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 7-0 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, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Following the discussion at 7:00 p.m., it was moved by Mr. Jones that Council move into Open session, seconded by Mr. Hellinger and approved by a 7-0 vote.

The regular meeting of Council held March 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, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Pastor Sylvester Onyeachonam, followed by the Pledge of Allegiance.

Staff Present: Chris Ballard, Assistant City Prosecutor, 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

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.
APPROVAL of the Motion Summary of the work session meeting of Council held on March 4, 2019, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held February 25, 2019, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the work session meeting of Council held March 4, 2019, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

A. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on November 27, 2018, as recorded and transcribed.
B. Acceptance of the Motion Summary of the Planning Commission meeting held on February 6, 2019, as recorded and transcribed.
C. Resolution No. 19-10, a resolution authorizing the City Manager to enter into an Intergovernmental Cooperation Agreement between the Delaware County Board of Commissioners and the City of Delaware as required by the Ohio Development Services Agency to conduct a joint analysis of impediments to fair housing.
D. Establish March 25, 2019 at 8:00 p.m. as a date and time for a

public hearing and second reading of Ordinance No. 19-08, an ordinance prohibiting use of any form of tobacco within 50 feet of recreational facilities in city parks.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC PARTICIPATION:
Mike Rush
778 Canal Street
Delaware, Ohio

Mr. Rush informed Council that he attended the March 4 Council Work Session. He discussed the need to make Delaware more attractive to businesses and easier to develop. He discussed plans to create a Pittsburgh Drive Committee to have the plant managers at the various buildings get together and talk about constraints to develop in the City of Delaware.

ITEM 7: COMMITTEE REPORT
Mr. Hellinger informed the Commission that there will be a Board of Zoning Appeals meeting held on March 13.

Vice-Mayor Shafer will be attended a MORPC meeting on March 14.
ITEM 8: PRESENTATIONS
A. Proclamation recognizing Social Work Month presented to Chief John Donahue
B. Senator Andrew Brenner, Ohio Senate District 19

ITEM 9: CONSIDERATION OF LIQUOR PERMIT (Relating to Stockholder Change
A. TH Midwest Inc. DBA Turkey Hill 707, 2740 Stratford Road, Delaware, Ohio 43015. Permit Class: C1,C2, D6

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

ITEM 10: ORDINANCE NO. 19-02 [Third Reading]
AN ORDINANCE AMENDING CHAPTER 529 OF THE GENERAL OFFENSES CODE OF THE CITY OF DELAWARE.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-02, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 19-06 [Third 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 third time.

Motion: Mrs. Keller motioned to adopt Ordinance No. 19-06, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 19-07 [Second 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 second time. A public hearing and third reading has been scheduled for March 25, 2019 at 7:30 p.m.

ITEM 13: RESOLUTION NO. 19-11 [First Reading]
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATION AGREEMENT WITH DELAWARE COUNTY FOR THE RESURFACING OF SECTION LINE ROAD.

The Clerk read the resolution for the first time. Mr. Rohrer informed Council that he would abstain from the vote relating to his employment with the County.

Motion: Mr. Jones motioned to approve Resolution No. 19-11, seconded by Mrs. Keller. Motion approved with a 6-0-1 (Rohrer) vote.

ITEM 14: RESOLUTION NO. 19-12 [First Reading]
A RESOLUTION EXPRESSING COUNCIL'S SUPPORT OF OHIO HOUSE BILL 62 AND THE PROPOSED INCREASE IN THE OHIO MOTOR FUEL TAX OF $.18 PER GALLON.

The Clerk read the resolution for the first time.

Mrs. Keller expressed support for the need for funding for roads, but questioned if there was different ways to get this funding. She discussed previous cuts that were made in 2008 at a State level, but need to look at other opportunities. Vice-Mayor Shafer voiced support over the resolution and discussed that the tax would be a user tax and the more you drive on the roads the more you will pay. Council discussed the recent changes to HB 62 to reduce the tax.

Motion: Vice-Mayor Shafer motioned to approve Resolution No. 19-12, seconded by Mr. Jones. Motion approved by a 5-2 (Keller, Rohrer) vote.

ITEM 15: ORDINANCE NO. 19-08 [First Reading]
AN ORDINANCE PROHIBITING USE OF ANY FORM OF TOBACCO WITHIN 50 FEET OF RECREATIONAL FACILITIES IN CITY PARKS.

The Clerk read the ordinance for the first time.

Council held a discussion over the wording of "any form of tobacco" and discussed not including smokeless tobacco products and what is included in ingestible forms of tobacco. There was also a discussion relating to the enforcement of the ban. Council discussed the definition of recreational facilities.

PUBLIC PARTICIPATION:

Abby Trimble
181 North Washington Street
Delaware, Ohio

Ms. Trimble discussed the meaning of ingestible forms of tobacco which include chewing tobacco.

Motion: Vice-Mayor Shafer motioned to amend Ordinance No. 19-08 to strike smokeless tobacco and add definition of recreational facilities, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 19-09 [First Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC FOR APPROVAL OF A FINAL DEVELOPMENT PLAN FOR SEATTLE HOUSE APARTMENTS (240 UNITS) ON APPROXIMATELY 24.212 ACRES ZONED R-6 AND B-3 PMU (MULTI-FAMILY RESIDENTIAL AND COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF US 36/37 AND SOUTH OF BOWTOWN ROAD JUST EAST OF CHESROWN AUTO STORAGE LOT.

The Clerk read the ordinance for the first time.

APPLICANT:
Joe Thomas
Metro Development
470 Olde Worthington Road
Westerville, Ohio 43082

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-09, seconded by Mr. Rohrer. Motion approved by a 5-2 (Keller, Hellinger) vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-09, seconded by Mr. Rohrer. Motion approved by a 6-1 (Hellinger) vote.

ITEM 17: CONTINUED DISCUSSION AND RECOMMENDATION OF SPECIAL EVENTS POLICY – Jackie Walker, Assistant City Manager

Mrs. Walker reviewed the recommendations from the Special Events Committee. She recommended that Main Street Delaware events be clarified as existing Main Street Delaware events, additional events could be subject to a charge. She also recommended that changes be made to the DORA policy that in the event road closures are needed, then additional liability insurance will not be required. Council recommended that staff put the recommendations into a resolution.

ITEM 18: CITY MANAGER'S REPORT
Mr. Homan reminded Council that the Council retreat will be March 16 at Camp Lazarus beginning at 8:30 a.m. He provided an update from IT regarding improvements to video quality for streaming meetings and the need to complete some electrical work.

ITEM 19: COUNCIL COMMENTS
Mrs. Keller informed Council that she will not be able to attend the March 25, City Council meeting, as she will be out of town.

Mr. Hellinger discussed the need to look at the ordinance regulating food trucks as the City proceeds with the Food Truck Depot development. He discussed a potential ethics issue relating to a member on the Sister City Advisory Board and recommended that the issue go before the Ohio Ethics Commission. He discussed his Transparency Initiative that he presented before Council at the February 25 meeting.

Mayor Riggle provided an apology to Council relating to having the City order a tree for her yard. She expressed that the tree was paid for by herself, but that staff had ordered an additional cherry tree while they were placing an order.

ITEM 20: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting, seconded by Mr. Browning. The meeting adjourned at 8:44 p.m.

Carolyn Kay Riggle

Mayor Carolyn Kay Riggle

Elaine McCloskey

Elaine McCloskey, Council Clerk