

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

March 9

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The regular meeting of Council was held March 9, 2020 and was called to order at 7:00 p.m., in Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Cory Hoffman, Fourth Ward Drew Farrell, At-Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Riggle who presided. The invocation was delivered by Pastor Bill Benner, with Church of Christ of Christian Union, followed by the Pledge of Allegiance.

Staff Present: Alycia Ballone, Budget Analyst, Bill Ferrigno, Public Works Director/City Engineer, Blake Jordan, Public Utilities Director, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Bruce Pijanowski, Police Chief, Ted Miller, Parks and Natural Resource Director, Dave Efland, Planning and Community Development Director, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on February 24, 2020, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held on February 24, 2020, as recorded and transcribed, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on October 22, 2019, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on October 23, 2019, as recorded and transcribed
- C. Acceptance of the Motion Summary of the Planning Commission meeting held on February 5, 2019, as recorded and transcribed.
- D. Resolution No. 20-23, a resolution authorizing the extension of the School Zone for Conger Elementary School to 300 feet east of the eastern most school property line on East William Street (US-36) for westbound traffic.
- E. Resolution No. 20-24, a resolution authorizing the City of Delaware to participate in the State of Ohio Cooperative Purchasing Program.
- F. Establish March 23, 2020 at 7:30 p.m. as a date and time for a public hearing and second readings for Ordinance No. 20-10, an ordinance approving a Rezoning Amendment for Terra Alta LLC., for Terra Alta Subdivision from A-1 and R-2 PMU to A-1 and R-2 PMU on approximately 472.9 acres and located north of Braumiller Road, east of Pollock Road and west of Berlin Station Road (No zoning changes to the Stockdale Farms portion of the development) and Ordinance No. 20-11, an ordinance approving a Conditional Use Permit for Terra Alta LLC., allowing the placement of a Planned Mixed-Use Overlay District (PMU) for Terra Alta Subdivision on approximately 472.9 acres zoned A-1 and R-2 PMU and located north of Braumiller Road, east of Pollock Road and west of Berlin Station Road.

Motion: Vice-Mayor Shafer motioned to amend Item C to reflect the date February 5, 2020, seconded by Mrs. Keller. Motion approved by a 7-0 vote

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Motion: Vice-Mayor Shafer motioned to approve the Consent Agenda as amended, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Travis Irvan, Program Manager
Delaware General Health District
1 West Winter Street
Delaware, Ohio

Mr. Irvan provided an update regarding the COVID-19.

Michael Rush
778 Canal Street
Delaware, Ohio

Mr. Rush discussed scam calls received with the caller stating they were with the Social Security Administration. He also provided attention to March being Multiple Sclerosis Month.

ITEM 7: COMMITTEE REPORTS

Mr. Jones informed Council that there is a Parks and Recreation Advisory Board meeting scheduled.

Mrs. Keller provided an update on the February Historic Preservation Commission meeting and review of plans for a hotel.

Mr. Hoffman informed Council that the Board of Zoning Appeals meeting has been canceled for March. He will be participating as a guest speaker at Ohio Wesleyan University regarding Environmental Studies.

Mr. Farrell provided information regarding the February Shade Tree meeting.

Vice-Mayor Shafer will be attending a MORPC meeting on Thursday, March 12.

Mayor Riggie informed Council that she attended a COMMA meeting.

ITEM 8: ORDINANCE NO. 19-63 [Seventh Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 43.847± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE EVANS FARM DELAWARE LLC ANNEXATION BY ANDREW WECKER, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the seventh time.

Mr. Homan reviewed the Sanitary Sewer Services Agreement to the area and the Comprehensive Plan. Ms. Ballone reviewed comparable income in Belmont Place from 2018 and annual income tax received from this area. Ms. Keller voiced a concern over the current Evans Farm NCA not following guidelines passed by Council in Resolution No. 19-47.

APPLICANT:

Tony Eyerman

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Evans Farm Land Development
1550 Lewis Center Road
Lewis Center, Ohio 43035

Mr. Eyerman discussed the history of the Evans Farm development and creation of the NCA. He discussed that the family was unaware of the service agreement with the City. Mr. Jordan discussed requirements needed to receive utility services within the City.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 19-63, seconded by Mr. Jones. Motion failed with a 3-3(Keller, Farrell, Hellinger)-1(Hoffman) vote.

ITEM 9: ORDINANCE NO. 20-05 [Third Reading]
AN ORDINANCE AMENDING SECTION 901 OF THE CITY OF DELAWARE CODIFIED ORDINANCES TO BRING THE RULES AND REGULATIONS INTO CONFORMANCE WITH THE CURRENT RIGHT OF WAY BEST MANAGEMENT PRACTICES.

The Clerk read the ordinance for the third time.

Motion: Mr. Jones motioned to adopt Ordinance No. 20-05, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 10: ORDINANCE NO. 20-06 [Third Reading]
AN ORDINANCE REVISING SECTION 909 OF THE CITY OF DELAWARE CODE OF ORDINANCES ESTABLISHING GENERAL RULES AND REGULATIONS FOR THE MAINTENANCE AND REPAIR OF SIDEWALK WITHIN PUBLIC RIGHT OF WAY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to table Ordinance 20-06 indefinitely, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 11: RESOLUTION NO. 20-20 [Second Reading]
A RESOLUTION OF NECESSITY FOR CONSTRUCTION OR REPAIR OF SIDEWALKS FOR THE 2020 DOWNTOWN SIDEWALK MAINTENANCE PROGRAM.

The Clerk read the resolution for the second time.

Motion: Mr. Farrell motioned to approve Resolution No. 20-20, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 12: RESOLUTION NO. 20-21 [Second Reading]
A RESOLUTION OF NECESSITY FOR CONSTRUCTION OR REPAIR OF SIDEWALKS FOR THE 2020 SIDEWALK MAINTENANCE PROGRAM.

The Clerk read the resolution for the second time.

Motion: Mr. Jones motioned to approve Resolution No. 20-21, seconded by Vice-Mayor Shafer. Motion approved by a 6-1 (Hoffman) vote.

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ITEM 13: RESOLUTION NO. 20-21 [First Reading]
A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 1.062± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE ALSHAHAL ENTERPRISES, LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the resolution for the first time.

APPLICANT:
Michael R. Shade
236 West Central Avenue
Delaware, Ohio

Motion: Mrs. Keller motioned to approve Resolution No. 20-21, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 14: ORDINANCE NO. 20-10 [First Reading]
AN ORDINANCE APPROVING A REZONING AMENDMENT FOR TERRA ALTA LLC., FOR TERRA ALTA SUBDIVISION FROM A-1 AND R-2 PMU TO A-1 AND R-2 PMU ON APPROXIMATELY 472.9 ACRES AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD (NO ZONING CHANGES TO THE STOCKDALE FARMS PORTION OF THE DEVELOPMENT).

The Clerk read the Ordinance for the first time. A public hearing and second reading is scheduled for March 23, 2020 at 7:30 p.m.

ITEM 15: ORDINANCE NO. 20-11 [First Reading]
AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR TERRA ALTA LLC., ALLOWING THE PLACEMENT OF A PLANNED MIXED-USE OVERLAY DISTRICT (PMU) FOR TERRA ALTA SUBDIVISION ON APPROXIMATELY 472.9 ACRES ZONED A-1 AND R-2 PMU AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD.

The Clerk read the Ordinance for the first time. A public hearing and second reading is scheduled for March 23, 2020 at 7:30 p.m.

ITEM 16: ORDINANCE NO. 20-12 [First Reading]
AN ORDINANCE APPROVING AN AMENDED PRELIMINARY DEVELOPMENT PLAN FOR TERRA ALTA LLC., FOR TERRA ALTA SUBDIVISION ON APPROXIMATELY 472.9 ACRES ON PROPERTY ZONED A-1 AND R-2 PMU AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD.

The Clerk read the Ordinance for the first time. Council to take Ordinance No. 20-12 to a second reading.

ITEM 17: ORDINANCE NO. 20-13 [First Reading]
AN ORDINANCE APPROVING AN AMENDED SUBDIVISION PLAT FOR TERRA ALTA LLC., FOR TERRA ALTA SUBDIVISION ON APPROXIMATELY 472.9 ACRES ON PROPERTY ZONED A-1 AND R-2 PMU AND LOCATED NORTH OF BRAUMILLER ROAD, EAST OF POLLOCK ROAD AND WEST OF BERLIN STATION ROAD.

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The Clerk read the Ordinance for the first time. Council to take Ordinance No. 20-13 to a second reading.

ITEM 18: ORDINANCE NO. 20-14 [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR SKILKEN GOLD REAL ESTATE DEVELOPMENT FOR SHEETZ LOCATED AT 700 SUNBURY ROAD ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND B-4 (GENERAL BUSINESS DISTRICT) ON APPROXIMATELY 4.6 ACRES.

The Clerk read the Ordinance for the first time. Council to take Ordinance No. 20-14 to a second reading.

ITEM 19: ORDINANCE NO. 20-15 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 16 CONTAINING 45 SINGLE FAMILY LOTS ON 18.21 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON CAMBIE DRIVE, BALD EAGLE DRIVE AND SUNDIAL LANE.

The Clerk read the Ordinance for the first time. Mr. Jones informed Council he will abstain relating to work.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 20-15, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Jones) vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-15, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Jones) vote.

ITEM 20: ORDINANCE NO. 20-16 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 16 PART 1 CONTAINING 36 SINGLE FAMILY LOTS ON 14.476 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON CAMBIE DRIVE, BALD EAGLE DRIVE AND SUNDIAL LANE.

The Clerk read the Ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 20-16, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Jones) vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-16, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Jones) vote.

ITEM 21: ORDINANCE NO. 20-17 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 16 PART 2 CONTAINING 9 SINGLE FAMILY LOTS ON 3.743 ACRES ON PROPERTY ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AN LOCATED ON BALD EAGLE DRIVE AND SUNDIAL LANE.

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The Clerk read the Ordinance for the first time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 20-17, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Jones) vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-17, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Jones) vote.

ITEM 22: ORDINANCE NO. 20-18 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY T&R PROPERTIES FOR THE ENCLAVE AT THE RAVINES AT OLENTANGY CONTAINING 86 SINGLE FAMILY ATTACHED UNITS AND 1 SINGLE FAMILY DETACHED UNIT ON APPROXIMATELY 14.742 ACRES ON PROPERTY ZONED R-6 PMU (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF CURVE ROAD AND WEST OF ROCHDALE RUN.

The Clerk read the Ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-18, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-18, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 23: ORDINANCE NO. 20-19 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY T&R PROPERTIES FOR THE ENCLAVE AT THE RAVINES AT OLENTANGY CONTAINING 86 SINGLE FAMILY ATTACHED UNITS AND 1 SINGLE FAMILY DETACHED UNIT ON APPROXIMATELY 14.742 ACRES ON PROPERTY ZONED R-6 PMU (MULTI-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF CURVE ROAD AND WEST OF ROCHDALE RUN.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-19, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-19, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 24: ORDINANCE NO. 20-20 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING GLENN ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING, EXCAVATING, GRADING AND PAVING, INSTALLING DRAINAGE, SANITARY SEWER LATERALS, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, SIGNAGE, TRAFFIC PAVEMENT MARKINGS, STREET SIGNS, LANDSCAPING, AND ACQUIRING INTERESTS IN REAL ESTATE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

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Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 20-20, seconded by Mr. Hoffman. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-20, seconded by Mr. Hoffman. Motion approved by a 7-0 vote.

ITEM 25: UPDATE AND DISCUSSION on 2020-2024 Capital Improvement Program

ITEM 26: ORDINANCE NO. 20-21 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE HOUSING PROGRAM INCOME FUND.

The Clerk read the ordinance for the first time.

ITEM 27: ORDINANCE NO. 20-22 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE EAST WILLIAM STREET PROJECT AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 28: ORDINANCE NO. 20-23 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR WATER MAIN EXTENSIONS ASSOCIATED WITH THE GLENN PARKWAY PROJECT.

The Clerk read the ordinance for the first time.

ITEM 29: ORDINANCE NO. 20-24 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PARKLAND AND TRAILWAY DEVELOPMENT IMPROVEMENTS.

The Clerk read the ordinance for the first time.

ITEM 30: CITY MANAGER'S REPORT
Mr. Homan informed Council that staff will be meeting with the Health Commissioner regarding the COVID-19 and to discuss a continuity plan. He provided an update on personnel changes to the Planning Department and Economic Development Department.

ITEM 31: COUNCIL COMMENTS
Mayor Riggle provided information to Council that she will be participating in a downtown study group regarding a SID.

ITEM 32: ADJOURNMENT

Motion: Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 8:45 p.m.

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Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk