

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held May 13 20 19

**6:00 EXECUTIVE SESSION:** Mrs. Keller motioned to enter into executive session at 6:01 p.m. This motion was seconded by Mr. Browning and approved by a 5-0 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 Mayor Carolyn Kay Riggle (arrived at 6:06 p.m.). Absent from the discussion was Vice-Mayor Kent Shafer. Following the discussion at 6:46 p.m., it was moved by Mr. Rohrer that Council move into Open session, seconded by Mrs. Keller and approved by a 6-0 vote.

The regular meeting of Council held May 13, 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 (exited at 7:08 p.m.), At-Large George Hellinger, and Mayor Carolyn Kay Riggle, who presided. Absent from the meeting was Vice-Mayor Shafer. The invocation was given by Pastor Michael Curtis of Second Baptist Church, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Lee Yoakum, Community Affairs Coordinator, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Ted Miller, Parks and Natural Resources Director, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

**Motion to Excuse:** Mr. Browning motioned to excuse Vice-Mayor Shafer, seconded by Mr. Jones. 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 April 22, 2019, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on April 1, 2019.

**Motion:** Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held April 22, 2019, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Browning motioned to approve the Motion Summary of the work session meeting of Council held April 1, 2019, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

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

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on April 3, 2019, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Civil Service Commission meeting held on January 9, 2019, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Public Works/Public

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Utilities meeting held on February 6, 2018, as recorded and transcribed.

- D. Establish June 10, 2019 at 7:45 p.m. as a date and time for a public hearing and second reading for Ordinance No. 19-26, an ordinance approving a Rezoning Amendment for John & Tess Meeker for Meekers Venue from R-4 (Medium Density Residential District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) and extend the current PMU at 377 East William Street to 385 East William Street on approximately 0.477 acres and located at 385 East William Street and Ordinance No. 19-27, an ordinance approving a Conditional Use Permit for John and Tess Meeker allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established for Meekers Venue on approximately 0.477 acres and located at 385 East William Street.
- E. Establish June 10, 2019 at 8:00 p.m. as a date and time for a public hearing and second reading for Ordinance No. 19-29, an ordinance approving a Rezoning Amendment for Grden LLC., for Winterbrooke Place from A-1 (Agricultural District) to R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) containing 263 single family lots on approximately 100.6 acres and located on the north side of Peachblow Road just east of the Belmont Place Subdivision (Parcel #'s 418-330-01-019-000, 418-330-01-018-001, 418-330-018-000, 418-320-01-038-000) and Ordinance No. 19-30, an ordinance approving a Conditional Use Permit for Grden LLC., allowing the placement of a PMU (Planned Mixed Used Overlay District) to be established for Winterbrooke Place containing 263 single family lots on approximately 100.6 acres and located on the north side of Peachblow Road just east of the Belmont Place Subdivision.

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

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

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

Mr. Rohrer informed Council that he would need to excuse himself early to attend an event at Hayes High School.

### **ITEM 8: PRESENTATIONS**

- A. Proclamation recognizing Hayes Bowling Team 2019 State Qualifiers Kelsey Rohrer and Dillon Murfield

Councilman Rohrer exited the meeting following the proclamation at 7:08 p.m.

- B. Traffic Calming Guide for Neighborhood Streets (Hull Drive Discussion) and Brief Update on Point Project – Bill Ferrigno, Public Works Director/City Engineer

### **PUBLIC PARTICIPATION:**

Jim Bowers  
176 Hull Court  
Delaware, Ohio 43015

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Mr. Bowers discussed difficulty having cars stop properly at the 3 way intersection and concerns of having no safe place to cross. He voiced a concern over volume and not speed.

David Hague  
180 Hull Court  
Delaware, Ohio

Mr. Hague recommended that the City use Hull Drive as a pilot program.

Randell Hinderer  
181 West Hull Dr.  
Delaware, Ohio

Mr. Hinderer discussed concern over the volume of cars and recommended that the City try striping to street.

Council had a discussion over the cost of traffic calming measures and if the city or homeowners would be responsible to pay if the homeowners were requesting the calming measures. Mrs. Keller questioned if striping the road would reduce volume. She voiced a concern over the cost to strip the street if it will not produce the results of reducing volume. Mr. Ferrigno recommended to provide further traffic data.

**ITEM 9: ORDINANCE NO. 19-07** [Sixth 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 sixth time. Council to take Ordinance No. 19-07 to a seventh reading.

**PUBLIC PARTICIPATION:**

Constance Piwtorak  
161 Ash Street  
Delaware, Ohio

Ms. Piwtorak discussed the practice of Thai Yoga and Massage and that they are not licensed by the State of Ohio but that it is an Eastern form of therapy with a holistic approach. Mr. Shulman discussed that the current ordinance could impact Thai Yoga.

Tiffany Taylor  
6420 Clark Road  
Sunbury, Ohio

Ms. Taylor discussed that as a licensed massage therapist how this ordinance can affect other types of businesses, such as, personal training and rolfing.

Mayor Riggle requested that staff look at the language in the ordinance. Mr. Efland discussed having more of a broad description that allows for background checks and yearly police inspections.

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**ITEM 10: RESOLUTION NO. 18-29** [Fifth Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) CONTRACT WITH BERKSHIRE TOWNSHIP.

The Clerk read the resolution for the fifth time.

**APPLICANT:**

Peter Griggs  
1600 Dublin Road  
Columbus, Ohio

**Motion:** Mr. Browning motioned to remove Resolution No. 18-29 from the table, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**Motion:** Mr. Browning motioned to approve Resolution No. 18-29, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

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

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 13 CONTAINING 44 SINGLE FAMILY LOTS ON APPROXIMATELY 21.436 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EASTWIND ROAD, SILVER BRANCH DRIVE, STONE QUARRY DRIVE AND HARVEST MOON ROAD.

The Clerk read the ordinance for the first time.

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

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

**ITEM 12: ORDINANCE NO. 19-20** [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 13 CONTAINING 44 SINGLE FAMILY LOTS ON APPROXIMATELY 21.436 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EASTWIND ROAD, SILVER BRANCH DRIVE, STONE QUARRY DRIVE AND HARVEST MOON ROAD.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-20, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-20, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**ITEM 13: ORDINANCE NO. 19-21** [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST FOR REDWOOD LIVING FOR THE PRESERVE AT QUAIL PASS PHASE 3 FOR 100 SINGLE FAMILY APARTMENT UNITS ON APPROXIMATELY

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19.78 ACRES ZONED M-1 PMU (LIGHT MANUFACTURING WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED SOUTH OF MILL RUN CROSSING AND WEST OF GLENN ROAD.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-21, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-21, seconded by Mr. Browning. Motion approved by a 5-0 vote.

**ITEM 14: ORDINANCE NO. 19-22** [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY GLENN ROAD CAPITAL LLC., FOR BELMONT PLACE SECTION 6 CONTAINING 48 SINGLE FAMILY LOTS ON APPROXIMATELY 18.48 ACRES ZONED B-3, R-6 AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CROWNOVER WAY, LACHANCE LANE, MCNAMARA LOOP AND BRETS LANE.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-22, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-22, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**ITEM 15: ORDINANCE NO. 19-23** [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY GLENN ROAD CAPITAL LLC., FOR BELMONT PLACE SECTION 6 CONTAINING 48 SINGLE FAMILY LOTS ON APPROXIMATELY 18.48 ACRES ZONED B-3, R-6 AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CROWNOVER WAY, LACHANCE LANE, MCNAMARA LOOP AND BRETS LANE.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-23, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-23, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**ITEM 16: ORDINANCE NO. 19-24** [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY GLENN ROAD CAPITAL LLC., FOR BELMONT PLACE SECTION 7 CONTAINING 53 SINGLE FAMILY LOTS ON APPROXIMATELY 20.46 ACRES ZONED B-3, R-6 AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON MCNAMARA LOOP, BRETS LANE AND

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HAUGHTON LANE.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-24, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-24, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**ITEM 17: ORDINANCE NO. 19-25** [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY GLENN ROAD CAPITAL LLC., FOR BELMONT PLACE SECTION 7 CONTAINING 53 SINGLE FAMILY LOTS ON APPROXIMATELY 20.46 ACRES ZONED B-3, R-6 AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON MCNAMARA LOOP, BRETS LANE AND HAUGHTON LANE.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 19-25, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 19-25, seconded by Mrs. Keller. Motion approved by a 5-0 vote.

**ITEM 18: ORDINANCE NO. 19-26** [First Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR JOHN & TESS MEEKER FOR MEEKERS VENUE FROM R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-4 PMU (MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND EXTEND THE CURRENT PMU AT 377 EAST WILLIAM STREET TO 385 EAST WILLIAM STREET ON APPROXIMATELY 0.477 ACRES AND LOCATED AT 385 EAST WILLIAM STREET.

The Clerk read the ordinance for the first time. The Clerk read the ordinance for the first time. A public hearing has been scheduled for June 10, 2019 at 7:45 p.m. Council to take Ordinance No. 19-26 to a second reading.

**ITEM 19: ORDINANCE NO. 19-27** [First Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR JOHN AND TESS MEEKER ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR MEEKERS VENUE ON APPROXIMATELY 0.477 ACRES AND LOCATED AT 385 EAST WILLIAM STREET.

The Clerk read the ordinance for the first time. A public hearing has been scheduled for June 10, 2019 at 7:45 p.m. Council to take Ordinance No. 19-27 to a second reading.

**ITEM 20: ORDINANCE NO. 19-28** [First Reading]

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AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR JOHN AND TESS MEEKER FOR MEEKERS VENUE ON APPROXIMATELY 0.477 ACRES ZONED R-4 PMU (MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED AT 385 EAST WILLIAM STREET.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-28 to a second reading.

**ITEM 21: ORDINANCE NO. 19-29** [First Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR GRDEN LLC., FOR WINTERBROOKE PLACE FROM A-1 (AGRICULTURAL DISTRICT) TO R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION (PARCEL #'S 418-330-01-019-000, 418-330-01-018-001, 418-330-018-000, 418-320-01-038-000).

The Clerk read the ordinance for the first time. A public hearing has been scheduled for June 10, 2019 at 8:00 p.m. Council to take Ordinance No. 19-29 to a second reading.

**ITEM 22: ORDINANCE NO. 19-30** [First Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR GRDEN LLC., ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USED OVERLAY DISTRICT) TO BE ESTABLISHED FOR WINTERBROOKE PLACE CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION.

The Clerk read the ordinance for the first time. A public hearing has been scheduled for June 10, 2019 at 8:00 p.m. Council to take Ordinance No. 19-30 to a second reading.

**ITEM 23: ORDINANCE NO. 19-31** [First Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR GRDEN LLC., FOR WINTERBROOKE PLACE CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES ZONED R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-31 to a second reading.

**ITEM 24: ORDINANCE NO. 19-32** [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 100.648± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE GRDEN LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

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The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-32 to a second reading.

**ITEM 25: ORDINANCE NO. 19-33** [First Reading]  
AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-33 to a second reading.

**ITEM 26: CITY MANAGER'S REPORT**  
Mr. Homan notified Council that the Ohio Public Works Commission has approved street resurfacing for Houk Road and North Union Street and this work will begin after July 1, 2019.

He discussed the concern voiced regarding high grass on Houk Road and information on the public meeting to be held at Conger Elementary regarding the Point Project.

**ITEM 27: COUNCIL COMMENTS**  
Mr. Jones requested a copy of the video watched tonight regarding the Point.

Mrs. Keller praised Public Works staff regarding the positive feedback from the recycling video that was put on social media.

Mr. Browning praised Kim Gepper for her staff newsletter efforts and the progress report by Lee Yoakum.

Mayor Riggle provided information on Police Week and that she attended a ceremony at the police station. She presented Mr. Ferrigno a proclamation recognizing National Infrastructure Week.

**ITEM 28: ADJOURNMENT**

**Motion:** Mrs. Keller motioned to adjourn the meeting. The meeting adjourned at 9:11 p.m.

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

  
\_\_\_\_\_  
Elaine McCloskey, Council Clerk