

RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held March 18 20 20

The special meeting of Council was held March 18, 2020 and was called to order at 2:00 p.m., and was held remotely through Cisco Webex and streamed Live through the City of Delaware's Facebook page due to the State of Emergency. 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 Riggie who presided.

Staff Present: Bill Ferrigno, Public Works Director/City Engineer, Blake Jordan, Public Utilities Director, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

ITEM 2: ORDINANCE NO. 20-25 [First Reading]
AN ORDINANCE AUTHORIZING EMERGENCY MEASURES IN RESPONSE TO COVID-19 VIRUS AND DECLARING AN EMERGENCY.

The Mayor read the ordinance for the first time.

Mr. Shulman reviewed the ordinance and that it takes steps to comply to existing government regulations and requirements and also help to prevent the situation from getting worse. The ordinance allows for the City to continue to operate if the situation continues to change. He discussed that the ordinance allows for virtual meetings and the requirements that need to be met dur the declared State of Emergency. Following the Governor's and CDC recommendation Boards and Commissions will not meet and the work of those Commissions and Boards will be delegated to city staff with City Council taking final action on recommendations. The ordinance also discusses the ability for the City Manager to declare a State of Emergency within the City of Delaware and if declared and Council is unable to meet with a quorum, the City Manager is granted specific powers that will enable him to keep the government running.

Chief Donahue provided an update regarding cases of the COVID-19 virus within the State of Ohio. Chief Pijanowski updated that there was a confirmed positive case in Delaware County. Mr. Shulman clarified that the ordinance does not provide the City with any additional powers than it currently has.

Motion: Mr. Farrell motioned to suspend the rules for Ordinance No. 20-25, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Farrell motioned enact the emergency clause for Ordinance No. 20-25, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Farrell motioned to adopt Ordinance No. 20-25, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 3: CONSIDERATION OF MARCH 23, 2020 COUNCIL MEETING AND FUTURE COUNCIL MEETINGS

Mr. Homan discussed that the March 23, 2020 City Council meeting has a scheduled public hearing relating to Terra Alta. He discussed the use of Facebook Live to receive public comments, as well as, through email

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and letters. He discussed the plan to not have regular meetings in April and that there would not be Board and Commission meetings. Mr. Hellinger voiced a concern on having a public hearing without the public being able to voice their opinions in the chambers. Mayor Riggle discussed taking public comment through Facebook Live. She reviewed the concerns voiced related by the public at the Planning Commission meeting. Mrs. Keller discussed that there is more interaction and views through social media then would normally see at a meeting and that following the guidelines of the health department we should not be encouraging the public to gather for a public meeting. Mr. Jones voiced his agreement to Mrs. Keller. Mr. Hoffman discussed his support to have a public hearing through a virtual format due to the circumstances. Vice-Mayor Shafer discussed that under the circumstances, Council should move forward and that there is a way to receive public comment. Mr. Homan clarified that the public hearings was set prior to the State of Emergency being declared. Mr. Homan discussed adding an item on the Consent Agenda to cancel the April meetings. Mr. Shulman discussed his recommendation to leave the Council meetings scheduled in the event that something needs action on that is not expected. Council plans to move forward with a virtual Council meeting on March 23 as scheduled.

ITEM 4: CITY MANAGER: SITUATION UPDATE

Mr. Homan discussed that City operations are continuing, although there have been some staffing changes and use of telecommunicating. He is to meet with the Finance Director regarding utility billing options. The current plan is to not have any water shut offs.

Chief Donahue provided an update regarding contingency staffing plans in different call off situations. Chief Pijanowski discussed the downtown parking situation and that spaces are marked for curb side pick up only. The Police Department is in planning mode and lobby is currently open.

ITEM 5: COUNCIL COMMENTS

ITEM 6: ADJOURNMENT

Motion: Vice-Mayor motioned to adjourn the meeting. The meeting adjourned at 2:54 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

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The regular meeting of Council was held March 23, 2020 and was called to order at 7:00 p.m. and was held remotely through Cisco Webex and streamed Live through Facebook due to the State of Emergency – Executive Order 2020-01D. The following members of Council were remotely 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 Council Clerk Elaine McCloskey followed by the Pledge of Allegiance.

Staff Present Remotely: Sean Hughes, Economic Development Director, Bill Ferrigno, Public Works Director/City Engineer, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, 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 March 9, 2020, as recorded and transcribed.

APPROVAL of the Motion Summary of the work session meeting of Council held on March 2, 2020, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summaries of the regular meeting of Council held on March 9, 2020, and the work session meeting held on March 2, 2020, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Resolution No. 20-26, a resolution accepting the recommendations of the Delaware City Tax Incentive Review Council (TIRC) on the status of the 2019 Community Reinvestment Area (CRA), Enterprise Zone (EZ) and Tax Increment Financing Programs (TIF).
- B. Resolution No. 20-27, a resolution authorizing the City Manager to enter into a Mutual Aid Agreement with member departments.
- C. Resolution No. 20-28, a resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation to participate in the Cooperative Purchase of Road Salt through the ODOT Winter Salt Purchase Contract (018-21).
- D. Resolution No. 20-29, a resolution authorizing cancellation of the April City Council Meetings.

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

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Paul Resh
Public Comment received via email

The Clerk read the email submitted by Mr. Resh into the record. Mr. Resh voiced concern over any proposed tac breaks for new housing developments and the economic downturn caused by necessary responses to COVID-19.

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ITEM 7: COMMITTEE REPORTS

ITEM 8: CONSIDERATION OF A NEW LIQUOR PERMIT

A. Meijer Stores Limited Partnership DBA Meijer Gas Station 249, 1138 Sunbury Road, Delaware, Ohio 43015. Permit Class C2

Motion: Vice-Mayor Shafer motioned to approve the liquor permit with out objection, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 9: ORDINANCE NO. 20-10 [Public Hearing and Second 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 second time.

APPLICANT:

Jeff Strung
Via Cisco Webex
EMHT
5500 New Albany Road
Columbus, Ohio

Jeff Ohlin
Via Cisco Webex
Terra Alta LLC
148 West Schrock Road
Westerville, Ohio

PUBLIC COMMENT:

Richard Konkolewski
Via email submitted to Clerk of Council
339 Braxton
Delaware, Ohio

Mr. Konkolweski voiced concerns relating to traffic and concerns on turning left off Pollock onto US 23.

John McDonald
Via Facebook Live

Mr. McDonald voiced a concern that Delaware City Schools are at capacity and have current funding issues. He voiced a concern over the increase of population.

Tiffany Joe Hurt Greene
Via Facebook Live

Mr. Greene voiced concern over the need for new levy with new subdivisions. Mr. Homan discussed that the development is a mixed

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development and not all the houses will be a strain on the schools. This development will appeal to empty nesters also.

Dawn Marshat
Via Facebook Live

Ms. Marshat questioned if Delaware City Schools will need to add on to the schools with the addition. Mr. Efland discussed that the project has been accounted for by the schools in their projections.

Mr. Strung discussed the ratio of homes in the Delaware City Schools and Olentangy City Schools. Mr. Ohlin discussed that the build-up of the development is estimated to be ten years.

Mr. Hoffman voiced concerns over potential economic downturn and the inability to sell homes in the development. Mr. Ohlin discussed that the project will be completed in phases and that the product serves many different buyer markets.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-10, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-10, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 10: ORDINANCE NO. 20-11 [Public Hearing and Second 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 second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-11, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-11, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 20-12 [Second 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 second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-12, seconded by Mr. Jones. Motion approved by a 7-0

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vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-12, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 20-13 [Second 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.

The Clerk read the Ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-13, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-13, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 20-14 [Second 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 second time. Mr. Jones informed Council that he will abstain from the vote and discussion relating to employment conflict of interest.

APPLICANT:
Frank Petruziello
Via Cisco Webex
4270 Morse Road
Columbus, Ohio

PUBLIC COMMENT:
Jim Frisch Sr.
Via conference call
2020 Cottswold Drive
Delaware, Ohio

James Plested
Via Facebook Messenger
2179 Farmland Drive
Delaware, Ohio

Mr. Plested questioned the impact of this business be on the potential refactoring of the point intersection.

Mr. Frisch voiced concerns over the safety of the right in right out on US 36/37 and if a traffic study was completed. Mr. Ferrigno discussed the concerns of the right in/right out. He discussed that the City reserves the right to make changes to this access if there are issues in the future.

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Motion: Mr. Hoffman motioned to suspend the rules for Ordinance No. 20-14, seconded by Mr. Hoffman. Motion approved by a 6-0-1 (Jones) vote.

Motion: Mr. Hoffman motioned to adopt Ordinance No. 20-14, seconded by Mr. Hoffman. Motion approved by a 6-0-1 (Jones) vote.

ITEM 14: ORDINANCE NO. 20-21 [Second 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 second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-21, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-21, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 20-22 [Second 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 second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-22, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-22, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-22, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 20-23 [Second 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 second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-23, seconded by Mr. Jones. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-23, seconded by Mr. Jones. Motion approved by a 7-0 vote.

ITEM 17: ORDINANCE NO. 20-24 [Second Reading]

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AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PARKLAND AND TRAILWAY DEVELOPMENT IMPROVEMENTS.

The Clerk read the ordinance for the second time.

Motion: Mr. Farrell motioned to suspend the rules for Ordinance No. 20-24, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Farell motioned to adopt Ordinance No. 20-24, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 18: FINANCE DIRECTOR'S REPORT

Mr. Nahvi reviewed the February monthly report. He discussed the filing deadline change for both Federal and Income Tax and provided a utility update that there will be no shut off notices during the month of March relating to the COVID-19 and State of Emergency orders. Staff is looking at changing the due date for utilities in April to the end of the month.

Mr. Homan discussed that signage closing the City's playgrounds per the Governor's orders have been posted at parks.

He discussed the request to defer the rent payment for CoHatch during the current situation relating to the COVID-19.

Mrs. Keller voiced a concern presented on Facebook regarding the potential workforce decline for safety forces relating to the COVID-19 virus. Chief Donahue discussed staffing plans to ensure that services continue. He discussed utilizing the County for assistance.

Mr. Hughes provided an update via conference call regarding the effects of the COVID-19 and State of Emergency orders to the downtown businesses.

ITEM 19: CITY MANAGER'S REPORT

Mr. Homan discussed the daily briefings to discuss the COVID-19 virus with staff. He will be discussing the plan for staffing and working from home with directors.

ITEM 20: COUNCIL COMMENTS

Mr. Hellinger voiced a concern over IT security due to employees working from home. Ms. Daily informed Council that cybersecurity measures were in place to protect the City.

Mr. Hellinger questioned the current plans for the Safe Walk Program. Mr. Homan informed Council that this program will temporarily be put on hold due to the COVID-19 crisis.

Mayor Riggle provided a reminder on the due date for the Census.

ITEM 21: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 8:55 p.m.

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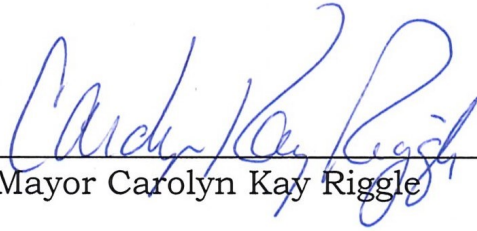
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Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk