

RECORD OF PROCEEDINGS

Delaware City Council

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3938 FORM NO. 10148

November 23

20

Held

20

The regular meeting of Council held on November 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: 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 Nicol Ghazi, Islamic Center of Delaware County.

Staff Present Remotely: Dave Efland, Planning and Community Development Director, Justin Nahvi, Finance Director, Jessica Feller, Human Resource Manager, Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Blake Jordan, Public Utilities Director, Natalia Harris, City Attorney, Kyle Kridler, Assistant City Manager, and Tom Homan, City Manager

Motion to Excuse: Mrs. Keller motioned to excuse Councilmember 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 November 9, 2020, as recorded and transcribed.

APPROVAL of the Motion Summary of the budget work session meeting of Council held on November 12, 2020, as recorded and transcribed.

Motion: Vice-Mayor Shafer motioned to approve the Motion Summary of the regular meeting of Council held on November 9, 2020, as recorded and transcribed, and the budget work session meeting held on November 12, 2020, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 5-0-1 (Farrell) vote.

ITEM 4: CONSENT AGENDA

- A. Acceptance of the Motion Summary of the Public Works Committee meeting held on August 4, 2020, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on September 9, 2020, as recorded and transcribed.
- C. Resolution No. 20-65, a resolution authorizing the City Manager to enter into a Local Public Agency (LPA) agreement with the Ohio Department of Transportation (ODOT) for the Cityside Signals Upgrade Phase 1 Project and construct the project.
- D. Resolution No. 20-66, a resolution authorizing the City Manager to enter into a Local Public Agency (LPA) agreement with the Ohio Department of Transportation (ODOT) for the US 23 and Hull Drive Safety Improvements Project, DEL-23-9.74, and to execute contracts and construct the project.
- E. Resolution No. 20-67, a resolution authorizing the City Manager to enter into a Local Public Agency (LPA) Agreement with the Ohio Department of Transportation (ODOT) for the US 23 Bridge Repair Project (PID 109156), Design Phase DEL-23-7.60-, and to execute contracts.
- F. Resolution No. 20-68, a resolution cancelling the second regular meeting of City Council, December 28, 2020.
- G. Resolution No. 20-69, a resolution appointing members to various boards, commissions, and/or committees, and specifying the term of the appointment.

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

ITEM 5: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Lisa Ho
Via Cisco Webex
407 North Washington Street
Delaware, Ohio

Ms. Ho recognized and commended Council for their work to distribute CARES Act funds to support small businesses, non-profits and the education sector, as well as the coordination to work with the Delaware General Health District. She voiced her concern regarding the actions of a member of Council that fight against the efforts of the health district and the governor and the need to support small businesses, schools and non profits while protecting citizens.

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

Mr. Latta discussed the opening of Del-Mor Dwellings and the benefits to the City.

Toby West
Via Email
679 Cobblestone Drive
Delaware, Ohio

The Clerk read the email into the record and submitted it into the permanent record. Ms. West voiced concerns over Council's leadership during the COVID-19 pandemic and Councilwoman Keller's use of social media to discuss issues relating to the pandemic.

Brad Hines
Via Email
248 Firestone Drive
Delaware, Ohio

The Clerk read the email into the record and submitted it into the permanent record. Mr. Hines voiced concerns on the impact of COVID-19 on local businesses and encouraged that businesses remain open.

Craig and Michelle Myers
Via Email
2143 Farmland Drive
Delaware, Ohio

The Clerk read the email into the record and submitted it into the permanent record. Mr. and Mrs. Myers voiced their support to Councilwoman Keller for her work relating to COVID-19.

Deborah Guebert

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Via Email
265 West Fountain Avenue
Delaware, Ohio

The Clerk read the email into the record and submitted it into the permanent record. Ms. Guebert voiced concerns over freedom of speech.

Jill Staugler
Via Email
175 Curly Smart Circle
Delaware, Ohio

The Clerk read the email into the record and submitted it into the permanent record. Ms. Staugler voiced concerns over her council representative's use of social media as a platform to spread information that she described as incorrect and misleading. She discussed the need for leadership to support the guidance of public health officials.

Jennifer Davis
Via Email
543 Thistle Drive
Delaware, Ohio

The Clerk read the email into the record and submitted it into the permanent record. Ms. Davis voiced her support to Councilwoman Keller regarding her transparency with COVID-19 data and the support she gives to small businesses.

ITEM 6: COMMITTEE REPORTS

ITEM 7: PRESENTATION

A. Proclamation recognizing Small Business Saturday – November 28, 2020

ITEM 8: ORDINANCE NO. 20-69 [Third Reading]

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2021 AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-69, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-69, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 9: ORDINANCE NO. 20-71 [Third Reading]

AN ORDINANCE AMENDING SECTION 197.02 OF THE SCHEDULE OF FEES AND SERVICES CHARGES.

The Clerk read the ordinance for the third time.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-71, seconded by Mr. Farrell. Motion approved by a 6-0 vote.

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ITEM 10: ORDINANCE NO. 20-72

[Third Reading]

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-72, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-72, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 11: ORDINANCE NO. 20-73

[Third Reading]

AN ORDINANCE AMENDING ORDINANCE NO. 19-71 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to amend Ordinance No. 20-73 to change the SL5 pay grade to include the Pool Manager position, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-73, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-73, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 20-74

[Third Reading]

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the third time.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-74, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-74, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 13: ORDINANCE NO. 20-76

[Second Reading]

AN ORDINANCE ESTABLISHING THE SALARY AND BENEFITS OF THE COUNCIL CLERK AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time. Ordinance No. 20-76 will have a third reading.

ITEM 14: ORDINANCE NO. 20-77

[Second Reading]

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AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time. Ordinance No. 20-77 will have a third reading.

ITEM 15: ORDINANCE NO. 20-78 [Second Reading]

AN ORDINANCE ESTABLISHING NEW SALARY RATES FOR THE MAYOR AND MEMBERS OF CITY COUNCIL EFFECTIVE JANUARY 1, 2022 AND REPEALING ORDINANCE NO. 18-113.

The Clerk read the ordinance for the second time. Ordinance No. 20-78 will have a third reading.

ITEM 16: ORDINANCE NO. 20-79 [Second Reading]

AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATION ORDINANCE 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. 20-79, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 20-79, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 20-79, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

ITEM 17: ORDINANCE NO. 20-80 [Second Reading]

AN ORDINANCE SUPPLEMENTING THE 2020 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO PURCHASE THE PROPERTIES LOCATED AT 7 SPRING STREET AND 27 SPRING STREET, DELAWARE, OHIO AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the second time.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 20-80, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to enact the emergency clause for Ordinance No. 20-80, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 20-80, seconded by Mr. Hoffman. Motion approved by a 6-0 vote.

ITEM 18: ORDINANCE NO. 20-81 [Second Reading]

AN ORDINANCE APPROPRIATING THE CITY'S CORONAVIRUS RELIEF FUND PAYMENT TO THE CITY'S COVID-19 RESPONSE, DIRECTING THE CITY MANAGER TO CONTINUE TO EMPLOY THE CITY'S INTERNAL RESPONSE TO THE PANDEMIC AND ESTABLISH CERTAIN GRANT PROGRAMS WITH DELAWARE LOCAL ORGANIZATIONS AND PUBLIC HEALTH SERVICE AGENCIES, AND DECLARING AN EMERGENCY.

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Ordinance No. 20-81 was recommended to be tabled by City Attorney Harris as the legislation was amended to change appropriation amounts and language to identify the appropriate agencies and organizations receiving fund disbursements. These amendments are reflected in Ordinance No. 20-82.

Motion: Mr. Hoffman motioned to table Ordinance No. 20-81 indefinitely, seconded by Mr. Farrell. Motion approved by a 6-0 vote.

ITEM 19: ORDINANCE NO. 20-82 [First Reading]

AN ORDINANCE APPROPRIATING THE CITY'S CORONAVIRUS RELIEF FUND PAYMENT TO THE CITY'S COVID-19 RESPONSE, DIRECTING THE CITY MANAGER TO CONTINUE TO EMPLOY THE CITY'S INTERNAL RESPONSE TO THE PANDEMIC AND ESTABLISH CERTAIN GRANT PROGRAMS WITH DELAWARE LOCAL ORGANIZATIONS AND PUBLIC HEALTH SERVICE AGENCIES, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. Farrell motioned to amend Ordinance No. 20-82 to add the following language "(iv) pay legal fees due to Bricker and Eckler for services rendered related to the distribution of CARES Act Fund;" to Section 5 of the legislation after the word Grant; "and to change Roman Numeral iv to v", seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Farrell motioned to suspend the rules for Ordinance No. 20-82, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Farrell motioned to enact the emergency clause for Ordinance No. 20-82, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Farrell motioned to adopt Ordinance No. 20-82, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 20: FINANCE DIRECTOR'S REPORT

ITEM 21: CITY MANAGER'S REPORT & COVID-19 UPDATE

Mr. Homan discussed progress working with Mr. Grden relating to his NCA request.

He informed Council that the Governor approved the extension of virtual public meetings until July 1, 2021.

ITEM 22: COUNCIL COMMENTS

Mr. Farrell discussed that he was amazed at the budget process and the level of services the City is able to provide with a small budget and small amount of staff. He discussed that with the upcoming holiday season and the impact of COVID-19 to have compassion, shop locally, social distance and wear a mask.

Mr. Hoffman discussed patronizing a couple local businesses and discussed the business grant that was offered to them. He discussed that they all had positive comments relating to the Economic Development staff and their assistance.

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Mayor Riggle discussed that she continued to be in Florida and was surprised by how few individuals wear a mask in the State.

ITEM 23: EXECUTIVE SESSION: 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. (if necessary)

Mrs. Keller motioned to enter into executive session at 8:33 p.m. 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. This motion was seconded by Mr. Hoffman and approved by a 6-0 vote. Present in the discussion was 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. At 9:26 p.m. Vice-Mayor Shafer motioned to enter back into open session, seconded by Mrs. Keller. This motion was approved by a 6-0 vote.

ITEM 24: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 9:27 p.m.



Mayor Carolyn Kay Riggle



Elaine McCloskey, Council Clerk