

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 10 20 19

The regular meeting of Council held June 10, 2019 was called to order at 7:00 p.m., in the City Council Chambers following the Citizen's Academy Graduation ceremony. 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 Shafer, and Mayor Carolyn Kay Riggle, who presided. The invocation was given by Reverend Adam Anderson of Old Stone Presbyterian Church, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Kelsey Scott, Economic Development Specialist, Lee Yoakum, Community Affairs Coordinator, Bill Ferrigno, Public Works Director/City Engineer, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Bruce Pijanowski, Police Chief, and Jackie Walker, Assistant City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on May 13, 2019, as recorded and transcribed.

Motion: Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held May 13, 2019, seconded by Mrs. Keller. Motion approved by a 6-0-1 (Shafer) vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on May 1, 2019, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Civil Service Commission meeting held on May 1, 2019, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Finance Committee meeting held on January 23, 2019, as recorded and transcribed.
- D. Acceptance of the Motion Summary of the Airport Commission meeting held on October 18, 2018, as recorded and transcribed.
- E. Acceptance of the Motion Summaries of the Historic Preservation Commission meeting held on January, 23, 2019 and February 27, 2019, as recorded and transcribed.
- F. Establish June 24, 2019 at 7:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 19-35, an ordinance approving a Conditional Use Permit for the Ohio Wesleyan Village Student Housing located at the northwest corner of Liberty Street and Park Avenue on approximately 3 acres zoned PO/I Planned Office/Institutional District and Ordinance No. 19-37, an ordinance for approval of an alley vacation request by Ohio Wesleyan University of an alley for Ohio Wesleyan Village Student Housing located along the north side of Park Avenue just west of Liberty.

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 COMMENT:

Travis Irvan
Delaware General Health District

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1 West Winter St.
Delaware, Ohio

Mr. Irvan provided Council with a copy of the Age-Friendly Assessment for Delaware County that was completed by the Delaware General Health District.

Adam Anderson
45 Park Avenue
Delaware, Ohio

Mr. Anderson voiced a concern regarding bike and pedestrian safety at Bernard and Sandusky. Mrs. Keller requested that this topic be referred to the Parking and Safety Committee. Mr. Ferrigno discussed that staff is looking at available funding and different options to make improvements to the area. Chief Pijanowski discussed that he has been working on a bill with Senator Brenner regarding state wide changes to pedestrian crosswalk laws.

Jeff Robinson
Common Ground Free Store Board Member
193 East Central Avenue
Delaware, Ohio

Mr. Robinson provided an invitation to City Council to their Fashions & Fixin's fundraising event on August 24, 2019.

Helen Stone
255 East William Street
Delaware, Ohio

Ms. Stone voiced a concern over the alley condition behind her street and that there is a lot of potholes.

ITEM 7: COMMITTEE REPORT

ITEM 8: PRESENTATIONS

- A. Proclamation recognizing Alzheimer Awareness Month presented to Lindsay Collins and Jessa Gary, Alzheimer's Association of Central Ohio
- B. Short Cut Alley Presentation – Susie Bibler, Executive Director of Main Street Delaware and Zach Price, Main Street Delaware Board Member

PRESENTORS:

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

Zach Price
Main Street Board Member
20 East Winter Street
Delaware, Ohio

Mrs. Bibler and Mr. Price provided a presentation for Short Cut

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Alley improvements. They discussed potential funding plans and options. Council voiced their support towards the project and to have further discussions regarding funding.

- C. Revised Traffic Calming Guide for Neighborhood Streets and Hull Drive Discussion - Bill Ferrigno, Public Works Director/City Engineer

Councilman Browning requested that Council discuss the recommendations from Hull Drive and Revised Traffic Calming Guide for Neighborhood Streets at the June 24, 2019 City Council meeting due to the residents of Hull Drive unable to attend the June 10 meeting.

ITEM 9: CONSIDERATION OF LIQUOR PERMIT (Relating to Stockholder Changes)

- A. Cazadores Corp DBA El Vaquero, 33 Wootring Street and Patio, Delaware, Ohio 43015. Permit Classes: D5 & D6

Motion: Mrs. Keller motioned to accept the liquor permit without objection, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 10: ORDINANCE NO. 19-07 [Seventh 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 seventh time.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-07, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 19-26 [Public Hearing and Second 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 second time. There was no public participation.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 19-26, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 19-26, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 19-27 [Public Hearing and Second 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

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VENUE ON APPROXIMATELY 0.477 ACRES AND LOCATED AT 385 EAST WILLIAM STREET.

The Clerk read the ordinance for the second time. There was no public participation.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 19-27, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 19-27, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 19-28 [Second Reading]

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 second time.

Motion: Mr. Jones motioned to suspend the rules for Ordinance No. 19-28, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 19-28, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 19-32 [Second 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.

The Clerk read the ordinance for the second time. Council to take Ordinance No. 19-32 to a third reading at the request of the Mr. Shade.

APPLICANT:

Michael R. Shade
Agent for the Petitioners
P.O. Box 438
Delaware, Ohio

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 19-32, seconded by Vice-Mayor Shafer. There was a discussion with the representative of the applicant, Mr. Shade and he requested that no action be taken until Council was ready to approve Winterbrooke Place. At the request of the applicant, Mrs. Keller withdrew her motion to suspend and rules. Vice-Mayor Shafer withdrew his second.

ITEM 15: ORDINANCE NO. 19-29 [Public Hearing and Second 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

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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 second time. Council to take Ordinance No. 19-29 to a third reading.

APPLICANT:

Robert Grden
Grden LLC
1059 Wellington Blvd
Powell, Ohio

Mike Shade
Attorney at Law
P.O. Box 438
Delaware, Ohio

Jack Brickner
Planned Communities
110 Northwoods Blvd
Columbus, Ohio

Todd Faris
Faris Planning & Design
243 North 5th St, Suite 401
Columbus, Ohio

Brian Burkhart
250 Old Wilson Bridge Road
Worthington, Ohio

PUBLIC PARTICIPATION:

Steve Elliott
Representative for John and Toni Gundling
200 Civic Center Drive, Suite 1200
Columbus, Ohio

John Gundling
957 Peachblow Road
Delaware, Ohio

Mr. Elliott voiced the concerns of the Gundlings that were provided in their letter of objection. He discussed their concern to preserve the value to their home, the bike path location and that the Gundlings do not grant permission for the bike path to cross their property line. He requested a private property sign on both ends of the bike path location. Mr. Gundling voiced concerns over lack of buffering.

Council discussed the location of the retention ponds and recommended that the applicant and the Gundlings discuss if additional buffering can be placed.

ITEM 16: ORDINANCE NO. 19-30 [Public Hearing and Second Reading]

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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 second time. Council to take Ordinance No. 19-30 to a third reading.

ITEM 17: ORDINANCE NO. 19-31 [Second 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 second time. Council to take Ordinance No. 19-31 to a third reading.

ITEM 18: ORDINANCE NO. 19-33 [Second Reading]

AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to remove the emergency clause for Ordinance No. 19-33, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-33, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-33, as amended, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 19: ORDINANCE NO. 19-34 [First Reading]

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT WITH THE WESLEYAN INN AND THE CITY OF DELAWARE FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A BUILDING AT 235 WEST WILLIAM STREET AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT:

Jim Manos
5973 Macewen Court
Dublin, Ohio

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-34, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

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Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 19-34, seconded by Mr. Jones. Motion approved by a 5-2 (Hellinger, Keller) vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-34, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

ITEM 20: ORDINANCE NO. 19-35 [First Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE OHIO WESLEYAN VILLAGE STUDENT HOUSING LOCATED AT THE NORTHWEST CORNER OF LIBERTY STREET AND PARK AVENUE ON APPROXIMATELY 3 ACRES ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT).

The Clerk read the ordinance for the first time. A public hearing has been scheduled for June 24, 2019 at 7:30 p.m.

ITEM 21: ORDINANCE NO. 19-36 [First Reading]

AN ORDINANCE FOR OHIO WESLEYAN UNIVERSITY APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN VILLAGE STUDENT HOUSING LOCATED AT THE NORTHWEST CORNER OF LIBERTY STREET AND PARK AVENUE ON APPROXIMATELY 3 ACRES ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL DISTRICT).

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-36 to a second reading.

ITEM 22: ORDINANCE NO. 19-37 [First Reading]

AN ORDINANCE FOR APPROVAL OF AN ALLEY VACATION REQUEST BY OHIO WESLEYAN UNIVERSITY OF AN ALLEY FOR OHIO WESLEYAN VILLAGE STUDENT HOUSING LOCATED ALONG THE NORTH SIDE OF PARK AVENUE JUST WEST OF LIBERTY.

The Clerk read the ordinance for the first time. A public hearing has been scheduled for June 24, 2019 at 7:30 p.m.

ITEM 23: CITY MANAGER'S REPORT

Mrs. Walker discussed the cost estimate for police efforts to provide security at the Drag 101 event. The shop owner holding the event hired their own security. The police were used to monitor the crowd outside that had gathered.

ITEM 24: COUNCIL COMMENTS

Councilman Rohrer informed Council that he will not be at the June 24, 2019 City Council meeting.

Councilman Browning provided a copy of the Apartment Complex Enrollment and Tax Analysis provided by Superintendent Craft at a previous school board meeting.

ITEM 25: 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

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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.

Mrs. Keller motioned to enter into executive session at 9:41 p.m. This motion was seconded by Mr. Browning 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 9:56 p.m., it was moved by Mr. Jones that Council move into Open session, seconded by Vice-Mayor Shafer and approved by a 7-0 vote.

ITEM 26: ADJOURNMENT

Motion: Mrs. Keller motioned to adjourn the meeting, seconded by Vice-Mayor Shafer. The meeting adjourned at 9:57 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk