

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 25 20 19

The regular meeting of Council held March 25, 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, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Second Ward Lisa Keller and Vice-Mayor Shafer. The invocation was given by Pastor Deb Patterson, followed by the Pledge of Allegiance.

Staff Present: Chris Ballard, Assistant City Prosecutor, Lee Yoakum, Community Affairs Coordinator, Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, Bruce Pijanowski, Police Chief, and Tom Homan, City Manager

**Motion to Excuse:** Mr. Jones motioned to excuse Mrs. Keller and Vice-Mayor Shafer, seconded by Mr. Browning. Motion approved by a 5-0 vote.

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

APPROVAL of the Motion Summary of the regular meeting of Council held on March 11, 2019, as recorded and transcribed.

**Motion:** Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held March 11, 2019, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

#### **ITEM 5: CONSENT AGENDA**

- A. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on November 14, 2018, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on January 15, 2019, as recorded and transcribed.
- C. Resolution No. 19-13, a resolution authorizing the City Manager to enter into an agreement with the Ohio Development Services Agency for the Administration of Housing Revolving Loan Funds for the period beginning January 1, 2019 and ending December 31, 2021.
- D. Resolution No. 19-14, a resolution authorizing the City Manager to enter into an Intergovernmental Affiliation Agreement between the Delaware Area Career Center and the City of Delaware Fire Department.
- E. Resolution No. 19-15, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the cooperative purchase of road salt through the ODOT winter salt purchase contract (018-20).

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

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

##### **PUBLIC PARTICIPATION:**

Jana Banhagel  
McDonalds Owner  
5049 Cemetery Road

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Ms. Banhagel discussed the need for a variance for a sign at the McDonalds. Mr. Efland plans to contact her regarding the process.

**ITEM 7: COMMITTEE REPORT**

**ITEM 8: PRESENTATIONS**

A. Bill Ferrigno, Public Works Director/City Engineer

**ITEM 9: ORDINANCE NO. 19-07** [Public Hearing and Third 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 third time.

**PUBLIC PARTICIPATION:**

Susan McGrail  
268 Silven Drive  
Delaware, Ohio

Ms. McGrail discussed her concerns on violations of human rights, human trafficking concerns, and the need to license and regulate massage therapist. She recommended that legislation have requirements that massage therapist have separate addresses.

Dr. John McGrail  
268 Silven Drive  
Delaware, Ohio

Dr. McGrail voiced a concern over lack of legislation regarding licensure for massage therapist. He discussed the strict regulations from the State of Ohio Medical Board to be a licensed therapist.

**EMAIL SUBMISSION:**

Chuanyan Zhang

The Clerk read into the record a statement received March 24, 2019 from business owner, Chuanyan Zhang.

Council held a discussion regarding the current legislation. Mayor Riggle and Mr. Jones recommended that the ordinance stipulate that individuals working at the business may not reside there and that all employees be licensed and strike the supervisor capacity.

**ITEM 10: ORDINANCE NO. 19-08** [Public Hearing and Second Reading]

AN ORDINANCE PROHIBITING SMOKING WITHIN 50 FEET OF RECREATIONAL FACILITIES IN CITY PARKS.

The Clerk read the ordinance for the second time.

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PUBLIC PARTICIPATION:

Leonard Fisher  
Tobacco-Free Delaware County Coalition, Chairperson  
2020 Parklawn Drive  
Lewis Center, Ohio

Mr. Fisher voiced that the Coalition supports a full smoking and tobacco ban at city parks and that the whole park should be considered a recreational facility.

Linda Diamond  
153 North Washington Street  
Delaware, Ohio

Ms. Diamond voiced her preference for a complete policy ban of tobacco and smoking products.

Abby Trimble  
181 North Washington Street  
Delaware, Ohio

Ms. Trimble discussed that the Delaware City Schools and DACC are working to update their tobacco free policy to include vaping.

Ed Paxton  
Woodlands Cigar, Owner  
153 Glengary Drive  
Delaware, Ohio

Mr. Paxton voiced his opposition to the current ordinance.

Kelly Bragg  
146 West Lincoln Avenue  
Delaware, Ohio

Ms. Bragg voiced her concerns regarding the dangers of second hand smoke.

Karriejoi Coit  
Second Ward Community Center, Executive Director  
50 Ross Street  
Delaware, Ohio

Ms. Coit informed Council that she is a member of the Tobacco-Free Delaware County Coalition and that she often must clean up litter at the Ross Street Park from smokers.

Tom Wolber  
Sustainable Delaware, Representative  
272 Hearthstone Drive  
Delaware, Ohio

Mr. Wolber informed Council that Sustainable Delaware supports tobacco and smoking ban at parks.

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Councilman Browning requested that the public hearing remain open due to concerns voiced by members of the Parks and Recreation Advisory Board that many members are unavailable due to the scheduled spring break for Delaware City Schools.

**ITEM 11: RESOLUTION NO. 19-16** [First Reading]

A RESOLUTION EXPRESSING COUNCIL'S DIRECTION REGARDING THE SPECIAL EVENTS POLICY ENHANCEMENTS.

The Clerk read the resolution for the first time.

**PUBLIC PARTICIPATION:**

Mark Hardymon  
Delaware Art's Festival, Liaison  
7981 Perry Road  
Delaware, Ohio

Mr. Hardymon discussed the potential to affect the budget of the Art's Festival and the need to look for additional income sources. He provided information on scholarships that are awarded to teachers and local students.

**ITEM 12: RESOLUTION NO. 19-16** [First Reading]

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE CITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE 2018 COMMUNITY REINVESTMENT AREA (CRA), ENTERPRISE ZONE (EZ) AND TAX INCREMENT FINANCING PROGRAMS (TIF).

The Clerk read the resolution for the first time.

**Motion:** Mr. Browning motioned to approve Resolution No. 19-16, seconded by Mr. Jones. Motion approved by a 5-0 vote.

**ITEM 13: ORDINANCE NO. 19-10** [First Reading]

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH SELO BOLNO LLC, DELAWARE CITY SCHOOLS, DELAWARE AREA CAREER CENTER AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A BUILDING 5 NORTH SANDUSKY STREET AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**APPLICANT:**

Chris Duvall  
5 North Sandusky Street  
Delaware, Ohio

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-10, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to enact the emergency clause for Ordinance No. 19-10, seconded by Mr. Browning. Motion approved by a 5-0 vote.

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**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-10, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**ITEM 14: ORDINANCE NO. 19-11** [First Reading]

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

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-11, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-11, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**ITEM 15: FINANCE DIRECTOR'S REPORT**

**ITEM 16: CITY MANAGER'S REPORT**

Mr. Homan provided an update on the bid for the East William Street project and that a future supplemental will be brought before Council due to being slightly over the projected budget. He informed Council that he attended the groundbreaking at the Fairgrounds. He provided an update on the state's Gas Tax Bill and also an update on Riverby regarding sewer services.

**ITEM 17: COUNCIL COMMENTS**

Mr. Jones discussed working with staff on topics for an upcoming Public Works/Public Utilities Committee meeting.

Mr. Browning voiced concerns received over the littering and incidents that occurred in the downtown area during St. Patrick Day. Chief Pijanowski discussed that there were more people downtown than expected and that will look at additional staffing needs in future.

Mayor Riggle discussed that an email from Assistant City Attorney, Chris Ballard, regarding the ethical concerns of a member of the Sister City Advisory Board and that it was determined that there was no wrong doing from this member. She informed Council that she will be out of town and unavailable to attend the April 1 Work Session.

**ITEM 20: ADJOURNMENT**

**Motion:** Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 8:59 p.m.



Mayor Carolyn Kay Riggle Vice Mayor, Kent Stafer



Elaine McCloskey, Council Clerk