

RECORD OF PROCEEDINGS

Held August 12 20 19

6:30 EXECUTIVE SESSION: Mrs. Keller motioned to enter into executive session at 6:30 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: 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. Absent from the discussion was Vice-Mayor Kent Shafer. Following the discussion at 6:57 p.m., it was moved by Mr. Jones that Council move into open session, seconded by Mrs. Keller and approved by a 6-0 vote.

The regular meeting of Council held August 12, 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 Shafer, and Mayor Carolyn Kay Riggle, who presided. The invocation was given by Major Mark Larrick of the Salvation Army, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Matt Weber, Deputy City Engineer, Sean Hughes, Economic Development Director, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager.

Motion to Excuse: Mr. Jones motioned to excuse Vice-Mayor Shafer, seconded by Mr. Browning. 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 August 12, 2019, as recorded and transcribed.

Motion: Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held August 12, 2019, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on July 17, 2019, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Public Works/Public Utilities Committee meeting held on May 5, 2019, as recorded and transcribed.
- C. Establish August 26, 2019 at 7:30 p.m. as a date and time for a public hearing and second reading of Ordinance No. 19-47, an ordinance approving a Rezoning Amendment for J. Jill Properties LLC., for the Rice Building from B-3 (Community Business District) to B-2 (Central Business District) at 50 West William Street on approximately 0.119 acres.
- D. Establish August 26, 2019 at 7:40 p.m. as a date and time for a public hearing and second reading of Ordinance No. 19-49, an ordinance approving a Rezoning Amendment for Makapa LLC., for

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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Belle Common Business Park from R-3 I(One-Residential District) to R-3 PMU (One-Family Residential District with a Planned Mixed Used Overlay District) on approximately 11.128 acres (Parcels 419-122-01-027-000 & 419-122-01-029-000) and located on the north side of Belle Avenue and on the east side of Liberty Road and Ordinance No. 19-50, an ordinance approving a Conditional Use Permit allowing the placement of a PMU (Planned Mixed Use Overlay District) to be established for Belle Commons Business Park on approximately 11.128 acres (Parcels 419-122-01-027-000 & 419-122-01-029-000) and located on the north side of Belle Avenue and on the east side of Liberty Road.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC COMMENT:

Mark Butler
407 Western Dreamer
Delaware, Ohio

Mr. Butler voiced his approval over the recent hiring of the new City Prosecutor.

ITEM 7: COMMITTEE REPORT

ITEM 8: PRESENTATION

A. Update on 2020 Census – Chad Stover, Partnership Specialist for U.S. Census Bureau

ITEM 9: RESOLUTION NO. 19-34 [Second Reading]

A RESOLUTION ACCEPTING NEGOTIATED CHANGES TO THE FRATERNAL ORDER OF POLICE (FOP) PATROL AND SUPERVISORS AGREEMENTS WITH THE CITY OF DELAWARE.

The Clerk read the resolution for the second time. Council to take Resolution No. 19-34 to a third reading.

ITEM 10: RESOLUTION NO. 19-35 [First Reading]

A RESOLUTION ADOPTING POLICY CONCERNING THE ESTABLISHMENT OF HONORARY STREET NAMES.

The Clerk read the resolution for the first time. Council to take Resolution No. 19-35 to a second reading to allow for changes to the timeline requirement in the policy.

ITEM 11: RESOLUTION NO. 19-36 [First Reading]

A RESOLUTION ESTABLISHING HONORARY STREET DESIGNATIONS OF ELMER W.B. CURRY AND RUTHERFORD B. HAYES IN THE CITY OF DELAWARE FOR COMMEMORATIVE PURPOSES.

The Clerk read the resolution for the first time.

PUBLIC PARTICIPATION:

Benny Shoults

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Meeker Homestead Museum
2690 Stratford Road
Delaware, Ohio

Mr. Shoults provided history on the contributions to the City of Delaware by Elmer W.B. Curry.

Motion: Mr. Jones motioned to adopt Resolution No. 19-36, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 12: RESOLUTION NO. 19-37 [First Reading]

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 43.847± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE EVANS FARM DELAWARE, LLC ANNEXATION BY ANDREW WECKER, AGENT FOR THE PETITIONERS.

The Clerk read the resolution for the first time. Mrs. Keller informed Council that she would abstain from a vote due to retaining Mr. Wecker as her attorney for her business.

APPLICANT:

Andrew Wecker
Manos, Martin, Pergram & Dietz Company LPA
50 North Sandusky Street
Delaware, Ohio

Motion: Mr. Jones motioned to adopt Resolution No. 19-37, seconded by Mr. Rohrer. Motion approved by a 4-1 (Hellinger)-1 (Keller).

ITEM 13: ORDINANCE NO. 19-44 [First Reading]

AN ORDINANCE APPROVING A PERFORMANCE BASED ECONOMIC INCENTIVE GRANT AGREEMENT WITH CLASSIC STEEL BODY FOR LEASE ASSISTANCE FOR A BUILDING AT 437 DUNLAP STREET, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Mayor Riggle informed that she will abstain from the vote due to notarizing documents for applicant.

APPLICANT:

Chris Baker
437 Dunlap Street
Delaware, Ohio

Motion: Mr. Jones motioned to suspend to rules for Ordinance No. 19-44, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

Motion: Mr. Jones motioned to adopt the emergency clause for Ordinance No. 19-44, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 19-44, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

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ITEM 14: ORDINANCE NO. 19-45 [First Reading]

AN ORDINANCE AMENDING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR A PERFORMANCE BASED ECONOMIC INCENTIVE GRANT TO CLASSIC STEEL BODY TO ASSIST WITH LEASING THE BUILDING BEFORE MACHINERY AND EQUIPMENT ARRIVES THAT WILL ALLOW THE COMPANY TO OCCUPY THE ENTIRE BUILDING AT 437 DUNLAP STREET AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Mayor Riggle informed that she would abstain from the vote due to notarizing documents for applicant.

APPLICANT:

Chris Baker
437 Dunlap Street
Delaware, Ohio

Motion: Mr. Jones motioned to suspend to rules for Ordinance No. 19-45, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

Motion: Mr. Jones motioned to adopt the emergency clause for Ordinance No. 19-45, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

Motion: Mr. Jones motioned to adopt Ordinance No. 19-45, seconded by Mr. Browning. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 15: ORDINANCE NO. 19-46 [First Reading]

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH THE KROGER CO., DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 2000 NUTTER FARMS LANE, DELAWARE, OHIO AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-46 to a second reading.

APPLICANT:

Thomas Seward
KMK Consulting
One East Fourth Street
Suite, 1400
Cincinnati, Oh 45202

Ian Smith
Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202

ITEM 16: ORDINANCE NO. 19-47 [First Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR J. JILL PROPERTIES LLC., FOR THE RICE BUILDING FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AT 50 WEST WILLIAM STREET ON APPROXIMATELY 0.119 ACRES.

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The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-47 to a second reading. A public hearing has been scheduled for August 26, 2019 at 7:30 p.m.

ITEM 17: ORDINANCE NO. 19-48 [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR J. JILL PROPERTIES LLC., FOR THE RICE BUILDING AT 50 WEST WILLIAM STREET ON APPROXIMATELY 0.119 ACRES AND ZONED B-2 (CENTRAL BUSINESS DISTRICT).

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-47 to a second reading.

ITEM 18: ORDINANCE NO. 19-49 [First Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR MAKAPA LLC., FOR BELLE COMMON BUSINESS PARK FROM R-3 (ONE-RESIDENTIAL DISTRICT) TO R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USED OVERLAY DISTRICT) ON APPROXIMATELY 11.128 ACRES (PARCELS 419-122-01-027-000 & 419-122-01-029-000) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-49 to a second reading. A public hearing has been scheduled for August 26, 2019 at 7:40 p.m.

ITEM 19: ORDINANCE NO. 19-50 [First Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR BELLE COMMONS BUSINESS PARK ON APPROXIMATELY 11.128 ACRES (PARCELS 419-122-01-027-000 & 419-122-01-029-000) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-50 to a second reading. A public hearing has been scheduled for August 26, 2019 at 7:40 p.m.

ITEM 20: ORDINANCE NO. 19-51 [First Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR MAKAPA LLC., FOR BELLE COMMONS BUSINESS PARK ON APPROXIMATELY 11.128 ACRES ON PROPERTY ZONED R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-51 to a second reading.

ITEM 21: ORDINANCE NO. 19-52 [First Reading]

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT FOR MAKAPA, LLC., FOR BELLE COMMONS BUSINESS PARK ON APPROXIMATELY 11.128 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

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The Clerk read the ordinance for the first time. Council to take Ordinance No. 19-52 to a second reading.

ITEM 22: DISCUSSION and UPDATE ITEMS:

A. Discussion of Rule Suspension Guidelines

Council in agreement to have the discussion at a later meeting.

B. Update of YMCA/City Recreation Agreement

PUBLIC PARTICIPATION:

Lori Houck
222 Knight Dream Street
Delaware, Ohio

Ms. Houck read into the record a statement as the designated Force Aquatics Swim Team spokesperson. She voiced the concerns of Force Aquatics to not be able to rent lanes for their swim team to practice and the concern that the YMCA does not provide a USA Swimming program. She voiced concerns of local residents not being able to utilize a building in which they pay taxes for.

Lolita Haverlock
Central Ohio YMCA, Regional Vice-President
6844 Spruce Pine Drive
Columbus, Ohio

Ms. Haverlock informed Council that the YMCA present at the meeting were there to listen to concerns and relay those concerns to Tony Collins, CEO for the Central Ohio YMCA.

Scott Wolf
340 North Franklin Street
Delaware, Ohio

Mr. Wolf discussed the use of the pool facilities by high school swim team and that their use of the pool is a direct competition to the YMCA programs as the students can only participate in either the school team or the league team. He discussed the past events on why the Riptide Swim Team Boosters disbanded and that the Force Aquatics was formed due to the failure of the Riptide Swim Team.

Jannelle Gasaway
325 Tar Heel Drive
Delaware, Ohio

Ms. Gasaway discussed her concern on the YMCA being in breach of their contract with the City. Mr. Homan discussed the differences in the contracts with the YMCA facilities and recreation services.

Mrs. Keller voiced her concerns over the cost of the membership and how the rate is calculated by the YMCA. She recommended

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that the City take back control over the Jack Florence Pool and reviewed concerns over the management of the facilities.

Mayor Riggle requested a break at 8:36 p.m. and reconvened the meeting at 8:41 p.m.

ITEM 23: CITY MANAGER'S REPORT

Mr. Homan provided a status update on the CIP which will be provided to Council on August 15. He reminded Council that there is an Open House to discuss the Point Project will be held at Conger Elementary on August 21. He presented his 20 year award that he received from MORPC and discussed his priority goal setting.

ITEM 24: COUNCIL COMMENTS

Mr. Jones voiced his support on the parking recommendations for the downtown that were proposed by Vice-Mayor Shafer.

Mrs. Keller discussed the LED street lighting changes to a new development and the brightness. She informed Council of her plans to have two informational nights for the Second Ward to discuss upcoming park projects.

Mr. Browning complimented staff on their communication to neighbors affected by some road improvements at Hawthorn Blvd.

Mayor Riggle informed Council of plans to be out of town to visit family. She voiced her concerns regarding school starting later in the week and the impact the road projects will have on the students.

ITEM 25: ADJOURNMENT

Motion: Mrs. Keller motioned to adjourn the meeting. The meeting adjourned at 9:34 p.m.



~~Mayor Carolyn Kay Riggle~~ Vice Mayor Kent Shafer



Elaine McCloskey, Council Clerk