

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held November 26 2018

6:30 EXECUTIVE SESSION: Mr. Rohrer motioned to enter into executive session at 6:30 p.m. This motion was seconded by Mr. Jones 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. Absent from the discussion was Second Ward Lisa Keller. Following the discussion at 6:59 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Jones and approved by a 6-0 vote.

The regular meeting of Council held November 26, 2018 was called to order at 7:02 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 Scott Logan with Agape International, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Lee Yoakum, Community Affairs Coordinator, 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: 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 November 12, 2018, as recorded and transcribed.

Motion: Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held November 12, 2018, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on October 10, 2018, as recorded and transcribed.
B. Acceptance of the Motion Summary of the Records Commission meeting held on July 25, 2018, as recorded and transcribed.
C. Resolution No. 18-63, a resolution authorizing the dedication of two parking stalls at the south end of the East William Street public parking lot for use as electric vehicle charging stations.
D. Resolution No. 18-64, a resolution authorizing the modification of parking stalls in the North Franklin Street city parking lot to provide centralized refuse collection for nearby businesses, to bring

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- handicap accessible parking stalls in compliance with Americans with Disability Act (ADA) requirements, and repealing Resolution No. 14-08 in its entirety.
- E. Resolution No. 18-66, a resolution designating City Attorney Darren Shulman and Assistant City Attorney/City Prosecutor Chris Ballard as City Council Designees for required public records training.
  - F. Establish December 10, 2018 at 7:15 p.m. as a date and time for a public hearing and second reading of Ordinance No. 18-114, an ordinance amending the Schedule of Fees and Service Charges.

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

## **ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

### **ITEM 7: COMMITTEE REPORT**

The Clerk provided an update on Main Street Delaware upcoming events including the tree lighting ceremony and the Christmas Parade.

### **ITEM 8: LIQUOR PERMIT TRANSFER**

- A. To ADT Ohio LLC at 241 South Sandusky Street, Delaware Ohio 43015 from Americas Pizza Company LLC DBA Pizza Hut 024173 at 241 South Sandusky Street, Delaware, Ohio 43015. Permit Class: D1

**Motion:** Vice-Mayor Shafer motioned to accept the liquor permit transfer without objection, seconded by Mr. Browning. Motion approved by a 6-0 vote.

### **ITEM 9: RESOLUTION NO. 18-89** [First Reading]

A RESOLUTION ESTABLISHING GUIDELINES FOR ESTABLISHING NEW COMMUNITY AUTHORITIES.

Mayor Riggle read the resolution for the first time.

Mr. Jones requested information on how money will be tracked and held accountable to what it is paying for. Mr. Shulman and Mr. Homan discussed the role that an eventual citizen led board will have.

Vice-Mayor Shafer discussed having a small working group to review the guidelines. Mr. Jones and Vice-Mayor Shafer voiced interest in serving on this committee.

### **PUBLIC PARTICIPATION:**

Michael Shade  
P.O. Box 438  
Delaware, Ohio 43015

Mr. Shade recommended that Council follow State guidelines that were established for a NCA and that no other communities have set individual guidelines.

### **ITEM 10: ORDINANCE NO. 18-90** [Fourth Reading]

AN ORDINANCE FINDING THAT THE CREATION OF THE TERRA ALTA COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC

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HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THAT AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THAT AUTHORITY'S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF APPOINTING MEMBERS TO THAT THE AUTHORITY'S BOARD OF TRUSTEES AND FIXING THE SURETY FOR THOSE TRUSTEE'S BONDS.

The Clerk read the ordinance for the fourth time.

PUBLIC COMMENT:

Greg Stype
Barnes & Thornburg LLP
41 South High Street, Suite 3300
Columbus, Ohio

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

Mr. Shulman provided four potential factors that Council needs to give guidance on including, that the amount could be charged, .5 mills could be dedicated to the City, end date to the NCA, and if higher millage could it be paid off faster. Mr. Homan discussed the need for direction and if the petition needs amended. He discussed the need to give the developer direction. Any changes would need reflected in the petition. Vice-Mayor Shafer discussed that the payback was expected to be 17 years. Council recommended a 5 mills borrowing with a charge at 7.5 mills with .5 mills directed to the city. Mr. Homan discussed the .5 mills to the city will be to provide access to the river. Mr. Stype provided a summary of the developer's latest proposal to City Council which is 7.5 mills, with the proceeds of .5 mills to be used at the direction of the City, 7 mills committed to the payment of debt services on community facilities that have not been installed and the cost of which have not been incurred. A discussion was held on options for community facilities that totaled \$5,822,000 which includes the cost of community pools and round-a-bout. Mr. Stype discussed when the bond is paid off those on the board will be community members, similar to a HOA. Council requested the applicant provide an amended petition to be available for the next Council meeting.

ITEM 11: ORDINANCE NO. 18-105 [Second Reading]

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT REQUEST FOR MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the second time.

APPLICANT:

Jim Ullman
1520 Hyatts Road
Delaware, Ohio 43015

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**PUBLIC PARTICIPATION:**

Stephanie Gregory  
110 Tabilore Loop  
Delaware, Ohio 43015

Ms. Gregory voiced a concern over the location of the development in relation to the proximity of Liberty Castings and the air pollution produced by the manufacturing there. Mr. Homan informed Council that a representative from Liberty Castings was invited to attend and was unable to due to a work conflict. Council requested that staff invite Liberty Castings to a future meeting for an update. Council to take Ordinance No. 18-105 to a third reading.

**ITEM 12: ORDINANCE NO. 18-106** [Second Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the second time. Council to take Ordinance No. 18-106 to a third reading.

**ITEM 13: ORDINANCE NO. 18-109** [Public Hearing and First Reading]

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2019 AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**PUBLIC PARTICIPATION:**

Tom Wolber  
272 Hearthstone Drive  
Delaware, Ohio

Mr. Wolber discussed the plan to remove condemned properties in the City. He discussed efforts of Habitat for Humanities and MORPC to repair blighted homes and that surrounding communities are moving away from the practice of demolition of these structures.

**ITEM 14: ORDINANCE NO. 18-110** [First Reading]

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the first time.

- A. Municipal Court – Judge Marianne Hemmeter and Clerk of Court Cindy Dinovo

Ms. Dinovo provided information regarding staffing. She discussed that she has not filled a position as IT has worked to enhance the digital work load and requires less paper. She is currently working with CMI to develop a bench module that will assist the judges and would reduce the need for a staff member in the courtroom.

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Judge Hemmeter discussed the increase in probation cases and the average case load for probation officers. She discussed increase in traffic cases and domestic violence cases. No current staffing changes, but may need additional after 2019. She discussed probable upcoming bail reform with a requirement for a Pre-Trial Supervision Officer.

ITEM 15: ORDINANCE NO. 18-111 [First Reading]

AN ORDINANCE AMENDING ORDINANCE NO. 17-78 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 16: ORDINANCE NO. 18-112 [First Reading]

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

The Clerk read the ordinance for the first time.

ITEM 17: ORDINANCE NO. 18-113 [First Reading]

AN ORDINANCE ESTABLISHING NEW SALARY RATES FOR THE MAYOR AND MEMBERS OF CITY COUNCIL EFFECTIVE JANUARY 1, 2020 AND REPEALING ORDINANCE NO. 13-44.

The Clerk read the ordinance for the first time.

ITEM 18: ORDINANCE NO. 18-114 [First Reading]

AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND SERVICE CHARGES.

The Clerk read the ordinance for the first time. A public hearing has been scheduled for December 10, 2018 at 7:15 p.m.

ITEM 19: 2019 BUDGET REVIEW AND DISCUSSION

Council requested a break at 8:12 p.m. and Mayor Riggle reconvened the meeting at 8:18 p.m.

Chief Pijanowski presented to Council his request for additional staffing in 2019. He discussed that as the City continues to grow and expand there is an additional need for increased manpower. The increasing geographical area is increasing the response time. He also discussed the increased need for staffing at special events for public safety. Multiple officers are needed at these event and that it does not allow the officers time to rest. He discussed the request for two additional officers and an additional canine. Additional requests are to create a designated work station for evidence due to limited space. Mrs. Walker discussed the effects and cost of special events on all departments.

Mr. Stelzer provided Council with information regarding staffing changes in 2018 and that there were five retirements this year. He currently has seven employees with less than one year experience and has plan to increase their training in 2019. He discussed software upgrades for 2019 and building changes to City Hall to increase security.

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Mr. Yoakum discussed the request for a permanent part-time Communications Specialist to assist with social media. He discussed his goal to increase digital media and have more videos. The position will allow him time to be more strategic on using social media and research analytics on social media. He discussed utilizing Instagram more to communicate with another audience.

Mr. Shulman discussed a request for a part-time paralegal position. There have been an increase in cases at the Municipal Courts related to population growth and the outlet mall area with more cases going to trial and hearings. He discussed the role of a paralegal and the primary role will aid the City Attorney. Paralegals discussed the degree and certification and that they can assist with research.

Mr. Ferrigno reviewed the different divisions for Public Works. He discussed the reclassification request of personnel for the Engineering Division. There is a continuation of the digitizing of record drawings. There were no staff adjustments for the Building Maintenance Division. He discussed the replacement of the clock controller at City Hall which will provide LED lighting of the cupola, and the conversion of faucets to hands free operations at City Hall and the Justice Center. The Street Maintenance Division does not include addition of street maintenance technicians, but does have reclassification of Street Technician I to II & Technician II to III. He discussed the budget for winter snow and ice. The Traffic Maintenance Division will have a reclassification of a Technician I to II and a \$32,000 increase in professional services and operating supply. There is no funding for RRFB's. The Refuse and Recycling Collection Divisions does not have any additional staffing requests or adjustments. The recycling transport and disposal contract is \$140,000 and the purchase of a new automated refuse collection vehicle is \$245,000 and split body recycling vehicle at \$252,000. The Garage Rotary Division has no adjustments to staff but does have a training budget of \$12,000. This division supports fleet maintenance activities for all departments in the City. The Airport Division has no staffing requests or changes. Information was provided regarding the fuel terminal upgrades, Hangar "B" roof replacement, and fuel purchases.

## **ITEM 20: FINANCE DIRECTOR'S REPORT**

### **ITEM 21: CITY MANAGER'S REPORT**

Mr. Homan provided information on Economic Development 411 seminar.

### **ITEM 22: COUNCIL COMMENTS**

Mr. Jones informed Council that he will be out of town for business the remainder of the week.

Vice-Mayor Shafer requested information regarding the TIF for Seattle House Apartments.

Mayor Riggle provided an update on upcoming events.

### **ITEM 23: ADJOURNMENT**

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**Motion:** Mr. Hellinger motioned to adjourn the meeting. The meeting adjourned at 9:27 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk