

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held September 23 20 19

**6:30 EXECUTIVE SESSION:** Mrs. Keller motioned to enter into executive session at 6:30 p.m. This motion was seconded by Vice-Mayor Shafer 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, At-Large George Hellinger, Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle. Absent from the meeting was Fourth Ward Kyle Rohrer. Following the discussion at 6:55 p.m., it was moved by Vice-Mayor Shafer that Council move into Open session, seconded by Mrs. Keller and approved by a 6-0 vote.

The regular meeting of Council held September 23, 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, At-Large George Hellinger, Vice-Mayor Shafer, and Mayor Riggle who presided. Absent from the meeting was Fourth Ward Kyle Rohrer. The invocation was given by Mrs. Jennifer Klemanski, Administrative Assistant for Delaware Fire Department, followed by the Pledge of Allegiance.

Staff Present: John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Darren Shulman, City Attorney, Bill Ferrigno, Public Works Director/City Engineer, Dean Stelzer, Finance Director, Ted Miller, Parks and Natural Resource Director, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

**Motion to Excuse:** Vice-Mayor Shafer motioned to excuse Mr. Rohrer, 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 September 9, 2019, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on September 12, 2019, as recorded and transcribed.

**Motion:** Mr. Browning motioned to approve the Motion Summary of the regular meeting of Council held September 9, 2019, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Browning motioned to approve the Motion Summary of the work session meeting of Council held September 12, 2019, seconded by Vice-Mayor Shafer. Motion approved by a 5-0-1 (Hellinger) vote.

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

- A. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on July 10, 2019, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on March 19, 2019, as recorded and

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transcribed.

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

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

**ITEM 7: COMMITTEE REPORT**

Mrs. Keller provided an update from the recent Residential Speed Meeting.

**ITEM 8: PRESENTATION**

A. Proclamation for Fire Safety Week, presented to Chief John Donahue

**ITEM 9: DIRECTOR UPDATE**

A. John Donahue, Fire Chief

**ITEM 10: CONSIDERATION OF A LIQUOR PERMIT (RELATING TO STOCKHOLDER CHANGE)**

A. Liberty Fuel Inc, DBA London Rd Shell, 132 London Road, Delaware, Ohio 43015. Permit Classes: C1, C2, D6

**Motion:** Mrs. Keller motioned to accept the liquor permit, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 11: RESOLUTION NO. 19-40** [Third Reading]

A RESOLUTION ADOPTING THE 2020-2024 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

The Clerk read the resolution for the third time. Council to take Resolution No. 19-40 to a fourth reading. A second work session is scheduled for September 30, 2019 to discuss the CIP.

**ITEM 12: ORDINANCE NO. 19-53** [Second Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS, SECTION 2, PHASE 2, CONTAINING 21 SINGLE FAMILY LOTS ON APPROXIMATELY 5.471 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON SCARLETT DRIVE AND AARON DRIVE.

The Clerk read the ordinance for the second time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-53, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 19-53, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 13: ORDINANCE NO. 19-54** [Second Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY WESTPORT HOMES FOR SPRINGER WOODS, SECTION 2, PHASE 3, CONTAINING 22 SINGLE FAMILY LOTS ON APPROXIMATELY 5.65 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON BEVAN WAY AND AARON DRIVE.

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The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-54, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-54, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 19-55 [Second Reading] AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE IN THE AMOUNT OF \$75,000 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PROS CONSULTING FOR A PARKS AND RECREATION MASTER PLAN.

The Clerk read the ordinance for the second time.

Mr. Homan recommended scaling back to just the needs assessment and complete the second stage at a later date. Mr. Miller discussed that the proposed master plan was discussed at the recent Parks and Recreation Advisory Board meeting and that the board was supportive.

Motion: Vice-Mayor Shafer motioned to amend Ordinance No. 19-55 to reflect Phase 1 only at a cost of \$44,360, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to amend Ordinance No. 19-55, Section 1 to reflect a reduction of Parks Impact Fees Fund to \$4,400, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-55, seconded by Mr. Browning. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-55, as amended, seconded by Mr. Browning. Motion approved by a 6-0 vote.

ITEM 15: RESOLUTION NO. 19-44 [First Reading] A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DELAWARE COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS.

The Clerk read the resolution for the first time.

Motion: Mr. Browning motioned to adopt Resolution No. 19-44, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 16: RESOLUTION NO. 19-44 [First Reading] A RESOLUTION ADOPTING GUIDELINES FOR READINGS FOR THE CITY OF DELAWARE.

The Clerk read the resolution for the first time.

Motion: Mrs. Keller motioned to amend 2B in the guidelines to add the word Final before Development Plans, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

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**Motion:** Mrs. Keller motioned to adopt Resolution No. 19-44, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 17: ORDINANCE NO. 19-56** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO ALLOW A REFUND OF PREVIOUSLY COLLECTED IMPACT FEES RELATED TO THE BURR OAK COMMONS (AKA TREPLUS) DEVELOPMENT.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-56, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt for Ordinance No. 19-56, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 18: ORDINANCE NO. 19-57** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2019 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR CEMETERY IMPROVEMENT DESIGN WORK AND FOR ADDITIONAL CEMETERY MAINTENANCE FUNDING.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 19-57, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 19-57, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 19-57, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 19: DISCUSSION ITEM:**

A. Aquatics Summer Program (Jack Florance Pool)

Mr. Homan discussed the City's current partnership with the YMCA and that direction was needed on if the City should resume recreational services. The current contract ends in 2020. He discussed how labor intensive running a recreation program can be and that it would require around 75 seasonal employees.

Mr. Hellinger voiced questions regarding the rates and if there was a \$3 per unit charge or per member monthly to be members of the YMCA and Jack Florance Pool. He discussed not having a good understanding of revenue streams from information that is provided by the YMCA. He recommended determining how much of the cost goes into the pool and recreational services from the money that is provided by the City to run the programs. Mr. Hellinger also voiced a concern regarding the branding of City programs under YMCA logos. He feels that this causing confusion to the public and that they do not know who to voice their complaints to.

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Mrs. Keller voiced a concern on how long there have been the similar problems and complaints. She produced emails from 2013 with complaints regarding lack of chlorine in pools and lifeguards. She voiced her recommendation that the City take over management of the pool. She also voiced a concern relating to the increase in rates for recreational programs and the status of refunds. Mr. Miller did inform Council that the YMCA had notified him that refunds would be issued.

Vice-Mayor Shafer voiced a concern on the ability to effectively take over the pool and solve the continuing problems. Mayor Riggle recommended that Council have a previous pool employee speak with Council on the problems that the City had previously running the pool.

Mr. Browning voiced concerns relating to the decision to allow 20 swimmers from Delaware Riptide on the swim team. He voiced his preference that the City take over the pool.

## **ITEM 20: FINANCE DIRECTOR'S REPORT**

### **ITEM 21: CITY MANAGER'S REPORT**

Mr. Homan discussed the current topic of discussion by the Historic Preservation Commission regarding the expansion of the Historic District Overlay on the east side of Delaware. He voiced his recommendation to not entertain this expansion at this time relating to staff capacity. Mr. Efland discussed that approximately 10 years prior there a project completed to inventory the east side buildings and businesses. He discussed that at that time there was not a lot of support for any expansion of the district. He also recommended completing the Comprehensive Plan and determine if there is a recommendation out of this exercise to recommend or not expansion of the district on the east side. Council voiced their agreement to not proceed with the topic of expansion at this time.

Mr. Homan provided an update on the mural projects throughout Delaware and information on the upcoming SWCI Unity Festival.

### **ITEM 22: COUNCIL COMMENTS**

Mrs. Keller informed Council that she will be attending and speaking at the SWCI Unity Festival. She informed Council that she will be hosting a Park Open House on September 24 to receive citizen input on a new park. Mrs. Keller discussed the recommendation by the Parks and Recreation Advisory Board to remove two large water features at the splash pad. She discussed looking at different options prior to removing the pieces that were custom made for the park and feels that need to reach out to the designer of the park over their recommendation of using brushed concrete and creating the pieces to go on this concrete.

Vice-Mayor Safer discussed the shuttle that was used on Jug Day by DATA to shuttle residents to and from the fairgrounds and the downtown area.

Mayor Riggle informed Council that she will be attending an Honor Flight this coming Saturday. She informed staff of concerns of cars racing along Pumphrey Terrace.

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**ITEM 23: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:45 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk