

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held August 24 20 20

**6:30 P.M. EXECUTIVE SESSION:** Mrs. Keller motioned to enter into executive session at 6:31 p.m. This motion was seconded by Vice-Mayor Shafer and approved by a 7-0 vote. Council met in executive session via Cisco Webex 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, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 6:55 p.m., it was moved by Vice-Mayor Shafer that Council move into open session, seconded by Mr. Jones and approved by a 7-0 vote.

The regular meeting of Council held on August 24, 2020 and was called to order at 7:02 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 City Attorney Darren Shulman.

Staff Present Remotely: Dave Efland, Planning and Community Development Director, Justin Nahvi, Finance Director, Darren Shulman, City Attorney, Bill Ferrigno, Public Works Director and City Engineer, Bruce Pijanowski, Police Chief, Natalia Harris, Chief Prosecutor, 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 July 27, 2020, as recorded and transcribed.

**Motion:** Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held on July 27, 2020, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

### **ITEM 4: CONSENT AGENDA**

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on July 1, 2020, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Finance Committee meeting held on June 17, 2020, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Parking and Safety Committee meeting held on October 21, 2019, as recorded and transcribed.
- D. Resolution No. 20-44, a resolution authorizing the City Manager to prepare and submit an application to participate in the Ohio Public Works Commission (OPWC) Local Transportation Improvements (LTIP) Grant Program (Round 35), and to execute contracts as required for the Liberty Road, Hawthorne Boulevard, and Hull Drive resurfacing.
- E. Resolution No. 20-45, a resolution authorizing the City Manager to enter into a Cooperative Agreement with Delaware County for



# RECORD OF PROCEEDINGS

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- an application to the Ohio Public Works Commission (OPWC) for the pavement resurfacing and rehabilitation of Liberty Road, Hawthorne Boulevard, and Hull Drive (Round 35 Application).
- F. Resolution No. 20-46, a resolution authorizing the modification of certain traffic control signage to extend the No Standing, Stopping and Parking Zone on the north side of Mason Avenue from North Liberty Street to the eastern property line of 66 Mason Avenue.
  - G. Resolution No. 20-47, a resolution authorizing the modification of certain traffic control signage to extend the No Parking Zone on the west side of South Washington Street from West Harrison Street to Alley located 150 feet south of West Harrison Street.
  - H. Establish September 14, 2020 at 7:20 p.m. as a date and time for a public hearing and second reading of Ordinance No. 20-48, an ordinance approving a Conditional Use Permit for Gosula Holdings LTD., for a Drive-Thru for a new commercial building on approximately 0.605 acres on property zoned B-3 (Community Business District) and located at 1163 Columbus Pike (an out parcel of the Delaware Square Shopping Center).
  - I. Establish September 14, 2020 at 7:30 p.m. as a date and time for a public hearing and second reading of Ordinance No. 20-54, an ordinance amending Section 351.14 of the Codified Ordinances relating to Heavy Vehicles and Trailers.

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

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

### **ITEM 6: COMMITTEE REPORTS**

Mrs. Keller provided an update on the Parking and Safety Committee meeting and that the Committee reviewed data related to traffic calming measures including striping.

Mr. Hoffman discussed that the Public Works/Public Utilities meeting has a proposal regarding energy aggregation.

Mr. Hellinger informed Council that the Finance Committee will be rescheduling their meeting to a date to be determined.

Mayor Riggle informed Council that items from the Planning Commission meeting will be presented later in the agenda.

### **ITEM 7: PRESENTATION**

- A. Hidden Valley Golf Course Update – Ted Miller, Parks and Natural Resource Director

### **ITEM 8: CONSIDERATION OF NEW LIQUOR PERMIT**

- A. VJOSA Food Service LLC DBA Freddy's Street Food, 116 Columbus Pike, Delaware, Ohio 43015. Permit Class: D5

**Motion:** Mrs. Keller motioned to amend the address presented to correctly reflect 1165 Columbus Pike, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held August 24 2020

**Motion:** Mrs. Keller motioned to approve the liquor permit without objection, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 9: RESOLUTION NO. 20-48** [First Reading]

A RESOLUTION AUTHORIZING THE MODIFICATION OF CERTAIN TRAFFIC CONTROL SIGNAGE AT THE KING AVENUE/BLUE LIMESTONE ACCESS AND JOHN STREET INTERSECTION TO MAKE KING AVENUE/BLUE LIMESTONE ACCESS THE THROUGH MOVEMENT AND JOHN STREET THE STOP-CONTROLLED MOVEMENT.

The Clerk read the resolution for the first time. Council to take Resolution No. 20-48 to a second reading.

Public Participation:

Joe Bianchi  
Via Email

Mr. Bianchi voiced support in the changes to the stop sign location. He recommended that there be No Parking signage on both sides of King Avenue and to cut back some overgrown bushes.

**ITEM 10: RESOLUTION NO. 20-49** [First Reading]

A RESOLUTION ADOPTING THE 2021-2025 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

The Clerk read the resolution for the first time. Council to take Resolution No. 20-49 to a second reading.

**ITEM 11: ORDINANCE NO. 20-47** [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 2.385± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE DYLAN J. MENGES TRUSTEE ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time.

APPLICANT:

Michael R. Shade  
Shade and Shade, LLC  
236 West Central Avenue  
Delaware, Ohio

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 20-47, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 20-47, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 12: ORDINANCE NO. 20-41** [Third 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.



**RECORD OF PROCEEDINGS**

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held August 24 2020

The Clerk read the ordinance for the third time.

APPLICANT:

Michael R. Shade  
Shade and Shade, LLC  
236 West Central Avenue  
Delaware, Ohio

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 20-41, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 13: ORDINANCE NO. 20-31** [Second Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.062± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE ALSHAHAL ENTERPRISES LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONER.

The Clerk read the ordinance for the second time. This item was tabled to the first meeting of August at the June 8, 2020 meeting.

APPLICANT:

Michael R. Shade  
Shade and Shade, LLC  
236 West Central Avenue  
Delaware, Ohio

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 20-31, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 20-31, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 14: ORDINANCE NO. 20-48** [First Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR GOSULA HOLDINGS LTD., FOR A DRIVE-THRU FOR A NEW COMMERCIAL BUILDING ON APPROXIMATELY 0.605 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND LOCATED AT 1163 COLUMBUS PIKE (AN OUT PARCEL OF THE DELAWARE SQUARE SHOPPING CENTER).

The Clerk read the ordinance for the first time. A public hearing and second reading was established for September 14, 2020 at 7:20 p.m.

**ITEM 15: ORDINANCE NO. 20-49** [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR GOSULA HOLDINGS LTD., FOR A NEW COMMERCIAL BUILDING ON APPROXIMATELY 0.605 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND LOCATED AT 1163 COLUMBUS PIKE (AN OUT PARCEL OF THE DELAWARE SQUARE SHOPPING CENTER).

The Clerk read the ordinance for the first time.



**RECORD OF PROCEEDINGS**

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held August 24 2020

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-49, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-49, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 16: ORDINANCE NO. 20-50** [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY TERRA ALTA LLC., FOR TERRA ALTA SECTION 2 PART 1 CONTAINING 65 SINGLE-FAMILY LOTS ON APPROXIMATELY 18.885 ACRES ZONED A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON FIRENZE ROAD AND TALLA ROAD NORTH AND SOUTH.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-50, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-50, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 17: ORDINANCE NO. 20-51** [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY TERRA ALTA LLC., FOR TERRA ALTA SECTION 2 PART 1 CONTAINING 65 SINGLE-FAMILY LOTS ON APPROXIMATELY 18.885 ACRES ZONED A-1 (AGRICULTURAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON FIRENZE ROAD AND TALLA ROAD NORTH AND SOUTH.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-51, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-51, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 18: ORDINANCE NO. 20-52** [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN REQUEST BY TERRA ALTA LLC., FOR TERRA ALTA SECTION 2 PART 2 CONTAINING 27 SINGLE-FAMILY LOTS ON APPROXIMATELY 7.634 ACRES ZONED A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON LUCCA ROAD AND TALLA ROAD.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-52, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**RECORD OF PROCEEDINGS**

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held August 24 2020

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-52, seconded by Mr. Jones. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 19: ORDINANCE NO. 20-53** [First Reading]  
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY TERRA ALTA LLC., FOR TERRA ALTA SECTION 2 PART 2 CONTAINING 27 SINGLE-FAMILY LOTS ON APPROXIMATELY 7.634 ACRES ZONED A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AND LOCATED ON LUCCA ROAD AND TALLA ROAD.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-53, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-53, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 20: ORDINANCE NO. 20-54** [First Reading]  
AN ORDINANCE AMENDING SECTION 351.14 OF THE CODIFIED ORDINANCES RELATING TO HEAVY VEHICLES AND TRAILERS.

The Clerk read the ordinance for the first time. A public hearing and second reading is established for September 14, 2020 at 7:30 p.m.

**ITEM 21: ORDINANCE NO. 20-55** [First Reading]  
AN ORDINANCE AMENDING ORDINANCE NO. 19-71 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT, AND SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-55, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-55, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-55, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**ITEM 22: DISCUSSION OF INTERIM CITY COUNCIL MEETING LOCATION**

**ITEM 23: CITY MANAGER’S REPORT & COVID-19 UPDATE**

Mr. Homan discussed the recommendation to extend the DORA until the end of December. Regional Housing Strategy update will be provided to Council. Mr. Kridler provided an update on diversity, equality, and inclusion working group that was formed within the City of



# RECORD OF PROCEEDINGS

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held August 24 2020

Delaware.

A. Update with Shelia Hiddleston, Health Commissioner – Delaware General Health District

Ms. Hiddleston reviewed recent COVID-19 statistics within Delaware County. Mrs. Keller questioned if the State of Ohio had provided the percentage positive numbers. Ms. Hiddleston informed Council that they continue to await the data. Ms. Hiddleston discussed that the recent testing site at the Second Ward Community Center had 3% positive cases out of the 448 test that were completed. She discussed that the highest group is from residents between the age of 20-29. Mrs. Keller provided information on a dashboard that was created by Ohio Wesleyan University on rates of infection from students there.

B. Update on Farmers Market

Mr. Homan discussed meeting with Main Street Delaware Representatives, City of Delaware staff and the Delaware General Health District. At the meeting it was discussed to wait until the end of August to reevaluate. He discussed the plan provided by Main Street Delaware on how they can safely set up the market in the downtown area. Mr. Homan discussed that there is no legislation action required by Council.

PUBLIC PARTICIPATION:

Susie Bibler  
Main Street Delaware Executive Director  
20 East Winter Street  
Delaware, Ohio

Caroline Pusateri  
Main Street Delaware Program Coordinator  
20 East Winter Street  
Delaware, Ohio

Ms. Pusateri provided a map to demonstrate a layout for potential vendors at the Farmers Market. She discussed using the east side of Sandusky Street and wrapping around the corners on Winter Street. Ms. Bibler discussed that they would request that masks continue to be worn and encourage social distancing. Ms. Bibler will work with the Health Department on what is needed to keep residents safe. Ms. Hiddleston discussed the need to go over the plan with staff to make a determination and recommendation. She also discussed that the benefit to the fairgrounds with Main Street having control over the ingress and egress compared to public sidewalks. Mr. Farrell questioned about parking by vendors and if there was consideration of a street market. Ms. Bibler clarified that vendors are requested to not park along Sandusky Street and to park in the parking lots. Chief Pijanowski informed Council that staff discussed closing down streets for the farmers market, but that there were safety concerns related to truck traffic. Mrs. Keller discussed being contacted by downtown business owners that are wanting the farmers market to return to the downtown area. She discussed that the businesses have met safety requirements. Mr. Farrell discussed the need to focus on public safety and Main Street Delaware and the Health Department need to work together to make sure this can be maintained. Mayor Riggle voiced her desire to have the

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Held August 24 2020

farmers market return to the downtown area, but only if the Health Department feels that it safely can. Vice-Mayor Shafer also voiced his support in the farmers market returning downtown. Mr. Hoffman shared that while visiting Toledo recently there was a downtown farmers market and that stated the plan looked good. Mr. Hellinger voiced that public health was a priority and that the declines in COVID is due to all the safety measures implemented.

Todd Daughenbaugh  
Via Cisco Webex  
Freshstart  
24 N. Sandusky Street  
Delaware, Ohio

Mr. Daughenbaugh discussed the safety protocols that businesses are required to follow and that there continues to be a decline in number of people coming downtown. He discussed that the cancellation of downtown events could show a measure that the downtown is not safe. He discussed the benefits of the DORA and have not resulted in spikes in COVID or cancellation of schools. He discussed that the DORA is for multiple days and hours a week and the farmers market is only one day a week for a few hours. He discussed the need to have downtown events to support the downtown business owners.

Jason McMahan  
Via Cisco Webex  
Home Stretch Apparel  
29 North Sandusky Street

Mr. McMahan discussed that as a new business owner he did not realize how important the downtown events are. He discussed that safety measures are being followed by residents and businesses and voiced his support to have events returned to the downtown area.

Brian Blackburn  
Via Cisco Webex

Mr. Blackburn discussed his background as a medical data analyst. He discussed the benefits to masks but studies that have shown that they do not stop the virus. He provided information regarding surface transmission and herd immunity.

## **ITEM 24: COUNCIL COMMENTS**

Vice-Mayor Shafer discussed his preference to have the DORA seven days a week. He also voiced complaints of loud vehicle motors and speeding up and down the downtown streets.

## **ITEM 25: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 9:28 p.m.



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\_\_\_\_\_  
Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk