

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held September 10 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 September 10, 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, and Vice-Mayor Kent Shafer who presided. Absent from the meeting was Mayor Carolyn Kay Riggle. The invocation was given by Captain Mark Larrick, The Salvation Army, followed by the Pledge of Allegiance.

Staff Present: Chris Ballard, Assistant City Attorney, Ted Miller, Parks and Natural Resource Director, Blake Jordan, Public Utilities Director, Dean Stelzer, Finance Director, 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

Motion to Excuse: Mr. Hellinger motioned to excuse Mayor Riggle, seconded by Mr. Rohrer. 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 August 27, 2018, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held August 27, 2018, as recorded and transcribed, seconded by Mr. Jones. 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 June 26, 2018, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Planning Commission meeting held on August 1, 2018, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Civil Service Commission meeting held on June 6, 2018, as recorded and transcribed.
- D. Resolution No. 18-51, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor for Tax Year 2018/Budget Year 2019.
- E. Resolution No. 18-52, a resolution authorizing the City Manager to enter into a Cooperation Agreement with Delaware County for the installation of a traffic signal at the intersection of US 23 and Glenn Parkway-Peachblow Road.
- F. Establish September 24, 2018 at 7:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 18-81, an ordinance amending Section 917.05 of the Delaware Codified Ordinances modifying industrial pre-treatment limits for silver and mercury.

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G. Establish September 24, 2018 at 7:45 p.m. as a date and time for a public hearing and second reading of Ordinance No. 18-84, an ordinance for Mystic Golf and Games LLC for approval of a Conditional Use Permit request for Mystic Golf and Games at 1159 Columbus Pike within the Delaware Square Shopping Center and zoned B-3 (Community Business District).

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

There was no public comment.

ITEM 7: COMMITTEE REPORT

ITEM 8: PRESENTATIONS

- A. Proclamation recognizing Diaper Awareness Week presented to Mark Clack, General Manager, Domtar Personal Care
B. Proclamation recognizing National Preparedness Month presented to Chief John Donahue

ITEM 9: ORDINANCE NO. 18-77 [Public Hearing and Third 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 third time.

APPLICANT:

David Fisher
Kephart & Fisher
207 North 4th Street
Columbus, Ohio

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

Mr. Shade presented to Council a packet with responses in regards to concerns voiced by City Council, Staff Report, and in previous direct communication with the Petition's Representatives. Council was made aware that with the passage of Ordinance No. 18-77 a public hearing will be scheduled for October 8, 2018 at 7:30 p.m. to establish Terra Alta New Community Authority as a new community authority.

Motion: Mr. Jones motioned to enact the emergency clause for Ordinance No. 18-77, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 18-77, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 18-70 [Third Reading]

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AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A REZONING 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.

The Clerk read the ordinance for the third time. Ordinance No. 18-70 will be taken to a fourth reading.

APPLICANT:

Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Joe Thomas
Metro Development
470 Olde Worthington Road
Westerville, Ohio

Mr. Cuckler and Mr. Thomas presented a rendering of a potential layout to the development site if completed without the rezoning amendment. A discussion was held on a potential TIF.

PUBLIC PARTICIPATION:

Shareeque Sadiq
61 South Sandusky Street
Delaware, Ohio

Mr. Sadiq discussed the need for housing for students of Ohio Wesleyan University after they graduate.

Max Caldwell
1509 Bowtown Road
Delaware, Ohio

Mr. Caldwell voiced his preference for a two story building and not a three story building.

ITEM 11: ORDINANCE NO. 18-71 [Third 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 third time. Ordinance No. 18-71 will be taken to a fourth reading.

ITEM 12: ORDINANCE NO. 18-72 [Third Reading]

AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE SEATTLE HOUSE

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APARTMENTS 9240 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 third time. Ordinance No. 18-72 will be taken to a fourth reading.

ITEM 13: ORDINANCE NO. 18-73 [Third 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 third time. Ordinance No. 18-73 will be taken to a fourth reading.

APPLICANT:

Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Joe Thomas
Metro Development
470 Olde Worthington Road
Westerville, Ohio

ITEM 14: ORDINANCE NO. 18-74 [Third 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) AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the third time. Ordinance No. 18-74 will be taken to a fourth reading.

ITEM 15: ORDINANCE NO. 18-75 [Third 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 third time. Ordinance No. 18-75 will be taken to a fourth reading.

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ITEM 16: RESOLUTION NO. 18-50

[Third Reading]

A RESOLUTION ADOPTING THE 2019-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

The Clerk read the resolution for the third time.

ITEM 17: ORDINANCE NO. 18-80

[First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 221.341 ± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE CENTRAL OHIO BOY SCOUTS OF AMERICA - CAMP LAZARUS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 18-80 to a second reading.

APPLICANT:

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

ITEM 18: ORDINANCE NO. 18-81

[First Reading]

AN ORDINANCE AMENDING SECTION 917.05 OF THE DELAWARE CODIFIED ORDINANCES MODIFYING INDUSTRIAL PRE-TREATMENT LIMITS FOR SILVER AND MERCURY.

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for September 24, 2018 at 7:30 p.m.

ITEM 19: ORDINANCE NO. 18-82

[First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY MEDROCK LLC., FOR WILLOWBROOK RETAIL PHASE 2 ON APPROXIMATELY 3.324 ACRES ZONED B-4 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT DISTRICT) AND LOCATED ON THE SOUTH SIDE OF US 36 AND ON THE WEST SIDE OF SOUTH HOUK ROAD.

The Clerk read the ordinance for the first time.

APPLICANT:

R.J. Sabatino
15 East Lane Avenue
Columbus, Ohio

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 18-82, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 18-82, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 20: ORDINANCE NO. 18-83

[First Reading]

AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT PLAN REQUEST BY SOURCE POINT FOR A PARKING LOT EXPANSION ON APPROXIMATELY 11.41 ACRES ZONED PO/I (PLANNED

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OFFICE/INSTITUTIONAL DISTRICT) AND LOCATED AT 800 CHESHIRE ROAD.

The Clerk read the ordinance for the first time.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 18-83, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 18-83, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 21: ORDINANCE NO. 18-84 [First Reading]

AN ORDINANCE FOR MYSTIC GOLF AND GAMES LLC FOR APPROVAL OF A CONDITIONAL USE PERMIT REQUEST FOR MYSTIC GOLF AND GAMES AT 1159 COLUMBUS PIKE WITHIN THE DELAWARE SQUARE SHOPPING CENTER AND ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the first time. A public hearing and second reading has been scheduled for September 24, 2018 at 7:45 p.m.

ITEM 22: ORDINANCE NO. 18-85 [First Reading]

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 18-85 to a second reading.

ITEM 23: CITY MANAGER'S REPORT

Mr. Homan informed Council that he will be out of town for the September 24th City Council meeting. He provided information of a discussion regarding The Bag at a recent COMMA meeting and upcoming Focus on Future meetings regarding the Comprehensive Plan.

ITEM 24: COUNCIL COMMENTS

Mr. Jones discussed having further conversation regarding the Massage Parlor at a future Council meeting. He requested more information on a TIF prior to the next meeting.

Mrs. Keller provided information on the delegation that will be attending a Sister City visit to Baumholder, Germany.

Mr. Browning reminded Council of the need for future discussion regarding Access Delaware.

Mr. Hellinger voiced a concern regarding the use of electric scooters on public sidewalks.

Vice-Mayor Shafer informed Council that he will be attending a MORPC meeting with the City Manager.

ITEM 25: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 8:06 p.m.

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Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk