

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 11 20 19

**6:30 EXECUTIVE SESSION:** Mr. Rohrer motioned to enter into executive session at 6:30 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, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Vice-Mayor Kent Shafer. Absent from the discussion was Mayor Carolyn Kay Riggle. Following the discussion at 6:51 p.m., it was moved by Mrs. Keller that Council move into Open session, seconded by Mr. Browning and approved by a 6-0 vote.

The regular meeting of Council held February 11, 2019 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 Pastor Scott Tiede with Delaware Bible Church, 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:** Mrs. Keller motion to excuse Mayor Riggle, seconded by Mr. Jones. Motion approved by a 6-0.

#### **ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held on January 14, 2019, as recorded and transcribed. .

APPROVAL of the Motion Summary of the regular meeting of Council held on January 28, 2019, as recorded and transcribed.

APPROVAL of the Motion Summary of the joint meeting of Council and the Delaware City School Board meeting held on January 28, 2019, as recorded and transcribed.

**Motion:** Mrs. Keller motioned to approve the Motion Summaries of the regular meeting of Council held January 14, 2019, the regular meeting of Council held on January 28, 2019, and the joint meeting of Council and the Delaware City School Board held on January 28, 2019, 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 Planning Commission meeting held on January 16, 2019, as recorded and transcribed.
- B. Resolution No. 19-05, a resolution appointing members to various boards/commissions, and/or committees, and specifying the term

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- of the appointment.
- C. Establish February 25, 2019 at 7:30 p.m. as a date and time for a public hearing and second reading of Ordinance No. 19-02, an ordinance amending Chapter 529 of the General Offenses Code of the City of Delaware.

**Motion:** Mrs. Keller motioned to approve the Consent Agenda, seconded by Mr. Browning. Motion approved by a 5-0 vote.

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

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

Vice-Mayor Shafer informed Council that he will be attending a meeting with MORPC on February 14, 2019.

### **ITEM 8: PRESENTATIONS**

- A. Presentation of Flag to Delaware Police Department from Delaware Bible Church
- B. West Hull Drive Traffic Management Presentation and Discussion – William L. Ferrigno, P.E., Director of Public Works/City Engineer

Mr. Ferrigno provided a presentation of upcoming road improvements to US 23 and the surrounding area. He presented information on traffic volume and speed for West Hull Drive compared to other streets in the City.

#### **PUBLIC COMMENT:**

Jim Bauer  
President of Ravines of Stratford Home Owners Association  
176 Hull Court  
Delaware, Ohio

Mr. Bauer voiced the concern of the high volume of traffic in their neighborhood.

Dustin Nanna  
206 Silver Maple Drive  
Delaware, Ohio

Mr. Nanna voiced a concern over potential redirection of traffic to another street and that the problem will of volume will just change from one street to another.

Mr. Ferrigno discussed having additional time to research passive traffic calming measures and determine what potential impact to the City a policy of calming measures could have. He discussed the different options of calming measures, such as, striping and narrowing the lanes and the use of Dynamic Speed Feedback Sign. Mrs. Keller voiced a concern that these calming measures are to assist with speed and accidents, not volume. Vice-Mayor Shafer requested that Mr. Ferrigno report back to Council in approximately 60 days.

### **ITEM 9: CONSIDERATION OF A LIQUOR PERMIT TREX**

- A. Food Truck Depot LLC, 59 Potter Street, Delaware, Ohio 43015.  
Permit Classes: D5

# RECORD OF PROCEEDINGS

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**APPLICANT:**

Paul Rockwell  
7491 Calhoun Road  
Ostrander, Ohio

**Motion:** Mrs. Keller motioned to approve the TREX and not request a hearing before the Liquor Commission, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 10: ORDINANCE NO. 19-01** [Second Reading]

AN ORDINANCE FOR OHIO HEALTH FOR APPROVAL OF A FINAL DEVELOPMENT PLAN FOR A MEDICAL OFFICE BUILDING ON APPROXIMATELY 3.31 ACRES ON PROPERTY ZONED B-4 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNITE DEVELOPMENT OVERLAY DISTRICT) AND LOCATED AT 2295 WEST WILLIAM STREET (US 36).

The Clerk read the ordinance for the second time.

**APPLICANT:**

Mike MacKay  
3535 Olentangy River Road  
Delaware, Ohio

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 19-01, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 19-01, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**ITEM 11: RESOLUTION NO. 19-06** [First Reading]

A RESOLUTION SUPPORTING THE APPROVAL OF THE DELAWARE, KNOX, MARION, MORROW (DKMM) SOLID WASTE MANAGEMENT DISTRICT PLAN UPDATE, DATED NOVEMBER 14, 2018.

The Clerk read the resolution for the first time. Council to take Resolution No. 19-06 to a second reading.

**PRESENTOR:**

Jenna Hicks  
DKMM District Director  
117 East High Street, Suite 257  
Mt. Vernon, Ohio

Doug Sams  
DKMM Policy Committee Chair  
Delaware General Health District Representative  
3159 Berlin Station Road  
Delaware, Ohio

**ITEM 12: ORDINANCE NO. 19-02** [First Reading]

AN ORDINANCE AMENDING CHAPTER 529 OF THE GENERAL OFFENSES CODE OF THE CITY OF DELAWARE.

The Clerk read the ordinance for the first time. A public hearing is

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scheduled for February 25, 2019 at 7:30 p.m.

**ITEM 13: ORDINANCE NO. 19-03** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO CONSTRUCT AND INSTALL A MEMORIAL STATUE TO RUTHERFORD B. HAYES DOWNTOWN AT THE SOUTHWEST CORNER OF SANDUSKY AND WILLIAM STREET, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 19-03, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mrs. Keller motioned to enact the emergency clause for Ordinance No. 19-03, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 19-03, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 14: ORDINANCE NO. 19-04** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR THE FUNDING, INSTALLATION AND OPERATION OF AN ELECTRIC VEHICLE CHARGING STATION, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Ferrigno discussed the location for the pilot program. Mr. Hellinger voiced a concern over the location of two spots in a high use parking lot area. He recommended moving the spots farther out. Mr. Ferrigno discussed that the recommended location is in the least expensive spot for the pilot program and that will provide with good visibility to determine the use the program.

**Motion:** Mr. Browning motioned to suspend the rules for Ordinance No. 19-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Browning motioned to enact the emergency clause for Ordinance No. 19-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Browning motioned to adopt Ordinance No. 19-04, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 15: ORDINANCE NO. 19-05** [First Reading]  
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPLE AMOUNT OF \$8,000,000, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the first time.

# RECORD OF PROCEEDINGS

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**Motion:** Mr. Hellinger motioned to suspend the rules for Ordinance No. 19-05, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Hellinger motioned to enact the emergency clause for Ordinance No. 19-05, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Hellinger motioned to adopt Ordinance No. 19-05, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 16: ORDINANCE NO. 19-06** [First Reading]

AN ORDINANCE FOR CARROLS CORPORATION APPROVING A FINAL DEVELOPMENT PLAN FOR BURGER KING ON APPROXIMATELY 1.14 ACRES ON PROPERTY ZONED B-3 PUD (GENERAL BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) AND LOCATED AT 1034 WEST CENTRAL AVENUE (US 37).

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-06 to a second reading.

**APPLICANT:**

Amanda Aldridge  
917 Harbor View  
Memphis, TN

**PUBLIC COMMENT:**

Dustin Nanna  
206 Silver Maple Drive  
Delaware, Ohio

Mr. Nanna voiced support of the project and requested information on how many jobs are expected be created with the project. Ms. Aldridge informed Council that they are expecting to employ around 40 employees.

Jay Edwards  
141 Crestview Drive  
Delaware, Ohio

Mr. Edwards voiced concerns over the increase in noise, lighting, and smells. He voiced concerns that his front yard will be right next to the building. Ms. Aldridge discussed the tree line on the west side and plans to preserve trees and plant hedges to reduce lights. She discussed that Burger King has less volume than the neighboring building Panera and that during peak hours they have less than half the volume compared to competitors. She discussed working with the trash pickup on appropriate hours.

Dan Rand  
131 Crestview Drive  
Delaware, Ohio

Mr. Rand voiced concerns over the location of the building and the proximity to his front yard. He voiced concerns over the increase of traffic on Central Avenue. Mr. Ferrigno discussed the turn lane that will

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be added on West Central Avenue to improve safety.

Matthew Remlinger  
145 Crestview Drive  
Delaware, Ohio

Mr. Remlinger voiced a concern with the traffic on West Central Avenue and discussed the difficulty getting out of their street currently and how the traffic will be impacted with Burger King.

Lucinda Waltenbaugh  
135 Crestview Drive  
Delaware, Ohio

Ms. Waltenbaugh voiced a concern over the traffic on West Central Avenue and the potential smell and noise.

## **ITEM 17: DISCUSSION AND RECOMMENDATION:**

### A. Park's No Smoking Draft Legislation

Council discussed the draft legislation which includes a 50 ft. smoking ban from recreational facilities and sports fields. A discussion was held regarding the ability to enforce the ban. Mr. Browning discussed his preference to have a complete ban in parks, but that he supports the compromise. Mr. Hellinger discussed his preference to have a complete ban or to leave it currently as it is. Mrs. Keller voiced concerns if the ordinance would be enforceable. Mr. Shulman discussed that the law would be enforceable and that it would be complaint driven. Council was in agreement to move forward with the draft legislation.

### B. Massage Establishment Draft Legislation

Mr. Jones informed Council that he had received concerns from constituents that the draft legislation is not retroactive to a current business. Council was in agreement to move forward with the draft legislation.

### C. Proposal by Main Street Delaware

#### **PUBLIC COMMENT:**

Susie Bibler  
Main Street Delaware, Executive Director  
20 East Winter Street  
Delaware, Ohio

Zach Price  
Main Street Delaware, Board Member  
17 North Sandusky Street  
Delaware, Ohio

Ms. Bibler discussed that Main Street is currently growing as an organization and that there is limited room in their current office space. She discussed that the use of the building would be to help create visibility and provide a welcome center and bathroom facilities to the public during office hours.

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Mr. Homan discussed the potential benefits to the proposal but did recommend that the City not sell the property. Council discussed they would be open to explore the proposal in more depth.

## **ITEM 18: CITY MANAGER'S REPORT**

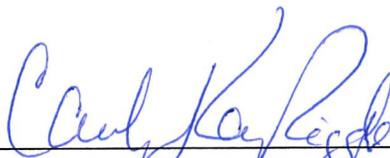
Mr. Homan discussed the Pre-Hospital Care Admissions program work by Chief Donahue in which the Delaware County Commissions took action regarding the consideration of a countywide board. He reminded Council that there will be a retreat on March 16. He reminded Council of the upcoming Community Day at Ohio Wesleyan University. He discussed the recent meeting with Sustainable Delaware and Liberty Castings. He informed Council that they will be receiving information regarding changes to street lighting mandated by AEP.

## **ITEM 19: COUNCIL COMMENTS**

Mrs. Keller informed Council that she attended the first session of the Citizen's Academy last week.

## **ITEM 20: ADJOURNMENT**

**Motion:** Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 9:18 p.m.

  
\_\_\_\_\_  
Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk