

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held August 13 20 18

6:30 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 did not meet in Executive Session as it was deemed not necessary.

The regular meeting of Council held August 13, 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 Pastor David Soliday, Delaware Unitarian Universalist Fellowship Church, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Ted Miller, Parks and Natural Resource Director, Dean Stelzer, Finance Director, Sean Hughes, Economic Development Director, 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

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on July 23, 2018, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held July 23, 2018, as recorded and transcribed, seconded by Mr. Jones. Motion approved by a 6-0-1 (Shafer) vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Finance Committee meeting held on July 11, 2018, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on June 27, 2018, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Records Commission meeting held on December 13, 2017, as recorded and transcribed.
- D. Acceptance of the Motion Summary of the Airport Commission meeting held on April 19, 2018, as recorded and transcribed.
- E. Acceptance of the Motion Summary of the Planning Commission meeting held on July 18, 2018, as recorded and transcribed.
- F. Establish August 27, 2018 at 7:20 p.m. as a date and time for a public hearing and second reading for **Ordinance No. 18-69**, an ordinance approving a Rezoning Amendment request by Joshua Morgan Construction LLC, at 1354 SR 521 (parcels 519-441-02-002-000, 519-441-02-003-000 & 519-441-02-004-000) from A-1 (Agricultural District) to R-3 (One-Family Residential District) on approximately 2.091 acres.
- G. Establish August 27, 2018 at 7:30 p.m. as a date and time for a public hearing and second reading for **Ordinance No. 18-70**, an ordinance for Metro Development LLC, for approval of a Rezoning

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Amendment for the Seattle House Apartments (240 Units) on approximately 24.212 acres (parcel 519-444-01-001-001) from R-6 (Multi-Family Residential District) and B-3 Community Business District) to R-6 and B-3 PMU (Planned Mixed Use Overlay District) and located on the north side of US 36/37 and the south side of Bowtown Road just east of the Chesrown Auto Storage Lot and Ordinance No. 18-71, an ordinance for Metro Development LLC, for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established for the Seattle House Apartments (240 units) on approximately 24.212 acres (parcels 519-444-01-001-001) and located on the north side of US 36/37 and the south side of Bowtown Road just east of the Chesrown Auto Storage Lot.

- H. Establish August 27, 2018 at 7:45 p.m. as a date and time for a public hearing and second reading for Ordinance No. 18-73, an ordinance for Metro Development LLC, for approval of a Rezoning Amendment for the Highpoint Place Apartments (160 Units) on approximately 16.70 acres (parcels 519-442-10-020-000 and 519-442-10-021-000) from R-6 (Multi-Family Residential District) to R-6 PMU (Multi-Family Residential with a Planned Mixed Use overlay District) and located on the north side of Bowtown Road just west of Village Gate Apartments and Ordinance No. 18-74, an ordinance for Metro Development LLC, for approval of a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established for the Highpoint Place Apartments (160 units) on approximately 16.70 acres (parcels 519-442-10-020-000 and 519-442-10-021-000) and located on the north side of Bowtown Road just west of Village Gate Apartments.
I. Establish September 10, 2018 at 7:20 p.m. as a date and time for a public hearing and second reading for Ordinance No. 18-77, an ordinance determining that the petition for the establishment of the Terra Alta Community Authority complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code and to fix a date and place for a public hearing on that petition, and declaring an emergency.

Mr. Shulman discussed Item I with Council regarding the date and reading for the public hearing. A discussion was held on Council's preference to have the public hearing on September 10, 2018 as a second or third reading. Council recommended that the public hearing held on September 10, 2018 at 7:20 p.m. as a third reading.

Motion: Vice-Mayor Shafer motioned to approve the Consent Agenda as amended for Item I, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 6: PRESENTATIONS

- A. Access Delaware Update - Marie Keister, President, MurphyEpson

ITEM 7: ORDINANCE NO. 18-64 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT REQUEST BY N & G TAKHAR OIL FOR A RENOVATION AND EXPANSION OF THE MARATHON GAS STATION AT 473 SOUTH SANDUSKY STREET ON APPROXIMATELY 0.80 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

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The Clerk read the Ordinance for the second time.

Public Comment:

Constance Grossman
2 Fieldcrest Drive
Delaware, Ohio 43015

Ms. Grossman voiced concerns regarding the condition of underground storage tanks. Chief Donahue informed Council that underground tanks are monitored by the State and an inspection will occur to allow for reutilization.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-64, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-64, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 8: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC COMMENT:

Susan McGrail
268 Sylvan Drive
Delaware, Ohio 43015

Mrs. McGrail provided to Council a copy of Westerville's Ordinance 2018-13 relating to massage establishments. She discussed concerns over some massage establishments not having licensure under the State of Ohio. She voiced concerns over the potential for human trafficking.

Dr. John McGrail
268 Sylvan Drive
Delaware, Ohio 43015

Dr. McGrail voiced a concern over the health of residents in the City of Delaware that receive services at unlicensed facilities and that there are no standards for sanitation and care.

Brett Latta
376 North Sandusky Street
Delaware, Ohio 43015

Mr. Latta voiced concerns over speeding around North Sandusky Street and customers of Zeus Tires blocking sidewalks.

Travis Irvan
Delaware General Health District, Epidemiologist
1 West William Street
Delaware, Ohio 43015

Mr. Irvan informed Council that the Delaware General Health District will be fogging for mosquitos on the west side of Delaware.

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ITEM 9: COMMITTEE REPORT

Mr. Hellinger informed Council that the Finance Committee met on July 31, 2018 and that legislation on the August 15, 2018 agenda resulted from that meeting.

City Council Clerk, Elaine McCloskey, provided an update regarding Main Street Delaware and concerns voiced by the Main Street Board over pedestrian safety.

ITEM 10: CONSIDERATION OF LIQUOR PERMIT TREX

A. Mystic Golf & Games LLC, 1159 Columbus Pike, Delaware, Ohio 43015. Permit Class: D2

Mr. Hughes provided information regarding the Economic Development TREX. Chief Pijanowski discussed the background check. Mr. Hughes explained that action by Council tonight would allow for the City to submit the Economic Development TREX Transfer Form back to Liquor Control and to waive the hearing.

Motion: Vice-Mayor Shafer motioned to authorize both steps of the TREX, seconded by Mrs. Keller. Motion approved by a 6-0-1 (Rohrer) vote.

ITEM 11: ORDINANCE NO. 18-50 [Fifth 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 fifth time.

APPLICANT:

Jim Manos
5973 Macewen Ct.
Dublin, Ohio

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

Nick Elmasian
Elmasian Engineering
9260 Weigela Court
Plain City, Ohio

Mr. Elmasian reviewed the changes to the access to the development along with changes to William Street on the south side. Mrs. Keller voiced a concern over the lack of support over the rezoning from surrounding neighbors. Mr. Jones voiced a concern over setting a precedent regarding rezoning.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-50, seconded by Vice-Mayor Shafer. Motion failed with a 3-4 (Jones, Keller, Browning,

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Rohrer) vote.

ITEM 12: ORDINANCE NO. 18-51 [Fifth 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 fifth time.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-51, seconded by Vice-Mayor Shafer. Motion failed with a 3-4 (Jones, Keller, Browning, Rohrer) vote.

ITEM 13: ORDINANCE NO. 18-52 [Fifth 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 fifth time.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-52, seconded by Vice-Mayor Shafer. Motion failed with a 3-4 (Jones, Keller, Browning, Rohrer) vote.

ITEM 14: ORDINANCE NO. 18-65 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY GLENROSS NORTH LLC, FOR GLENROSS NORTH SECTIONS 2-4 CONTAINING 127 SINGLE FAMILY LOTS ON APPROXIMATELY 65.81 ACRES LOCATED JUST EAST OF GLENN PARKWAY AND NORTH OF THE GLENROSS GOLF CLUB ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the first time.

APPLICANT:

Brian Prenger
5500 New Albany Road
Columbus, Ohio

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-65, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-65, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 18-66 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY GLENROSS NORTH LLC, FOR GLENROSS NORTH SECTION 2 CONTAINING 48 SINGLE FAMILY LOTS ON APPROXIMATELY 28.726 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL

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WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON IRVINE LOOP, DELANO DRIVE, SYCAMORE LANE, IRVINE WAY AND BLACKMORE DRIVE.

The Clerk read the Ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-66, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-66, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 18-67 [First Reading] AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY GLENROSS NORTH LLC, FOR GLENROSS NORTH SECTION 3 CONTAINING 44 SINGLE FAMILY LOTS ON APPROXIMATELY 17.930 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON BLACKMORE DRIVE, WINDLEY COURT AND MELICK DRIVE.

The Clerk read the Ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-67, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-67, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 17: ORDINANCE NO. 18-68 [First Reading] AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY GLENROSS NORTH LLC, FOR GLENROSS NORTH SECTION 4 CONTAINING 35 SINGLE FAMILY LOTS ON APPROXIMATELY 19.157 ACRES ON PROPERTY ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON MELICK DRIVE AND IRVINE WAY.

The Clerk read the Ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-68, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-68, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 18: ORDINANCE NO. 18-69 [First Reading] AN ORDINANCE APPROVING A REZONING AMENDMENT REQUEST BY JOSHUA MORGAN CONSTRUCTION LLC, AT 1354 SR521 (PARCELS 519-441-02-002-000, 519-441-02-003-000 & 519-441-02-004-000) FROM A-1 (AGRICULTURAL DISTRICT) TO R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) ON APPROXIMATELY 2.091 ACRES.

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for August 27, 2018 at 7:20 p.m.

ITEM 19: ORDINANCE NO. 18-70 [First Reading]

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The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for August 27, 2018 at 7:30 p.m.

ITEM 20: ORDINANCE NO. 18-71 [First Reading]

AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR THE SEATTLE HOUSE APARTMENTS (240 UNITS) ON APPROXIMATELY 24.212 ACRES (PARCELS 519-444-01-001-001) AND LOCATED ON THE NORTH SIDE OF US 36/37 AND THE SOUTH SIDE OF BOWTOWN ROAD JUST EAST OF THE CHESROWN AUTO STORAGE LOT.

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for August 27, 2018 at 7:30 p.m.

ITEM 21: ORDINANCE NO. 18-72 [First Reading]

AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE SEATTLE HOUSE APARTMENTS (240 UNITS) ON APPROXIMATELY 24.212 ACRES (PARCEL 519-444-01-001-001) ZONED R-6 AND B-3 PMU (MULTI-FAMILY RESIDENTIAL DISTRICT AND COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF US 36/37 AND THE SOUTH SIDE OF BOWTOWN ROAD JUST EAST OF THE CHESROWN AUTO STORAGE LOT.

The Clerk read the ordinance for the first time. Ordinance No. 18-72 will be taken to a second reading.

ITEM 22: ORDINANCE NO. 18-73 [First Reading]

AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A REZONING AMENDMENT FOR THE HIGHPOINT PLACE APARTMENTS (160 UNITS) ON APPROXIMATELY 16.70 ACRES (PARCELS 519-442-10-020-000 AND 519-442-10-021-000) FROM R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO R-6 PMU (MULTI-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for August 27, 2018 at 7:45 p.m.

ITEM 23: ORDINANCE NO. 18-74 [First Reading]

AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR THE HIGHPOINT PLACE APARTMENTS (160 UNITS) ON APPROXIMATELY 16.70 ACRES (PARCELS 519-442-10-020-000 AND 519-442-10-021-000)

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AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for August 27, 2018 at 7:45 p.m.

ITEM 24: ORDINANCE NO. 18-75 [First Reading]

AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE HIGHPOINT PLACE APARTMENTS (160 UNITS) ON APPROXIMATELY 16.70 ACRES (PARCELS 519-442-10-020-000 AND 519-442-10-021-000) ZONED R-6 PMU (MULTI-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the first time. Ordinance No. 18-75 will be taken to a second reading.

ITEM 25: ORDINANCE NO. 18-76 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE RENOVATION OF CITY HALL AND THE CITY HALL ANNEX AND TO MAKE IMPROVEMENTS TO THE PARKING LOT EAST OF THE CITY HALL ANNEX BUILDING.

The Clerk read the ordinance for the first time. Ordinance No. 18-76 will be taken to a second reading.

ITEM 26: ORDINANCE NO. 18-77 [First Reading]

AN ORDINANCE DETERMINING THAT THE PETITION FOR THE ESTABLISHMENT OF THE TERRA ALTA COMMUNITY AUTHORITY COMPLIES AS TO FORM AND SUBSTANCE WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE AND TO FIX A DATE AND PLACE FOR A PUBLIC HEARING ON THAT PETITION, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. A public hearing and third reading of Ordinance No. 18-77 has been scheduled for September 10, 2018 at 7:20 p.m.

ITEM 27: ORDINANCE NO. 18-78 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO COMPLETE A TRAIL SEGMENT ON CHESHIRE RD.

The Clerk read the ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-78, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-78, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 28: CITY MANAGER'S REPORT

Mr. Homan provided an update regarding recycling. He provided background information on Delaware Now and their plans to conduct a

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study regarding U.S. 23. Mr. Homan thanked staff for their assistance during Ironman.

ITEM 29: COUNCIL COMMENTS

Mrs. Keller discussed her concerns over the multiple rezoning requests on the agenda and that developers are aware of the zoning when they purchase properties. She discussed the need to consider looking at the zoning in a comprehensive process and not individually.

Mr. Browning voiced his support regarding Mrs. Keller’s concern relating to rezoning requests. Mr. Browning acknowledged the successful work of Mr. Stelzer and his staff in regards to the report provided by the State Auditor.

Vice-Mayor Shafer requested an executive summary regarding the Small Cell Legislation. He recommended a work session in the future to have a better understanding relating to zoning. He recommended that staff look at creating an ordinance setting parameters for when a NCA would be appropriate.

Mayor Riggle discussed the success of the recent Ironman and thanked all the volunteers for the event. She discussed concerns that she had received over road work being completed near schools. She recommended that staff reach out through social media to explain why the repairs were unable to be completed during the summer due to the grant process.

ITEM 30: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 9:14 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk