

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held September 24 20 18

The regular meeting of Council held September 24, 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, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Pastor Dave Carter, New Beginnings United Methodist Church, followed by the Pledge of Allegiance.

Staff Present: Chris Ballard, Assistant City Attorney, Darren Shulman, City Attorney, Blake Jordan, Public Utilities Director, Dean Stelzer, Finance Director, 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 September 10, 2018, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on September 6, 2018, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held September 10, 2018, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Riggle) vote.

Motion: Mrs. Keller motioned to approve the Motion Summary of the work session meeting of Council held September 6, 2018, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Establish October 8, 2018 at 8:00 p.m. as a date and time for a public hearing and second reading of Ordinance No. 18-88, an ordinance amending Section 549.08 of the City of Delaware's Codified Ordinances, relating to pointing and discharging firearms.
- B. Establish October 22, 2018 at 7:30 p.m. as a date and time for a public hearing and third reading of Ordinance No. 18-89, an ordinance amending Section 917.14 of the Sanitary Sewer Regulations of the Streets, Utilities, and Public Services Code to add a fifty percent (50%) surcharge for non-city customers.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC COMMENT:

Amber Hudson
MASH Pantry and Resource Center
2735 Columbus Street
Grove City, Ohio

Ms. Hudson discussed her goal to set up a food pantry for to serve military veterans, active duty military and families in the City of Delaware. She

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discussed the need to find a space of at a minimum 500 square feet for the operation and provided information on funding for the pantry.

Joel Schaefer
242 West Lincoln Avenue
Delaware, Ohio

Mr. Schaefer provided a copy of a Letter to the Editor regarding increasing income taxes for road maintenance. He recommended the option to enforce trucking regulations by adopting the Code of Federal Regulations Title 49, Parts 100-199.

Christopher Kirk
15 West Maple Street
Delaware, Ohio

Mr. Kirk voiced his concerns over the increasing use of illegal drugs and the need for additional police canines to help with the issue.

ITEM 7: COMMITTEE REPORT

Mrs. Keller provided an update of her recent visit to Baumholder as a representative to the City of Delaware.

Vice-Mayor Shafer provided information from the recent MORPC meeting regarding Small Cell Wireless Towers.

ITEM 8: CONSIDERATION OF A LIQUOR PERMIT TREX

A. RMPF Enterprises, LLC, 26 North Sandusky Street, Delaware, Ohio 43015. Permit Classes: D5, D6

APPLICANT:

Nick Miller
4550 Olentangy River Road
Columbus, Ohio

Motion: Mr. Rohrer motioned to approve the TREX and not request a hearing, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 9: CONSIDERATION OF A LIQUOR PERMIT

A. Four Fat BS LLC DBA Restoration Brew Worx, 25 North Sandusky Street & Patio, Delaware, Ohio 43015; Permit Classes: A1A, A1C

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

ITEM 10: ORDINANCE NO. 18-86 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO INCREASE FUNDING FOR THE PURCHASE OF JET FUEL AND 100 LL FUEL FOR THE AIRPORT, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-86, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

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Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 18-86, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-86, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 18-87 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Ordinance No. 18-87 will be taken to a second reading.

ITEM 12: ORDINANCE NO. 18-88 [First Reading]

AN ORDINANCE AMENDING SECTION 549.08 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO POINTING AND DISCHARGING FIREARMS.

The Clerk read the ordinance for the first time. A public hearing and second reading for Ordinance No. 18-88 has been scheduled for October 8, 2018 at 8:00 p.m.

ITEM 13: ORDINANCE NO. 18-89 [First Reading]

AN ORDINANCE AMENDING SECTION 917.14 OF THE SANITARY SEWER REGULATIONS OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE TO ADD A FIFTY PERCENT (50%) SURCHARGE FOR NON-CITY CUSTOMERS.

The Clerk read the ordinance for the first time. A public hearing and third reading for Ordinance No. 18-89 has been scheduled for October 22, 2018 at 7:30 p.m.

ITEM 14: ORDINANCE NO. 18-81 [Public Hearing and Second 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 second time.

There was no public comment.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-81, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-81, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 18-84 [Public Hearing and Second 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

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SHOPPING CENTER AND ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the first time.

APPLICANT:

David Sturman
328 Linwood Street
Delaware, Ohio

Scott Ritter
333 North Liberty Street
Delaware, Ohio

PUBLIC COMMENT:

Joel Schaefer
242 West Lincoln Avenue
Delaware, Ohio

Mr. Schaefer questioned the targeted age group for the business.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-84, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-84, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 18-80 [Second 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 second time. Council to take Ordinance No. 18-80 to a third reading.

APPLICANT:

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

Jeffrey Moe
Boy Scouts of America/Simon Kenton Council, CEO
807 Kinnear Road
Columbus, Ohio

ITEM 17: ORDINANCE NO. 18-85 [Second Reading]

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

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-85, seconded by Mr. Browning. Motion approved by a 7-0 vote.

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Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-85, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 18: RESOLUTION NO. 18-50 [Fourth Reading]
A RESOLUTION ADOPTING THE 2019-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

The Clerk read the resolution for the fourth time.

ITEM 19: ORDINANCE NO. 18-70 [Fourth Reading]
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 fourth time.

APPLICANT:
Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Tre Giller
Metro Development
470 Olde Worthington Road
Westerville, Ohio

A discussion was held regarding utilities cost to tenants. Mr. Giller discussed that they use a sub-metered company and follow PUCO guidelines. He informed Council that there is no mark up on the water utility.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-70, seconded by Mr. Rohrer. Motion approved by a 4-3 (Jones, Keller, Hellinger) vote.

ITEM 20: ORDINANCE NO. 18-71 [Fourth 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 fourth time.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-71, seconded by Mr. Rohrer. Motion approved by a 4-3 (Jones, Keller, Hellinger) vote.

ITEM 21: ORDINANCE NO. 18-72 [Fourth 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 fourth time.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-72, seconded by Mr. Rohrer. Motion approved by a 4-3 (Jones, Keller, Hellinger) vote.

ITEM 22: ORDINANCE NO. 18-73 [Fourth 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 fourth time.

APPLICANT:

Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Tre Giller
Metro Development
470 Olde Worthington Road
Westerville, Ohio

Mrs. Keller voiced her concerns regarding the various requested variances. She voiced her concern over the density request, height variance, and materials for the building.

PUBLIC PARTICIPATION:

David Gordon
82 North Franklin St.
Delaware, Ohio

Mr. Gordon voiced concerns regarding to the Thoroughfare and Transportation Improvement Plan relating to the location of Ferguson Avenue.

Jeff Cutler
591 Carle Avenue
Lewis Center, Ohio

Mr. Cutler discussed the increased need for housing and the desire for apartments.

Michael R. Shade
95 Elizabeth Street

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Mr. Shade discussed the need for apartments in the City and that current road conditions are not the issue of the developer.

Joel Schaefer
242 West Lincoln Avenue
Delaware, Ohio

Mr. Schaefer discussed the need to improve the east side of Delaware, but voiced concerns if existing infrastructure could handle the increase in population.

Dr. John McGrail
268 Silvan Drive
Delaware, Ohio

Dr. McGrail voiced concerns over the ingress and egress of the development.

Mr. Cuckler discussed the point of access and the designated fire access to the development site. He requested that Council table the Highpoint Place Apartments until October 22, 2018.

Motion: Mr. Jones motioned to table Ordinance No, 18-73, Ordinance 18-74, and Ordinance 18-75 until October 22, 2018, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 23: ORDINANCE NO. 18-74 [Fourth 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 fourth time.

Motion: Mr. Jones motioned to table Ordinance No, 18-73, Ordinance 18-74, and Ordinance 18-75 until October 22, 2018, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 24: ORDINANCE NO. 18-75 [Fourth 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 fourth time.

Motion: Mr. Jones motioned to table Ordinance No, 18-73, Ordinance 18-74, and Ordinance 18-75 until October 22, 2018, seconded by Mr.

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Browning. Motion approved by a 7-0 vote.

ITEM 25: DISCUSSION of Report Regarding Regulation of Massage Establishments

A discussion was held with Council over current practices for investigations and human trafficking. Mr. Ballard discussed the option to change massage use in zoning code to a permitted use to a conditional use. Council requested draft legislation to allow for further discussion.

ITEM 26: CITY MANAGER'S REPORT

City Clerk, Elaine McCloskey, provided an update on the upcoming itinerary for the Baumholder Sister City visit.

Mrs. Walker provided an update on the use of the Nextdoor app to provide information to the community.

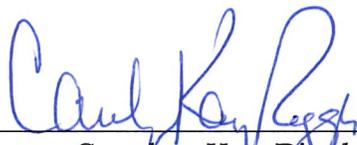
Information was provided regarding upcoming Comprehensive Planning meetings.

ITEM 27: COUNCIL COMMENTS

Vice-Mayor Kent Shafer requested more information regarding the non-school TIF in regards to the Highpoint Place Apartments.

ITEM 28: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 9:02 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk