

# RECORD OF PROCEEDINGS

Minutes of

Delaware City Council

Meeting

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

Held September 14 20 20

The regular meeting of Council held on September 14, 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: 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. Absent from the meeting was First Ward Chris Jones. The invocation was delivered by Fr. Brett Garland, St. Mary Catholic Church.

Staff Present Remotely: Dave Efland, Planning and Community Development Director, Justin Nahvi, Finance Director, Bill Ferrigno, Public Works Director and City Engineer, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Natalia Harris, Interim City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

**Motion to Excuse:** Mrs. Keller motioned to excuse Councilman Jones, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

### **ITEM 3: APPROVAL OF MINUTES**

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

**Motion:** Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held on August 24, 2020, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

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

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on August 5, 2020, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Finance Committee meeting held on July 29, 2020, as recorded and transcribed.
- C. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on June 10, 2020, as recorded and transcribed.
- D. Resolution No. 20-50, a resolution authorizing the City Manager to enter into a cooperative agreement with the Ohio Department of Transportation to perform work to replace/upgrade various guardrail and assemblies on State Route 37 and US Route 42.
- E. Resolution No. 20-51, a resolution authorizing the City Manager to submit a grant application to the Delaware, Knox, Marion, & Morrow (DKMM) Solid Waste District and to enter into funding agreements for the provision of recycling containers and public information materials.
- F. Resolution No. 20-52, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor for Tax Year 2020/Budget Year 2021.
- G. Establish September 28, 2020 at 7:20 p.m. as a date and time for a public hearing and second reading of Ordinance No. 20-58, an ordinance approving a Conditional Use Permit for United Dairy Farmers Inc., to construct a new United Dairy Farmers Gas Station within the Floodway and the 100-Year Flood Plain and for a Gas Station on approximately 0.765 acres on property zoned B-

**RECORD OF PROCEEDINGS**

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3 (Community Business District) and located at 123 West William Street.

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

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

Barb Hering  
Via Cisco Webex

Ms. Hering voiced concerns over the installation of the LED street lights on Glenn Parkway.

Bob Grden  
Via Cisco Webex  
10590 Wellington Blvd.  
Powell, Ohio

Mr. Grden provided a statement requesting a discussion at the upcoming Finance Committee meeting for a NCA at Winterbrooke Place.

**Motion:** Mr. Hoffman motioned to refer to request for a NCA discussion to the Finance Committee, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 6: COMMITTEE REPORTS**

Mrs. Keller discussed that she referred a resident to attend the November 10, 2020 Public Works/Public Utilities meeting.

Mr. Hoffman provided an update on the variances granted at the recent Board of Zoning Appeals meeting.

Mr. Hellinger informed Council that there will be a Finance Committee meeting on Monday.

Mayor Riggle discussed the recent Planning Commission meeting that was held.

**ITEM 8: 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.

**Motion:** Mr. Farrell motioned to approve Resolution No. 20-48, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 9: ORDINANCE NO. 20-48** [Public Hearing and Second 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

**RECORD OF PROCEEDINGS**

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

Held September 14 2020

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 second time.

There was no public comment.

**APPLICANT:**  
Mohan Gosula  
6628 Trent Court  
Lewis Center, Ohio

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 20-48, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 10: ORDINANCE NO. 20-54** [Public Hearing and Second Reading]  
AN ORDINANCE AMENDING SECTION 351.14 OF THE CODIFIED ORDINANCES RELATING TO HEAVY VEHICLES AND TRAILERS.

The Clerk read the ordinance for the second time.

There was no public comment.

Chief Pijanowski provided background information on the ordinance and the need for it. He discussed optional language to disallows any commercial vehicles. Council to take Ordinance No. 20-54 to a third reading.

**ITEM 11: RESOLUTION NO. 20-53** [First Reading]  
A RESOLUTION REQUESTING THE OHIO DEPARTMENT OF HEALTH PROVIDE PERTINENT DATA RELATING TO THE TOTAL NUMBER OF COVID-19 TEST PERFORMED FOR RESIDENTS OF THE CITY OF DELAWARE AND DELAWARE COUNTY, OHIO TO THE DELAWARE GENERAL HEALTH DISTRICT.

The Clerk read the resolution for the first time.

**PUBLIC COMMENT:**  
Shelia Hiddleson  
Delaware General Health District, Health Commissioner

Brian Blackburn  
Via Cisco Webex

Ms. Keller provided a presentation regarding the request for data from the Ohio Department of Health. Mr. Farrell read into the record his recommendations to amend the resolution. Mrs. Keller voiced no opposition to the requested amendments.

**Motion:** Mr. Farrell motioned to amend Resolution No. 20-53, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**RECORD OF PROCEEDINGS**

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

Held September 14 2020

**Motion:** Mrs Keller motioned to approve Resolution No. 20-53, as amended, seconded by Vice-Mayor Shafer. Motion approved by a 5-1 (Hellinger) vote.

**ITEM 12: RESOLUTION NO. 20-54** [First Reading]  
A RESOLUTION ACCEPTING THE NEGOTIATED CHANGES TO EXPIRING CONTRACTS BETWEEN THE CITY OF DELAWARE AND TWO BARGAINING GROUPS.

The Clerk read the resolution for the first time.

**Motion:** Vice-Mayor Shafer motioned to approve Resolution No. 20- 54, seconded by Mr. Farrell. Motion approved by a 6-0 vote.

**ITEM 13: RESOLUTION NO. 20-55** [First Reading]  
A RESOLUTION AUTHORIZING THE CITY OF DELAWARE TO REQUEST A SHARE OF FUNDS FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND.

The Clerk read the resolution for the first time.

**Motion:** Mr. Hoffman motioned to approve Resolution No. 20-55, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

**ITEM 14: ORDINANCE NO. 20-56** [First Reading]  
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY D.R. HORTON INDIANA LLC., (WESTPORT HOMES) FOR SPRINGER WOODS SECTION 3 PHASE 1 CONTAINING 59 SINGLE FAMILY LOTS ON APPROXIMATELY 18.351 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON SPRINGER BOULEVARD, BEVAN WAY, PENWELL DRIVE, BRAZOS DRIVE AND CURLY SMART CIRCLE.

The Clerk read the ordinance for the first time.

**APPLICANT:**  
Terry Andrews  
507 Executive Campus Drive  
Westerville, Ohio

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-56, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-56, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

**ITEM 15: ORDINANCE NO. 20-57** [First Reading]  
AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY D.R. HORTON INDIANA LLC., (WESTPORT HOMES) FOR SPRINGER WOODS SECTION 3 PHASE 2 CONTAINING 62 SINGLE FAMILY LOTS ON APPROXIMATELY 29.218 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON SPRINGER WOODS BOULEVARD, PENWELL DRIVE AND COLQUITT COURT.

The Clerk read the ordinance for the first time.

**RECORD OF PROCEEDINGS**

Minutes of

Delaware City Council

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Held September 14 2020

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-57, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-57, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

**ITEM 16: ORDINANCE NO. 20-58** [First Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR UNITED DAIRY FARMERS INC., TO CONSTRUCT A NEW UNITED DAIRY FARMERS GAS STATION WITHIN THE FLOODWAY AND THE 100-YEAR FLOOD PLAIN AND FOR A GAS STATION ON APPROXIMATELY 0.765 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND LOCATED AT 123 WEST WILLIAM STREET.

The Clerk read the ordinance for the first time. A public hearing and second reading is scheduled for September 28, 2020 at 7:20 p.m.

**ITEM 17: ORDINANCE NO. 20-59** [First Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR UNITED DAIRY FARMERS INC., TO CONSTRUCT A NEW UNITED DAIRY FARMERS GAS STATION ON APPROXIMATELY 0.765 ACRES ON PROPERTY ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND LOCATED AT 123 WEST WILLIAM STREET.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 20-59 to a second reading.

**ITEM 18: RESOLUTION NO. 20-49** [Second Reading]

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

The Clerk read the resolution for the second time.

Chief Pijanowski provided a presentation to Council the CIP request for the police department. He discussed equipment replacement needs for cruisers and also for upgrades to cruiser video system and body worn camera systems. He provided information on the body worn camera and that this would be a new implementation. He discussed that no unmarked vehicles need replaced in 2021. He discussed that privacy rights for body cameras were addressed in legislation by the Governor. He discussed the request for more accountability of police officers and the body cameras will assist with this.

Chief Donahue provided a presentation to Council on the CIP request for the fire department. He reviewed the requested 2021 projects including the replacement of two staff cars from 2011 and 2012, replacement of mowers, and Fire Training Tower Planning. He discussed that the fire departments provide their own mowing. There are three major future projects including Fire Station 305, Fire Station 301, and Fire Training Tower. Fire Station 305 would be for the east side due to the expected growth of the east side. Station 301 was built in 1972 and has aging infrastructure and need for additional office space. This station is a key

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Minutes of

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central location. The training tower will allow for live fire training and special operations.

Mr. Ferrigno provide the CIP presentation to Council for both the Solid Waste Management and Airport. He discussed the residential collection and that the auto-loader pilot program was successful. The auto-loader showed an improvement in productivity and decline in injuries. Plans to replace eight trucks in the next five years. These trucks service both refuse and recycling. He discussed that recycling will go to a single stream collection and this pilot initiative will start in 2021. The bins will be replaced with a green recycling container. This will help to reduce debris from blowing in wind and wet materials. A grant will help to provide 800 containers for the pilot program. Yard waste recycling continues to be strong with the community. He proposes to replace three trucks in the next five years. This helps to save on disposal costs and reduces landfill volumes. He discussed the cost for refuse vehicles and the goal to try to get seven years life out of the vehicles. Mr. Ferrigno discussed three paving projects for the Airport. He discussed utilizing FAA grants to offset the cost of the projects. He discussed plans to build a corporate drive.

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

Mr. Kridler reviewed the report regarding the current meeting format and plans to return to open meetings. He recommended the different locations that were reviewed. Due to City Hall renovations, meetings would not be able to occur until after construction. The Delaware County Board of Elections meeting room would not be available until after the election and the Delaware YMCA meeting room would have limited space for the public due to social distancing requirements. He discussed that due to the challenges relating to COVID-19 staff recommends that meetings would remain virtual at this time.

Mr. Kridler provided an update on the Diversity, Equity, and Inclusion Committee. The internal working group will meet on Wednesday, September 16.

Mr. Homan provided information on having a meeting with the Delaware County Finance Authority on working on incentives for economic development.

## **ITEM 20: COUNCIL COMMENTS**

Mrs. Keller informed Council that a letter will and copy of Resolution No. 20-53 will be sent to Ohio Department of Health along with a request to have a meeting. She will be discussing this resolution with the County Commissioners at their September 17 meeting.

Mr. Hoffman discussed the previous Public Works meeting and discussion of the Kelvin scale of the LED lights and request that this be discussed by Mr. Ferrigno when he presents at future Council meeting.

Mr. Farrell discussed the recent focus in news to minimize the seriousness of the COVID-19. He discussed his concerns over the

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20

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effects in the community and the responsibility of leader in the community that council has.

Vice-Mayor Shafer provided more information regarding the meeting with the Delaware County Finance Authority.

Mayor Riggle informed Council that she received complaints regarding Smith Park over the difficulty getting to the playground and complaints due to the development at Coughlin's Crossing development.

## **ITEM 25: ADJOURNMENT**

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

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

  
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Elaine McCloskey, Council Clerk