

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 25 20 19

6:30 EXECUTIVE SESSION: Vice-Mayor Shafer motioned to enter into executive session at 6:32 p.m. This motion was seconded by Mr. Browning 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: 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. Absent from the discussion was Chris Jones. Following the discussion at 6:59 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Rohrer and approved by a 6-0 vote.

The regular meeting of Council held February 25, 2019 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: 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. Absent from the meeting was First Ward Chris Jones. The invocation was given by Reverend Tracey Sumner, 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, Lory Johnson, Income Tax Administrator, Jessica Feller, Human Resource Manager, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

Motion to Excuse: Vice-Mayor Shafer motioned to excuse Mr. Jones, seconded by Mrs. Keller. Motion approved by a 6-0.

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on February 25, 2019, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held February 11, 2019, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 5: CONSENT AGENDA

- A. Resolution No. 19-07, a resolution authorizing the City Manager to enter into a Recreational Trail Grant Agreement between the Delaware County Board of Commissioners and the City of Delaware/Liberty Township Board of Trustees.
- B. Establish March 25, 2019 at 7:30 p.m. as a date and time for a public hearing and third reading for Ordinance No. 19-07, an ordinance amending Chapter 1121 and 1143 of the Planning and Zoning Code of the Codified Ordinances of the City of Delaware. (Massage Establishment Regulations)

RECORD OF PROCEEDINGS

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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

ITEM 8: CONSIDERATION OF A NEW LIQUOR PERMIT TREX

A. Huy Tran, 820 Sunbury Rd, #604, Delaware, Ohio 43015. Permit Class: D3

Motion: Vice-Mayor Shafer motioned to approve the liquor permit without objection, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 9: RESOLUTION NO. 19-06 [Second 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 second time.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 19-06, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 19-02 [Public Hearing and Second Reading]

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

The Clerk read the ordinance for the second time.

There was no public comment. Council was in agreement to strike in its entirety 529.13. Staff to prepare Ordinance No. 19-02 with the recommended changes by Council.

ITEM 11: ORDINANCE NO. 19-06 [Second 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 second time.

APPLICANT:

Amanda Aldridge
917 Harbor View
Memphis, TN

Melissa Miller
395 Rockmill Street
Delaware, Ohio

Ms. Miller and Ms. Aldridge discussed the screening concerns voiced by neighboring residents to the proposed development. They discussed

RECORD OF PROCEEDINGS

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landscape plans for additional screening and that the parking lot will be fully screened to reduce headlight reflection.

PUBLIC PARTICIPATION:

Dan Rand
131 Crestview Drive
Delaware, Ohio

Mr. Rand voiced concerns relating to the current traffic issues on Central and how the development will impact the issue. He questioned when improvements to the road will be occur and recommended that improvements occur after the school year. Mr. Ferrigno discussed that road improvements would be concurrent with the building and that would need completed by opening. Mr. Rand questioned if the applicant would consider building on an empty lot closer to Houk Road as the road is wider.

Council to take Ordinance No. 19-06 to a third reading.

ITEM 12: RESOLUTION NO. 19-08 [First Reading]

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 100.648± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE GRDEN LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the resolution for the first time.

APPLICANT:

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

Mrs. Keller voiced concerns over the Concept Plan that was presented to the Planning Commission and the proposed size of lots. She discussed concerns regarding the ability to maintain additional roads and services to future residents in the proposed annexation area. Mr. Shade discussed the utility boundaries. Mrs. Keller requested staff provide a projected outlook of cost related to the future development.

Motion: Vice-Mayor Shafer motioned to adopt Resolution No. 19-08, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 13: RESOLUTION NO. 19-09 [First Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR THE PURPOSE OF THE COLLECTION OF DELINQUENT DEBT.

The Clerk read the resolution for the first time.

Ms. Johnson provided information on the benefits of the agreement and the current delinquent debt.

Motion: Mrs. Keller motioned to adopt Resolution No. 19-09, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 25 2019

ITEM 14: ORDINANCE NO. 19-07 [First Reading]

AN ORDINANCE AMENDING CHAPTER 1121 AND 1143 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE.

The Clerk read the ordinance for the first time. A public hearing and third reading has been scheduled for March 25, 2019 at 7:30 p.m.

ITEM 15: DISCUSSION OF SPECIAL EVENTS POLICY - Jackie Walker, Assistant City Manager

Mrs. Walker discussed that there is a Special Events Committee that meets monthly to discuss upcoming special events and resources that will be needed from the City. There are more and more requests for special events and that the Committee is seeking a policy determination from City Council with regards to the cost of special events. In 2018 the cost to the City for the 40 special events was nearly \$162,000. The Committee made two recommendations to Council. The first recommendation relates to the DORA Policy. DORA events only hosts are no longer required to cover the City as an additional insured, as long as there are no street closures required. The second recommendation relates to the Event Policy Cost Options. The Committee recommends that if the host is a 501C3 or is benefiting a Delaware County 501C3 entity, the host will pay 50% or \$5,000 (whichever is less) toward the City costs. MainStreet events are exempt as they are a partner with the City. The Committee recommends that non 501C3 entity collecting funds or charging admittance must commit a minimum of 75% or \$7,500 toward the City costs.

Chief Pijanowski recommended that MainStreet First Friday and Holiday events be exempt, but other events to fall under the policy. He discussed that he has been working with MainStreet on managing the Farmers Market and maintaining that streets remain open during these events. Mayor Riggle recommended that the Farmers Market be included in the policy if they continue to grow and require street closure. Mrs. Walker discussed that the City bears the cost for parades that are stand-alone events. Mrs. Keller questioned if applicants for special events could apply for grant assistance through the Community Promotions Fund. Council is agreement for this topic to be discussed further.

ITEM 16: STAFF UPDATE - Jessica Feller, Human Resource Manager

Mrs. Feller discussed the responsibilities of the Human Resource Department. Updates were provided on the Leadership Development Plan and identifying leadership qualities to assist with succession training. She provided an update on supervisor training and staffing.

ITEM 17: FINANCE DIRECTOR'S REPORT

Mr. Stelzer reviewed the 2018 Year End Finance Report.

ITEM 18: CITY MANAGER'S REPORT

Mr. Homan informed Council about the State of the County event that he will be attending and the upcoming Second Ward Community Initiative Open House. He updated Council about the Passport App that will be launching for parking in the downtown area. He discussed that a pre-retreat survey was sent to Council via email to assist with agenda topics

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for the March 16 Retreat. Also discussed was the March 4 Work Session regarding the Housing Assessment.

ITEM 19: COUNCIL COMMENTS

Mrs. Keller discussed that the draft smoking ordinance that was presented before and requested that the ordinance include enforceability. She also discussed a concern regarding the ban of smokeless tobacco. Mr. Miller discussed the recommendation from the Health District to include all forms of tobacco products.

Mr. Hellinger voiced a concern regarding the semi-truck parking at Wal-Mart. Chief Pijanowski discussed that Wal-Mart will need to request their assistance if they do not want parking in the lot by semi's.

Mr. Hellinger provided Council with a copy of his transparency initiative and requested that it be discussed on a future Council agenda.

Mayor Riggle thanked Public Works staff for their plowing efforts during the storm last week.

Vice-Mayor Shafer motioned to re-enter into executive session at 9:13 p.m. This motion was seconded by Mr. Browning 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: 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. Following the discussion at 9:34 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mr. Rohrer and approved by a 6-0 vote.

ITEM 20: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting, seconded by Mr. Rohrer. The meeting adjourned at 9:34 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk