

# RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held July 13 20 20

The regular meeting of Council held on July 13, 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 Riggie who presided. The invocation was delivered by Nicol Ghazi, Islamic Center of Delaware County.

Staff Present Remotely: Dave Efland, Planning and Community Development Director, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

**ITEM 3: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held on June 22, 2020, as recorded and transcribed.

**Motion:** Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held on June 22, 2020, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**ITEM 4: CONSENT AGENDA**

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on June 3, 2020, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Civil Service Commission meeting held on February 5, 2020, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on February 25, 2020, as recorded and transcribed.
- D. Resolution No. 20-38, a resolution authorizing the City Manager to submit an application for Ohio Public Works Commission Emergency Program Grant Funding and to enter into grant agreements as required for the reconstruction of the John Street Bridge.
- E. Resolution No. 20-39, a resolution authorizing the City Manager to submit grant application updates to the Mid-Ohio Regional Planning Commission for the Point Improvement and Citywide Signals Phase I projects.
- F. Resolution No. 20-40, a resolution authorizing the City Manager to submit applications for State and Federal Grant Funding and to enter into grant agreements as required for the planning, design and construction of the East Central Avenue Improvement Project.
- G. Establish July 27, 2020 at 7:20 p.m. as a date and time for a public hearing and second reading for Ordinance No. 20-40, an ordinance amending Section 913.23 – Charges established for sewage auxiliary meters within the Code of Ordinances for the City of Delaware and declaring an emergency.
- H. Establish July 27, 2020 at 7:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 20-41, an ordinance approving a Rezoning Amendment for Dylan J. Menges Trustee for 748 Cheshire Road from A-1 (Agricultural District) to R-3 (One-Family Residential District) on 1.853 acres.

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

## **ITEM 5: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

### PUBLIC COMMENT:

Becky Miller  
Via email

Ms. Miller wrote to oppose a mask mandate.

Lauren Durant  
Via email

Ms. Durant wrote to oppose a mask mandate.

Ed Paxton  
Via email

Mr. Paxton voiced to oppose a mask mandate.

Joe and Linda Diamond  
Via email

Mr. and Mrs. Diamond wrote in support a mask mandate.

Danielle Anthony  
Via email

Ms. Anthony wrote in support of a mask mandate.

Lily Wiest  
Via email

Ms. Wiest wrote in support of a mask mandate

Todd Soliday  
Via email

Mr. Soliday wrote in support of a mask mandate.

Dr. Andy Lee and Dr. Brenda Evans  
Via email

Dr. Lee and Dr. Evans wrote in support of a mask mandate.

Ms. Erin Wiggins  
Via email

Ms. Wiggins wrote in support of a mask mandate.

Jane Ballinger  
Via email

Ms. Ballinger wrote to oppose a mask mandate.

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Nicole Fowles  
Via email

Ms. Fowles wrote to voice her support for the Main Street Delaware Welcome Center.

Nancy Huebner  
Via email

Ms. Huebner voiced her opposition to a mask mandate.

Amber Hickman, RN  
Via email

Ms. Hickman wrote to voice her support for a mask mandate.

Abby Williams  
Via email

Ms. Williams wrote to voice her opposition to a mask mandate.

Trista Corbin  
Via email

Ms. Corbin wrote to voice her opposition to a mask mandate.

Danielle Williamson  
Via email

Ms. Williamson wrote to voice her opposition to a mask mandate.

Liz Moser  
Via email

Ms. Moser wrote to voice her support for a mask mandate.

Erinn P. Nicley, Ph.D.  
Via email

Dr. Nicley wrote to voice his support for a mask mandate.

Marie Lance  
Via email

Ms. Lance wrote to voice her support for a mask mandate.

Jennifer Schofield  
Via email

Ms. Schofield wrote to voice her opposition for a mask mandate.

Mark and Terri-Lynne Smiles  
Via email

Mr. and Mrs. Smiles wrote to voice their support for a mask mandate.

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Pastor Kale Booher  
Lifepoint Church  
Pastor Sam Rosa  
Delaware Christian Church  
Via Email

Pastor Booher and Pastor Rose voiced questions if future legislation would include religious gatherings.

Shelly Wachtman  
Via email

Ms. Wachtman wrote to voice her opposition to a face mask mandate.

Alec Wachtman  
Via email

Mr. Wachtman wrote to voice his opposition to a face mask mandate.

Jay McCann  
Via email

Mr. McCann wrote to voice his opposition to mask mandate.

Jennifer Fashian  
Via email

Ms. Fashian wrote to voice her opposition to a mask mandate.

Diane Powers  
Via email

Ms. Powers wrote to voice her opposition to a mask mandate.

Melanie Hunt  
Via email

Ms. Hunt wrote to voice her opposition to a mask mandate.

Cherie McCann  
Via email

Ms. McCann wrote to voice her opposition to a mask mandate.

Kristelle Fuller  
Via email

Ms. Fuller provided public comment that face coverings are not necessary for individuals that have already had COVID-19.

Sarah Allmon  
Via email

Ms. Allmon wrote to voice her opposition to a mask mandate.

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Dr. Christopher Fink  
Via Cisco Webex

Mr. Fink participated remotely via Cisco Webex to provide his support for masks.

Ms. Deborah Guebert  
Via Cisco Webex

Ms. Guebert participated remotely via Cisco Webex to provide her concern on mask mandates.

Brian Blackburn  
Via Cisco Webex

Mr. Blackburn participated remotely via Cisco Webex to provide his opposition to mask mandates.

Wendy Herron  
Via Cisco Webex

Ms. Herron participated remotely via Cisco Webex to provide her support to mask mandates.

Jack Windsor  
Via Cisco Webex

Mr. Windsor participated remotely via Cisco Webex to provide his opposition to a mask mandate.

Monty Almero  
Via Cisco Webex

Mr. Almero participated remotely via Cisco Webex to provide his support for a mask mandate.

Dr. Todd Marquis  
Via Cisco Webex

Dr. Marquis participated remotely via Cisco Webex to provide his concerns over a mask mandate.

## **ITEM 6: COMMITTEE REPORTS**

Mr. Farrell informed Council that Shade Tree Commission met to review tree plans.

Mayor Riggle informed Council that the Airport Commission meeting will be meeting July 16, 2020.

## **ITEM 7: PRESENTATION AND DISCUSSION**

A. COVID-19 Update - Health Commissioner Shelia Hiddleston, Delaware General Health District

Ms. Hiddleston reviewed the current data from the Delaware General Health District. She clarified Council that residents are not counted twice and members of family in a positive household are

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also not counted as positives. She reviewed the classification of cases and definitions of currently monitored, completed monitoring, isolated, quarantined, and contact. Also discussed was current status of cases in Delaware County and Ohio Risk Level. She discussed the primary types of transmission and face coverings.

## B. Discussion of Face Covering Requirements

Mrs. Keller discussed the percentage of active cases in the City of Delaware and the estimated number of well people in the City. She discussed the need to keep the decision of mask wearing in the hands of the citizens and not the government.

Mr. Farrell discussed emails and letter received both in favor and not in favor of a mask mandate. He discussed the rise of cases after the reopening of Ohio. He discussed the need to listen to medical experts and their recommendations.

Mr. Hellinger voiced his support on a mandatory mask mandate.

Mr. Jones discussed that if a mandate is required then a specific type of mask would need to be required as they are often not worn correctly and would reduce its effectiveness. He discussed not having the right to tell people what to do.

Mr. Hoffman discussed concerns regarding individuals that are unable to wear a mask due to medical or other issues, such as trauma issues. He discussed if there is a mask mandate having a provision for those not able to wear a mask. Mr. Hoffman discussed support to add legislation to allow for a vote, but also in agreement to follow the Governor's orders.

Vice-Mayor Shafer discussed speaking to a physician who did not recommend a mask mandate and provided the concerns from this physician. He discussed that there is a State Health Department system in place and that he feels that their guidance should be followed.

Mayor Riggle reviewed the comments received at the meeting and the split from the public on if there should be a mask mandate or not. She discussed the difficulty monitoring and enforcing a mandate. She reviewed that Council had five members that were against legislation and two that were supportive.

Mayor Riggle requested a break at 10:04 p.m. and reconvened the meeting at 10:15 p.m.

### **ITEM 8: RESOLUTION NO. 20-41** [First Reading]

A RESOLUTION DIRECTING THE CITY MANAGER TO EVALUATE CITY POLICIES AND PROCEDURES WITH RESPECT TO DIVERSITY, INCLUSION AND EQUITY.

The Clerk read the resolution for the first time.

**Motion:** Mrs. Keller motioned to adopt for Resolution No. 20-41,

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seconded by Mr. Farrell. Motion approved by a 7-0 vote.

**ITEM 9: RESOLUTION NO. 20-42** [First Reading]

A RESOLUTION AMENDING PREVIOUSLY ADOPTED POLICY CONCERNING THE ESTABLISHMENT OF HONORARY STREET NAMES.

The Clerk read the resolution for the first time.

**Motion:** Mr. Jones motioned to adopt Resolution No. 20-42, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**ITEM 10: RESOLUTION NO. 20-43** [First Reading]

A RESOLUTION ESTABLISHING THE HONORARY STREET DESIGNATION OF LITTLE BROWN JUG WAY IN THE CITY OF DELAWARE FOR COMMEMORATIVE PURPOSES.

The Clerk read the resolution for the first time.

**Motion:** Mr. Jones motioned to adopt Resolution No. 20-43, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**ITEM 11: ORDINANCE NO. 20-40** [First Reading]

AN ORDINANCE AMENDING SECTION 913.23 - CHARGES ESTABLISHED FOR SEWAGE AUXILIARY METERS WITHIN THE CODE OF ORDINANCES FOR THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. A public hearing has been scheduled for July 27, 2020 at 7:20 p.m.

**ITEM 12: ORDINANCE NO. 20-41** [First Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR DYLAN J. MENGES TRUSTEE FOR 748 CHESHIRE ROAD FROM A-1 (AGRICULTURAL DISTRICT) TO R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) ON 1.853 ACRES.

The Clerk read the ordinance for the first time. A public hearing has been scheduled for July 27, 2020 at 7:30 p.m.

**ITEM 13: ORDINANCE NO. 20-42** [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY T&R PROPERTIES INC., FOR THE RAVINES AT OLENTANGY SECTION 2, PHASE A CONTAINING 49 SINGLE-FAMILY LOTS ON 23.966 ACRES ON PROPERTY ZONED R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON ROCHDALE RUN JUST NORTH OF RANDALL ROAD.

The Clerk read the ordinance for the first time.

**APPLICANT:**

RJ Sabatino  
T&R Properties  
3895 Stonehedge Court  
Dublin, Ohio 43017

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**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-42, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-42, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 14: ORDINANCE NO. 20-43** [First Reading]  
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY T&R PROPERTIES INC., FOR THE RAVINES AT OLENTANGY SECTION 2, PHASE B CONTAINING 34 SINGLE-FAMILY LOTS ON 9.412 ACRES ON PROPERTY ZONED R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON ROCHDALE RUN JUST NORTH OF RANDALL ROAD.

The Clerk read the resolution for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-43, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-43, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 15: ORDINANCE NO. 20-44** [First Reading]  
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH MAIN STREET DELAWARE AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 20-44 to a second reading.

**ITEM 16: ORDINANCE NO. 20-45** [First Reading]  
AN ORDINANCE AUTHORIZING THE CREATION OF THE LOCAL CORONAVIRUS RELIEF FUND AS WELL AS SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 20-45, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mrs. Keller motioned to enact the emergency clause for Ordinance No. 20-45, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 20-45, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 17: ORDINANCE NO. 20-46** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 20-46 to a second reading.



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**ITEM 18: CITY MANAGER'S REPORT & COVID-19 UPDATE**

Mr. Homan provided updates to Council regarding the July 15 tax due date, the virtual NOW Watershed Festival, the upcoming bike path project, and City Hall renovations.

**ITEM 19: COUNCIL COMMENTS**

**ITEM 20: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 10:44 p.m.

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk