

**RECORD OF PROCEEDINGS**

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

Held September 28 2020

The regular meeting of Council held on September 28, 2020 and was called to order at 7:09 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 Fire Chaplain Jonathan Smith.

Staff Present Remotely: Sean Hughes, Economic Development Director, 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

**ITEM 3: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held on September 14, 2020, as recorded and transcribed.

**Motion:** Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held on September 14, 2020, as recorded and transcribed, seconded by Mr. Farrell. Motion approved by a 7-0 vote.

**ITEM 4: CONSENT AGENDA**

- A. Acceptance of the Motion Summary of the Finance Committee meeting held on September 1, 2020, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Parks and Recreation Advisory Board meeting held on July 21, 2020, as recorded and transcribed.

**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**

Brett Latta  
376 North Sandusky Street  
Delaware, Ohio 43015

Mr. Latta discussed the option to daylight the Delaware Run at Boardman Park and feels this would be an improvement to the park.

**ITEM 6: PRESENTATION**

- A. Proclamation to recognize Fire Safety Week, October 4-10, 2020, presented to Chief John Donahue

**ITEM 7: COMMITTEE REPORTS**

Mrs. Keller informed that Historic Preservation Commission was canceled.

Mr. Hellinger discussed that the Finance Committee met and more information will be provided by Mr. Nahvi.

**ITEM 8: ORDINANCE NO. 20-54** [Third Reading]  
AN ORDINANCE AMENDING SECTION 351.14 OF THE CODIFIED

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## ORDINANCES RELATING TO HEAVY VEHICLES AND TRAILERS.

The Clerk read the ordinance for the third time. Council to take Ordinance No. 20-54 to a fourth reading.

### **ITEM 9: ORDINANCE NO. 20-58** [Public Hearing and Second 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 second time.

#### APPLICANT:

Robert Pollitt  
3955 Montgomery Road  
Cincinnati, Ohio 45212

Rebecca Mott  
Plank Law Firm  
411 East Town Street, Floor 2  
Columbus, Ohio

Brian Yates  
Burgess & Niple  
5085 Reed Road  
Columbus, Ohio

#### PUBLIC PARTICIPATION:

Brett Latta  
Via Cisco Webex  
376 North Sandusky Street  
Delaware, Ohio

Mr. Latta voiced his opposition of the new pipe of the Delaware Run and that a corner of a new building over the Run. He voiced concerns over the possibility for surrounding neighbors to want improvements and affect the Delaware Run.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-58, seconded by Mr. Hoffman. Motion approved by a 5-2 (Farrell and Hellinger) vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-58, seconded by Mr. Hoffman. Motion approved by a 6-1(Hellinger) vote.

### **ITEM 10: ORDINANCE NO. 20-59** [Second 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.



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The Clerk read the ordinance for the second time.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-59, seconded by Mr. Hoffman. Motion approved by a 5-2 (Farrell and Hellinger) vote.

**Motion:** Vice-Mayor Shafer motioned to adopt Ordinance No. 20-59, seconded by Mr. Hoffman. Motion approved by a 6-1(Hellinger) vote.

**ITEM 11: RESOLUTION NO. 20-56** [First Reading]  
A RESOLUTION ADOPTING A COMPLETE STREET POLICY FOR THE CITY OF DELAWARE.

The Clerk read the resolution for the first time.

PUBLIC PARTICIPATION:  
Abby Trimble  
Community Health Specialist Supervisor  
Delaware General Health District  
1 West Winter Street  
Delaware, Ohio

Ms. Trimble discussed the benefits of the policy to the public's health and encourages residents to be physically active.

Tom Wolber  
Via Email  
272 Hearthstone Drive  
Delaware, Ohio 43015

Mr. Wolber wrote in support of the Complete Streets Policy.

**Motion:** Mr. Farrell motioned to adopt Resolution No. 20-56, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 12: RESOLUTION NO. 20-57** [First Reading]  
A RESOLUTION DETERMINING THAT A PETITION TO ESTABLISH THE LIBERTY GRAND NEW COMMUNITY AUTHORITY AND DISTRICT IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE IN FORM AND SUBSTANCE.

The Clerk read the resolution for the first time.

APPLICANT:  
Don Hunter  
Senior Vice-President  
Acquisitions and Development  
Schottenstein Real Estate Group  
2 Easton Oval, Suite 510  
Columbus, Ohio

**Motion:** Mrs. Keller motioned to approve Resolution No. 20-57, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 13: RESOLUTION NO. 20-58** [First Reading]

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A RESOLUTION DETERMINING THAT A PETITION TO ESTABLISH THE BERLIN MEADOWS NEW COMMUNITY AUTHORITY AND DISTRICT IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE IN FORM AND SUBSTANCE.

The Clerk read the resolution for the first time.

**Motion:** Mrs. Keller motioned to approve Resolution No. 20-58, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 14: ORDINANCE NO. 20-60** [First Reading]  
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE SECOND WARD COMMUNITY INITIATIVE (SWCI).

The Clerk read the ordinance for the first time.

PUBLIC PARTICIPATION:

Ruchelle Pride  
SWCI, President  
50 Ross Street  
Delaware, Ohio

Tajudeen Bakare  
SWCI, Vice-President  
50 Ross Street  
Delaware, Ohio

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 20-60, seconded by Vice-Mayor Shafer. Motion approved by a 6-1 (Hellinger) vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 20-60, seconded by Vice-Mayor Shafer. Motion approved by a 6-1 (Hellinger) vote.

**ITEM 15: ORDINANCE NO. 20-61** [First Reading]  
AN ORDINANCE AMENDING A 2020 COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH THE CITY OF DELAWARE, INNOVATION CENTER LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

APPLICANT:

Jim Bronelle  
Chief Operating Officer  
American Freight  
680 Sunbury Road  
Delaware, Ohio

Sean Byrne  
Of Council of Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, Ohio



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**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-61, seconded by Mr. Hoffman. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-61, seconded by Mr. Hoffman. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned adopt Ordinance No. 20-61, seconded by Mr. Hoffman. Motion approved by a 7-0 vote.

**ITEM 16: ORDINANCE NO. 20-62** [First Reading]

AN ORDINANCE APPROVING A PERFORMANCE BASED ECONOMIC INCENTIVE GRANT AGREEMENT WITH AMERICAN FREIGHT, LLC FOR MOVING, INSTALLING, AND PURCHASING FURNITURE AND FIXTURES FOR ITS HEADQUARTERS AT 109 INNOVATION COURT, DELAWARE, OHIO 43015 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. 20-62, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-62, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned adopt Ordinance No. 20-62, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**ITEM 17: ORDINANCE NO. 20-63** [First Reading]

AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS FOR THE LOCAL CORONAVIRUS RELIEF FUND AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time. The Clerk read into the record the staff recommended amendment to Ordinance No. 20-63.

The amendment to the Ordinance No. 20-63 read as follows: Whereas, the City was allocated a Fund payment amount under Ohio House Bill 483 in the amount of \$2,652,332, for the receipt of which this Council adopted Resolution 20-37 and June 22, 2020, affirming said Fund payment would be expended only to cover costs consistent with the CARES Act and applicable regulations, and such Fund payment was deposited into the City's Local Coronavirus Relief Fund (Fund 284); and

**Motion:** Vice-Mayor Shafer motioned to amend Ordinance No. 20-63 as read into the record by the Clerk, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 20-63 as amended, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

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**Motion:** Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-63 as amended, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**Motion:** Vice-Mayor Shafer motioned adopt Ordinance No. 20-63 as amended, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

**ITEM 18: ORDINANCE NO. 20-64** [First Reading]  
AN ORDINANCE DIRECTING THE CITY MANAGER TO ESTABLISH A SECOND BUSINESS ASSISTANCE GRANT PROGRAM, AUTHORIZE APPROPRIATIONS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**ITEM 19: ORDINANCE NO. 20-65** [First Reading]  
AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISOR EMPLOYEES PAY PLAN AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 20-65, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mrs. Keller motioned to enact the emergency clause for Ordinance No. 20-65, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 20-65, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

**ITEM 20: RESOLUTION NO. 20-49** [Third Reading]  
A RESOLUTION ADOPTING THE 2021-2025 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

The Mayor read the resolution for the third time.

Mr. Miller reviewed the CIP for the Parks and Natural Resources. He provided information on the proposed Cheshire Basketball Court that will have a shared cost with the Cheshire Crossing HOA and the replacement of the Belle Avenue Park play structure. Mr. Miller discussed Park Impact Fees and future initiatives of the Delaware Run Greenway and Mill Run Greenway. Equipment replacement includes 7-zero turn mowers for park mowing and right of way mowing and 2-zero turn mowers for Oak Grove Cemetery. He provided an update on the new Mingo Park playground.

Mr. Ferrigno reviewed the Safety Improvement Program and that funding source is from the \$5 License Tax. He discussed that included in this program are the Rectangular Rapid Flashing Beacons, crosswalks/signage, speed feedback signs and guardrail improvements. There are currently 31 identified projects that staff is working on prioritizing. The Safe Walks Program is to preserve existing sidewalk with milling. This reduces the cost and allows for faster response. This program will work with property owners with repairs.



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The Resurfacing Program includes sidewalk, curb and signage maintenance. The required funding for a sustainable program would be \$3.7 - \$4.9 M. Annual Expenditure. He reviewed the funding for 2021 with a total expenditure of \$1.94 M. The US 23/Hull Drive Safety Improvement is in design for 2020/2021 with construction expected in 2022. This project helps to address a high accident location and limits side-street to "right-out only". The John Street Bridge project will replace existing damaged structure which includes new deck beams and pavement. Construction is expected to take place in the first quarter of 2021. The Signals Phase I Improvements will cost \$2.9M and will replace 37 obsolete equipment and will help to improve communication and signal coordination. The traffic cameras will be used to identify what cars are in the path. Mr. Ferrigno provided an update of the US36/Carson Farms Signal which construction is deferred to 2022. Additional information was provided on the Penick Avenue extension and East Central Avenue improvements. Penick Avenue will have a 650 Ft. street extension that will allow for better school circulation at Schultz Elementary and allow for separate car/bus drop-off zones. Included in the design was traffic calming measures and the construction is to take place in 2021. Mr. Ferrigno discussed that the East Central Avenue improvements are in the third phase with reconstruction of Central Avenue and the Lake Street and Channing Street intersections. He reviewed that construction is estimated in 2026/2027 with a preliminary cost estimate of \$15.4M. Information was also provided on the Point Improvement Project with construction to take place in 2023/2024. Also discussed were future initiatives including the need to establish funding to support a sustainable pavement maintenance program, Merrick Parkway to Troy Road, Glenn Road extension to Curve Road, Sawmill Parkway to Section Line, West William Street and West Central Avenue reconstruction.

## **ITEM 21: FINANCE DIRECTOR'S REPORT**

Mr. Nahvi reviewed the report with Council.

## **ITEM 22: CITY MANAGER'S REPORT & COVID-19 UPDATE**

Mr. Homan discussed the memo provided in the Council packet from Mr. Ferrigno regarding the LED lights and brightness on East William Street.

Mr. Homan discussed the topics of the Business Grant Program and CIP for the October 5 Work Session.

Mr. Homan provided information on the recognition by the Auditor of the State of Ohio for the Del-AWARE App.

## **ITEM 23: COUNCIL COMMENTS**

Carolyn Riggle discussed the improvements of Short-cut Alley.

## **ITEM 24: ADJOURNMENT**

**Motion:** Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 10:00 p.m.

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held September 28 2020

  
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Mayor Carolyn Kay Riggle

  
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Elaine McCloskey, Council Clerk