed the applicant's proposal to not change the parking on the north side of William Street and to make the changes on the applicant's property on the south side. He discussed the potential need to relocate the stone wall and regrade the front yard to accommodate changes.

Joe Clase
Plan4Land.LLC
10 W. North St.
Ostrander, Ohio

Mr. Clase discussed the projected timeline.

Council was in agreement to take Ordinance No. 18-50, 51, and 52 to a fourth reading. Council requested a copy of the market study and the applicant informed Council that it can be provided to them.

ITEM 13: ORDINANCE NO. 18-51 [Third Reading]

AN ORDINANCE FOR MANOS PROPERTIES FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR THE WESLEYAN INN ON APPROXIMATELY 1.09 ACRES (PARCELS 519-433-04-005-000 AND 519-433-04-002) AT 235 AND 239 WEST WILLIAM STREET.

The Clerk read the ordinance for the third time. Council to take Ordinance No. 18-51 to a fourth reading.

ITEM 14: ORDINANCE NO. 18-52 [Third Reading]

AN ORDINANCE FOR MANOS PROPERTIES FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE WESLEYAN INN ON APPROXIMATELY 1.09 ACRES (PARCELS 519-433-04-005-000 AND 519-433-04-002) ON PROPERTY ZONED PO/I AND R-3 PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 235 AND 239 WEST WILLIAM STREET.

The Clerk read the ordinance for the third time. Council to take Ordinance No. 18-52 to a fourth reading.

ITEM 15: ORDINANCE NO. 18-61 [First Reading]

AN ORDINANCE AMENDING ORDINANCE NO. 11-86 TO EXTEND THE PERMISSIBLE CLOSING DATE OF PROPERTY PREVIOUSLY OFFERED FOR SALE AT PUBLIC AUCTION.

The Clerk read the ordinance for the first time. Council to take Ordinance NO. 18-61 to a second reading.

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ITEM 16: CITY MANAGER'S REPORT

Mr. Homan informed Council that he was invited to participate in a MORPC Transportation Strategy Group.

Mr. Homan provided an update on the upcoming Comprehensive Plan Steering Committee meeting.

ITEM 17: COUNCIL COMMENTS

Mr. Hellinger discussed the need for city staff to be more proactive on code violations and potential safety issues. He also discussed the concerns received on who constituents can call for concerns. He discussed the option of having one specific line designated to provide customer service assistance and direct callers to the correct department for assistance.

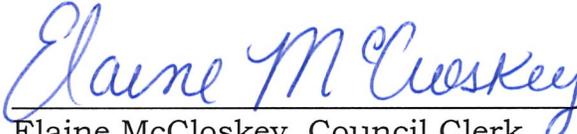
Mayor Riggle discussed the continued use of signs in the right-a-way and the consideration of enforcing a fee or a fine. She discussed the need to move the parade for the Fourth of July earlier in the day to allow for staff to have time with their family and to not have it at the hottest part of the day.

ITEM 18: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 9:01 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk