

**CITY OF DELAWARE
CITY COUNCIL
CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
7:00 P.M.**

AGENDA

REGULAR MEETING

JUNE 27, 2016

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held June 13, 2016, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Resolution No. 16-25, a resolution cancelling the second regular meeting of City Council August 22, 2016.
 - B. Resolution No. 16-26, a resolution authorizing the City Manager to prepare and submit an application for State Transportation Funding through the Transportation Review Advisory Council for the planning, design and construction of the US36/SR37 intersection "The Point" Improvement Project.
 - C. Resolution No. 16-27, a resolution authorizing the City Manager to submit a grant application to the Federal Aviation Administration for Airport Grant Funding to resurface Taxiway "A".
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. INTRODUCTIONS
 - A. Ken Hammond, Race Director, Ironman 70.3
9. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 16-45, an ordinance providing for the submission to the Electorate of amendments to the Delaware City Charter, and declaring an emergency.
10. 8:00 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 16-46, an ordinance to amend Sections 192.012, 192.013, 192.014 and

192.02 of the Codified Ordinances of the City of Delaware, Ohio, in order to increase the city income tax by fifteen one-hundredths percent (0.15%) from the current rate of one and eighty-five one-hundredths percent (1.85%) to a rate of two percent (2%), beginning January 1, 2017, for the purpose of paying the costs of improving and maintaining the transportation system in the city.

11. SECOND READING of Ordinance No. 16-49, an ordinance amending the 2016 Appropriations Ordinance to provide additional funding for pay of contracted recreation services to the YMCA.
12. SECOND READING of Ordinance No. 16-50, an ordinance amending the 2016 Appropriations Ordinance to establish funding for the purchase of equipment for the solid waste recycling operation.
13. CONSIDERATION of Ordinance No. 16-54, an ordinance authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation for repairs to an existing storm sewer line and highway pavement, and declaring an emergency.
14. **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.
15. CITY MANAGER'S REPORT
16. COUNCIL COMMENTS
17. ADJOURNMENT

The regular meeting of June 13, 2016 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Second Ward Lisa Keller. The invocation was given by Lisa Ho, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director, Jessica Ormeroid, Project Engineer, Brad Stanton, Public Utilities Director, Ted Miller, Parks and Natural Resource Director, and Tom Homan, City Manager

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

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held May 23, 2016, as recorded and transcribed.

Motion: Mr. DiGenova moved to approve the Motion Summary for the regular meeting of Council held May 23, 2016 seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held April 26, 2016.
- B. Acceptance of the Motion Summary for the 2016 Charter Review Commission meeting held May 12, 2016.
- C. Acceptance of the Motion Summary for the Civil Service Commission meeting held April 13, 2016.
- D. Acceptance of the Motion Summary for the Planning Commission meeting held May 4, 2016.
- E. Acceptance of the Motion Summaries for the Board of Zoning Appeals meetings held June 10, 2015 and March 9, 2016.
- F. Establish June 27, and July 11, 2016 at 7:30 p.m. as the dates and times for public hearings and second readings of Ordinance No. 16-45, an ordinance providing for the submission to the Electorate of amendments to the Delaware City Charter, and declaring an emergency.

- G. Establish June 27, and July 11, 2016 at 8:00 p.m. as the dates and time for public hearings and second readings of Ordinance No. 16-46, an ordinance to amend Sections 192.012, 192.013, 192.014, and 192.02 of the Codified Ordinances of the City of Delaware, Ohio in order to increase the City Income Tax by point one five percent (.15%) from the current rate of one point eight five percent (1.85%) to a rate of two percent (2%), beginning January 1, 2017, for the purpose of pay the costs of improving and maintaining the transportation and parking system in the City by constructing and reconstructing municipal roads, highways, streets, bridges, sidewalks, bikeways, and parking facilities, acquiring real estate and interests in real estate therefor, and paying the debt service charges and related costs of securities issued to pay the costs of those projects.

Motion: Mr. DiGenova moved to approve the Consent Agenda, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

Mr. DiGenova provided an update of the Finance Committee meeting held in May.

Mr. DiGenova provided an update on meetings that he attended for the Moving Delaware Forward.

Mr. DiGenova discussed the need for public participation for the Hayes Memorial.

ITEM 8: PRESENTATION

- A. Proclamation presentation to the State Champion Dempsey Middle School Lacrosse Team
- B. 2016 Charter Review Commission Recommendations Report

ITEM 9: RESOLUTION NO. 16-24 [First Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR FEDERAL ATTRIBUTABLE FUNDING THROUGH THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE US36/37 INTERSECTION "THE POINT" IMPROVEMENT PROJECT.

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The Clerk read the resolution for the first time.

Mr. Ferrigno and Ms. Ormeroid reviewed the funding request and three applications.

PRESENTORS:

Tom Hibbard
M.S. Consultant
2221 Schrock Rd.
Columbus, Ohio 43229

Ryan Bush
M.S. Consultant
2221 Schrock Rd.
Columbus, Ohio 43229

Mr. Hibbard discussed the project review and projected schedule.

Motion: Mr. DiGenova moved to approve Resolution No. 16-24, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 16-45 [First Reading]

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE DELAWARE CITY CHARTER, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for June 27 and July 11, 2016 at 7:30 p.m.

ITEM 11: ORDINANCE NO. 16-46 [First Reading]

AN ORDINANCE TO AMEND SECTIONS 192.012, 192.013, 192.014, AND 192.02 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO IN ORDER TO INCREASE THE CITY INCOME TAX BY POINT ONE FIVE PERCENT (.155) FROM THE CURRENT RATE OF ONE POINT EIGHT FIVE PERCENT (1.85%) TO A RATE OF TWO PERCENT (2%), BEGINNING JANUARY 1, 2017, FOR THE PURPOSE OF PAY THE COSTS OF IMPROVING AND MAINTAINING THE TRANSPORTATION AND PARKING SYSTEM IN THE CITY BY CONSTRUCTING AND

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RECONSTRUCTING MUNICIPAL ROADS, HIGHWAYS, STREETS, BRIDGES, SIDEWALKS, BIKEWAYS, AND PARKING FACILITIES, ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, AND PAYING THE DEBT SERVICE CHARGES AND RELATED COSTS OF SECURITIES ISSUED TO PAY THE COSTS OF THOSE PROJECTS.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for June 27 and July 11, 2016 at 8:00 p.m.

ITEM 12: ORDINANCE NO. 16-47 [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR CERTIFIED OIL TO RAZE THE EXISTING BUILDING AND CONSTRUCT A NEW BUILDING FOR CERTIFIED OIL AT 2061 US23 NORTH ON PROPERTY ZONED B-4 (GENERAL BUSINESS DISTRICT) ON APPROXIMATELY 0.998 ACRES.

The Clerk read the ordinance for the first time.

Mr. Efland reviewed the proposed site plan, building elevation, and landscape plan.

APPLICANT:

Don Glenn
949 King Ave.
Columbus, Ohio 43212

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-47, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to approve Ordinance No. 16-47, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 13: ORDINANCE NO. 16-48 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR OHIO WESLEYAN UNIVERSITY FOR A PHASE 2 SMALL LIVING UNIT (SLU) ON APPROXIMATELY 1.373 ACRES LOCATED ON THE NORTH SIDE OF ROWLAND AVENUE BETWEEN SOUTH WASHINGTON STREET AND SOUTH LIBERTY STREET ON PROPERTY ZONED PO/I PMU (PLANNED

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OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the first time.

Mr. Efland reviewed the site plan and building elevations.

APPLICANT:

Randy Reger
137 N. Washington St.
Delaware, Ohio 43015

Motion: Mr. Hellinger moved to suspend the rules for Ordinance No. 16-48, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mr. Hellinger moved to approve Ordinance No. 16-48, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 16-49 [First Reading]

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PAY OF CONTRACTED RECREATION SERVICES TO THE YMCA.

The Clerk read the ordinance for the first time.

ITEM 15: ORDINANCE NO. 16-50 [First Reading]

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR THE PURCHASE OF EQUIPMENT FOR THE SOLID WASTE RECYCLING OPERATION.

The Clerk read the ordinance for the first time.

ITEM 16: ORDINANCE NO. 16-51 [First Reading]

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR ADMINISTRATIVE SUPPORT WITHIN THE CITY PROSECUTOR'S OFFICE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-51, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

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Motion: Mr. Rohrer moved to enact the emergency clause for Ordinance No. 16-51, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

Motion: Mr. Rohrer moved to approve Ordinance No. 16-51, seconded by Vice-Mayor Shafer. Motion approved by a 6-0 vote.

ITEM 17: ORDINANCE NO. 16-52 [First Reading]
AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR PARKING LOT MAINTENANCE WORK AT THE DELAWARE COMMUNITY CENTER, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-52, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 16-52, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to approve Ordinance No. 16-52, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

ITEM 18: ORDINANCE NO. 16-53 [First Reading]
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO INSTALL RECTANGULAR RAPID FLASHING BEACONS (RRFB'S) ON SOUTH LIBERTY STREET AT THE OAK HILL AVENUE/SPRING STREET AND ROWLAND AVENUE INTERSECTIONS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-53, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Mr. Rohrer moved to enact the emergency clause for Ordinance No. 16-53, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

Motion: Mr. Rohrer moved to approve Ordinance No. 16-53, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

ITEM 19: 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.

Council determined that Executive Session was not necessary.

ITEM 20: CITY MANAGER'S REPORT

Mr. Homan provided information on the upcoming N.O.W. festival.

Mr. Ferrigno provided an update on the London Road and Sandusky St. road work.

Mr. Homan discussed the opening date for Tanger Outlet Mall.

Mr. Homan provided information regarding the Northwest Neighborhood Association proposal to turn Boardman Field into a park.

ITEM 21: COUNCIL COMMENTS

Mr. Jones discussed the torn soccer nets at Nottingham Park. Mr. Miller indicated that the nets will be replaced.

Mr. Jones requested notification if a constituent of his ward makes an online report or concern.

Mr. Jones voiced his concern regarding the scheduling of activities at Mingo Park and the difficulty finding parking spots due to summer sporting events.

Mr. DiGenova stated that there was some damage to Veterans Memorial Plaza. Mr. DiGenova also recommended additional lighting to the eternal flame. Mr. Miller indicated that there are plans to repair the insignia.

Mr. DiGenova provided information on nominating Veteran of the Year.

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Mr. Hellinger requested an update on the underpass on W. Central Avenue. Ms. Ormeroid provided information on the plans submitted by O.D.O.T. to begin the bidding process.

Mayor Riggle provided an update on her experience working at the IRONMAN in Raleigh, N.C.

ITEM 22: ADJOURNMENT

Motion: Mr. DiGenova moved to adjourn the meeting, seconded by Mr. Rohrer. The meeting adjourned at 8:57 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM A DATE: 6/27/16
ORDINANCE NO: RESOLUTION NO: 16-25
READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council
FROM: R. Thomas Homan, City Manager
VIA: --

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION CANCELLING THE SECOND REGULAR MEETING OF CITY COUNCIL AUGUST 22, 2016.

BACKGROUND:

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

Mayor Carolyn Kay Riggle

RECOMMENDATION:

ATTACHMENT(S)

RESOLUTION 16-25

A RESOLUTION CANCELLING THE SECOND
REGULAR MEETING OF CITY COUNCIL AUGUST 22,
2016.

WHEREAS, City Council meets the second and fourth Monday of each
month,

WHEREAS, City Council desires to cancel the second regular meeting of
August with the understanding that should the need arise a meeting could be
scheduled for later in the week.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of
Delaware, State of Ohio:

SECTION 1. That the August 22, 2016 regular meeting of City Council is
hereby cancelled.

SECTION 2. That this resolution shall take effect and be in force
immediately after its passage.

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM B

DATE: 6/27/16

ORDINANCE NO:

RESOLUTION NO: 16-26

READING: FIRST

PUBLIC HEARING: No

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Director of Public Works/City Engineer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR STATE TRANSPORTATION FUNDING THROUGH THE TRANSPORTATION REVIEW ADVISORY COUNCIL FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE US36/SR37 INTERSECTION "THE POINT" IMPROVEMENT PROJECT.

BACKGROUND:

The Point intersection continues to be subject to increased traffic congestion and delay as the region grows. In 2009, a modification was made to the intersection to improve traffic flow, specifically in the westbound direction. The improvement was successful in reducing delay, though it was understood that the benefits would have short term effectiveness as additional growth in local and background traffic would yield the type of delay now experienced in all travel directions. The next level of improvements requires replacement of the existing two-lane railroad bridge with a larger span structure that can accommodate at least four vehicle lanes and pedestrian facilities on either side. Preliminary evaluations indicate that such an improvement could cost up to \$23 million.

REASON WHY LEGISLATION IS NEEDED:

Funding for large scale improvements along federal routes is available through a competitive application process administered by the Transportation Review Advisory Council (TRAC). As part of requests for funding, local jurisdictions

are required to provide legislation that demonstrates a commitment to advancing a project initiative should funding be approved.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The city intends to submit an application for TRAC funds in the amount of \$1.5 million, with the city providing \$1.5 in matching funds. The combined funds will allow the project to advance through preliminary design, environmental review, and final design. Staff has developed a funding strategy utilizing local, state and federal funding sources to cover the anticipated project costs.

POLICY CHANGES:

None

PRESENTER(S):

William L. Ferrigno, P.E., Director of Public Works/City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

RESOLUTION NO. 16-26

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR STATE TRANSPORTATION FUNDING THROUGH THE TRANSPORTATION REVIEW ADVISORY COUNCIL FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE US36/SR37 INTERSECTION "THE POINT" IMPROVEMENT PROJECT.

WHEREAS, the city has identified making certain improvements to the existing intersection of William Street (US36) and Central Avenue (SR37), known locally as "The Point", and

WHEREAS, preliminary evaluations performed by transportation engineering firms have estimated projects cost at \$23 million, and

WHEREAS, State funding is available for transportation improvements through a competitive application process administered through the Transportation Review Advisory Council (TRAC), and

WHEREAS, TRAC applications require the inclusion of approved legislation enacted upon by the local governing body demonstrating support of the project initiative.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the City Manager is hereby directed to prepare and submit applications to apply for TRAC funds for this priority project initiative.

SECTION 2. That this resolution shall be in force and effect immediately upon its passage

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM C

DATE: 6/27/16

ORDINANCE NO:

RESOLUTION NO: 16-27

READING: FIRST

PUBLIC HEARING: No

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Director of Public Works

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT GRANT FUNDING TO RESURFACE TAXIWAY 'A'.

BACKGROUND:

The City of Delaware is requesting \$396,618.74 in FAA Grant Program funds for a project that includes the reconstruction Taxiway 'A' at Delaware Municipal Airport. This amount represents 90% of the total eligible project costs (construction). This project is the final phase of the Taxiway Rehabilitation. Phase 1 is being constructed now utilizing an FAA FY 2015 grant, Phase 2 is the reconstruction of the taxiway connector from the terminal apron to Runway 10/28 funded through the Ohio Airport Grant Program. The final phase will be a mill/fill overlay of the final 2,900' of Taxiway 'A' originally constructed in 1998.

REASON WHY LEGISLATION IS NEEDED:

FAA requires consent legislation from local jurisdictions requesting Federal funding.

COMMITTEE RECOMMENDATION:

Approval by Airport Commission 4/21/16

FISCAL IMPACT(S):

Requires local financial participation of 10% currently estimated to be \$44,068.75.

POLICY CHANGES:

None

PRESENTER(S):

William L. Ferrigno, P.E., Director of Public Works

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

RESOLUTION NO. 16-27

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT GRANT FUNDING TO RESURFACE TAXIWAY 'A'.

WHEREAS, the City of Delaware is responsible for operating and maintaining the Delaware Municipal Airport, and

WHEREAS, the Ohio Department of Transportation provides the City with bi-annual evaluations of the pavement condition of the ramp, runway and taxiway surfaces, and

WHEREAS, it has been determined that the condition of Taxiway 'A' has fallen below recommended minimum pavement conditions and is in need of reconstruction, and

WHEREAS, the City is eligible to apply for and receive Federal Aviation Administration Grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. That the City Manager is hereby authorized to make application for said program and grant in accordance with the procedures prescribed by the FAA.

SECTION 2. That the City Manager is hereby authorized to enter into necessary agreements associated with the grant and be bound by all terms and conditions contained within the application for funding.

SECTION 3. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 9

DATE: 6/27/16

ORDINANCE NO: 16-45

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: **YES**
June 27, 2016 at 7:30 p.m.
July 11, 2016 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE DELAWARE CITY CHARTER, AND DECLARING AN EMERGENCY.

BACKGROUND: Pursuant to Section 128 the Charter, a Charter Review Commission comprised of 9 electors of the City reviews the charter and makes recommendations to Council. Council then votes to submit the changes to the voters in November. Council can approve, modify, or reject the recommendations. The background report, which will be provided to council, provides a summary of the changes.

The Charter Review Commission will be meeting on June 9 to finalize their recommendations. City Attorney Darren Shulman will be sending out the final recommended changes on Friday.

REASON WHY LEGISLATION IS NEEDED:

Legislation is required to submit the proposed changes to the voters.

COMMITTEE RECOMMENDATION:

Approval

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Approval at third reading

ATTACHMENT(S)

ORDINANCE NO. 16-45

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE DELAWARE CITY CHARTER, AND DECLARING AN EMERGENCY.

WHEREAS, the 2016 Delaware City Charter Commission has recommended amendments to the Delaware City Charter; and

WHEREAS, Delaware City Council has considered said amendments and desires to have those amendments acted upon by the electors of the City,

NOW THEREFORE BE IT ORDAINED by the Council of the City of Delaware, Ohio,

SECTION 1. That the question of the amendments to the Delaware City Charter, Sections 4A, 5, 7, 8, 11, 12, 13, 14, 15, 16, 17, 21, 26, 45, 46, 47, 66, 67, 70, 71, 74, 75, 76, 77, 83, 84, 85, 86, 89, 90, 92, 95, 101, 102, 104, 107, 109, 110, 113, 114, 118, 119, and 126 by making revisions thereto, be submitted to the electors of the City of Delaware at the regular municipal election to be held November 8, 2016, so that as amended sections the same shall read as follows:

See Exhibit A attached hereto in which **bold** indicates new language and ~~strike-through~~ indicates deleted language.

SECTION 2. That the Clerk of Council is directed to certify a true copy of this ordinance to the Board of Elections of Delaware County. The Clerk of Council is further directed to cause the full text of the Charter Amendments to be posted on the City's website. In addition, pursuant to Article XVIII Section 9 of the Ohio Constitution, the Clerk of Council shall provide notice of the proposed amendments, along with a link to the full language and notice that paper copies may be obtained at City Hall to be published once per week for two consecutive weeks in a newspaper of general circulation in the City of Delaware, with the first publication being not less than thirty (30) days prior to the election.

SECTION 3. EMERGENCY CLAUSE: That in order to provide for the usual daily operation of the various departments of the municipal government and to provide for the public peace, safety, health and welfare this ordinance is hereby declared to be an emergency measure and shall take effect and be in full force and effect immediately upon its passage and to assure that it will be in effect in time to be certified to the Delaware County Board of Elections so

that the issue may be placed on the ballot at the November 8, 2016 general municipal election.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



June 10, 2016

To: City Council
From: Charter Review Commission
Re: Recommended changes to the Delaware City Charter

Pursuant to the Delaware City Charter, a Charter Review Commission is convened every eight years to review the charter and make recommendations to Council for changes to be submitted to the voters. The 2016 Charter Review Commission recommendations (attached), fall into three categories: modernization, clarification, and style/cleanup. In addition to the recommended revisions, the Commission has future recommendations for Council action on provisions it considered and ultimately did not recommend at this time.

Modernization Changes: Based on the age of the charter, many provisions that made sense years ago simply do not apply to how government operates today.

Clarification Changes: These changes aim to clarify existing sections by improving confusing or ambiguous charter sections. Some of these recommended clarifications have substantive elements geared towards improving processes, but the intent of the section remains the same. For example, in many sections, dates have been updated.

Style/Cleanup Changes: The Commission carefully reviewed each section of the charter. These recommendations are simple changes to style or wording, with the goal of making the document more readable and understandable. These proposed revisions are not substantive changes.

The following chart provides a quick summary of the changes recommended by the Commission.

Charter Section	Type of Change	Notes/Explanation
4A	Clarification	Section 4A: The existing charter section is confusing in that it includes a sunset date that has already passed, rendering the section moot. The limitation on using eminent domain for economic development is not a statewide restriction, so Section 4A is no longer necessary. However, the Commission felt that striking the section could cause confusion because it would look like the voters were voting to remove the prohibition. The recommended change aligns the Charter with State law without appearing to endorse using eminent domain for economic development projects.
5	Modernization	This change allows Council to approve intergovernmental agreements by Resolution, which is a faster process than the current practice of approving these agreements by ordinance. This change is recommended based on the shift towards intergovernmental cooperation and shared services, the uncontroversial nature of these agreements, and the short time frames necessary to enter into some of these agreements.
7	Clarification	This section clarifies the definition of residency by adopting language used in state law.
8	Clarification	This section rewords the existing process to make it easier to understand and changes dates to current dates.
11	Clarification	This section provides the process for discipline and expulsion of council members. The current language does not provide adequate detail on the types of offenses a council member can be disciplined for, the process for determining whether that member should be disciplined, and the rights of a member facing expulsion.
12	Modernization	The proposed revision limits the section to the circumstances where a conflict could occur which would require a council member to vacate a seat.
13	Clarification + Style/Cleanup	Substantively, the Commission has added a requirement that notice of a council vacancy be provided to the public to provide an opportunity for citizens to apply. The remaining changes are aimed at making it easier to understand how the vacancy process works.

14	Style/Cleanup + Modernization	The one substantive change to this section is changing the position that draws lots from the City Clerk to the City Attorney. This change is made to reflect the role the City Attorney currently plays at the Council Organizational Meeting.
15	Clarification + Modernization	The Commission believes that Council should be able to decrease its own salaries by ordinance immediately, which could become necessary in times of economic crisis. The prohibition on <i>increasing</i> salaries remains. The \$120 salary cited is a holdover from the first charter, which was passed before the first ordinance setting salaries existed. Because there is currently an ordinance, the reference to \$120 is confusing and unnecessary.
16	Modernization	Today, the bulk of communication with City Council members is done electronically. Given the ability to provide notification more effectively in many ways, the Commission believes personal service at a residence is no longer necessary.
17	Modernization	This change allows a shift to electronic records, which are preferable to a paper book because it can be shared with the public easier.
21	Modernization	This change allows a shift to electronic records, which are preferable to a paper book because it can be shared with the public easier.
26	Modernization	This change also allows the city to use its website as a means to provide notice to the public, which is becoming the primary method people use to get information about the City.
45	Clarification	Like the change to article 16, this change removes the confusing reference to the original mayor's salary.
46	Modernization	Given the process for hiring City Managers, the Commission felt the situation the deleted language seems to be trying to address is not likely to occur, and if it were to occur, it is unclear why it would be prohibited.
47	Style/Cleanup	This change simply clarifies the language and timing parameters for a possible suspension of the City Manager.
Article XI	Style/Cleanup	Removes "Department" from the Article Title
66	Clarification	The current language treats departments differently. Some are listed as departments while in other sections, the charter spells out responsibilities that must be handled, but leaves it up to council to determine how they are covered. The Commission feels that the second approach provided council with the most flexibility to determine which departments the City should have, as long as the function is being performed.

67	Clarification	Given the change to Section 66, this section is no longer needed.
70	Modernization	This section contains references to a process that the City followed when it was a lot smaller. For example, the City does not have general storerooms or warehouses for supplies. These changes reflect how purchasing is performed.
71	Modernization	This section removes references to a process that doesn't relate to the way the City budget operates now.
74	Modernization	This change reflects changes in the standard for awarding contracts that has been adopted by the Ohio Revised Code. Using a lowest and best bid standard allows the City to use alternative construction delivery methods that benefit taxpayers. In some cases, a bid could be the 'best' bid even if it costs more (for example, it could come with an earlier completion date).
75	Style/Cleanup	Very minor change removing "But" from the sentence start.
76	Style/Cleanup	Very minor change moving a comma.
77	Modernization	This change provides flexibility in the medium the City can make the budget and message available to the public by expanding permitted methods to include electronic copies and the City's website.
83	Clarification	Removes reference to date that has passed.
84	Style/Cleanup	Renamed section to provide better description.
85	Style/Cleanup	Very minor change moving commas to make it easier to read.
86	Style/Cleanup	Removes unnecessary use of "Generally" in title.
89	Modernization	Given timing of when data for reports is available, this change provides flexibility regarding when the report shall be submitted to City Council.
90	Clarification	Improves the process by which Council can request special audits.
92	Modernization	Securities are now kept electronically and the City does not even receive paper copies.
95	Modernization	Bonds and Notes now kept electronically and the City does not even issue paper copies.
101	Clarification	Adds specific requirement (currently understood but unstated) that the Civil Service Commission members must be electors of the City. Removes reference to long past effective date.
102	Style/Cleanup	Removes unnecessary use of "Generally" in title.
104	Style/Cleanup	Removes unnecessary use of "Generally" in title.
107	Style/Cleanup	Removes unnecessary use of "Generally" in title.

109	Modernization	This section is a hold-over from the role of the Planning Commission prior to the Charter. As a Commission of the City, the Commission no longer has the ability to hire its own employees.
110	Style/Cleanup	The stricken section is redundant in that it simply references another section of the Charter.
113	Style/Cleanup	Clarifies that the number of Council wards may only be changed through the Charter review process.
114	Style/Cleanup	Clarifies reference to ward “resident” as defined by Section 7 of Charter.
118	Clarification	Updates the dates referenced to improve ease of use.
119	Modernization	Given the changes made earlier leaving the establishment of department heads up to Council and the City Manager, this change moves the department heads into the existing process for all employees aside from the Clerk and City Manager.
126	Modernization	Allows copies of the Charter to be maintained electronically.

In addition to the changes outlined above, the Commission considered the following proposals that, while not recommended this year, should receive future consideration:

Expansion in the number of wards: The Commission spent a considerable amount of time examining whether the City should expand beyond the current four wards. Ultimately, the Commission does not recommend an expansion at this time. However, given the growth of the City, the Commission believes the next Charter Review Commission should give this topic strong consideration. To help prepare the next Charter Review Commission eight years from now and to ensure that the topic is given a full vetting, the Commission recommends City Council request that staff compile information that could aid the next commission, which would include the number of wards in other cities and the typical ratio of ward council member to residents.

Requiring 50% of the vote to be elected as a ward council member: Another proposal that received strong consideration was a requirement that a candidate receive 50% of the vote to win election to a ward seat. The rationale for this proposal was the seeming lack of representation when a candidate in a crowded field wins an election with a very small percentage of the vote. Had this change been adopted, it would have required many corresponding Charter changes, as a runoff would be required. Given the fundamental shift in the elections calendar, the Commission ultimately rejected this proposal. However, the Commission recommends that Council request staff compile information regarding the potential implications of adding a ‘primary’ election to ensure that the successful candidate earns 50% or more of the vote. This would include possible election dates, how the change would impact the schedule, a list of charter sections that would have to be altered to accommodate this change, and the cost of holding another election. This information could be used by the next Charter Review Commission to give this proposal further

consideration.

Recommended Changes Approved by Vote of Charter Review Commission on 6/9/16

SEC. 4A. – CITY PROHIBITED FROM USING EMINENT DOMAIN SOLELY FOR ECONOMIC DEVELOPMENT.

It is the intent of the City of Delaware to protect the private property of its citizens. **THE CITY OF DELAWARE HEREBY RECOGNIZES AND ADHERES TO STATE LAW RESTRICTING THE USE OF EMINENT DOMAIN POWERS SOLEY FOR ECONOMIC DEVELOPMENT.** ~~the City is prohibited from using eminent domain to acquire private property for economic development.~~

Economic Development – **FOR PURPOSES OF THIS SECTION 4A**, the term “economic development” means any activity to increase tax revenue, tax base, employment, or general economic health, when that activity does not result in (1) the transfer of land to public ownership; (2) the transfer of land to a private entity that is a common carrier, such as a railroad or utility; or (3) the transfer of property to a private entity when eminent domain will remove a harmful use of the land, such as the removal of public nuisances, removal of structures that are beyond repair or that are unfit for human habitation or use, or acquisition of abandoned property.

~~The limitations of this Section 4A shall not apply after November 20, 2008.~~

SEC. 5. - INTERGOVERNMENTAL COMMITTEES AND CONTRACTS.

City Council may **BY RESOLUTION** authorize or require an officer ~~of~~ **OR** officers of the City to participate with officers of the County of Delaware and of the City School District of the City of Delaware or with other cities, villages, and political subdivisions in committees and organizations for studying or coordinating programs of finance, taxation, public improvements, and other official activities of all such public authorities, for the purpose of improving public services and facilities by them rendered to the public and for the purpose of effecting economies therein. City Council may authorize contracts with other governmental subdivisions in relation to the performance of the functions of the City, as may be authorized by the Constitution and general laws of Ohio. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States or any agency thereof or with any one or more states, or subdivisions or agencies thereof.

SEC. 7. - COMPOSITION; QUALIFICATIONS.

Council shall consist of seven electors of the City of Delaware elected under the provisions of Sections 111 to 118, inclusive, of this Charter. No person shall be eligible for election to Council from a ward who is not at the time of his/her nomination and of his/her election a resident of such ward. **RESIDENCY IS DEFINED AS THE PLACE THE PERSON HAS ESTABLISHED HIS OR HER HOME ON OTHER THAN A TEMPORARY OR TRANSIENT BASIS.** Any person elected to Council from a particular ward who at any time after his/her nomination for a particular term shall cease to be a resident of such ward as the same existed at the time of such nomination, shall thereupon be deemed to have forfeited his/her election to or his/her membership in Council.

SEC. 8. - ELECTION FROM WARDS AND AT LARGE; TERMS OF OFFICE.

~~Three members of Council shall be elected from the City at large in the 2009 general municipal election and one Council Member from each of the four wards shall be elected in the 2011 general municipal election.~~

~~All Council Members shall be elected for four year terms commencing on the second Monday in November following their election and ending at 12:01 on the second Monday in November following the general municipal election in the fourth year following his/her election.~~

ALL COUNCIL MEMBERS SHALL BE ELECTED TO FOUR YEAR TERMS COMMENCING ON THE SECOND MONDAY IN NOVEMBER FOLLOWING THEIR ELECTION AND ENDING AT 12:01 a.m. ON THE SECOND MONDAY IN NOVEMBER FOLLOWING THE GENERAL MUNICIPAL ELECTION IN THE FOURTH YEAR FOLLOWING HIS/HER ELECTION.

THREE MEMBERS OF COUNCIL SHALL BE ELECTED FROM THE CITY AT LARGE STARTING WITH THE 2017 GENERAL MUNICIPAL ELECTION AND EVERY FOUR YEARS THEREAFTER AND ONE COUNCIL MEMBER FROM EACH OF THE FOUR WARDS SHALL BE ELECTED STARTING WITH THE 2019 GENERAL MUNICIPAL ELECTION AND EVERY FOUR YEARS THEREAFTER.

SEC. 11. – DISCIPLINE AND EXPULSION OF MEMBERS.

Council may, **WITH THE CONSENT OF AT LEAST FIVE MEMBERS, punish DISCIPLINE** its members for ~~violation of its rules or for~~ **DISRUPTIVE AND** disorderly behavior **THAT OBSTRUCTS THE ADMINISTRATION OF COUNCIL BUSINESS, VIOLATIONS OF THE DELAWARE CITY CHARTER OR CODIFIED ORDINANCES, OR ETHICS VIOLATIONS.**

~~COUNCIL MAY, and, with the consent of at least five members, may expel a member from office therefor~~ **FOR DISRUPTIVE AND DISORDERLY BEHAVIOR THAT REMAINS CONSISTENT OR IS ESPECIALLY DISRUPTIVE, CONVICTION OF A FELONY OR A CRIME INVOLVING AN ETHICS VIOLATION, OR COMMITTING OR ATTEMPTING TO COMMIT A VIOLATION OF SECTION 52 OF THIS CHARTER;** but no member shall be expelled unless he/she **FIRST** be notified **BY COUNCIL IN WRITING** of the grounds ~~of~~ **FOR** such expulsion and be given an opportunity to be heard **BEFORE COUNCIL** thereon **AT THE NEXT REGULAR MEETING OF COUNCIL FOLLOWING THE PROVISION OF NOTICE. AT THE HEARING, A MEMBER FACING EXPULSION MAY BE REPRESENTED BY LEGAL COUNSEL, PRESENT EVIDENCE AND WITNESS TESTIMONY IN HIS/HER FAVOR, AND CROSS-EXAMINE ANY WITNESS TESTIMONY PRESENTED BY COUNCIL BEFORE COUNCIL HOLDS A VOTE ON EXPULSION.**

SEC. 12. - COUNCIL MAY DECLARE SEATS OF MEMBERS VACANT.

Council shall ~~have the power and it shall be its duty to~~ declare vacant the seat of any person elected to Council who during the term for which he/she was elected shall hold any other employment in the service of the City of Delaware ~~except the office of Mayor, Vice Mayor, member of the City Planning Commission, or Trustee of the Police or Firemen's Pension Fund,~~ or who shall cease to possess the qualifications of his/her office, ~~or who shall do or attempt to do anything contrary to the provisions of Section 52 of this Charter,~~ or who shall be convicted of bribery, corruption, or any other crime involving moral turpitude, or who shall be absent from three consecutive regular meetings of Council unless one or more of absences shall have been excused by Council, or who shall forfeit his/her office by the operation of any other provision of this Charter.

The seat of any Council member shall be vacated upon the swearing in of the member to another elected public office.

SEC. 13. – MANNER OF FILLING VACANCIES, GENERALLY.

~~If any member of Council shall die, resign, or be disqualified or expelled or if his/her seat shall be declared vacant, **WHEN THE OFFICE OF ANY MEMBER OF COUNCIL BECOMES VACANT, NOTICE SHALL BE PROVIDED TO THE PUBLIC.** The remaining members of Council shall by the concurrence of at least four votes choose **APPOINT** his/her successor **FROM THE APPLICANTS**, who shall qualify and serve during the remainder of the unexpired term or until a successor shall be **IS** elected under the following provisions of this section. If any such vacancy or vacancies shall happen prior to ninety days preceding the date of the general election after the beginning of the term in which such vacancy or vacancies shall happen, a candidate or candidates may be nominated and elected at the next general municipal election, agreeably to the provisions of Sections 111 to 118, inclusive, of this Charter, to complete the term or terms in which such vacancy or vacancies shall have happened. **IF A VACANCY OCCURS MORE THAN NINETY DAYS BEFORE THE NEXT GENERAL ELECTION FOR COUNCIL MEMBERS, A SUCCESSOR SHALL BE CHOSEN AT THAT ELECTION TO FILL THE UNEXPIRED TERM AGREEABLY TO THE PROVISIONS OF SECTIONS 111 TO 118, INCLUSIVE, OF THIS CHARTER.** Any person so elected to fill any vacancy shall qualify as a member of Council at the first regular or special meeting thereof occurring after the election authorities shall have certified his/her election. He/she shall be notified of any such special meeting, agreeably to the provisions of Section 16 of this Charter. If prior to the time of such qualification the vacancy to which such person shall have been elected shall have been filled by Council, such appointment by Council shall thereupon be deemed to be terminated. **WHEN A SUCCESSOR IS SO ELECTED AND QUALIFIED, THE PRIOR APPOINTMENT BY COUNCIL FOR SUCH VACANCY SHALL THEREUPON BE TERMINATED.** If fewer persons shall be so elected or shall qualify to fill vacancies in terms of members at large of Council than the number of such vacancies which shall have happened prior to such election, the person or persons so elected and qualifying to fill such vacancy or vacancies shall be deemed to have been elected and qualified to fill such vacancy or vacancies which shall have first happened.~~

SEC. 14. - MANNER OF RESOLVING TIE VOTES OF APPOINTMENTS TO FILL VACANCIES.

~~If any vacancy shall happen more than three months before the expiration of the regular term in which it happens and if by reason of the failure of any person to receive as many as four votes it shall not be filled by Council during the first or second meeting of Council at which it might be filled, (not counting meetings after the fourteenth day of June and before the general municipal election in any year in which such vacancy might be filled by election by the people of a member of Council to complete the unexpired term), lots shall be drawn to determine which of the persons who shall have received **THE SAME AND THE HIGHEST NUMBER OF** votes at the last roll call on such appointment shall be deemed to be chosen to fill such vacancy. If two or more persons shall each have received the same and the highest number of votes on such roll call, all other persons shall be excluded from such lot. If not more than one person shall have received the same vote on such roll call, such lot shall be confined to the persons who shall have received the highest and second highest numbers of votes on such roll call. If two or more persons shall each have received the same and second highest number of votes on such roll call, one of such persons shall first be determined by lot, who shall thereupon be deemed to have received the second highest number of such votes for the purpose of the next foregoing provision. All such lots shall be drawn under the supervision of the City Clerk **ATTORNEY**, at the usual place of meeting of Council. Council may direct such lots to be drawn **PRIOR TO THE SECOND MEETING AT WHICH THE VACANCY COULD BE FILLED BY A MAJORITY VOTE.** during its session; otherwise they shall be drawn immediately upon the adjournment of the second session at which Council might have made such choice. Any person eligible to participate in any such lot shall personally draw his/her own lot if he/she be present; otherwise the City Clerk shall appoint another person to draw in behalf of the person who shall be absent. If any person eligible to participate in any such lot shall decline to do so, he/she shall be deemed to have drawn the lower or lowest order therein. Any person deemed to be chosen to be a member of Council pursuant to any such lot shall qualify as such member agreeably to the provisions of Section 13 of this Charter relating to the qualification of persons elected by the people to fill vacancies in Council.~~

SEC. 15. - COMPENSATION.

Each member of Council shall receive a salary payable at such times as may be prescribed by ordinance. ~~Until otherwise fixed by ordinance such salary shall be at the rate one hundred and twenty dollars (\$120) per year.~~ No ordinance ~~fixing or changing~~ **increasing** the salaries of members of Council shall be passed as an emergency measure, nor shall any increase ~~or decrease~~ made thereby be put into effect before the first day of January next occurring more than ninety days after the passage of such ordinance.

SEC. 16. - MEETINGS.

The first regular meeting of each regular term of Council shall convene at 7:00 p.m. on the second Monday following the November municipal election. Council shall meet at the usual place for holding meetings of the Council, and shall proceed to elect a Mayor and Vice Mayor as provided in [Section 42](#) of this Charter. Thereafter Council shall meet at such times as may be prescribed by rule of Council or by ordinance, not fewer than twelve times each year. The Mayor or any three members of Council may call special meetings of the Council upon at least twelve hours' ~~written~~ notice to each member of Council, ~~served personally upon each member or left at his/her usual place of residence.~~ Such notice shall state the subjects to be considered at such special meeting and no other subject shall be considered thereat. All meetings of Council or of committees thereof shall be public, except for executive sessions limited to such subjects and subject to such procedures as are now or hereafter provided by the general laws of Ohio.

SEC. 17. - RULES OF ORDER AND JOURNAL OF PROCEEDINGS.

Council shall determine its own rules and order of business and shall keep a journal of its proceedings, **in a form determined by Council**, which shall be open to public inspection at all reasonable times. The journal need only reflect the general subject matter of discussions in executive sessions and the opening and closing time of such sessions.

SEC. 21. - MUNICIPAL CODE AND SUPPLEMENTS.

Any ordinance enacting a complete municipal code or code of ordinances of the City of Delaware, which shall supersede or repeal all general ordinances prior thereto, and any ordinance enacting a complete revision or re-enactment thereof, shall be deemed to be confined to a single subject. All general ordinances enacted after the enactment of any such code or revision thereof shall be enacted as supplements to, amendments of, or as re-enactments or revisions of such code. The ordinance enacting such code and any ordinance enacting a complete revision or re-enactment thereof, shall **be made available to the public in a manner determined by Council.** ~~be published in book form, bearing a certificate of the Mayor and the City Clerk attesting the correctness of such publication, and no other publication thereof shall be required.~~

~~Council may from time to time cause to be published in book or pamphlet form supplements to such code, showing all supplementary, amended, revised, and repealed sections of such code as of the time of publishing such supplement; and such supplement shall bear the certificate of the Mayor and the City Clerk attesting its correctness. Such code, and any supplement, so published and certified, shall be received in evidence in any court for the purpose of proving the ordinance or ordinances therein contained or the supplements, amendments, revisions, or repeals therein shown, the same and for the same purposes as the original book, ordinances, minutes, or journals would be received.~~

SEC. 26. - PUBLICATION.

Every ordinance and resolution shall upon its final passage or adoption be recorded ~~in a book kept for that purpose, and shall be authenticated therein by the signatures of the Mayor and the City Clerk.~~ Penal and regulatory ordinances, other than those published in the Ohio Revised Code or supplements thereto, shall be published by title with such further statement as may be necessary to indicate the nature of their provisions and penalties if any, and with their respective numbers and dates. Publication shall be made by advertisement in a newspaper of general circulation in the City of Delaware **or by posting on the City of Delaware website,** and ~~shall state that copies of such ordinances are available in the office of the City Manager.~~

SEC. 45. - SALARY OF MAYOR.

For his/her services as Mayor the Mayor shall receive **additional compensation to be set by ordinance**, ~~in addition to his/her salary as a member of the Council, a salary at the rate of one hundred and twenty dollars (\$120) per year,~~ which may be changed agreeably to the provisions of Section 15 of this Charter governing the change of salaries of members of Council.

SEC. 46. - CITY MANAGER; QUALIFICATIONS, ABSENCE OR DISABILITY.

Council shall appoint a City Manager who shall be the chief executive and administrative officer of the City. The appointee shall be chosen by Council solely on the basis of executive and administrative qualifications and with special reference to actual experience in, or knowledge of the best practices in respect of the duties of the office as set forth in this Charter. The City Manager need not when appointed be a resident of the City of Delaware or of the State of Ohio, but shall reside in the City while performing the duties of the office. ~~No person who is a candidate for election to Council at any election shall be appointed City Manager sooner than the first day of the fourth December after such election, and No person who serves as a member of Council during any term, shall be appointed City Manager until at least one year after the expiration of such term.~~ Council shall designate or provide by ordinance for the designation of some qualified officer in the administrative service of the City who shall perform the duties of the City Manager during absence or disability, or during temporary vacancies in the office of City Manager.

SEC. 47. - TERM, SUSPENSION AND REMOVAL OF CITY MANAGER.

The City Manager shall be appointed for an indefinite term, and shall be removable by Council at its pleasure, at least four members concurring therein. Council may at any time suspend the City Manager from the exercise of the duties and powers of his/her office, for not longer than forty days. Any action of Council to remove the City Manager shall be effective at such time as Council shall determine, except that if the City Manager demands a public hearing thereon, the City Manager shall continue in office but under suspension from the exercise of the powers and duties of his/her office until the completion of such hearing, which shall be begun and diligently proceeded with **between seven and thirty five days, as set by Council,** ~~at a time to be appointed by Council, not later than thirty five days thereafter, nor sooner than seven days thereafter~~ unless the City Manager consents to an earlier day. At such hearing Council shall hear the testimony of the City Manager and of witnesses in his/her behalf and adverse to him/her, and shall receive writings and exhibits in evidence supporting or contradicting the grounds which may be alleged for his/her removal, and the City Manager may have process to compel the attendance and testimony of witnesses and the production of books, papers, records, accounts, and exhibits in his/her behalf. The action of Council in removing the City Manager shall be final, it being the intent of this Charter to vest all authority and fix all responsibility for such removal in Council. ~~If Council removes the City Manager it shall immediately enter upon its journal a statement of its reasons for such removal, and If the City Manager submits a written statement in response within two weeks of his/her removal within two weeks after his/her removal,~~ **the statement shall be included with the records relating to the removal.** ~~shall submit a statement in reply to the statement of Council his/her statement also shall be entered upon the journal of Council.~~

SEC. 50. - APPOINTMENT, SUSPENSION AND REMOVAL OF SUBORDINATES OF CITY MANAGER.

The City Manager shall be responsible to Council for the proper execution and administration of all affairs of the City appertaining to him/her as chief executive and administrative officer, and to that end, subject to the civil service provisions of this Charter, he/she shall have power to appoint, suspend, and remove all officers and employees in the service of the City, for whose appointment this Charter makes no other provision. ~~But~~ The City Manager may authorize the head of a department or office responsible to him/her to appoint, suspend, and remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be made on the basis of executive ability and on the training, experience, and fitness of such appointees in the work which they are to perform.

ARTICLE XI. ~~DEPARTMENT OF PUBLIC WORKS~~

SEC. 66. - ~~ESTABLISHMENT; APPOINTMENT OF DIRECTOR.~~ **ADMINISTRATION OF PUBLIC WORKS**

~~There is hereby established a Department of Public Works, the principal officer in which shall be a Director of Public Works who shall be appointed by the City Manager.~~ **Council shall provide for the administration of the public works. Such public works shall be administered by such department, division, bureau, or office under the City Manager as shall be determined by or pursuant to ordinance.**

SEC. 67. ~~DUTIES OF DIRECTOR OF PUBLIC WORKS.~~

~~The Director of Public Works, under the supervision of the City Manager, shall have charge of the administration of the public works of the City and of such other functions as shall be assigned to the Department of Public Works by or pursuant to ordinance.~~

SEC. 70. - DESIGNATION AND DUTIES GENERALLY OF PURCHASING AGENT.

The City Manager or one of his/her subordinates designated by the City Manager shall act as City Purchasing Agent. ~~and as such shall~~ **Any** purchase or contract for all supplies, materials, and equipment for the City **shall be** in accordance with **policies and** regulations made by the City Manager or by ordinance or both, and who shall, in accordance with such regulations, sell all property, real and personal, of the City not needed for public use, or which may have become unsuitable for public use, or which may have been condemned as useless under such regulations. ~~He/she shall have charge of all general storerooms and warehouses of the City, and shall maintain an inventory and appraisal of all items carried therein.~~ All advertising of purchases, sales, and contracts shall be ~~done~~ **approved** by the Purchasing Agent, and all bids shall be received and opened by him/her **or his/her designee**.

SEC. 71. - PURCHASING REGULATIONS.

Before making any purchase or sale or contract therefor the City Purchasing Agent shall give opportunity for competition under such **policies and** regulations as may be made by the City Manager or by ordinance. ~~Supplies required by any department or office may be furnished upon requisition from the stores under the control of the Purchasing Agent, and whenever so furnished shall be paid for by the department or office furnished therewith by warrant or transfer to the credit of the store's account or fund. The Purchasing Agent shall not furnish any supplies to any department or office unless the same be so paid for by such department or office from its unencumbered appropriations.~~

SEC. 74. - MANNER OF AWARDING CONTRACTS; EXECUTION.

The City Manager shall award every contract as to which competitive bidding is required or obtained to the **bidder with the lowest and best bid** ~~lowest responsible and responsive bidder therefor~~, except that contracts pertaining to investigations or audits made by or under the direction of Council shall be awarded by Council. The City Manager shall execute all contracts and agreements to which the City shall be a party, except that the City Purchasing Agent may be authorized to execute contracts and agreements for the purchase of supplies, materials, and equipment or any of the same, by ordinance or by written order of the City Manager, and except that bonds and notes of the City shall be executed as may be provided by general law. **The City has authority to use alternative construction project delivery methods, including but not limited to design-build, construction manager at risk, or single prime contractor.**

SEC. 75. - AUTHORITY TO MAKE CONTRACTS AND AGREEMENTS.

The annual appropriation ordinance and supplements thereto shall be sufficient authority for the City Manager to enter into any contract or agreement the consideration of which is to be paid from monies appropriated therein. No other contract or agreement shall be entered into unless the ordinance appropriating money to be paid thereunder shall authorize such contract, or unless such contract shall be authorized by a separate ordinance. ~~But~~ Council shall have no power by ordinance or otherwise to direct or require the City Manager to award any contract to any particular person, firm, or corporation as a condition of authorizing such contract, or otherwise. ~~But~~ Every contract to which the parties are the City of Delaware and any other governmental subdivision or subdivisions of the State of Ohio shall be specifically authorized by ordinance, except routine contracts for the services or products of public utilities, and final grant agreements once the grants have been approved by Council.

SEC. 76. - BUDGET MESSAGE AND ORDINANCE; FORM AND CONTENT OF BUDGET.

On or before November 15 of each year the City Manager shall lay before Council a comprehensive annual appropriation budget and budget message for the ensuing year. One section of the annual appropriation budget shall correspond in form to the requirements of general law as to annual appropriation ordinances. Another section or sections shall present data for the two preceding fiscal years and estimates for the current fiscal year and the ensuing fiscal year, exhibiting and analyzing revenues and estimates thereof by amounts and by sources; expenditures by object, operating unit, and otherwise, as the City Manager shall determine or as Council shall require. So far as it may be practicable to do so the annual appropriation budget shall state, for the same respective years, what services have been rendered and are proposed to be rendered, in comparable units or quantities, and shall if practicable state the costs or proposed costs thereof for each such service during each such year, both in total and in unit costs. It is the intent thereof that the annual appropriation budget and message shall set forth, clearly and in readily intelligible form, language, figures, and exhibits, a concrete financial and operating plan for the City during the ensuing year, together with data facilitating comparisons with like data of the performances of preceding years, indicating and explaining contemplated ~~increases~~ or ~~decreases~~ in either services or expenditures and the means of defraying them. With such annual appropriation budget and message the City Manager shall present a draft of an annual appropriation ordinance, which shall be deemed to be regularly introduced into Council.

SEC. 77. - HEARINGS; COPIES OF BUDGET.

Upon receipt of the City Manager's annual appropriation budget and message Council shall cause the same to be referred to an appropriate committee for consideration and for the holding of not fewer than two public hearings thereon by such committee or by Council, at which hearings reasonable opportunity shall be afforded to interested citizens to present their views. ~~A sufficient number of copies of such annual appropriation budget and message shall be provided~~ **The annual appropriation budget shall be made available, on the City's website, electronically, or via another method determined by Ordinance**, to enable such citizens to inform themselves as to the contents thereof, before such hearings.

SEC. 83. - ESTABLISHMENT; APPOINTMENT OF DIRECTOR.

There is hereby established a Department of Finance, the principal officer in which shall be the Director of Finance. ~~Effective January 1, 1985, the~~ **The** Director of Finance shall be appointed by the City Manager and shall report thereafter to the City Manager.

SEC. 84. - ~~VACANCY.~~ **FINANCE DIRECTOR PROHIBITED FROM HOLDING OTHER POSITION**

Except as otherwise provided in the Charter, if the Director of Finance shall accept appointment by the City Manager to any office other than that of Director of Finance he/she shall thereupon be deemed to have vacated the office of Director of Finance.

SEC. 85. - ACTING DIRECTOR OF FINANCE.

The City Manager shall designate an officer or employee in the Department of Finance or some suitable person who, during the absence or disability of, or during a vacancy in the office of the Director of Finance, shall on a temporary basis exercise the powers and discharge the duties of the Director of Finance, under the title of Acting Director of Finance.

SEC. 86. - ~~DUTIES GENERALLY~~ **DUTIES OF DIRECTOR OF FINANCE.**

The Director of Finance under the supervision of the City Manager shall be the fiscal officer and chief accounting officer of the City. He/she shall discharge all the duties and exercise all the powers vested in him/her by or pursuant to this Charter, and those which shall be vested in City auditors by general law. Except as is otherwise provided by or pursuant to this Charter, he/she shall have charge of the keeping and supervision of its accounts, the receipt or collection of all taxes, assessments, fees, and other revenues of the City; the prevention of expenditures not authorized under law and ordinance; and such other duties of financial nature as may be required of him/her under this Charter. He/she shall discharge all the duties and exercise all the powers of officers of the City in connection with the payment of the principal of and interest on bonds and notes of the City, and with the administration of the Bond Retirement Fund.

SEC. 89. - MONTHLY FINANCIAL STATEMENT; OTHER REPORTS.

Each month, the Director of Finance shall prepare for submission to the City Manager and Council, ~~not later than the tenth day of each month~~, a summary statement of revenues and expenses for the preceding month, by appropriations and funds, so as to show the exact financial condition of the City and of each department and office thereof as of the last day of the next preceding month. He/she shall prepare and submit to Council and to the City Manager a complete report of the finances and financial operations of the City for each fiscal year immediately after the end thereof. Such report shall be in such form and detail as the Director of Finance shall determine, or as may be prescribed by ordinance. Whenever Council or the City Manager shall so require, the Director of Finance shall forthwith prepare and furnish to the authority so requiring it a report of any information concerning the finances of the City, or of any office, department, division, bureau, commission, officer, or employee thereof, for such period of time, and in such form and detail, as the authority requiring such report shall prescribe. Upon request, the Director of Finance shall permit inspection of all public records in his/her custody which are not otherwise prohibited from being disclosed by general law.

SEC. 90. – SPECIAL AUDITS; ACTION ON RESULT OF SUCH AUDITS.

~~Upon the death, resignation, removal, or expiration of the term of any officer of the City~~ **REQUEST BY CITY COUNCIL**, the Director of Finance **OR OTHER DESIGNATED INDIVIDUAL** shall ~~cause an audit and investigation of the accounts of such ANY officer~~ **OR DEPARTMENT** to be made and shall report the results thereof to the City Manager and to Council. ~~Either Council or the City Manager may at any time provide for an examination or audit of the accounts of any officer or department of the City, and for that purpose may appoint or employ competent persons not regularly in the employ of the City. In case of the death, resignation, or removal of the Director of Finance, the City Manager shall cause an audit to be made of his/her accounts.~~ If, as a result of any such audit or examination, any officer or employee **DEPARTMENT** be found indebted to the City, the Director of Finance, or other person making such audit or investigation **DESIGNATED INDIVIDUAL**, shall immediately give notice thereof to Council, the City Manager, and the City Attorney, and the City Attorney shall forthwith proceed to collect such indebtedness.

SEC. 92. - SAFEKEEPING OF SECURITIES.

All securities owned by the City or held by it in trust or on deposit, and all instruments of title, and all instruments in writing indemnifying the City against loss or liability, shall be recorded by the Director of Finance, and shall be kept in some safe deposit vault or vaults at all times when it is not necessary to remove them in connection with the business of the City.

~~SEC. 95. – RECORDATION OF BONDS AND NOTES.~~

~~No bond or note of the City hereafter issued shall be valid in the hands of any purchaser unless and until it shall have been recorded in the office of the Director of Finance, and unless and until the fact of such recording be endorsed thereon over the signature of the Director of Finance.~~

SEC. 101. - CIVIL SERVICE COMMISSION.

There shall be a Civil Service Commission consisting of three members, **being electors of the City of Delaware**. The Civil Service Commission shall be deemed to be established agreeably to the provisions of this Charter. ~~After the thirty first day of December 1953, a~~ Appointments of members of the Civil Service Commission of Delaware shall be made by the Mayor, subject to confirmation by Council.

The Civil Service Commission shall establish rules and regulations for the determination of merit and fitness for the appointment and promotion of employees in the classified service. Except for Chief of Police and Chief of Fire, vacancies in positions above the rank of patrol in the Police Department and firefighter in the Fire Department shall be filled by promotion from among the persons holding positions in a rank lower than the position to be filled. The Civil Service Commission shall also establish rules and regulations governing appeal rights and procedures for employees in the classified service. These rules and regulations shall be submitted to Council for approval by ordinance and may modify, supplement or supersede the general laws of the State of Ohio, and in the case of conflict shall prevail over the laws of the State of Ohio.

SEC. 102. - CITY PLANNING COMMISSION GENERALLY.

There shall be a City Planning Commission composed of seven members, consisting of one member from each of the four wards and three members at-large. One member shall be a City Councilperson and six being electors of the City of Delaware who hold no elective office. All members shall be chosen by the Mayor and confirmed by Council.

SEC. 104. - PROCEDURE IN CITY PLAN LEGISLATION GENERALLY.

When Council refers any measure to the City Planning Commission under the provisions of Sections 103, 105, 106, 107, or 108 of this Charter, the City Planning Commission shall within twenty-five days (unless Council shall extend such period) consider the same and report to Council whether such measure or plat conforms to the City Plan or to the zoning plan or to the platting rules or regulations, as the case may be, and whether the Commission approves or disapproves the same, the reasons for its approval or disapproval, and if it disapproves, any recommendation it may have for the modification of the measure so that it may be approved. If the Commission approves such measure, either in its original form or as modified, the affirmative votes of four members of Council shall suffice for its passage or adoption. If the Commission disapproves, the affirmative votes of five members of Council shall be required for its passage or adoption notwithstanding such disapproval.

SEC. 107. - PLATTING GENERALLY.

The City Planning Commission shall be the platting commission of the City. It shall prepare and recommend to Council rules and regulations governing the subdivision and platting of land within the City and adjacent to the City within such distance as may be provided by general law, and prescribing requirements for the provision, location, width, and improvement of streets and other ways and other public grounds, or the security to be given to assure that such improvements as may be required will be made, as conditions for the approval of such plats and subdivisions, or the acceptance of such streets, ways, or grounds. Such rules and regulations, and amendments thereto or revisions thereof, shall be passed as ordinances by Council. Any ordinance on any such subject, not previously approved by the City Planning Commission, shall be referred to the City Planning Commission, and subsequent actions thereon shall be subject to the provisions of Section 104 of this Charter.

~~SEC. 109. - PLANNING COMMISSION ASSISTANTS AND EMPLOYEES.~~

~~The City Planning Commission shall appoint its own secretary and other employees; with the consent of the City Manager it may appoint in its service, for part time or irregular time, employees in that part of the City service for which the City Manager is responsible. Upon the request of the City Planning Commission the City Manager may assign officers or employees under his/her supervision to the temporary service of the City Planning Commission, or may cause such officers or employees to prepare studies, reports, data, maps, or plans in compliance with the request of the City Planning Commission. The City Planning Commission may employ or contract with experts and consultants who need not be in the classified service of the City.~~

SEC. 110. - ADDITIONAL POWERS AND FUNCTIONS OF PLANNING COMMISSION.

Council may by ordinance confer upon the City Planning Commission such other powers and functions as appertain by nature or general law to planning authorities, and as do not appertain under this Charter to City Council or the City Manager. ~~Council may direct through the City Manager that the City Planning Commission carry out specific planning tasks as prescribed by Article 21 of this Charter.~~

SEC. 113. - WARDS.

The City of Delaware shall be divided into four wards for the purpose of electing four members of Council. The wards existing at the time of the adoption of this Charter shall be deemed to be the wards contemplated in this Charter, until and unless the City shall be redivided into wards agreeably to general law and this Charter. It shall be lawful for Council at any time to redivide the City into four wards in compliance with general law. **But the number of wards shall not be increased or decreased except through the charter change process.** ~~never be reduced below four, or increased above four, notwithstanding any provisions to the contrary in any law other than this Charter.~~ Nor shall the City ever be divided into wards by any officer or authority other than Council, or otherwise than by ordinance.

SEC. 114. - NOMINATING PETITIONS FOR COUNCIL CANDIDATES.

Candidates for election as members of Council shall be nominated only by non-partisan petition. Each petition paper shall present the name of not more than one person as a candidate, together with a

statement of the address at which the candidate resides, a statement that the candidate is an elector of the City of Delaware, and a statement over the candidate's signature accepting the nomination. If the petition be one nominating a candidate for election from a ward it shall include a statement that the person is a resident of such ward, **as defined by Section 7 of this Charter**, and is nominated as a candidate from such ward. No signature on any nominating petition shall be counted unless it be made in ink, nor unless such signature shall have been made after the 1st day of January, next preceding the election, nor unless there shall appear on the same line with it a statement of the subscriber's address with street and number, and the date on which the subscriber shall have signed. Any number of petition papers may be combined to form a petition for any one candidate, and such petition shall be filed with the County Board of Elections not later than the date prescribed by the general laws of Ohio, but no petition bearing more than fifty nor less than twenty-five signatures shall be received. If any signature appears on more than one petition nominating candidates for election from a ward, or on more than three petitions nominating candidates for election from the City at large, it shall be counted only on the one or on the three petitions respectively which shall be first filed.

SEC. 118. - DETERMINATION OF SUCCESSFUL CANDIDATES.

In 2019, and every fourth year thereafter, that candidate in each ward who shall have received the greatest number of votes cast therein for member of Council from such ward shall be elected as member of Council from such ward. In ~~1953~~ **2017** and every fourth year thereafter the three candidates for member of Council at large who shall have received the three greatest numbers of votes respectively shall be deemed to be elected. In other years candidates for election as members of Council at large who shall have received the greatest numbers of votes respectively, to the number of the vacancies to be filled at any such election in the Council at large, shall be deemed to be elected. If it be impossible to determine which candidates for election from any ward, or which three (or other requisite number) candidates for election from the City at large shall have received the greatest numbers of votes respectively by reason that two or more candidates shall have received the same number of votes, such candidates having such same numbers of votes shall draw lots to determine the election, under the supervision of the election authorities. Any candidate eligible to participate in any such lot shall personally draw his/her own lot if he/she be present; otherwise the election authorities shall appoint another person to draw in behalf of the person who shall be absent. If any person eligible to participate in any such lot shall decline to do so, he/she shall be deemed to have drawn the lower or lowest order therein. But no candidate shall be deemed to have waived any right under general law or under this Charter to require a recount of ballots, or to contest an election, by reason of any such drawing of lots.

SEC. 119. - COMPENSATION OF OFFICERS AND EMPLOYEES.

The salaries or compensation of the City Clerk and his/her assistants, **and** of the City Manager, ~~of the directors or heads of departments or offices established by this Charter and of departments or offices established by ordinance~~, shall be fixed by ordinance. Salaries or compensation of all other officers or employees appointed by or under the authority of the City Manager shall be fixed by ordinance, or by the City Manager within limits established by ordinance, which ordinances shall fix schedules of minimum and maximum salaries or compensation for each class or grade within the City service. Such schedules shall provide uniform compensation for like service, and in fixing individual salaries the City Manager shall take into consideration the length of service and the efficiency of the employee. Salaries or compensation of the Civil Service Commission, and of the City Planning Commission, shall be fixed by ordinance.

SEC. 126. - AUTHENTICATION OF CHARTER.

~~This Charter shall be executed in quadruplicate and all four original copies deposited with the Clerk of Council until after the November 1951 general election. If said Charter is adopted by the electors at such election, one copy of the original Charter and any amendments thereto shall be kept among the municipal records in the custody of the finance officer of the City of Delaware, one shall be kept by the City Manager with his/her official records, one shall be kept by the Clerk of Council with his/her official records, and one shall be filed and deposited at some off-site location to be selected by the City Manager. Each of said four executed copies of such Charter shall be deemed to be the correct and authentic text~~

thereof, and no error or variance therefrom in any other copies shall be deemed to alter the meaning or to derogate from the force and effect of this Charter. **The City shall maintain an official copy of the Charter and any amendments. The official copy may be maintained electronically.** Copies thereof certified to be such over the signature of the Clerk of Council and impressed with the seal of the City of Delaware shall be accepted as prima-facie evidence of the official text of said Charter in all courts and in all instances where copies may be required by law.



FACT SHEET

AGENDA ITEM NO: 10

DATE: 6/27/16

ORDINANCE NO: 16-46

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: **YES**
June 27, 2016 8:00 p.m.
July 11, 2016 8:00 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: --

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE TO AMEND SECTIONS 192.012, 192.013, 192.014 AND 192.02 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY FIFTEEN ONE-HUNDREDTHS PERCENT (0.15%) FROM THE CURRENT RATE OF ONE AND EIGHTY-FIVE ONE-HUNDREDTHS PERCENT (1.85%) TO A RATE OF TWO PERCENT (2%), BEGINNING JANUARY 1, 2017, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND MAINTAINING THE TRANSPORTATION SYSTEM IN THE CITY.

BACKGROUND:

Managing local traffic is a major concern for residents. According to the 2015 Community Attitudes Survey, half are dissatisfied with the amount of congestion, and one in four is dissatisfied with the condition of Delaware streets. Moving Delaware Forward is City Council's vision to take care of the basics and allow our transportation system to keep pace with a growing city. "Moving Delaware Forward is critical to maintaining Delaware's streets and making them less congested, and ensuring our city remains attractive to new businesses and residents.

UPDATE:

Pursuant to Council comments at the last meeting, staff has added a 'whereas' clause explaining that, while sidewalks are included as a possible use of levy funds, the existing safe walks program is not being changed. In addition, the allocation clause has been revised slightly to clarify what the funds may be used for. This clause then forms the basis for the ballot language Council will consider after it votes on the ordinance.

REASON WHY LEGISLATION IS NEEDED:

Pursuant to Ohio Revised Code Section 718.04, in order for the City to increase the income tax rate to 2%, the electors of the City must approve of the tax by a vote. This legislation, if passed by Council, would be sent to the Board of Elections, along with a Resolution requesting the issue be placed on the November ballot and requested ballot language.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

This levy is anticipated to generate \$2.2 million annually for transportation improvements.

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager

RECOMMENDATION:

ATTACHMENT(S)

ORDINANCE NO. 16-46

AN ORDINANCE TO AMEND SECTIONS 192.012, 192.013, 192.014 AND 192.02 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY FIFTEEN ONE-HUNDREDTHS PERCENT (0.15%) FROM THE CURRENT RATE OF ONE AND EIGHTY-FIVE ONE-HUNDREDTHS PERCENT (1.85%) TO A RATE OF TWO PERCENT (2%), BEGINNING JANUARY 1, 2017, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND MAINTAINING THE TRANSPORTATION SYSTEM IN THE CITY.

WHEREAS, the City continues to grow through residential, commercial and business expansion activity in all areas of the community placing an increasing burden on the existing transportation infrastructure to support the management of daily traffic movements in an effective and efficient manner; and

WHEREAS, the level of traffic and street maintenance operations necessary to adequately maintain the existing transportation network including pavement resurfacing, signage, striping, crash barrier, traffic signals, roadway lighting and all related appurtenances, continues to increase as the amount of infrastructure expands and ages; and

WHEREAS, increasing traffic volumes have exceeded capacity of many of the existing main arterial routes throughout the community necessitating the construction of additional roadway connections to expand the network available for traffic trips, and ease traffic congestion and loading on existing streets; and

WHEREAS, substantial analysis regarding the anticipated cost to maintain and repair highway infrastructure has been developed, reviewed and presented to the public over the past several years, demonstrating the need to increase available revenues dedicated to maintenance of the city's roadway network; and

WHEREAS, the City has developed and adopted a Thoroughfare and Transportation Plan that identifies over fifty priority transportation improvement projects including intersection improvements, existing street reconstruction, and new network connections, all requiring funding above that which is available for such initiatives; and

WHEREAS, without additional funding directed toward the transportation system, congestion and delay on city streets will increase,

impacting daily commuting, commerce and freight transport throughout the community, while the condition of local residential streets will continue to deteriorate affecting ride, safety and neighborhood housing value; and

WHEREAS, maintaining a high quality transportation system is critical to the economic health and welfare of a community in support of its residents, businesses and industry; and

WHEREAS, City Council has actively supported an organized effort presenting the needs of the city's transportation network to the general public through the "Moving Delaware Forward" initiative in order to gauge public response and acceptance of the need to increase revenues available for transportation initiatives; and

WHEREAS, City Council has considered a permanent increase in the local city income tax rate of 0.15% to address transportation needs, raising the total income tax burden from 1.85% to 2.00%; and

WHEREAS, the City shall continue to use existing gasoline tax revenue, license fee revenue, and the currently allocated portion of the general fund 1% income tax revenue to maintain and improve the transportation and parking system, in addition to the funds collected from the Road Improvement Income Tax; and

WHEREAS, a 0.15% increase in income tax in the local city income tax would raise an estimated \$2.1 million per year to be dedicated toward transportation maintenance and expansion projects; and.

WHEREAS, while the City's existing Safe Walks program, in which residents bear responsibility for maintaining existing sidewalks, remains unchanged the increase will allow the City to add or replace sidewalks, signage, lighting, and signalization when it constructs new roads or widens existing roads

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, Delaware County, Ohio, that:

Section 1. Section 192.012 of the Codified Ordinances of the City of Delaware, Ohio, is hereby amended to read as follows:

192.012 PURPOSES OF TAX

To provide funds for the purposes of paying the costs of providing general Municipal services, including but not limited to providing fire protection, suppression and emergency medical services, recreation facilities, improving and maintaining the transportation and parking system, and capital

improvements related thereto, and the payment of securities issued therefor, there shall be levied a tax on the City taxable income, as hereinafter defined of all businesses, professions or other activities conducted by the residents of the City; on the City taxable income of all businesses, professions or other activities conducted in the City by nonresidents and on the City taxable income of all corporations doing business in the City; and further, requiring the filing of returns and the furnishing of information by employers and all those subject to such tax; and further, imposing on employers the duty of collecting the tax at the source and paying the same to the City; and further, providing for the administration, collection and enforcement of such tax; and further, declaring violation thereof to be a misdemeanor and imposing penalties therefor as hereinafter set forth under this chapter; and further, permitting the adjustment for municipal income taxes paid by individual taxpayers to other municipalities.

Section 2. Section 192.013 of the Codified Ordinances of the City of Delaware, Ohio, is hereby amended to read as follows:

192.013 IMPOSITION OF TAX

192.013 - Imposition of tax.

- (a) Subject to the provisions of Section 192.081, an annual tax for the purposes specified in Section 192.012, shall be imposed on or after January 1, 2017 at the rate of two percent (2.00%) per annum for the period beginning January 1, 2017, and ending on December 31 in the calendar year in which all securities issued for the purpose set forth in Section 192.014(b) are retired, and thereafter at the rate of one and eighty five hundredths of a percent (1.85%), upon the following:
- (1) Resident individuals. On Delaware taxable income of residents during the effective period of this chapter.
 - (2) Nonresident individuals. On Delaware taxable income of nonresidents for work done or services performed in the City, during the effective period of this chapter.
 - (3) Resident business. On Delaware taxable income attributable to the City during the effective period of this chapter of all resident corporations, associations, unincorporated businesses, professions or other entities, as derived from the sales made, work done or services performed or rendered, or business or other activities conducted in the City.
 - (4) Nonresident business.
 - A. On Delaware taxable income attributable to the City during the effective period of this chapter, of all nonresident corporations, associations, unincorporated businesses, professions or other entities, as derived from sales made, work done or services performed or rendered or business or other activities conducted in

the City, whether or not such association or unincorporated entity has an office or has a place of business in the City.

- B. On a resident partner's or owner's share of Delaware taxable income derived during the effective period of this chapter, of a nonresident association or other unincorporated entity not attributable to the City and not levied against such association or other unincorporated entity.

Section 3. Section 192.014 of the Codified Ordinances of the City of Delaware, Ohio is hereby amended to read as follows:

192.014. Allocation of funds.

The funds collected under the provisions of this chapter shall be allocated in such manner as provided by ordinances adopted by Council, with the following exceptions:

- (a) An amount equal to seven-tenths of one percent (0.7%) shall be paid into the Fire/EMS Income Tax Fund and such proceeds shall be used solely for fire protection, suppression and emergency medical services.
- (b) An amount equal to fifteen one-hundredths of one percent (0.15%) shall be allocated solely for the purpose of paying the costs of improving the municipal recreation facilities, including construction of a recreation center to provide fitness, track, swimming, and indoor and outdoor multi-purpose facilities, and athletic fields, and the construction, renovation and improvement of other municipal recreation facilities, including the provision of furnishing and equipment for the center and all of such other facilities, and acquiring related interests in real property and otherwise improving the same, together with all necessary appurtenances thereto and paying the debt service charges and related costs of securities issued to pay the costs of the center and such other facilities, and shall be placed in a special fund or funds and used only for that purpose, all until December 31 in the calendar year in which all securities issued for the purpose set forth in this Section 192.14(b) are retired.
- (c) An amount equal to fifteen one-hundredths of one percent (.15%) shall be allocated for the purpose of paying the costs of improving and maintaining the transportation system by constructing, extending and improving roads, highways, streets, bridges, sidewalks, bikeways and parking facilities, including related utilities, lighting and signalization, acquiring real estate and related interests therefor, together with all other necessary appurtenances thereto, and paying the debt service charges and related costs of securities issued to pay the costs of those projects

Section 4. Section 192.02 of the Codified Ordinances of the City of Delaware, Ohio, is hereby amended to read as follows:

192.02. Effective Date.

(A) Ordinance 2015-112, effective January 1, 2016, and corresponding changes to ORC 718, apply to municipal tax years beginning on or after January 1, 2016. All provisions of this Chapter 192 apply to taxable years beginning 2016 and succeeding taxable years.

(B) The tax rate established in Ordinance 2016-XX, effective January 1, 2017, applies to municipal tax years beginning on or after January 1, 2017.

(C) Ordinance 2015-112 does not repeal the existing sections of Chapter 191 or 192 for any taxable year prior to 2016, but rather amends Chapter 191 effective January 1, 2016. For municipal years beginning before January 1, 2016, the Municipality shall continue to administer, audit, and enforce the income tax of the Municipality under ORC 718 and ordinances and resolutions of the Municipality as that chapter and those ordinances and resolutions existed before January 1, 2016.

(D) Ordinance 2016-XX does not repeal the existing sections of Chapter 192 for any taxable year prior to 2017, but rather amends Chapter 192 effective January 1, 2017.

Section 5. Effective January 1, 2017, Sections 192.012, 192.013, 192.014 and 192.02 of the Codified Ordinances of the City of Delaware, Ohio, as they have heretofore existed, are hereby repealed and Sections 192.012, 192.013, 192.014 and 192.02 as set forth herein shall become effective. Provided, however, that no provision of this Ordinance, including the repeal of Sections 192.012, 192.013, 192.014 and 192.02 of the Codified Ordinances of the City of Delaware, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one point eight five (1.85%) percent municipal income tax authorized by predecessor Sections 192.012, 192.013, 192.014 and 192.02.

Section 6. The tax ordinance requirements set forth in Ohio Revised Code Section 718.04(A)(1), (2), and (4) are addressed by existing codified ordinance sections 192.011 and 192.08 which remain unchanged and are incorporated by reference herein.

Section 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with the law.

Section 8. This Ordinance shall become effective January 1, 2017 provided that a majority of votes cast by electors of the City of Delaware in the November election are in favor of the proposed tax.

VOTE ON RULE SUSPENSION: YEAS _____ NAYS _____
ABSTAIN _____

PASSED: _____, 2016 YEAS _____ NAYS _____
ABSTAIN _____

ATTEST: _____
CITY CLERK MAYOR

RESOLUTION NO. 16-

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE ORDINANCE PASSED TO AMEND SECTIONS 192.013, 192.014 AND 192.02 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX BY POINT ONE FIVE PERCENT (.15%) FROM THE CURRENT RATE OF ONE POINT EIGHT FIVE PERCENT (1.85%) TO A RATE OF TWO PERCENT (2%), BEGINNING JANUARY 1, 2017 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND MAINTAINING THE TRANSPORTATION SYSTEM IN THE CITY, BE PASSED WHICH ORDINANCE IS INCLUDED AS AN ATTACHMENT TO THIS RESOLUTION.

WHEREAS, on [DATE] City Council passed Ordinance ____, attached hereto, to increase the City Income Tax rate to 2.00%, which must be approved by the electors of the City of Delaware; and

WHEREAS, per section 718.04(C)(2) of the Ohio Revised Code, no City may levy a tax in excess of one percent without having obtained the approval of a majority of the electors of the city voting on the question at an election.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, Delaware County, Ohio, that:

Section 1. This Council hereby authorizes and directs the submission to the electors of the City of Delaware, Ohio at the election to be held at the usual places of voting in said City on November 8, 2016 between the hours of 6:30 a.m. to 7:30 p.m. of said day, of the question of approving the passage of an ordinance to amend Sections 192.012, 192.013, 192.014 and 192.02 of the Codified Ordinances of the City of Delaware, Ohio to increase the City income tax rate by fifteen one-hundredths percent (0.15%) from the current rate of one and eighty-five one-hundredths percent (1.85%) to a rate of two percent (2.0%), , beginning on January 1, 2017.

Section 2. It is the desire of this Council that the ballots presented to the electors of the City of Delaware shall be substantially in the following form:

A majority affirmative vote is necessary for passage.

Shall Ordinance No. 16- of the Delaware City Council providing for an increase in the City income tax by fifteen one-hundredths percent (0.15%) from the current rate of one and eighty-five one-hundredths percent (1.85%) to a rate of two percent (2.0%), beginning January 1, 2017, for the purpose of paying the costs of improving and maintaining the transportation system in the City by constructing, extending and improving roads, highways, streets, bridges, sidewalks, bikeways and parking facilities, including related utilities, lighting and signalization, acquiring real estate and related interests therefor, together with all other necessary appurtenances thereto, and paying the debt service charges and related costs of securities issued to pay the costs of those projects , be passed?

FOR THE INCOME TAX	
AGAINST THE INCOME TAX	

Section 4. The Clerk of this Council shall file a copy of this Resolution and attached ordinance with the Board of Elections in Delaware County, Ohio no later than 4:00 p.m. on July 12, 2016.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.



FACT SHEET

AGENDA ITEM NO: 11

DATE: 6/27/16

ORDINANCE NO: 16-49

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: R. Thomas Homan, City Manager
Jackie Walker, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PAYMENT OF CONTRACTED RECREATION SERVICES TO THE YMCA.

BACKGROUND:

The fourth quarter payment from 2015 was carried over to 2016 for payment in January and due to the purchase order not being issued for the correct amount initially the carryover purchase order from 2015 to 2016 was \$12,075 less than the contracted amount,

REASON WHY LEGISLATION IS NEEDED:

A supplemental appropriation is necessary to compensate the YMCA the proper amount due under the current contract

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

\$12,075 be appropriated from the Parks and Recreation Fund to the Recreation Services – YMCA account

POLICY CHANGES:

N/A

PRESENTER(S):

R. Thomas Homan, City Manager
Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-49

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR PAYMENT OF CONTRACTED RECREATION SERVICES TO THE YMCA.

WHEREAS, the City of Delaware entered into a Recreation Services Management agreement with the YMCA to provide recreation service on behalf of the City starting in 2012, and

WHEREAS, the contracted annual rate was increased from \$187,000 per year to \$199,075 per year for calendar year 2015, and

WHEREAS, a purchase order was issued in 2015 for the previous contract amount of \$187,000 as opposed to the new rate of \$199,075, and

WHEREAS, the fourth quarter payment from 2015 was carried over to 2016 for payment in January and due to the purchase order not being issued for the correct amount initially the carryover purchase order from 2015 to 2016 was \$12,075 less than the contracted amount, and

WHEREAS, a supplemental appropriation is necessary to compensate the YMCA the proper amount due under the current contract.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Parks and Recreation Fund \$12,075 increasing the following account:

Recreation Services – YMCA (210-2120-5230) \$12,075

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016 YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK MAYOR



FACT SHEET

AGENDA ITEM NO: 12

DATE: 6/27/16

ORDINANCE NO: 16-50

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, Public Works Director/City Engineer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR THE PURCHASE OF EQUIPMENT FOR THE SOLID WASTE RECYCLING OPERATION.

BACKGROUND:

The city has been in the process of planning for the relocation of the solid waste recycling operation from its current location on Cherry Street to a new facility to be constructed at the Public Works Facility at 440 E William Street. The new facility will have double the floor space for storage of recyclables, and will employ loadout operations that are more efficient than the current process of transferring and compacting mixed materials into an enclosed container. To perform the new operations, the purchase of a compact wheel loader will allow for rapid transfer of mixed materials from the sorting floor to open containers in preparation for transport of the materials to the recycling facility (MRF) in Marion.

The city applied for DKMM grant funding late in 2015 to help offset the estimated \$80,000 cost of the purchase of this new equipment. The grant was approved making \$20,000 available for the purchase of the wheel loader. However, not knowing at the time the budget was under review if grant funding would be available, the budget was approved with funding to replace the existing compactor at the Cherry Street facility, which would be necessary to maintain the current operation for an indeterminate amount of time. With the

availability of grant funding, the preferred option is to purchase the new compact wheel loader to be utilized in the new facility, while limiting maintenance on the exiting compactor to only what's necessary to keep it in service short term, and up to the point where it can be decommissioned. Ultimately, plans call for the demolition of the Cherry Street Recycling Facility and restoration of adjacent lands adjacent to the river to a natural state.

REASON WHY LEGISLATION IS NEEDED:

A supplemental appropriation in the amount of \$50,000 is being proposed that will a) cover the expenditure of the DKMM grant funding of \$20,000, and b) provide \$30,000 in additional funding over the available fund balance to purchase the new equipment.

COMMITTEE RECOMMENDATION:

The Public Works/Public Utilities Committee and the Finance Committee have previously supported the proposed relocation of the Solid Waste operations to the 440 E William facilities.

FISCAL IMPACT(S):

The supplemental appropriation will reduce the anticipated refuse fund balance shown in the 2016 budget at \$1,157,229 by \$30,000. The transfer is not anticipated to interfere with other proposed expenditures using refuse funds.

POLICY CHANGES:

N/A

PRESENTER(S):

William L. Ferrigno, P.E. – Public Works Director/City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-50

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO INCREASE FUNDING FOR THE PURCHASE OF EQUIPMENT FOR THE SOLID WASTE RECYCLING OPERATION.

WHEREAS, the City is in process of planning for the relocation of the solid waste recycling operation from Cherry Street to a new facility to be constructed at the Public Works Facility at 440 E William Street, and

WHEREAS, the City applied for and received \$20,000 in grant funding from the Delaware, Knox, Morrow and Marion (DKMM) Solid Waste District for the purchase of equipment to be utilized in the recycling operation, and

WHEREAS, the new equipment will allow for the recycled materials sorting and loading operation to be managed in a more effective and efficient manner than past practices have allowed, and

WHEREAS, the total cost of the equipment exceeds the estimated amount included in the 2016 Budget, and

WHEREAS, a supplemental appropriation is required to provide the necessary funding to cover the anticipated final purchase cost of the equipment.

NOW, THEREFORE, BE IT ORDAINED: BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. There is hereby appropriated from the unencumbered balance of the Refuse Fund, \$50,000 increasing the following account:

New Equipment/Capital Outlay (550-5530-5500)	\$50,000
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SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___

PASSED: _____, 2016

ABSTAIN ____

YEAS ____ NAYS ____

ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 13

DATE: 6/27/16

ORDINANCE NO: 16-54

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: No

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Director of Public Works

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIRS TO AN EXISTING STORM SEWER LINE AND HIGHWAY PAVEMENT, AND DECLARING AN EMERGENCY.

BACKGROUND:

Earlier this year, it was noted that a section of concrete pavement approximately 450 feet south of the US23/US42 intersection had developed a significant crack across the southbound lanes. Subsequently, notable pavement settlement in the magnitude of 2 to 3 inches had occurred in the area of the cracks. Upon further evaluation, it was determined that the cracks and settlement were occurring over an existing 50-year old, 84" corrugated metal culvert pipe running west to east below the US23/US42 interchange. The culvert showed significant signs of deterioration from city staff inspection at the outfalls. City staff reached out to ODOT for assistance in performing a more thorough investigation of the culvert which was subsequently completed the week of June 13th, and which indicated significant section loss of the existing pipe throughout much of its length. Similar deterioration was found on the section of CMP pipe running below Stratford Road. Additionally, ODOT identified an area on the west side of the southbound lanes where the subgrade over the culvert has been washed out, likely a result of the failing culvert.

Emergency pavement repairs to level the driving surface were completed jointly by ODOT and the City on June 17th to relieve impact loads from passing

vehicles on the subgrade and pipe below. Both entities agreed the criticality of making repairs a priority, and for ODOT to take the lead in designing and constructing the repairs. Repairs will include adding a structural 72-inch liner within the existing culvert pipes below US23 and Stratford Road, and grouting them in place. Further investigation will take place to identify other potential areas where voids between the pipe and surrounding subgrade may have developed. Voids are to be filled, and the damaged section of pavement repaired.

REASON WHY LEGISLATION IS NEEDED:

ODOT requires consent legislation from local jurisdictions requesting assistance in the design and construction of certain joint project initiatives.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

ORC stipulates that drainage systems below federal highways within the corporate limits of a jurisdiction are that jurisdiction's responsibility to maintain, repair, and replace as needed. The cost of the repairs will require inclusion of an estimated \$400,000 in funding from the Storm Sewer Fund in the 2017 Appropriations Ordinance, for reimbursement of expenses incurred by ODOT for the repairs.

POLICY CHANGES:

None

PRESENTER(S):

William L. Ferrigno, P.E., Director of Public Works

RECOMMENDATION:

Approval

ATTACHMENT(S)

None

ORDINANCE NO. 16-54

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIRS TO AN EXISTING STORM SEWER LINE AND HIGHWAY PAVEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware (LPA) has identified an urgent need for repairs to be completed to a large 84-inch corrugated metal storm sewer culvert running below the US23/US42 interchange, including pavement rehabilitation and subgrade stabilization over the line in the southbound highway lanes, and

WHEREAS, the City has requested that ODOT oversee the project design and construction.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. The City of Delaware gives consent to the Director of Transportation to complete the above described project.

SECTION 2. The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

SECTION 3. The City's share of the cost for the project is estimated to be \$400,000. Initially, ODOT will incur responsibility for all project costs. However, the actual project cost will be repaid in full to ODOT by the City of Delaware by February 28, 2017.

SECTION 4. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 5. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

SECTION 6. The LPA agrees that all utility accommodation, relocation and

reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 7. Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 8. The City Manager of said city is hereby empowered on behalf of the City of Delaware to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION 9. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

SECTION 10. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure, necessary to provide for the public peace, property, health, safety, welfare, or to provide for the usual daily operation of a department or an office of the City, and as such, will be in full force immediately upon its passage.

VOTE ON RULES SUSPENSION:

YEAS___ NAYS___
ABSTAIN ___

EMERGENCY CLAUSE:

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

CERTIFICATE OF COPY
STATE OF OHIO

City of Delaware, Delaware County, Ohio

I, _____, as Clerk of the City of Delaware, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said City on the _____ day of _____, 2____, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record Number, Page _____ .

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2 _____.

Clerk

(SEAL)

City of

Delaware, Ohio.

(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Delaware, Ohio

Attest: _____

_____, Date

Contractual Officer

For the State of Ohio

Attest: _____

_____, Date

Director, Ohio Department of Transportation

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: June 9, 2016

1. **Calendar**

See Attached

2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**

N/A

3. **Bi-Weekly Meetings**

June 13

- Council meeting

June 17

- MDF Staff Presentations

June 20

- Rotary

June 23

- MDF Presentations to staff and Trillium Condo Association

June 24

- Tanger Outlet Mall Grand Opening