AGENDA

CITY COUNCIL MEETING

City of Upper Arlington

3600 Tremont Road | Upper Arlington, OH 43221
614-583-5030 | upperarlingtonoh.gov

6/9/2025 | 7:00 PM

Municipal Services Center, Council Chamber
3600 Tremont Road

1. **Call to Order/Roll Call**

2. **Pledge of Allegiance Led By Kathy Adams**

3. **Consent Agenda**

   a. Approve May 12, 2025 City Council Meeting Minutes

4. **Reports/Presentations**

   a. Master Plan Request for Proposals (RFP) Update, Presented by Community Development Director Chad Gibson

   b. Code Compliance Update, Presented by Community Development Director Chad Gibson, Code Compliance Officer Mike Morris, and Code Compliance Assistant Nick Schrader

5. **Legislative Items for First Reading/Public Hearing**

   a. Ordinance No. 17-2025 - An ordinance amending § 3.06 - Enforcement and Penalties and various parts of Chapter 1401 - Amendments, Deletions and Modifications to the ICC International Property Maintenance Code, 2003 Edition of the Upper Arlington Code of Ordinances

   b. Ordinance No. 18-2025 - An ordinance authorizing the City Manager to enter into contract with the Upper Arlington School District for site work at 1945 Ridgeview Road; and to appropriate funds

   c. Ordinance No. 19-2025 - An ordinance authorizing the issuance of not to exceed $43,790,000 of General Obligation Limited Tax bonds, in one or more series, for the purpose of refunding a portion of certain outstanding General Obligation bonds of the City; and authorizing and approving related matters

   d. Ordinance No. 20-2025 - An ordinance authorizing the City Manager to enter into contract with Korda Nemeth Engineering for design professional services for the renovation of the East Athletic Fields at Northam Park

e. Ordinance No. 21-2025 - An ordinance amending the 2025-2026 Employee Strength Table as authorized by Ordinance No. 69-2024 to add two sworn police officer positions within the Police Division

f. Ordinance No. 22-2025 - An ordinance authorizing the City Manager to enter into contract with BRINC for the purchase of a safety operations drone and associated software services for the Police Division

g. Ordinance No. 23-2025 - An ordinance authorizing the City Manager to enter into contract with Breck's Paving for construction-related services for the 2025 Street Maintenance Program (SMP) Part II Project

h. Ordinance No. 24-2025 - An ordinance authorizing the City Manager to enter into contract with Double Z Construction for construction-related services for the 2025 Waterline Replacement Project

i. Ordinance No. 25-2025 - An ordinance authorizing the City Manager to enter into contract with Newcomer Concrete for the 2025 Sidewalk Maintenance Program Replacement Contract

j. Ordinance No. 26-2025 - An ordinance authorizing the City Manager to enter into contract with Precision Concrete Cutting Inc. for construction-related services for the 2025 Sidewalk Maintenance Program Grinding & Leveling Construction Project

k. Ordinance No. 27-2025 - An ordinance authorizing the City Manager to enter into contract with Strawser Paving Company for construction-related services for the 2025 Sidewalk Gap Project

6. City Manager Update

7. Executive Session

a. To consider negotiations for economic development assistance, which may include information such as marketing plans, specific business strategies, production techniques, trade secrets, or personal financial statements, or related to negotiations with other political subdivisions as to requests for economic development Rules of Council Page 13 Article II assistance, pursuant to Article II (13)(A)(8) of the City Council Rules and R.C. 121.122 (G)(8)(a)(b)

8. Adjournment

May 12, 2025

City Council met in regular session in the Council Chamber of the Municipal Services Center, 3600 Tremont Road, and the meeting was called to order by President Awakessien Jeter at 7:00 p.m.

Members Present: President Ukeme Awakessien Jeter, Vice President Brian Close, Kathy Adams, John Kulewicz, Jim Lynch, and Todd Walter

Staff Present: City Manager Steven Schoeny, City Attorney Darren Shulman, Assistant City Manager Jackie Thiel, City Clerk Krystal Gonchar, Finance Director Brent Lewis, IT Director Jeff Kasson, Community Development Director Chad Gibson, Public Service Director Gary Wilfong, HR Director Don Essex, Community Affairs Director Emma Speight, Police Chief Keith Hall, Assistant Fire Chief Mike Bell, and Economic Analyst James Russell

Pledge of Allegiance

The Pledge of Allegiance was led by Troop 555 Eagle Scouts.

Consent Agenda

a. **Approve City Council Meeting Minutes for April 21, 2025 and Council Retreat Minutes for February 3, 2025**

b. **Ordinance No. 15-2025 - An ordinance authorizing the issuance of a city permit to the Upper Arlington Civic Association for the sale of alcohol on public property during the 2025 Neighbors Night Out event**

Vice President Close moved, seconded by Mr. Lynch, to approve the Consent Agenda. The motion carried with the following vote:

Voting Aye: Adams, Close, Kulewicz, Lynch, Walter, and President Awakessien Jeter
Absent: Munc

Reports/Presentations

a. Presentation of Troop 555 Eagle Scout Certificates for Alvaro Gonzalez-Adams, Grayson Campbell, Grant Mitchell, Noah Dombrowski, and Alexander Skoracki

Ms. Adams described the Eagle Scouts' dedication and time commitment, noting they joined Troop 555 in sixth grade. She highlighted the project's planning and leadership demands. State Representative Allison Russo awarded commendations from the Ohio House of Representatives. She emphasized the lifelong honor of achieving Eagle Scout rank and noted that many leaders, including U.S. senators and governors, proudly maintain their Eagle Scout status throughout their lives. President Awakessien Jeter awarded each student a mayoral proclamation.

b. Update from Community Development Department and Board of Zoning and Planning, Presented by Director Chad Gibson and Chair Shannon Tolliver

The Community Development Director and Chair of the Board of Zoning and Planning presented an update on board and department trends (presentation attached as Exhibit A). Ms. Tolliver provided an overview of BZAP activities, noting that the board consists of seven members with diverse expertise. They typically hold one work session and one planning meeting each month. Board decisions ensure development aligns with the City's Master Plan and Unified Development Ordinance. The board is tasked with balancing the competing interests of individual homeowners and the broader community. In 2024, BZAP held 22 meetings and reviewed 78 applications. Key issues addressed included detached habitable spaces, accessory dwelling units, enclosed breezeways, and neighborhood compatibility. Ms. Tolliver emphasized that the new Neighborhood Compatibility Policy has made decisions more objective and reduced the number of appeals. She also highlighted the importance of tools such as the new home map, the housing study, and the Henderson Road study in guiding the board's decision-making.

Mr. Gibson followed with updates from the Community Development Department, which encompasses code enforcement, the building division, and planning and zoning. He noted that new staff members have enhanced the department's capabilities. Over the past five years, the department has processed an average of 3,600 permits annually, with the total value of permitted construction work averaging nearly $200 million per year. Permit revenues have averaged just over $1.5 million annually. Notable projects during this period included the Bob Crane Community Center, Barrington School at Kingsdale, Scioto Villas, and Arlington Gateway. Mr. Gibson also noted upcoming initiatives, including the Master Plan update, Columbia Gas infrastructure upgrades, and the implementation of the Envision Henderson plan.

Council members expressed appreciation for the board's work. They inquired about the possibility of increasing connectivity and communication between Council and BZAP to ensure more effective collaboration. Additionally, there were questions about addressing contentious issues that often arise in BZAP meetings, including how such issues are managed and resolved. Finally, the discussion touched on the handling of accessory dwelling units, with specifics on how these developments are regulated and integrated within existing neighborhoods. Ms. Tolliver noted that when the board places conditions on an application prohibiting sleeping quarters, it is difficult to enforce. The conversation included considerations of potential zoning code changes and community feedback to improve processes and outcomes.

c. Finance Director Monthly Report - March 2025

The Finance Director presented the Finance Director's Report for April 2025 (attached as Exhibit B). Mr. Lewis noted that income tax and other revenues are meeting or exceeding expectations. Financial reports on the new community center will be available in the coming months. The department is addressing Council priorities related to budgeting and reserves. Additionally, the City hosted the Ohio MBE Procurement Fair at the community center. Upcoming tasks involve the midyear budget review and the initiation of the 2026 budget process.

Legislative Items for First Reading/Public Hearing

a. Ordinance No.16-2025 - An ordinance authorizing Upper Arlington's participation in the Central Ohio Shared Mobility Program and authorizing the City Manager to enter into a service agreement with Veoride, Inc. for the operation of scooters, bikes, and other mobility devices within the city

In response to President Awakessien Jeter’s invitation to speak, there were no questions or comments from the public relative to Ordinance No. 16-2025.

Mr. Gibson provided a summary of the request and introduced Joe Bott, Veo Senior Policy and Partnerships Manager.

Mr. Gibson presented information on the proposed shared mobility program. The City participated in selecting Veo as the vendor for the regional program. Veo offers various devices including sit-down scooters, e-bikes, and stand-up scooters. The technology allows for geofencing and designated parking areas to reduce clutter. There is no cost to the City, and a revenue-sharing program is included. Veo Senior Policy and Partnerships Manager Joe Bott provided additional details on the company and the program. Veo has been operating since 2017 and has Midwest roots. The program will be customized to fit Upper Arlington's needs. Veo uses GPS technology and local staff to ensure proper device placement and maintenance. Users must be 18 or older to ride. The standard pricing is $1 to unlock and 39 cents per minute for scooters. Council members asked questions about liability, costs, technology accuracy, brand awareness, and accessibility. They also discussed the potential for expanding the program to neighboring communities.

Mr. Kulewicz moved, seconded by Ms. Adams, to adopt Ordinance No. 16-2025. The motion carried with the following vote:

Voting Aye: Adams, Close, Kulewicz, Lynch, Walter, and President Awakessien Jeter
Absent: Munc

Liquor Control

a. Ohio Division of Liquor Control Notice to Legislative Authority: Transfer of Liquor Permit from Bonsai Restaurant to US Restaurant and Catering LLC

President Awakessien Jeter advised there is no vote required for this item unless there is an objection. There were no objections to the transfer of the permit.

City Manager Update

The City Manager reminded Council about the ribbon-cutting ceremony for the Upper Arlington farmers market on Wednesday at 3:00 p.m. The Community Affairs Director provided additional details on improvements to the farmers market:

- The layout has been improved for better accessibility.
- The market has expanded to about 40 vendors.
- Tremont Center businesses will be involved in additional activities on market days.
- Common Greens has scheduled workshops on topics such as beekeeping and cooking demonstrations.

Council Liaison Report

Mr. Kulewicz gave a shout-out to Chief Hall and the UA police division for the success of the Light Ohio Blue caravan, which included about 150 vehicles and was well-received by residents.

Executive Session

A motion was made by Mr. Lynch, seconded by Vice President Close to enter into Executive Session pursuant to O.R.C. Section 121.22 (G)(1) – to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee.

Roll Call	Vote
Close	Aye
Lynch	Aye
Kulewicz	Aye
Munch	Absent
Walter	Aye
Adams	Aye
Awakessien Jeter	Aye

The motion carried and Council went into Executive Session at 8:29 p.m. City Council reconvened into open session at 9:35 p.m.

* * *

There being no further business to come before City Council, President Awakessien Jeter called for a motion to adjourn the meeting. Mr. Lynch moved, seconded by Vice President Close to adjourn. The motion carried unanimously, and the meeting adjourned at 9:35 p.m.

Exhibit A

Annual Report: Board of Zoning and Planning (BZAP) and Community Development

Shannon Tolliver, BZAP Chair

Chad Gibson, Community Development Director

May 12, 2025

City of Upper Arlington

Board of Zoning and Planning

- Seven (7) volunteer members, appointed by Council
  - **Shannon Tolliver** (Chair), sustainability planner
  - **Marianne Mitchell** (Vice Chair), attorney
  - **Kevin Carpenter**, civil engineer and surveyor
  - **William Westbrook**, land developer
  - **Dan Barringer**, architect
  - **Matt McGrath**, landscape architect
  - **Todd Boyer**, architect
- Typically, one work session and one regular meeting per month

BZAP Roles

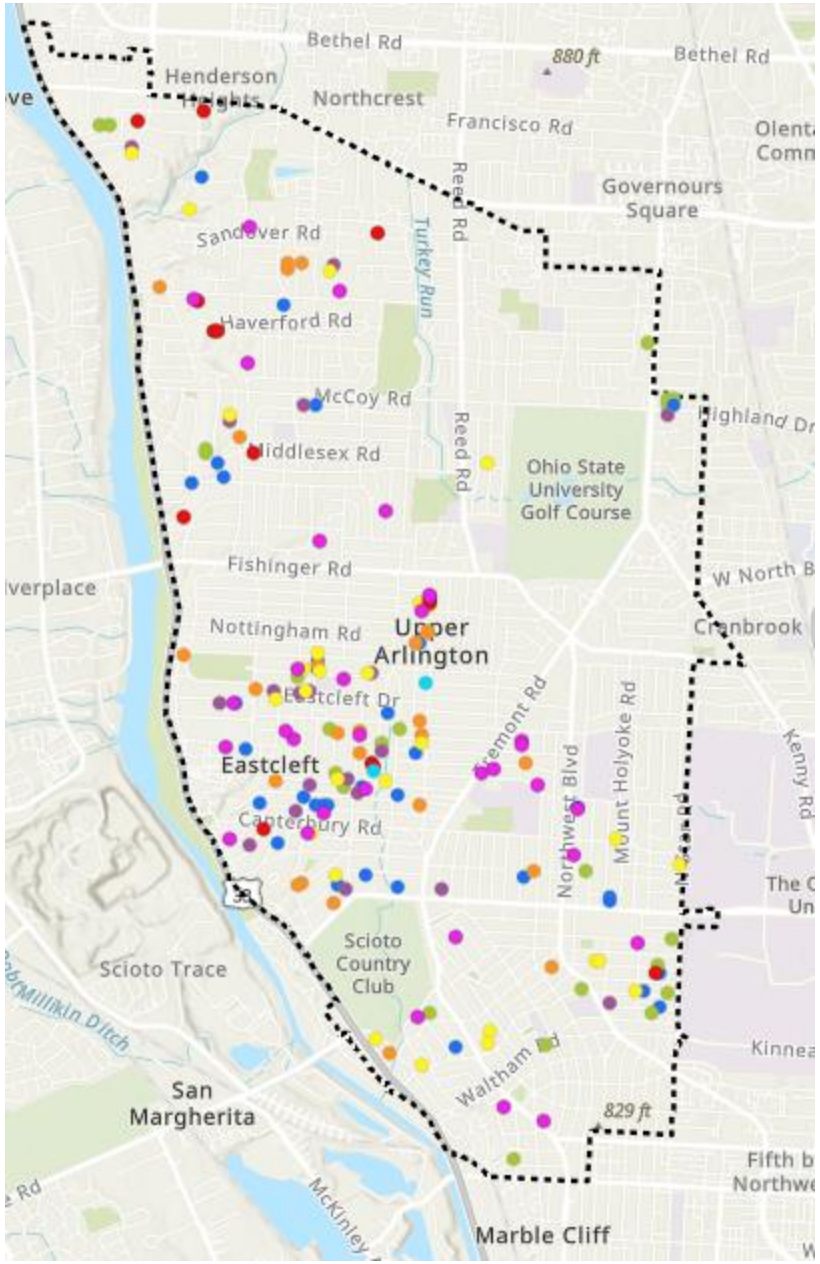
- Ensure **appropriate** development per the Master Plan and UDO
- **Balance** competing interests to foster reinvestment but also maintain community character
- Achieve **mutually beneficial** outcomes for the applicant and the community whenever possible
- Evaluation of variance applications based on consideration of 9 **practical difficulty** standards
- Provide **recommendations to Council** on rezoning requests, code changes, plats, etc.

2024 Year in Review

- **Summary**
  - 22 meetings, 78 applications
- **Detached habitable spaces**
  - WFH offices, conditioned storage, studios and gyms in detached garages
  - Accessory dwelling units (ADUs) not permitted (to be studied)
- **Enclosed Breezeways**
  - Case-by-case basis; impacts/precedent
- **Neighborhood Compatibility**
  - Lot splits, new home designs, large detached garages

Neighborhood Reinvestment

- Compatibility policy adopted in 2022 and ordinance adopted in 2023 – working!
- New home map, color-coded by year, plus notification and on-site signs
- Recent housing study and future master plan update could inform future code and policy adjustments
- Third-party architect continues to be a helpful resource

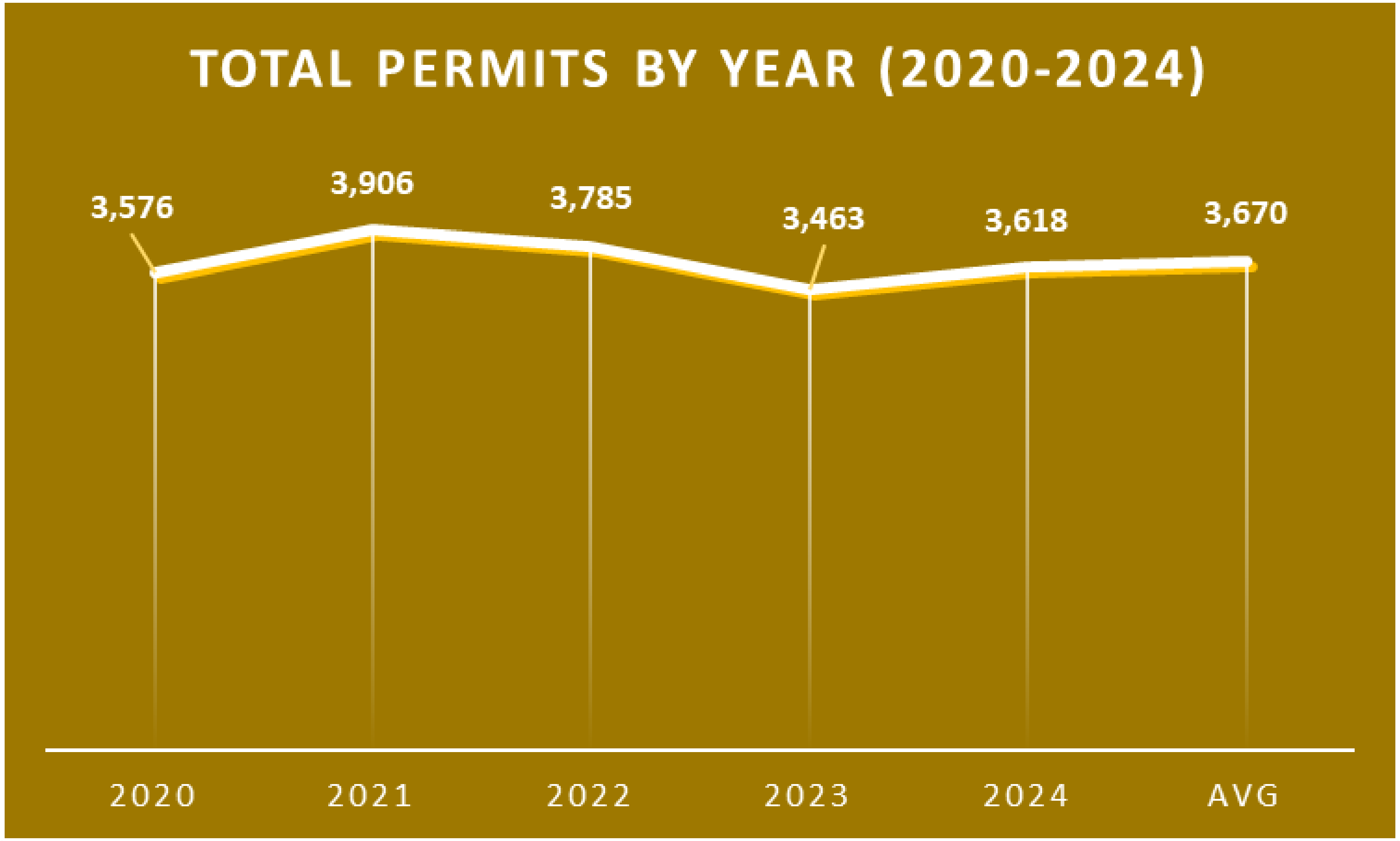


Community Development Department

- **Building Division – Roger Eastep, CBO**
  - CBO, two (2) inspectors/plans examiners, contract employees, admin.
  - Plan review and inspection services; 3,500+ permits per year!
- **Code Enforcement Division – Mike Morris**
  - Code enforcement officer; assistant compliance officer
  - Property maintenance inspections; proactive and complaint-driven
- **Planning Division – Justin Milam, AICP**
  - Senior Planner, Planner, Intern
  - Land use regulation, current and long-range planning

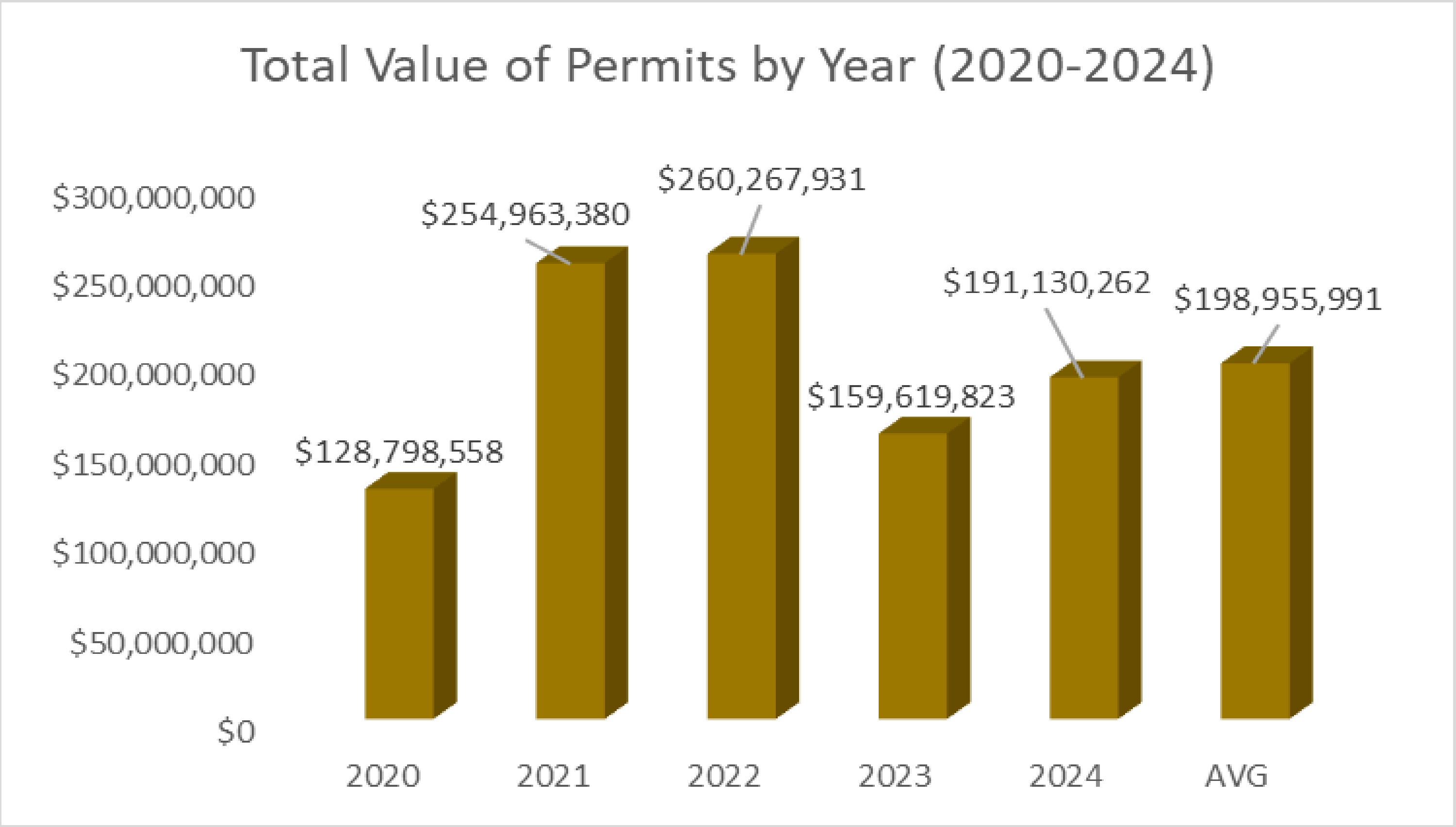
Permit Data Combined

- Building and zoning permit trends 2020-2024
- 2025 YTD number is 1,646 permits
- Consistent and robust reinvestment



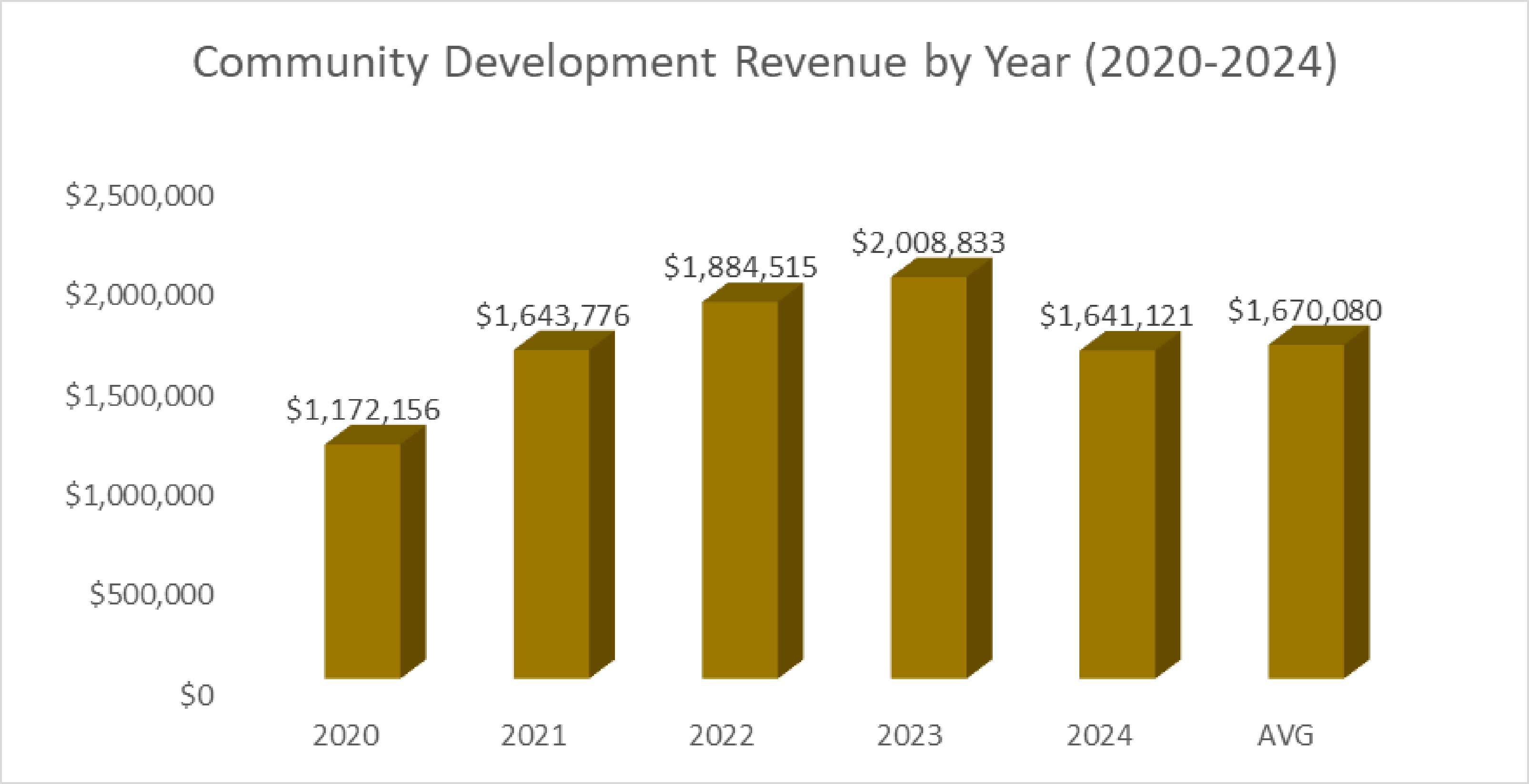
Permit Value

- Value of work trend 2020-24



Permit Revenue Graph

- YTD revenue of $575,952 as of (on track as past years)
- Permit fees recalibrated as of January 1, 2025



Bob Crane Community Center

- Occupied in April 2025
- Complex structure with 160+ inspections
- Collaborative effort w/ all City departments

Barrington School of Kingsdale

- 10,279 SF daycare
- Northwest Blvd. at Trentwood Road
- Replaced vacant Bass Building
- Opened May 2025

Scioto Villas

- 15 townhomes
- Fishinger Road at Fairlington Drive
- Under construction

Arlington Gateway

- 140,000 SF 'Class A' fully-leased office
- Compliments 'Carmenton'
- Paris Baguette just opened

On the Horizon...

- **Master Plan** – RFP summer of 2025; update process in 2026
- **Columbia Gas** – infrastructure and utility station upgrades
- **National Church Residences** – campus improvements
- **Envision Henderson Study** – implementation phase
- **Housing Study** – post-adoption phase
- **LinkUS** – bus rapid transit (BRT) in the NW corridor
- **COTA** – bus service returns to West Lane Ave and Fishinger Road in September 2026
- **Veo** – micromobility (bikes and scooters)

Monthly Financial Report
As of April 2025

General Fund (101)

		Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources							
Income Tax		$ 34,595,400	$ 34,595,400	$ 10,370,165	$ 11,107,396	$ 737,231	7.11%
Real & Personal Property Tax		10,230,600	10,230,600	5,115,300	5,373,655	258,355	5.05%
All Other Operating Revenues		14,137,400	14,137,400	4,485,520	4,784,558	299,038	6.67%
Transfers/Advances In		10,052,500	10,052,500	810,010	810,010	-	0.00%
Total Revenues and Other Sources		69,015,900	69,015,900	20,780,995	22,075,619	1,294,624	**6.23%**
Obligations:							
Police Division		12,262,800	12,262,800	5,620,450	5,229,208	391,242	6.96%
Fire Division		12,519,900	12,519,900	4,200,530	3,754,797	445,733	10.61%
Board of Health		400,000	400,000	363,604	363,604	-	0.00%
Parks and Recreation		8,383,300	8,426,600	2,594,804	2,392,181	202,623	7.81%
Community Development		1,563,300	1,579,300	667,691	620,172	47,519	7.12%
Public Service Administration		1,397,800	1,502,800	474,605	438,441	36,164	7.62%
Public Works		1,700,400	1,670,400	452,400	450,330	2,070	0.46%
City Manager		2,087,400	2,187,400	700,147	673,412	26,735	3.82%
City Attorney		983,700	1,053,700	289,122	257,405	31,717	10.97%
City Clerk		334,800	330,200	85,302	69,315	15,987	18.74%
City Council		208,900	237,400	79,133	68,758	10,375	13.11%
Finance		1,638,800	1,638,800	633,982	532,493	101,489	16.01%
Facilities Maintenance		4,818,400	4,818,400	3,166,258	2,602,402	563,856	17.81%
Information Technology		2,522,200	2,522,200	1,005,465	989,396	16,069	1.60%
General Administration		3,800,600	3,800,600	1,608,279	1,522,083	86,196	5.36%
Transfers/Advances Out		10,624,300	18,943,400	2,500,000	2,500,000	-	0.00%
Total Obligations		65,246,600	73,893,900	24,441,772	22,463,997	1,977,775	**8.09%**
Excess of Revenue and Other Sources over Obligations:		3,769,300	(4,878,000)	(3,660,777)	(388,378)		
Total Beginning Fund Balance		34,761,336	34,761,336	34,761,336	34,761,336		
Anticipated Appropriation Lapses		1,415,000	1,415,000	1,415,000	-		
Total Ending Fund Balance		**$ 39,945,636**	**$ 31,298,336**	**$ 32,515,559**	**$ 34,372,958**	**$ 1,857,399**	**5.71%**

Capital Asset Management Fund (102)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Income Tax	$ 13,453,700	$ 13,928,200	$ 4,032,842	$ 4,320,615	$ 287,773	7.14%
Total Revenues and Other Sources	**13,453,700**	**13,928,200**	**4,032,842**	**4,320,615**	**287,773**	**7.14%**
Obligations						
Transfers/Advances Out	9,776,200	9,776,200	-	-	303,631	0.00%
Total Obligations	**9,776,200**	**9,776,200**	**-**	**-**	**303,631**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	3,677,500	4,152,000	4,032,842	4,320,615		
Beginning Fund Balance	20,368,117	20,368,117	20,368,117	20,368,117		
Ending Fund Balance	**$ 24,045,617**	**$ 24,520,117**	**$ 24,400,959**	**$ 24,688,732**	**$ 287,773**	**1.18%**

Monthly Financial Report
As of April 2025

Capital Equipment Fund (106)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Real & Personal Property Tax	$ 1,312,400	$ 1,312,400	$ 656,200	$ 685,361	$ 29,161	4.44%
Homestead & Rollbacks	173,500	173,500	86,750	84,951	(1,799)	-2.07%
Transfers In	500,000	500,000	500,000	500,000	-	0.00%
Total Revenues and Other Sources	**1,985,900**	**1,985,900**	**1,242,950**	**1,270,312**	**27,362**	**0.00%**
Obligations						
Capital Equipment	2,548,300	2,548,300	2,020,563	2,020,563	-	0.00%
Total Obligations	**2,548,300**	**2,548,300**	**2,020,563**	**2,020,563**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	(562,400)	(562,400)	(777,613)	(750,251)		
Beginning Fund Balance	1,208,768	1,208,768	1,208,768	1,208,768		
Ending Fund Balance	**$ 646,368**	**$ 646,368**	**$ 431,155**	**$ 458,517**	**$ 27,362**	**6.35%**

Street Maintenance and Repair Fund (207)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Gasoline Taxes	$ 1,800,000	$ 1,800,000	$ 563,021	$ 589,814	$ 26,793	4.76%
Motor Vehicle License Taxes	450,000	450,000	149,288	134,089	(15,199)	-10.18%
All Other Operating Revenues	138,000	138,000	12,500	20,852	8,352	66.82%
Total Revenues and Other Sources	**2,388,000**	**2,388,000**	**724,809**	**744,755**	**19,946**	**2.75%**
Obligations						
Public Service Administration	1,129,200	1,129,200	340,547	304,411	36,136	10.61%
Public Works	1,582,700	1,582,700	677,024	606,102	70,922	10.48%
Total Obligations	**2,711,900**	**2,711,900**	**1,017,571**	**910,513**	**107,058**	**10.52%**
Excess of Revenue and Other Sources over Obligations:	(323,900)	(323,900)	(292,762)	(165,758)		
Beginning Fund Balance	1,927,174	1,927,174	1,927,174	1,927,174		
Ending Fund Balance	**$ 1,603,274**	**$ 1,603,274**	**$ 1,634,412**	**$ 1,761,416**	**$ 127,004**	**7.77%**

Bonded Improvement Fund (402)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Sale of Bonds and Notes	$ 19,973,700	$ -	$ -	$ -	$ -	0.00%
All Other Operating Revenues	475,000	475,000	158,333	275,069	116,736	73.73%
Total Revenues and Other Sources	**20,448,700**	**475,000**	**158,333**	**275,069**	**116,736**	**73.73%**
Obligations						
Capital Improvements	500,000	500,000	100,028	100,028	-	0.00%
Total Obligations	**500,000**	**500,000**	**100,028**	**100,028**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	19,948,700	(25,000)	58,305	175,041		
Beginning Fund Balance	7,509,727	7,509,727	7,509,727	7,509,727		
Ending Fund Balance	**$ 27,458,427**	**$ 7,484,727**	**$ 7,568,032**	**$ 7,684,768**	**$ 116,736**	**1.54%**

Monthly Financial Report
As of April 2025

Infrastructure Improvement Fund (404)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
All Other Operating Revenues	$ 6,700,000	$ 15,019,000	$ 7,000,000	$ 8,276,001	$ 1,276,001	18.23%
Transfers/Advances In	5,750,000	14,069,100	-	-	-	0.00%
Total Revenues and Other Sources	12,450,000	29,088,100	7,000,000	8,276,001	1,276,001	**18.23%**
Obligations						
Capital Improvements	9,986,900	18,306,000	6,193,840	6,193,840	-	0.00%
Transfers/Advances Out	6,100,000	6,100,000	-	-	-	0.00%
Total Obligations	**16,086,900**	**24,406,000**	**6,193,840**	**6,193,840**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	(3,636,900)	4,682,100	806,160	2,082,161		
Beginning Fund Balance	5,549,699	5,549,699	5,549,699	5,549,699		
Ending Fund Balance	**$ 1,912,799**	**$ 10,231,799**	**$ 6,355,859**	**$ 7,631,860**	**$ 1,276,001**	**20.08%**

Solid Waste Management Fund (710)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 1,900,000	$ 1,900,000	$ 252,246	$ 252,246	$ -	0.00%
All Other Operating Revenues	45,000	45,000	15,000	20,303	5,303	35.35%
Transfers/Advances In	2,000,000	2,000,000	2,000,000	2,000,000	-	-
Total Revenues and other sources	**3,945,000**	**3,945,000**	**2,267,246**	**2,272,549**	**5,303**	**0.23%**
Obligations						
Public Works	4,134,100	4,134,100	3,981,785	3,739,772	242,013	6.08%
Total Obligations	**4,134,100**	**4,134,100**	**3,981,785**	**3,739,772**	**242,013**	**6.08%**
Excess of Revenue and Other Sources over Obligations:	(189,100)	(189,100)	(1,714,539)	(1,467,223)		
Beginning Fund Balance	1,534,635	1,534,635	1,534,635	1,534,635		
Ending Fund Balance	**$ 1,345,535**	**$ 1,345,535**	**$ (179,904)**	**$ 67,412**	**$ 247,316**	**-137.47%**

Water Surcharge Fund (720)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 855,000	$ 855,000	$ 248,183	$ 285,101	$ 36,918	14.88%
Total Revenues and other sources	**855,000**	**855,000**	**248,183**	**285,101**	**36,918**	**14.88%**
Obligations						
Public Works	490,700	490,700	222,225	203,042	19,183	8.63%
Capital Equipment	10,000	10,000	-	-	-	0.00%
Capital Improvements	246,000	246,000	-	-	-	0.00%
Transfers Out (including intra-city services)	99,900	99,900	3,578	3,578	-	0.00%
Total Obligations	**846,600**	**846,600**	**225,803**	**206,620**	**19,183**	**8.50%**
Excess of Revenue and Other Sources over Obligations:	8,400	8,400	22,380	78,481		
Beginning Fund Balance	1,778,865	1,778,865	1,778,865	1,778,865	-	
Prior Year Lapsed Encumbrances	-	-	-	-		
Ending Fund Balance	**$ 1,787,265**	**$ 1,787,265**	**$ 1,801,245**	**$ 1,857,346**	**$ 56,101**	**3.11%**

Monthly Financial Report
As of April 2025

Sanitary Sewer Surcharge Fund (730)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 1,333,000	$ 1,333,000	$ 395,652	$ 435,546	$ 39,894	10.08%
All Other Operating Revenues	1,500	1,500	-	1,066	1,066	0.00%
Total Revenue	**1,334,500**	**1,334,500**	**395,652**	**436,612**	**40,960**	**10.35%**
Obligations						
Public Works	1,214,000	1,214,000	502,516	427,576	74,940	14.91%
Capital Equipment	13,000	13,000	-	-	-	0.00%
Capital Improvements	315,000	315,000	-	-	-	0.00%
Transfers Out (including intra-city services)	27,600	27,600	8,385	8,385	-	0.00%
Total Obligations	**1,569,600**	**1,569,600**	**510,901**	**435,961**	**74,940**	**14.67%**
Excess of Revenue and Other Sources over Obligations:	(235,100)	(235,100)	(115,249)	651		
Beginning Fund Balance	2,831,202	2,831,202	2,831,202	2,831,202		
Ending Fund Balance	**$ 2,596,102**	**$ 2,596,102**	**$ 2,715,953**	**$ 2,831,853**	**$ 115,900**	**4.27%**

Stormwater Management Fund (740)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 753,000	$ 753,000	$ 381,437	$ 416,082	$ 34,645	9.08%
Investment Earnings	70,000	70,000	23,333	33,617	10,284	44.07%
Miscellaneous income	-	-	-	1,360	1,360	100.00%
Total Revenues and other sources	**823,000**	**823,000**	**404,770**	**451,059**	**46,289**	**11.44%**
Obligations						
Public Works	690,000	690,000	172,500	153,034	19,466	11.28%
Capital Equipment	470,000	470,000	95,787	95,787	-	0.00%
Capital Improvements	449,800	449,800	-	-	-	0.00%
Transfers Out (including intra-city services)	77,600	77,600	4,715	4,715	-	0.00%
Total Obligations	**1,687,400**	**1,687,400**	**273,002**	**253,536**	**19,466**	**7.13%**
Excess of Revenue and Other Sources over Obligations:	(864,400)	(864,400)	131,768	197,523		
Beginning Fund Balance	2,987,559	2,987,559	2,987,559	2,987,559		
Ending Fund Balance	**$ 2,123,159**	**$ 2,123,159**	**$ 3,119,327**	**$ 3,185,082**	**$ 65,755**	**2.11%**

Swimming Pool Fund (750)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 1,013,800	$ 1,013,800	$ 131,698	$ 101,622	$ (30,076)	-22.84%
Transfers/Advances In	300,000	300,000	-	-	-	0.00%
Total Revenues and other sources	**1,313,800**	**1,313,800**	**131,698**	**101,622**	**(30,076)**	**-22.84%**
Obligations						
Parks and Recreation	1,140,600	1,140,600	179,724	128,123	51,601	28.71%
Total Obligations	**1,140,600**	**1,140,600**	**179,724**	**128,123**	**51,601**	**28.71%**
Excess of Revenue and Other Sources over Obligations:	173,200	173,200	(48,026)	(26,501)		
Beginning Fund Balance	397,663	397,663	397,663	397,663		
Ending Fund Balance	**$ 570,863**	**$ 570,863**	**$ 349,637**	**$ 371,162**	**$ 21,525**	**6.16%**

Monthly Financial Report
As of April 2025

Statement of Receipts and Disbursements (cash basis rounding)

Fund	Beginning Balance	Year to Date & Transfer In	Year to Date & Transfer Out	Ending Balance	Percentage Change
General	$ 43,870,708	$ 22,075,619	$ 19,809,079	$ 46,137,248	5.2%
Capital Asset Management	24,410,352	4,820,804	500,189	28,730,967	17.7%
Police Pension	1,499,760	462,187	152,039	1,809,908	20.7%
Fire Pension	1,499,759	462,187	152,038	1,809,908	20.7%
Self Insurance	1,084,300	14,503	6,805	1,091,998	0.7%
Capital Equipment	1,720,307	1,270,312	222,621	2,767,998	60.9%
Police & Fire Pension	1,422,653	789,384	505,933	1,706,104	19.9%
Technology Fund	425,843	176,884	234,746	367,981	-13.6%
Street Maintenance and Repair Fund	1,965,631	744,755	695,575	2,014,811	2.5%
EMS Billing Fund	1,691,000	492,015	56,609	2,126,406	25.7%
Law Enforcement	2,739,032	43,102	92,770	2,689,364	-1.8%
Tree Planting Fund	92,965	10,150	-	103,115	10.9%
Enforcement Education	20,650	168	-	20,818	0.8%
Mayor's Court Computer	45,728	1,680	-	47,408	3.7%
Mayor's Court Special Project	171,505	5,630	-	177,135	3.3%
Local Fiscal Recovery Fund	2,192,062	-	657,462	1,534,600	-30.0%
OneOhio Opioid Fund	141,353	-	3,600	137,753	-2.5%
Economic Development	2,078,781	-	2,015	2,076,766	-0.1%
Arlington Centre TIF Fund	116,976	12,734	-	129,710	10.9%
Tremont Road TIF Fund	18,760	20,039	-	38,799	106.8%
Lane Avenue Mixed Use TIF Fund	738,355	511,890	999,744	250,501	-66.1%
Lane Avenue TIF Fund	304,986	30,251	-	335,237	9.9%
Arlington Crossing TIF Fund	1,068,524	69,461	-	1,137,985	6.5%
Horizon TIF Fund	1,053,912	238,445	-	1,292,357	22.6%
Kingsdale West TIF Fund	395,386	28,635	-	424,021	7.2%
Kingsdale CORE TIF Fund	668,801	1,444,741	-	2,113,542	216.0%
Civil Service	60,960	-	2,180	58,780	-3.6%
Riverside North TIF Fund	19,946	1,430	-	21,376	7.2%
Riverside South TIF Fund	224,430	22,177	-	246,607	9.9%
W. Lane Northwest TIF Fund	22,542	8,955	-	31,497	39.7%
Lane II TIF Fund	1,265,563	646,714	113,443	1,798,834	42.1%
Kingsdale Center TIF Fund	30,032	154,319	78	184,273	513.6%
Gateway TIF Fund	39,409	874,429	-	913,838	2218.9%
Neighborhood Lighting Utility	318,423	39,588	7,345	350,666	10.1%
Clerk of Courts Fund	21,343	1,681	-	23,024	7.9%
UA Visitor's Bureau Fund	572,453	37,526	-	609,979	6.6%
General Bond Retirement	315,716	-	112,941	202,775	-35.8%
Bonded Improvements	13,072,564	697,529	3,536,576	10,233,517	-21.7%
Infrastructure Improvement Fund	25,102,125	12,776,829	19,467,236	18,411,718	-26.7%
Estate Tax Fund	85	-	-	85	0.0%
Community Fiber Optic Fund	352,606	-	10,888	341,718	-3.1%
Employee Benefit	2,014,911	1,574,573	1,815,498	1,773,986	-12.0%
BWC Administration Fund	1,340,044	124,463	144,420	1,320,087	-1.5%
Solid Waste Management	1,919,144	2,272,549	1,290,477	2,901,216	51.2%
Water Surcharge	1,952,948	285,101	168,953	2,069,096	5.9%
Sanitary Sewer Surcharge	3,532,735	436,612	599,224	3,370,123	-4.6%
Stormwater Management	3,301,276	451,059	462,139	3,290,196	-0.3%
UA Swimming Pools	397,663	101,622	65,793	433,492	9.0%
Unclaimed Funds	8,491	553	-	9,044	6.5%
Revolving Fund	53,814	828,778	781,332	101,260	88.2%
Construction Withholding	3,108,854	1,218,995	2,217,768	2,110,081	-32.1%
Payroll Clearing Fund	330,833	11,442,733	11,199,036	574,530	73.7%
Totals (ROUNDED)	**$ 150,816,999**	**$ 67,723,791**	**$ 66,086,552**	**$ 152,454,238**	***ROUNDED TOTALS***

1,637,239

Monthly Financial Report
As of April 2025

Income Tax Comparisons

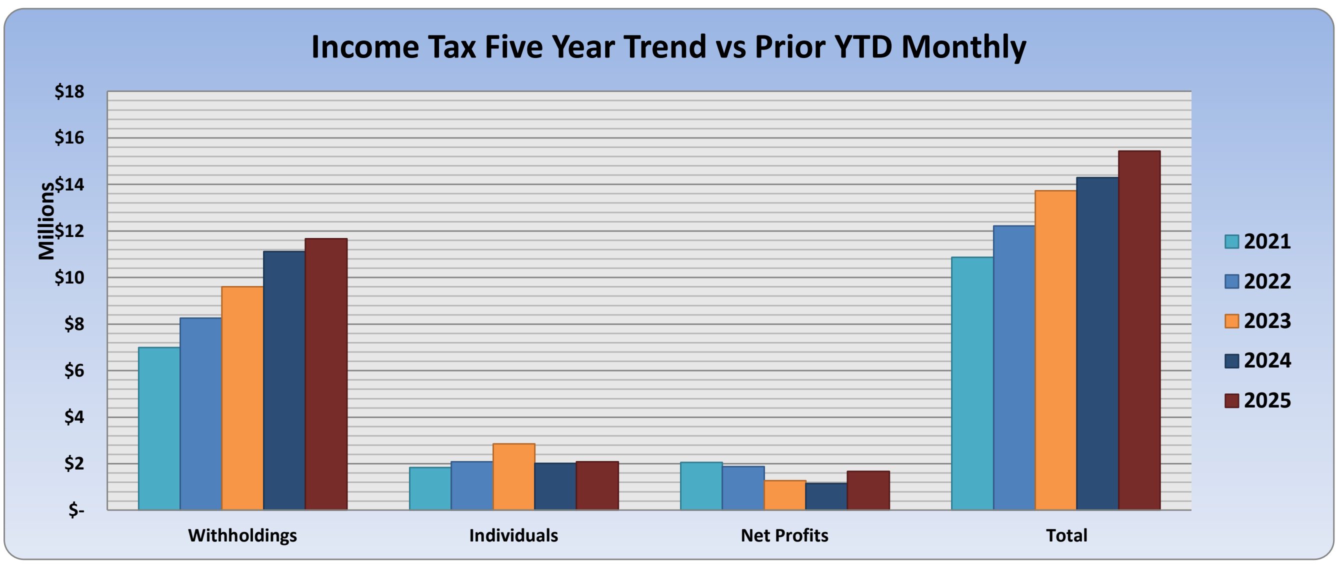
	Projections	Year to date	Difference	% Difference
Withholdings	$ 10,368,734	$ 11,672,983	$ 1,304,249	12.58%
Individuals	2,490,218	2,083,182	(407,036)	-16.35%
Net Profits	1,544,055	1,671,846	127,791	8.28%
Total	$ 14,403,007	$ 15,428,011	$ 1,025,004	**7.12%**

Income Tax Five Year Comparison

	2021	2022	2023	2024	2025
Withholdings	$ 6,990,788	$ 8,252,136	$ 9,600,612	$ 11,114,797	$ 11,672,983
Individuals	1,833,640	2,084,788	2,856,896	2,015,406	2,083,182
Net Profits	2,051,720	1,885,543	1,272,639	1,155,832	1,671,846
Total	$ 10,876,148	$ 12,222,467	$ 13,730,147	$ 14,286,035	$ 15,428,011

Percentage Increase (Decrease) From Prior Year

	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
Withholdings	8.64%	18.04%	16.34%	15.77%	5.02%
Individuals	16.40%	13.70%	37.04%	-29.45%	3.36%
Net Profits	37.63%	-8.10%	-32.51%	-9.18%	44.64%
Total	14.47%	12.38%	12.34%	4.05%	**7.99%**



Interest & Investment Income
Apr-25

General Investments	Beginning Balance	Purchased	Matured/Sold	Deposited/Withdrawn	Investment Acct.	Ending Balance
Municipal Securities	4,102,786.00					$ 4,102,786.00
Corporate / General Investments	11,764,306.18					$ 11,764,306.18
Federal Agency	54,336,202.52	1,979,148.00	(1,017,793.75)			$ 55,297,556.77
US Government Bonds	23,330,780.53		(863,984.18)			$ 22,466,796.35
Total Bonds	$ 93,534,075.23	$ 1,979,148.00	$ (1,881,777.93)	$ -	$ -	$ 93,631,445.30
Short Term Fixed Maturity Commercial Paper	-					$ -
Other Assets (Savings Cert - Market Traded)	$ 3,439,988.55					$ 3,439,988.55
Bond and Investments:						
2022						
Federal Agency	-					$ -
Corporate / General Investments	-					$ -
Short Term Fixed Maturity Commercial Paper	-					$ -
US Government Bonds	-					$ -
Community Center						
Federal Agency	443,706.39					$ 443,706.39
US Government Bonds	512,080.08		(512,080.08)			$ -
Total Bonds & Investments	$ 97,929,850.25	$ 1,979,148.00	$ (2,393,858.01)	$ -	$ -	$ 97,515,140.24
Money Markets: General	86,853.64	(1,979,148.00)	1,900,748.94	(5,476.11)	190,659.23	$ 193,637.70
Community Center	21,432.16		525,000.00	(550,000.00)	7,136.36	$ 3,568.52
Bond 2020 & 2022	1,703.88			(1,715.36)	11.48	$ 0.00
Total Money Markets	$ 109,989.68	$ (1,979,148.00)	$ 2,425,748.94	$ (557,191.47)	$ 197,807.07	$ 197,206.22
Star Ohio: General Investment	29,479,061.94	8,635,257.87			118,798.04	$ 38,233,117.85
Bond Proceeds	6,765,221.20	1,715.36		(353,839.46)	24,014.94	$ 6,437,112.04
Federal ARPA (Gen. Inv.)	1,385,649.42			(5,244.34)	5,083.44	$ 1,385,488.52
Gateway	984,910.79				3,622.41	$ 988,533.20
Kingsdale	232,389.96			(77.47)	854.52	$ 233,167.01
Community Center	1,540,622.83	550,000.00			6,609.40	$ 2,097,232.23
Office (Comm. Center)	1,783,276.65			(276,096.60)	5,881.94	$ 1,513,061.99
Total STAR Ohio	$ 42,171,132.79	$ 9,186,973.23	$ -	$ (635,257.87)	$ 164,864.69	$ 50,887,712.84
Total Investments	$ 140,210,972.72	$ 9,186,973.23	$ 31,890.93	$ (1,192,449.34)	$ 362,671.76	$ 148,600,059.30
NW Huntington Bank	$ 14,866,379.37					$ 3,854,187.68
Total Cash & Investments	$ 155,077,352.09					$ 152,454,246.98

ITEMS PURCHASED BETWEEN $25,000 & $150,000 APRIL 2025

DATE	VENDOR	DESCRIPTION	AMOUNT
4/1/25	Insight Public Sector	Vectra Network Detection	$38,319.61
4/10/25	Parr Public Safety Equip.	Upfitting for Police Vehicles	$31,709.14
4/14/25	Bayside Supply	14- foot and 12- foot light poles	$64,320.00
4/16/25	Insight Public Sector	CrowdStrike Software	$29,627.33
4/23/25	NeoGov	NeoGov Software Renewal	$40,836.82
4/23/25	CPP of Dayton	Fire Hydrant Painting	$47,030.00

QUALITY BASED SELECTION CONSULTANTS – APRIL 2025

DATE	VENDOR	DESCRIPTION	AMOUNT
None			

NOTIFICATION OF CHANGE ORDERS: NON-CONSTRUCTION, CITY MANAGER APPROVAL APRIL 2025

DATE	VENDOR	DESCRIPTION	CHANGE ORDER AMOUNT	New Total
4/21/25	EDGE Group	Fancyburg Park Master Plan, Phase 2	$100,636.00	$174,636.00

GRANTS APRIL 2025

DATE	ORGANIZATION	DESCRIPTION	AMOUNT
None			

3600 Tremont Road | Upper Arlington, OH 43221
614-583-5000 | **upperarlingtonoh.gov**

Authors: Chad Gibson, AICP, Community Development Director
Darren Shulman, City Attorney

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 17-2025 - An ordinance amending § 3.06 - Enforcement and Penalties and various parts of Chapter 1401 - Amendments, Deletions and Modifications to the ICC International Property Maintenance Code, 2003 Edition of the Upper Arlington Code of Ordinances

Purpose: The purpose of this ordinance is to make adjustments to the code enforcement fine structure so that stronger penalties are available for repeat, chronic and severe offenses or non-responsive offenders; the proposed ordinance would also add a civil penalty process option, which will be useful for individuals who cannot be served with criminal charges.

Executive Summary: The proposed ordinance will change the category of code enforcement fines to an 'unclassified' misdemeanor so that higher amounts can be assessed in limited circumstances. This reclassification will also allow warrants to be issued if proper service is achieved and if offenders do not show for Mayor's Court. The proposed ordinance will also add a civil penalty process option which would be more efficient for individuals who cannot be served with criminal charges. Appeals of such violations would be heard by the Property Maintenance Appeals Board, which is the Board of Building Standards at this time, but would change to the Board of Zoning and Planning (BZAP).

Purpose and Impact

As Council is aware, the Code Enforcement Division works to achieve *voluntary and timely* compliance of violations to the zoning, property maintenance and other codes. Code Compliance Officer and Code Compliance Assistant lead their efforts with empathy and offer assistance to residents who cannot readily remedy violations. Depending upon the nature of the violation(s), reasonable compliance deadlines, extensions, and support services are offered.

Unfortunately, the property owner is sometimes unresponsive or unwilling to cooperate. In these circumstances, after coordination with the City Attorney's Office, a citation may be issued, and the offender is summoned to Mayor's Court. In most cases, the resulting fines following a conviction are minimal and do not act as a true deterrent. They also do not offset the amount of staff time and City resources that go into enforcement, which can sometimes be significant.

In other cases where the defendant cannot be contacted, a 'registration block' is applied to their driver's license. This approach has limited success, as many defendants either do not drive or drive anyway without proper registration.

The following is a summary of the major revisions:
1. Shifts a violation of the property maintenance code from a minor misdemeanor to an unclassified misdemeanor. The maximum fine under an unclassified misdemeanor is $1,000. A corresponding change was made to the Unified Development Ordinance (UDO) for violations. To preserve the fine structure, a first offense under the UDO has a fine of up to $500, while subsequent offenses within a two-year period can be charged up to the maximum.
2. Moves appeals of property code violations from the Board of Building Standards to the Board of Zoning and Planning (BZAP). BZAP is an appropriate body to hear these matters because that is the body that hears appeals under the UDO. In addition, Staff anticipates bringing legislation later in the term to move all of the duties of the Board of Building Standards to BZAP, so this will avoid a potential future amendment to this section.
3. Aligns the variance application under the Property Maintenance Code with the UDO variance requirements.
4. Expands the civil violation process from the commercial use zone to any buildings, structures, and property. This allows the city to use the civil penalty process in property maintenance matters, which may be a more effective tool than prosecution in many cases.
5. Explicitly allows the city to use the tax address on file with the Franklin County Treasurer's Office as one of the methods of service.

History

Per Council's direction, Staff has proposed changes to the fines levied as part of code enforcement cases. To Staff's knowledge, no changes to these fines have occurred for several years.

Alternatives

A more stringent approach could be taken by designating code enforcement violations as First Degree Misdemeanors (M1). Such a designation would increase the minimum fine to $1,000 and also add up to six months of jail time as a stronger deterrent for violators. Staff has researched other communities in Central Ohio and found that several, including Columbus, employ this more stringent fine structure.

The existing fine structure could also be left 'as-is'.

Attachments

1.	Ordinance No. 17-2025
2.	Exhibit A
3.	Exhibit B

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 17-2025

TO AMEND §3.06 – ENFORCEMENT AND PENALTIES AND VARIOUS PARTS OF §1401 – AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION OF THE UPPER ARLINGTON CODE OF ORDINANCES

WHEREAS, the City of Upper Arlington seeks to maintain and enhance the safety, appearance, and livability of its neighborhoods and commercial areas through effective enforcement of its Property Maintenance Code and Unified Development Ordinance (UDO); and

WHEREAS, the City's code enforcement officers prioritize voluntary compliance and offer residents reasonable opportunities, assistance, and extensions to remedy violations; and

WHEREAS, in cases of continued non-compliance, current enforcement mechanisms, including minor misdemeanor fines, have proven insufficient in deterring violations or recovering the costs associated with enforcement; and

WHEREAS, the code enforcement staff seek to strengthen their enforcement authority and procedures while maintaining fairness and alignment with the City's broader zoning and land use policies.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

<u>SECTION 1.</u> Sections 3.06 – Enforcement and Penalties of Article 3 - Administration of the Upper Arlington Code of Ordinances is hereby amended as described in Exhibit A (attached hereto and made a part herein).

<u>SECTION 2.</u> Sections 106, 111, 112, and 113 of Part 14 – Property Maintenance Code, Chapter 1401 – Amendments, Deletions and Modifications to the ICC International Property Maintenance Code, 2003 Edition of the Upper Arlington Code of Ordinances is hereby amended as described in Exhibit B (attached hereto and made a part herein).

<u>SECTION 3.</u> This ordinance shall take effect 30 days after passage.

§ 3.06 ENFORCEMENT AND PENALTIES.

(A) *Enforcement by Director of Community Development:* It shall be the duty of the Director of Community Development to enforce this UDO in accordance with these administrative provisions. All departments, officials and employees of the City of Upper Arlington, shall comply with the provisions of this UDO, and shall issue no permit, license, or registration for any use, building or purpose in conflict with the provisions of this UDO. Any permit, license, or registration, issued in conflict with the provisions of this UDO shall be voidable by the Director of Community Development. The duties imposed on the Director of Community Development shall not constitute a limitation on the power of other enforcement officers of this city to make arrest or to institute prosecutions for violations of this UDO.

(B) *Violations and penalties:* It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this UDO, or any amendment or supplement thereto adopted by the City Council of the City of Upper Arlington. Any person, firm, corporation, or other legal entity violating any of the provisions of this UDO, or any amendment or supplement, shall be guilty of an ~~minor~~ unclassified misdemeanor. Except as provided below in Subsection (E), upon conviction, the person, firm, corporation, or other legal entity shall be fined not more than ~~one~~ five hundred ~~fifty~~ dollars ($~~150.00~~500.00). Any person, firm, corporation, or other legal entity that is convicted of violating any of the provisions of this UDO, having been previously convicted of violating any of the provisions of this UDO, or any amendment or supplement within two (2) years of the offense charged, shall be guilty of a misdemeanor and fined not more than one thousand ~~five~~ ~~hundred~~ dollars ($~~500.00~~1,000.00) except where Subsection E below provides otherwise. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, shall be deemed to be a separate offense.

(C) *Violations, remedies:* In case any building is or is proposed to be used in violation of this UDO, or any amendment or supplement, the City Council, City Manager, City Attorney, Director of Community Development or any adjacent or neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use. The action could be to restrain, correct or abate such violation; to prevent the occupancy of said building structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(D) *Exemptions:* Government entities carrying out a governmental function, activity, or implementation of essential services may be exempt in whole or in part from this UDO at the discretion of the City Attorney or the Director of Community Development.

(E) *Regulation of contributing structures:*

(1) No historic demolition shall be permitted without a certificate of economic hardship or a final board review following compliance with the one hundred eighty-day period outlined in UDO Section 4.06(I)(3).

(2) Nothing in this Ordinance shall limit the ability of the City to seek injunctive relief.

(3) Violating the historic demolition ordinance is a strict liability offense. Whoever commits a historic demolition in violation of this Ordinance shall be fined not less than one thousand dollars ($1,000.00). Each day that a violation continues after reasonable notice shall be deemed a separate offense. The owner or tenant of any building, premises or a part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation or noncompliance may be found guilty of a separate offense and suffer the penalties herein provided. In addition to a fine, a violator can be required to complete any restoration ordered by the Board. The

total fines that may be imposed on a property owner for violations involving a particular contributing structure shall not exceed seventy-five thousand dollars ($75,000.00).

(4) The City reserves the right to revoke a certificate of economic hardship that was issued based on fraudulent information provided by the applicant or anyone acting on behalf of the applicant.

(5) Any alteration to a contributing structure which requires a building permit must first complete design review with the Director of Community Development in accordance with the requirements of sections 7.17 and 7.18. Design review shall be conducted by the Board if the alteration requires a historic demolition permit.

(Ord. No. 87-2015, § 5, 12-14-2015)

§ 1401.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION.

SECTION 106
VIOLATIONS

106.3 Prosecution of Violation

Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. A violation shall be classified as ~~minor~~ an unclassified misdemeanor for the person's first offense and shall be classified as a fourth degree misdemeanor for every subsequent offense. ~~Whoever violates any provision of this Code shall be fined as prescribed in C.O. § 501.09 and C.O. § 501.10.~~

~~106.4 Violation Penalties~~

~~Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. A violation shall be classified as a minor misdemeanor for a person's first offense and shall be classified as a fourth degree misdemeanor for every subsequent offense. Whoever violates any provision of this Code shall be fined as prescribed in C.O. § 501.09 and C.O. § 501.10.~~

SECTION 111
MEANS OF APPEAL

111.1 Procedure

The ~~Upper Arlington Board of Building Standards~~ Board of Zoning and Planning shall serve as the Upper Arlington Property Maintenance Appeals Board. The ~~Property Maintenance Appeals~~ Board shall hear appeal and variance requests from the Upper Arlington Property Maintenance Code.

~~Procedures and duties of the Property Maintenance Appeals Board shall be consistent with Chapter 1306 of the Upper Arlington Codified Ordinances. Appeal and variance requests shall be consistent with Sections 111.2-111.4 of this Code.~~

In computing any period of time prescribed or allowed by this section, the day of the act or order from which the designated period of time begins to run shall not be included. The last day of the period as computed shall be included, unless it is a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless otherwise specified. If the final day of the period falls on a Saturday, Sunday, or legal holiday, then the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday. (Per Ordinance No. 82-2013)

111.2 Appeal of Administrative Order

Any person aggrieved by any order made by the Director of Community Development, or designated representative, in the administration or enforcement of this Code may appeal to the ~~Property Maintenance Appeals~~ Board of Zoning and Planning by filing a written notice of appeal with the Director of Community Development within thirty (30) days of issue of the order. A decision to file a code enforcement citation in the Upper Arlington Mayor's Court or other court of competent jurisdiction may not be appealed to the ~~Property Maintenance Appeals~~ Board of Zoning and Planning. Any appeal application ~~submitted to the Property Maintenance Appeals Board~~ under this section shall be accompanied by a filing fee as specified in C.O. § 401.02. (Per Ordinance No. 82-2013)

111.3 Variance

§ 1401.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION.

A person may seek a variance from the requirements of the Upper Arlington Property Maintenance Code. A variance may not proceed concurrently with an appeal, if a person has elected to appeal an administrative order. Applications shall be filed with the Director of Community Development, or designated representative, who shall transmit the same to the ~~Property Maintenance Appeals~~ Board of Zoning and Planning. Any application submitted to the ~~Property Maintenance Appeals~~ Board shall be accompanied by a filing fee as specified in the Master List of Fees. The ~~Property Maintenance Appeals~~ Board may authorize, in specific cases, such variance where practical difficulties unique to the property in question would create an undue hardship, prevent full compliance with this Code and not be contrary to the public interest.

111.3.1 Submittal Requirements

An application for a variance shall be filed ~~on a form provided by~~ with the Director of Community Development. ~~Such application form shall contain a notice that the action of the Board is subject to appeal to the City Council within fifteen (15) days after final action of the Board, and that it is the responsibility of a successful applicant, before taking action thereunder, to obtain a certificate from the City Clerk that no appeal has been filed within said appeal period~~. ~~Such~~The variance application shall be submitted pursuant to the requirements of U.D.O. Article 4.09.~~form shall contain the following:~~

~~1. Name, address and phone number of the applicant(s) and property owner(s);~~

~~2. Proof of ownership, legal interest or written authority;~~

~~3. Legal description of property or portion thereof;~~

~~4. Description or nature of the variance requested;~~

~~5. Narrative statements establishing and substantiating the justification for the variance;~~

~~6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;~~

~~7. Payment of the application fee as established by City Council;~~

~~8. Any other documents deemed necessary by the Director of Community Development.~~

111.3.2 Notification

Written notice of the public hearing shall be provided to all owners within 100 feet of the subject site. The applicant shall provide a list of the owners within 100 feet of the property for which the variance is requested to the Director of Community Development. Such notice shall be sent, by the applicant certified mail, at least 10 days before the date of the hearing addressed to the owners appearing on the Franklin County Auditor's current tax list and to such other list or lists as verified by staff.

111.3.3 Hearing and Recommendation

The ~~Property Maintenance Appeals~~ Board shall review the application and recommend that the variance be granted as requested; be granted as modified by the Board, or be denied. The ~~Property Maintenance Appeals~~ Board shall indicate the specific reason(s) for its recommendation.

111.3.4 Additional Conditions and Safeguards

The ~~Property Maintenance Appeals~~ Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

111.3.5 Expiration

§ 1401.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION.

Variances shall expire one year from the date of enactment, unless prior thereto the applicant executes the terms of the variance. There shall be no modification of the variance except by further consideration of the ~~Property Maintenance Appeals~~ Board. Extension of variance without modification may be applied for prior to the date of expiration, if the variance does not carry a prohibition against such extension. Extensions may be granted by the ~~Property Maintenance Appeals~~ Board if it finds that the requested extension is consistent with the purpose, policies and the intent of the Master Plan and the specifications of this Code. Requests for renewal of expired variances shall be considered to be the same as an application for variance and shall meet all requirements for application and review.

111.3.6 Standards for Approval

The following factors shall be considered and weighed by the ~~Property Maintenance Appeals~~ Board in determining the practical difficulty or hardship:

1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures;
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
6. Whether special conditions or circumstances exist as a result of actions of the current or a previous owner;
7. Whether the property owner's predicament feasibly can be resolved through some method other than a variance;
8. Whether the spirit and intent behind the property maintenance requirement would be observed and substantial justice done by granting a variance; and/or
9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

111.4 Appeal from Decision of the ~~Property Maintenance Appeals~~ Board of Zoning and Planning

The Director of Community Development or designee, or a person aggrieved by any decision of ~~the Upper Arlington Property Maintenance Appeals~~ Board of Zoning and Planning on an order or variance application under this section may appeal to court pursuant to Ohio Revised Code Chapter § 2506 within 30 days after issuance of the Board's decision. ~~City Council~~. ~~Such appeal shall be taken within fifteen (15) days after the final action of the Property Maintenance Appeals Board by filing a written notice of such appeal with the City Clerk. No decision of the Property Maintenance Appeals Board shall become final until the expiration of fifteen (15) days from the date such decision is made, or, if an appeal is filed, until final action thereon by the Council. (Per Ordinance No. 82-2013)~~

~~111.5 Court Review~~

§ 1401.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION.

~~Any person aggrieved by the final decision of the City Council shall have the right to appeal the final decision pursuant to Ohio Revised Code § 2506.01. The appellant must follow the procedures for filing a timely appeal in accordance with Ohio Revised Code §§ 2505.04, 2505.05 and 2505.07.~~

SECTION 112
PROCEDURE FOR FINDING A VIOLATION OF THE PROPERTY MAINTENANCE CODE OR PUBLIC NUISANCE

112.1 Application.

This section shall apply to all buildings, structures, and property located within the City of Upper Arlington, regardless of zoning district and/or use. ~~only to commercial buildings and structures, including, but not limited to, buildings and structures zoned or used for a mix of uses that includes a commercial use. This section shall not apply to any building or structure zoned or used exclusively for residential purposes.~~

112.2 Procedure for Finding Public Nuisance or violation of the Property Maintenance Code.

A. Whenever the City Manager or designee determines that there exists a public nuisance, as defined in Section 202 of this Code or a violation of the Property Maintenance Code, he or she shall issue a notice of violation to the owner of the property setting forth the conditions that cause the structure to be a public nuisance or in violation of the Code and advising the owner that the public nuisance must be abated or the code violation remedied. If the conditions that cause the structure to be a public nuisance include violations of this Code or the Upper Arlington Building Code, then prior to declaring a public nuisance under this section the City Manager or designee shall confirm that appropriate notices have been issued in accordance with the applicable requirements of this Code or the Building Code pertaining to the underlying violation, and shall document non-compliance with said notices. Notice of violation shall:

1. Be in writing;
2. Describe the property alleged to be a public nuisance or in violation of the Property Maintenance Code;
3. Advise the owner of the grounds upon which the notice has been issued.
4. If the conditions which cause the structure to be a public nuisance include violations of this Code or the Building Code, identify the sections of this Code and/or the Building Code of which the structure is in violation and the specific conditions which are the basis for the determination that the structure is a public nuisance;
5. Order the owner to abate the public nuisance or code violation and identify the specific conditions that must be corrected in order to constitute abatement;
6. Specify a reasonable time for compliance with the order to abate;
7. Advise the owner of the right to appeal the notice of violation to the Upper Arlington Board of ~~Building Standards~~ Zoning and Planning.
8. Advise the owner that if the order to abate the conditions indicated in the notice of violation is not complied with by the specified date of compliance, the City Manager or designee may do any, or all of, the following:
    a. Initiate a civil and/or criminal action against the owner to enforce the order;
    b. Cause the conditions indicated in the notice of violation to be corrected by city personnel or private contractor and charge the costs of such correction and any applicable

administrative fee as a lien upon the owner's structure or land pursuant to C.O. 227.04, including but not limited to correction by demolition of the structure;

c. Assess a civil penalty against the owner pursuant to Section 113 of this Code of one thousand dollars ($1,000.00) for each calendar day that the owner fails to comply with the order to abate the public nuisance by the specified date as required in the notice of violation which may be assessed to property pursuant to C.O. 227.04.

B. When a notice of violation is served, it shall be served upon the owner by any one of the following methods:

1. Personal service;

2. Certified mail, return receipt requested;

3. Residence service at the owner's address by leaving a copy of the notice of violation with a person of suitable age and discretion then residing therein;

4. Publication in a newspaper of general circulation in Franklin County:

a. The notification shall be published a minimum of once per week for three consecutive weeks, and

b. A copy of the newspaper with a copy of the notice marked, shall be mailed to the party at the last known address and the notice shall be deemed received as of the date of the last publication;

5. Regular mail service to an address that is reasonably believed to be a place of residence of the owner or a location at which the owner is reasonably believed to receive mail regularly, such as at the tax address on file with the Franklin County Treasurer's Office;

6. Posting of the notice of violation on the structure, except that if the structure is vacant, then the notice shall be posted on the structure and one of the above methods of service shall also be used.

C. When the notice of violation has been served as provided herein, it shall be effective as to any person having any interest in the structure whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner as long as the conditions specified in the notice of violation remain and the public nuisance has not been abated as ordered.

D. Written or oral acknowledgement by the owner of receipt of a notice of violation, or appeal of the notice by the owner to the Upper Arlington Board ~~of Building Standards~~ Zoning and Planning, shall be evidence that the owner received the notice.

E. Right of appeal to the Upper Arlington Board of ~~Building Standards~~ Zoning and Planning.

1. A notice of violation issued pursuant to this section may be appealed to the Upper Arlington Board ~~of Building Standards~~ Zoning and Planning by the filing of a notice of appeal with the Community Development Department within 15 days of service of the notice of violation.

2. Upon the filing of a timely notice of appeal, the Upper Arlington Board ~~of Building Standards~~ Zoning and Planning shall conduct a hearing on the appeal within 45 days unless a continuance is requested by either party and granted by the chair of the Board. At such hearing, the burden shall be on the City Manager or designee to prove by the preponderance of substantial, reliable, and probative evidence that the structure identified in the notice of violation is a public nuisance.

§ 1401.02 AMENDMENTS, DELETIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION.

The Upper Arlington Board ~~of Building Standards~~ Zoning and Planning shall render its decision in writing, including findings of fact and conclusions of law, within fourteen days of the date of the hearing. The decision of the Upper Arlington ~~Board of Building Standards~~ Zoning and Planning may reverse, modify or affirm the order and action of the City Manager or designee.

3. Decisions of the Upper Arlington Board ~~of Building Standards~~ Zoning and Planning issued pursuant to this section may be appealed to the Environmental Division of the Franklin County Municipal Court pursuant to Ohio Revised Code Chapter 2506.

F. Nothing in this section shall be construed to prohibit or in any way limit the City or the City Manager or designee from pursuing the enforcement of any provision of this Code, or the abatement of any public nuisance or other condition in violation of any City code or ordinance or that poses a threat to the public health, safety and welfare, through any other action or remedy available at law or in equity, including, but not limited to, causing to be filed in the Environmental Division of the Franklin County Municipal Court a civil complaint for injunctive relief or filing a criminal misdemeanor complaint in a court of competent jurisdiction.

SECTION 113
CIVIL PENALTY; EFFECT OF APPEAL

A. In addition to any other remedy or penalty provided in this Code or the Ohio Revised Code, or which may be available to the City at law or in equity, an owner who fails to comply with a notice of violation issued pursuant to Section 112 of this Code by the date specified in the notice may incur a civil penalty of one thousand dollars ($1,000.00) for each calendar day thereafter that the owner fails to comply with the order to abate the public nuisance or remedy the violation as required in the notice of violation. The City Manager or designee shall provide notice to the owner prior to the assessment of a civil penalty as provided herein. Such notice shall state the date on which the assessment of a civil penalty will commence and shall be served on the owner as provided in Section 112.2(B). The City Manager or designee must document non-compliance with the notice of violation and/or abatement order for each day for which a civil penalty is to be assessed against the owner under this section. The City Manager or designee shall also document that prior to the issuance of the notice of civil penalty he or she has personally conferred or attempted to confer with the owner in an effort to establish a reasonable period of time for the owner to comply and ~~abate the nuisance~~ remedy the violation and the owner either did not comply or refused to meet or was unavailable.

B. A notice of the assessment of a civil penalty issued pursuant Section 113(A) shall constitute a final administrative decision and shall be appealable to the Environmental Division of the Franklin County Municipal Court pursuant to Ohio Revised Code Chapter 2506. During the pendency of any such appeal, civil penalties assessed pursuant to this section shall continue to be assessed and to accrue.

C. In addition to any other remedy available by law, the City Manager or designee may file a civil action in the Environmental Division of the Franklin County Municipal Court seeking a court order to recover any accumulated and future civil penalties.

D. Upon the owner appealing a notice of violation to the Upper Arlington Board ~~of Building Standards~~ Zoning and Planning pursuant to Section 112, any enforcement action seeking compliance with the ordered abatement or property maintenance correction, including the collection of civil penalties pursuant to this section, shall be stayed until the Upper Arlington Board ~~of Building Standards~~ Zoning and Planning issues its decision on the appeal. However, civil penalties assessed pursuant to this section shall continue to be assessed and to accrue during the pendency of any appeal to the Upper Arlington Board of Building Standards and any subsequent court appeals.

Authors:	Jacolyn Thiel, Assistant City Manager
Council Meeting Date:	June 9, 2025
Subject/Legislative Item:	Ordinance No. 18-2025 - An ordinance authorizing the City Manager to enter into contract with the Upper Arlington School District for site work at 1945 Ridgeview Road; and to appropriate funds
Purpose:	Authorization to enter into an agreement with the Upper Arlington School District to facilitate the demolition of the Senior Center and the resurfacing of the adjacent parking lot, in accordance with obligations outlined in the previously approved Compensation Agreement related to the Bob Crane Community Center Development.
Executive Summary:	This legislation provides authorization to enter into an agreement with the Upper Arlington School District for abatement, demolitions, grading, seeding, and parking lot resurfacing work at 1945 Ridgeview Road - the site of the former Senior Center. This agreement outlines project responsibilities, design and procurement procedures, and a reimbursement structure, with project management led by the School District and funding provided by the City not to exceed $500,000. This legislation also includes waiving the requirement of an appraisal under authority granted by C.O. 223.07(B). Lastly, this legislation also includes adding additional appropriations for said expenditure.

Purpose and Impact

This Agreement supports the final stages of transition related to the Community Center development and ensures the School District receives the agreed-upon site improvements before assuming ownership. The School District will lead construction of the project, while the City will reimburse all eligible costs associated with it. The School District had a consultant, Moody Nolan, complete the design and City staff reviewed the plans and cost estimates. The School District advertised the project and opened bids the week of June 2nd.

Financial Impact:

- Reimbursement obligation not to exceed $500,000. Preliminary bids show the cost between $350,000-$400,000 with ancillary costs to be determined.
- Costs covered include design, abatement, demolition, grading, seeding, resurfacing, and ancillary services
- This project was not included in the 2025 budget. Therefore, an additional appropriation of $500,000 is being requested in the General Fund - General Administration - Capital category.

History

- In 2021, the City approved a Development Plan for a new Community Center at Kingsdale - Ordinance No. 1-2021
- A Compensation Agreement between the City and School District provided for transfer of the former Tremont Senior Center site to the School District.
- The Compensation Agreement obligated the City to complete abatement, demolition, site restoration, and parking lot resurfacing prior to the property's transfer. This agreement adjusts that arrangement to allow the school to do the work and have the City reimburse for the work.
- The Community Center has been completed, and the City is now ready to proceed with the site work as outlined.

Alternatives

Council may opt to delay approval of the agreement, but this will delay the project into the 2025-2026 school year.

Attachments

1.	Ordinance No. 18-2025
2.	Exhibit A

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 18-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH THE UPPER ARLINGTON SCHOOL DISTRICT FOR SITE WORK AT 1945 RIDGEVIEW ROAD; AND TO APPROPRIATE FUNDS

WHEREAS, in 2021, City Council approved Ordinance No. 1-2021, adopting a Development Plan for a new Community Center at Kingsdale; and

WHEREAS, the Compensation Agreement between the City of Upper Arlington and the Upper Arlington School District provided for the transfer of the former Senior Center site located at 1945 Ridgeview Road to the School District after the City completes abatement, demolition, site restoration, and parking lot resurfacing prior to transfer of ownership; and

WHEREAS, the City and School District desire to revise that arrangement through a new agreement in which the School District will manage the project, including design, procurement, and construction activities, with the City reimbursing the District for all eligible expenses associated with the project; and

WHEREAS, the project scope includes abatement, demolition, grading, seeding, resurfacing, and ancillary services, with total reimbursement costs not to exceed $500,000; and

WHEREAS, this agreement supports the final stages of the Community Center transition, ensuring the School District receives the agreed-upon site improvements before assuming ownership of the property; and

WHEREAS, to fulfill its obligations, the City must waive the appraisal requirement, pursuant to Section 223.07(B) of the Upper Arlington Code of Ordinances, and make an additional appropriation in the General Fund.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

<u>SECTION 1.</u> The City Manager is hereby authorized and directed to enter into an agreement with the Upper Arlington School District to provide for abatement, demolition, grading, seeding, and parking lot resurfacing work at the former Senior Center site, located at 1945 Ridgeview Road, with reimbursement from the City to the School District not to exceed $500,000.00 (said agreement attached hereto and incorporated herein as Exhibit A).

SECTION 2. The City is authorized to transfer the former Senior Center site located at 1945 Ridgeview Rd. to the Upper Arlington School District, as the property is now surplus property not needed by the City. The requirement for an appraisal under Section 223.07 of the Codified Ordinances is hereby waived pursuant to Section 223.07(B).

SECTION 3. The Finance Director is authorized to make the additional appropriation of $500,000.00 in the General Fund - General Administration - Capital category.

SECTION 4. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 5. This ordinance shall take effect immediately upon passage.

JOINT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF UPPER ARLINGTON AND THE BOARD OF EDUCATION FOR THE UPPER ARLINGTON CITY SCHOOL DISTRICT, FOR THE ABATEMENT AND DEMOLITION OF THE TREMONT SENIOR CENTER AND FOR RESURFACING OF THE PARKING LOT

This joint development agreement ("Agreement"), is made and entered as of the last date signed below (the "Effective Date"), by and between the City of Upper Arlington, Ohio, a municipal corporation (the "City") and the Board of Education for the Upper Arlington City School District (the "Board"), a public school district board of education, and is for the abatement and demolition of the improvements located at 1945 Ridgeview Road, Upper Arlington, Ohio (commonly known as the "Tremont Senior Center") and for the resurfacing of the Tremont Senior Center parking lot. The City and Board are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, the City previously authorized a development plan (the "Development Plan") to, among other things, redevelop an approximately 6.226 acre site located on the northern portion of the Kingsdale Center, located within the City and the Upper Arlington City School District, with the Development Plan contemplating the construction of a community center (the "Community Center").

WHEREAS, in conjunction with the Development Plan, the Parties executed a Compensation Agreement (the "Compensation Agreement") which, among other things, authorizes the transfer by the City to the Board the property underlying the Tremont Senior Center, in the event the City undertakes the construction of the Community Center;

WHEREAS, the Compensation Agreement further states that the City, at its sole expense, will (i) cause the demolition of the Tremont Senior Center; (ii) provide for the grading and seeding of the underlying property, and (iii) resurface the existing parking lot adjacent to the Tremont Senior Center on such property (the "Project")(the term "construction" as stated in this Agreement, shall include all work related to the abatement, demolition, grading, seeding, and resurfacing identified as part of the "Project").

WHEREAS, the City has constructed the Community Center and now desires to move forward with the Project and, upon conclusion of the Project, dedicate the Project and underlying property (the "Project Property") to the Board, pursuant to the terms of the Compensation Agreement.

WHEREAS, the Parties now enter into this Agreement to memorialize how the Project will be funded, procured, designed, constructed, and maintained upon dedication from the City to the Board.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Design and Construction of the Project. The Board will be the owner of the Project and will be responsible for procurement of all design and construction. Procurement of the design and construction will comply with all state and local requirements. Unless otherwise agreed by the Parties, the Board will bid any construction in accordance with R.C. 3313.46. Plans and specifications for the Project shall be submitted to the City for approval in accordance with the typical process required for construction by the Board. Approval by the City shall also be deemed approval of the plans and specifications for purposes of the City's reimbursement obligation set forth in Paragraph 2 of this Agreement. Construction of the Project will be performed in a workmanlike manner and consistent with the plans and specifications approved by the City.

2. The City's Financial Reimbursement to the Board for the Project. Pursuant to the terms of the Compensation Agreement, the Parties previously agreed that the City would be solely responsible for all costs of the Project. The Parties agree that it is in the best interests of both the City and the Board for the Board, as owner of the Project, to manage all aspects of the Project. Accordingly, the City shall reimburse the Board for all costs incurred for the Project. These costs include all costs incurred for design services, including abatement consulting costs, all costs incurred for construction of the Project, and all ancillary costs related to the Project, including but not limited to, permitting fees, insurance and bonding costs, and other consulting costs.

Except for any agreements entered into prior to the effective date of this agreement, before entering into any agreements for design, construction, and/or related consulting services for the Project, the Board will provide the City with the written proposal or bid document detailing the costs to be incurred, and the City shall provide written approval or objection within five business days. In the event the City does not provide written approval or objection within five business days, the City will be deemed to have consented to the proposed costs for purposes of reimbursement to the Board. Within 60 days of final completion of the Project, the Board will provide the City with an accounting of all Project costs that the Board seeks for reimbursement, including agreements entered into prior to the effective date of this agreement, and any other documentation requested by the City that is reasonably necessary for the City to confirm its reimbursement obligation for the Project. Within 60 days of receipt of the Board's accounting for reimbursement and any supporting documentation requested by the City, the City shall reimburse the Board. The amount to be reimbursed by the City shall not exceed **$500,000**, except as otherwise agreed by the Parties.

3. Temporary License Agreement for Construction Access. All work for the Project will be performed on property currently owned by the City. Accordingly, the City grants a temporary license to the Board, its contractors, agents, and other designees, to access the Project Property for the purpose of staging and constructing the Project. The license granted under this paragraph will terminate upon final completion of the Project.

4. Partition and Survey of the Project Property. The City shall partition the Project Property so that any roads and rights of way owned by the City shall be separated from the Project Property. That City shall undertake to have a new survey performed and a new legal description prepared in order to dedicate the Project and underlying Project Property to the Board at the Conclusion of the Project. In the event the partition and survey is not complete at the conclusion of construction of the Project, the City grants a temporary easement to the Board to access and use the Project for all school district purposes, with such easement terminating upon dedication of the Project and Project Property to the Board and acceptance of such dedication by the Board.

5. Bonds and Insurance. The Board will require all prime contractors for the Project to provide bid guaranties and contract bonds required by Ohio Revised Code § 153.54. The City will be named as a co-obligee on all contract bonds provided by any prime contractor. The Board will require all prime contractors performing work on the Project to carry appropriate liability insurance. The City will be named as an additional insured on the certificate of insurance provided by any prime contractor.

6. Ownership after Construction. Upon final completion of construction of the Project, the City will dedicate the Project and Project Property to the Board, and the Board will accept dedication of the same.

7. Operation and Maintenance. Upon dedication of the Project and Project Property to the Board by the City, and acceptance of the dedication, the Board will be solely responsible for the ongoing operation and maintenance of all aspects of the Project and Project Property.

8. Authority. Authority for entering into this Agreement is under Ohio Revised Code § 715.02. The Parties deem the Project to be a joint benefit to the Parties.

9. Schedule. The Parties will endeavor to complete the Project prior to August 1, 2025

10. Limited Liability. The Parties agree that this Agreement does not create an indemnification obligation for either of the Parties, as such an obligation would be contrary to Ohio law.

11. Modification. No modification or waiver of any of the terms of this Agreement will be effective against either of the Parties unless set forth in writing and signed by or on behalf of the Parties. Under no circumstances will forbearance, including the failure or repeated failure to insist upon compliance with the terms of this Agreement, constitute a waiver or modification of any such terms. The Parties acknowledge that no person has authority to modify this Agreement or to waive any of its or their terms, except as expressly provided in this section.

12. Governing Law and Jurisdiction. All questions regarding the validity, intention, or meaning of this Agreement or any modifications of it relating to the rights and obligation of the Parties will be construed and resolved under the laws of the State of Ohio. Any suit, which may be brought to enforce any provision of this Agreement or any remedy with respect hereto shall be brought in the Court of Common Pleas in the county where the Project is located, and each party hereby expressly consents to the exclusive jurisdiction of such court to the exclusion of any other court, including any U.S. District Court or any other federal court.

13. Severability. If any term or provision of this Agreement is found to be illegal, unenforceable, or in violation of any laws, statutes, ordinances, or regulations of any public authority having jurisdiction, then, notwithstanding such term or provision, this Agreement will remain in full force and effect and such term will be deemed stricken; provided this Agreement will be interpreted, when possible, so as to reflect the intentions of the Parties as indicated by any such stricken term or provision.

14. Construction. The Parties acknowledge that each party has reviewed this Agreement and entered into this Agreement as a free and voluntary act. Accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement.

15. Headings. The headings contained herein are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

16. Counterparts. This Agreement may be executed in separate counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

17. Entire Agreement. This Agreement constitutes the entire agreement among the Parties with respect to its subject matter and will supersede all prior contemporaneous, oral or written agreements, negotiations, communications, representations, and understandings with respect to such subject matter, and no person is justified in relying on such agreements, negotiations, communications, representations, or understandings. In the event any terms in this Agreement are inconsistent with the plans and specifications for the Project, the terms of this Agreement shall control.

18. Authorization. The Parties warrant that they are duly authorized to execute this Agreement.

19. Electronic Signatures. Any party may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed effective as of the Effective Date set forth above.

BOARD OF EDUCATION FOR THE UPPER ARLINGTON CITY SCHOOL DISTRICT	CITY OF UPPER ARLINGTON
x ______________________________	x ______________________________
By:______________________________ (Print Name, Title)	By:______________________________ (Print Name, Title)
Date: ______________________________	Date: ______________________________

CERTIFICATE OF FUNDS

(ORC Section 5705.41)

The undersigned, Fiscal Officer of the City of Upper Arlington, hereby certifies in connection with the Agreement to which this Certificate is attached that the amount required to meet the obligations under the contract, obligation, or expenditure for the services described in the attached agreement, has been lawfully appropriated for the purpose, and is in the treasury or in process of collection to the credit of an appropriate fund, free from any outstanding obligation or encumbrance.

Dated: ____________________

____

Fiscal Officer

City of Upper Arlington

3600 Tremont Road | Upper Arlington, OH 43221
614-583-5000 | upperarlingtonoh.gov

STAFF REPORT

Authors: Brent Lewis, Finance Department Director

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 19-2025 - An ordinance authorizing the issuance of not to exceed $43,790,000 of General Obligation Limited Tax bonds, in one or more series, for the purpose of refunding a portion of certain outstanding General Obligation bonds of the City; and authorizing and approving related matters

Purpose: City Council authorization is required prior to the issuance of any bonds. This proposed authorization pertains to the issuance of bonds for the purpose of refunding certain outstanding bonds. The objective is to take advantage of potentially lower interest rates, which would reduce the City's overall debt service obligations. By proceeding with the refunding at an opportune time, the City may achieve significant interest cost savings and improve its long-term financial position.

Executive Summary: Current interest rates indicate a potential for interest cost savings for current outstanding bonds that were issued in 2014, 2015, 2016, 2017, 2022. In order to take advantage of these savings, staff is requesting that the City Council authorize the issuance of not to exceed $43,790,000 of General Obligation Limited Tax Bonds for the purpose of refunding a portion of said bonds.

If the market conditions are not favorable to generate debt service savings, all or a portion of the bonds will not be issued.

Purpose and Impact

When the City issues bonds, they are issued with a "callable" feature. The call feature of a municipal bond is essentially the earliest date on which the issuer has the right (but not the obligation) to redeem the bond before its maturity date. The first call date is typically 10 years after the bond is issued, but this can vary. This feature is important to the City because, if interest rates fall, issuers may refinance their debt by calling existing bonds and reissuing new ones at lower rates.

Staff, along with its Municipal Advisor, perform an annual review of its debt obligations and the availability to refund bonds to obtain interest cost savings. To ensure an efficient use of staff and resources, the City typically strives to limit refinancing bond issues to those that save a minimum of an estimated 3% of existing payments on a present value basis. This particular ordinance includes all the City's current bonds that are callable at this time. If the City Council authorizes this issuance, the City will have the ability to refund the bonds that generate a savings for the City. If certain issuances do not generate savings, they will not be included in the refunding issuance.

The Bonds related to this authorization are:

Issuance	Original Purpose of Issuance	Outstanding Amount	Refundable Amount
Various Purpose Refunding Bonds, Series 2014	Refunding of 2009 and 2010 bonds	$ 3,495,000	$ 3,495,000
Various Purpose Limited Tax Bonds, Series 2015	CIP	13,795,000	12,235,000
Various Purpose Limited Tax General Obligation Bonds, Series 2016	CIP	9,785,000	9,780,000
Various Purpose Limited Tax General Obligation Bonds, Series 2017	CIP	2,285,000	1,365,000
Various Purpose General Obligation Bonds, Series 2022	CIP	17,530,000	16,915,000
		$46,890,000	**$43,790,000**

With the latest numbers run, the only issuance that would garner any savings would be the refunding of the Series 2022 bonds (estimated 10% in present value savings, or $1.7M). However, as we all know, the market can change quickly, so it is worth including all the applicable bonds in this authorization in case the market adjusts in the City's favor. One other point to make, is that the refunding would not extend the life of the bonds.

The anticipated timing for this issue:

- End of June - Bond rating meetings (Moody's and S&P Global)
- End of July - Sell bonds
- Early September - Close bonds

Bond Team
Municipal Advisor - Bradley Payne Advisors, LLC
Bound Counsel - Bricker Graydon
Underwriter - Stifel, Nicolaus & Co., Inc.

History
The City has regularly refunded bonds to garner savings. The last refunding issuance occurred in 2020.

Alternatives

City Council can elect to not authorize the refunding of bonds.

Attachments

1.	Ordinance No. 19-2025

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 19 -2025

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $43,790,000 OF GENERAL OBLIGATION LIMITED TAX BONDS, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; AND AUTHORIZING AND APPROVING RELATED MATTERS

WHEREAS, WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Upper Arlington, Ohio (the "City"), the City issued and sold certain limited tax general obligation bonds, to wit:

Title	Dated	Outstanding Amount	Callable Amount
Various Purpose Refunding Bonds, Series 2014	07/22/2014	$ 3,495,000	$ 3,495,000
Various Purpose Limited Tax Bonds, Series 2015	04/14/2015	13,795,000	12,235,000
Various Purpose Limited Tax General Obligation Bonds, Series 2016	12/15/2016	9,785,000	9,780,000
Various Purpose Limited Tax General Obligation Bonds, Series 2017	01/10/2017	2,285,000	1,365,000
Various Purpose General Obligation Bonds, Series 2022	11/17/2022	17,530,000	16,915,000

(the above-described bonds are collectively referred to as the "Outstanding Bonds"), for the purposes described in those ordinances and in the Outstanding Bonds: and

WHEREAS, the City can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds; and

WHEREAS, in view of currently prevailing lower interest rates, this Council has determined that it is advisable and in the best interest of the City to issue the Bonds (as defined hereinbelow) to refund all or a portion of the Callable Amount of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, the Finance Director of the City (the "Finance Director") has certified to this City Council (the "Council") that the maximum maturity and principal amount of the Bonds cannot exceed the maximum maturity and principal amount of the Refunded Bonds; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed $43,790,000 of such bonds under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.34 thereof, and the Charter of the City (the "Charter") for the purpose stated in the title of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. It is hereby declared necessary to issue bonds of the City, in one or more series, in the aggregate principal sum of not to exceed $43,790,000, or such lesser amount as shall be determined by the Finance Director and certified to this Council, which bonds shall be designated "Refunding Bonds," or as otherwise designated by the Finance Director (the "Bonds"), for the purpose described in the title of this Ordinance.

SECTION 2. It is hereby determined, that for the purposes of issuance and sale, it may be in the best interest of the City to combine the Bonds with other general obligation bonds of the City authorized by separate ordinances of this Council, as determined by the Finance Director. The Bonds and such other bonds shall be jointly referred to herein as the "Combined Bonds." As used in this Ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

SECTION 3. The Bonds shall be issued as fully registered bonds in denominations of $5,000 or any integral multiple thereof; shall be numbered consecutively from R-1 upward, as determined by the Finance Director; shall be dated the date determined by the Finance Director and set forth in the Certificate of Fiscal Officer provided for hereinbelow; and shall bear interest, payable semiannually on such dates as shall be determined by the Finance Director and set forth in the Certificate of Fiscal Officer, until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months. Coupons shall not be attached to the Bonds.

SECTION 4. The sale and award of the Bonds shall be evidenced by a Certificate of Fiscal Officer (the "Certificate of Fiscal Officer") signed by the Finance Director. The Certificate of Fiscal Officer shall (a) set forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, (b) the dated date for the Bonds, (c) the dates on which interest on the Bonds is to be paid (each, an "Interest Payment Date"), (d) the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), (e) the maturity schedule for the Bonds, (f) the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum), (g) the optional and mandatory redemption provisions, if any, and (h) such other terms not inconsistent with this Ordinance as the Finance Director shall deem appropriate.

SECTION 5. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Fiscal Officer. The Current Interest Bonds shall be in the denominations of $5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal $5,000 or any integral multiple thereof at maturity. The Current Interest Bonds shall be dated such date as shall be determined by the Finance Director and set forth in the Certificate of Fiscal Officer and the Capital Appreciation Bonds shall be dated their date of delivery to the Original Purchaser.

SECTION 6. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par pursuant to mandatory redemption on the same date.

When partial redemption is authorized, the Bond Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner and in such denominations as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected will be in the amount of $5,000 or any integral multiple thereof.

The notice of the call for redemption of a Current Interest Bond shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bond or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bond (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Current Interest Bond to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

SECTION 7. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance and shall be executed by the Finance Director and the City Manager of the City (the “City Manager”), in their official capacities; provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Finance Director on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

SECTION 8. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

SECTION 9. The Finance Director is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds (collectively, the "Bond Registrar") or to execute on behalf of the City a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

SECTION 10. For purposes of this Ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Bond of each maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Bond service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Finance Director, or any other officer of the City, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, a letter agreement among the City, the Bond Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as the depository for the Bonds for use in a book entry system, the City and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the City and the Bond Registrar do not or are unable to do so, the City and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the City or the Bond Registrar, of those persons requesting such issuance.

SECTION 11. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the City's Charter millage limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

SECTION 12. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund and shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds from other sources will be available for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of such funds that will be so available and appropriated for that purpose, and the City shall appropriate such funds to the payment of the Bonds in accordance with law.

SECTION 13. Except for any portion of the Bonds that are "self-supporting securities" for purposes of Ohio Revised Code Section 133.05(B)(1), the City hereby covenants, pursuant to Ohio Revised Code Section 133.05(B)(7), to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Bonds in each year until full payment is made.

SECTION 14. The Bonds shall be sold at private sale to Stifel, Nicolaus & Company, Incorporated, or such purchaser or purchasers as the Finance Director shall designate in the Certificate of Fiscal Officer (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser. The Finance Director and the City Manager, or either of them individually, are authorized and directed to execute on behalf of the City a Bond Purchase Agreement with the Original Purchaser (which agreement may be combined with the purchase agreement for the purchase of other general obligation bonds authorized by separate ordinances of this Council), setting forth the conditions under which the Bonds are to be sold and delivered, which Bond Purchase Agreement shall be in such form, not inconsistent with this Ordinance, as the Finance Director shall determine.

Any accrued interest received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the City, as permitted by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

SECTION 15. There is hereby created and established, as an account within the bond retirement fund of the City, one or more trust funds to be designated "City of Upper Arlington – 2025 Refunding Bonds Escrow Fund" (the "Escrow Fund"), or as otherwise designated by the Finance Director, which account may be in the custody of a bank or trust company as an escrow trustee, if desired. The proceeds from the sale of the Bonds, except the accrued interest and premium thereon (if any), shall be deposited in the Escrow Fund along with such funds, if any, as the Finance Director may transfer from the bond retirement fund. Such moneys deposited in the Escrow Fund may be (i) held as cash or (ii) used to purchase direct obligations of or obligations guaranteed as to payment by the United States of America of such maturities and interest payment dates and bearing interest at such rates as will, as certified by such independent public accounting firm as shall be acceptable to the Finance Director and the Original Purchaser without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to pay the interest on, and the redemption price (including any redemption premium) of, the Refunded Bonds on the earliest optional redemption date for the Refunded Bonds. The Finance Director is also authorized, if necessary or desirable to facilitate the refunding of the Refunded Bonds, to engage a consultant to verify the sufficiency of the cash or other obligations held in the Escrow Fund to refund the Refunded Bonds on such redemption date.

Any accrued interest received from the sale of the Bonds shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the City, as permitted by law. Any premium received from the sale of the Bonds may be used to pay the financing costs of the Bonds within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund, including the Escrow Fund contained therein, in the manner provided by law.

The Finance Director is hereby authorized to execute on behalf of the City an Escrow Agreement (the “Escrow Agreement”) with a bank or trust company to be selected by the Finance Director (the “Escrow Trustee”), setting forth the terms by which the Escrow Fund shall be held and disbursed, if the Finance Director determines that an Escrow Agreement is necessary or beneficial to facilitate the refunding of the Refunded Bonds. Such an Escrow Agreement shall be in such form, not inconsistent with this Resolution, as the Finance Director shall determine.

SECTION 16. All or a portion of the Bonds may be issued as securities the interest on which is intended to be excluded from gross income for federal income tax purposes (such Bonds referred to as “Tax-Exempt Bonds”), in accordance with the Internal Revenue Code of 1986, as amended (the “Code”). The City hereby covenants that it shall comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Tax-Exempt Bonds is and will continue to be excluded from gross income for federal income tax purposes. The City further covenants that it shall restrict the use of the proceeds of the Tax-Exempt Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Tax-Exempt Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the “Regulations”).

The Finance Director, or any other officer, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Tax-Exempt Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Tax-Exempt Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Finance Director, which action shall be in writing and signed by the Finance Director, or any other officer, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Tax-Exempt Bonds; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Tax-Exempt Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Tax-Exempt Bonds which limits the amount of proceeds of the Tax-Exempt Bonds which may be invested at an unrestricted yield or requires the City to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The Finance Director is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Tax-Exempt Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the Finance Director.

SECTION 17. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Finance Director determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds authorized by separate ordinances of this Council). If the Finance Director so determines, then the Finance Director and City Manager are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the City. The Finance Director, City Manager, and City Attorney for the City (the

"City Attorney") are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 18. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Finance Director determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Finance Director so determines, then the Finance Director and City Manager are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 19. Bradley Payne, LLC is hereby appointed to serve as financial advisor to the City for the Bonds. The Finance Director is hereby authorized to enter into any agreements necessary to memorialize this relationship. The fees to be paid to such firm shall be subject to review and approval of the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from the proceeds of the Bonds or as otherwise determined by the Finance Director.

SECTION 20. The City Attorney and the Finance Director are hereby authorized to approve the fee to be paid to Bricker Graydon LLP to serve as bond counsel to the City for the Bonds. Such fees shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from the proceeds of the Bonds or as otherwise determined by the City Attorney and the Finance Director.

SECTION 21. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Finance Director and a no-litigation certificate of the City Manager and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

SECTION 22. This Council further hereby authorizes and directs the City Manager, the City Attorney, the Finance Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions, including the appointment of bond counsel, as may be appropriate to implement this Ordinance.

SECTION 23. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, pursuant to statutory, constitutional or Charter limitations, has been exceeded in issuing the Bonds.

SECTION 24. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 25. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Franklin County, Ohio.

SECTION 26. In accordance with the Charter of the City and the Rules of Council approved in accordance therewith, this Ordinance shall take effect and be in force from and immediately after its adoption.

Authors: Jeff Anderson, Parks Development & Arts Superintendent
Debbie McLaughlin, Parks & Recreation Director

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 20-2025 - An ordinance authorizing the City Manager to enter into contract with Korda Nemeth Engineering for design professional services for the renovation of the East Athletic Fields at Northam Park

Purpose: To renovate the East Athletic Fields at Northam Park for improved safety and performance

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Korda Nemeth Engineering for Design Professional Services for the renovation of the East Athletic Fields at Northam Park.

Purpose and Impact

This is an ordinance authorizing the City Manager to enter a contract with Korda Nemeth Engineering in the amount not to exceed $165,000 for complete Design Professional Services necessary for the design and construction contract administration for the renovation of the East Athletic Fields at Northam Park. The 2025 CIP Budget included $161,700 for design services. This amount is within 2% of the budgeted amount and is consistent with the overall project budget.

A key tactic identified in the 2018 Parks & Recreation Comprehensive Plan was to develop and implement a drainage plan for the Northam athletic fields to allow them to support more games and to maximize field use through infrastructure improvements. In response to this, a Northam Park Vision Plan was created in 2020 followed by a Master Drainage Plan in 2021. The Department began implementing these plans in 2022. This project represents the final phase of implementation and will regrade and reseed the East Athletic Fields. It will also provide new area drains, underdrains and an irrigation system. The project will also replace the infields, backstops, fencing and dugouts of Diamonds 2 and 3 and relocate them as recommended in the 2020 Vision Plan. When complete, this project will greatly improve the long term safety and usability of all of the athletic fields and also support the Department's Integrated Turf Health Management Program.

History

A Request for Qualifications was issued on April 15, 2025. On May 9th, three Statements of Qualifications (SOQs) were submitted and reviewed by a Selection Committee consisting of five Parks & Recreation Department staff members. SOQs were scored based on evaluation criteria provided in the Request for Qualifications including project team, past performance, understanding of the project, project approach and overall quality of the response. The results are summarized below:

Korda Engineering: 87
McKinley Architecture & Engineering: 63
Field Source Sports Field Consulting: 58

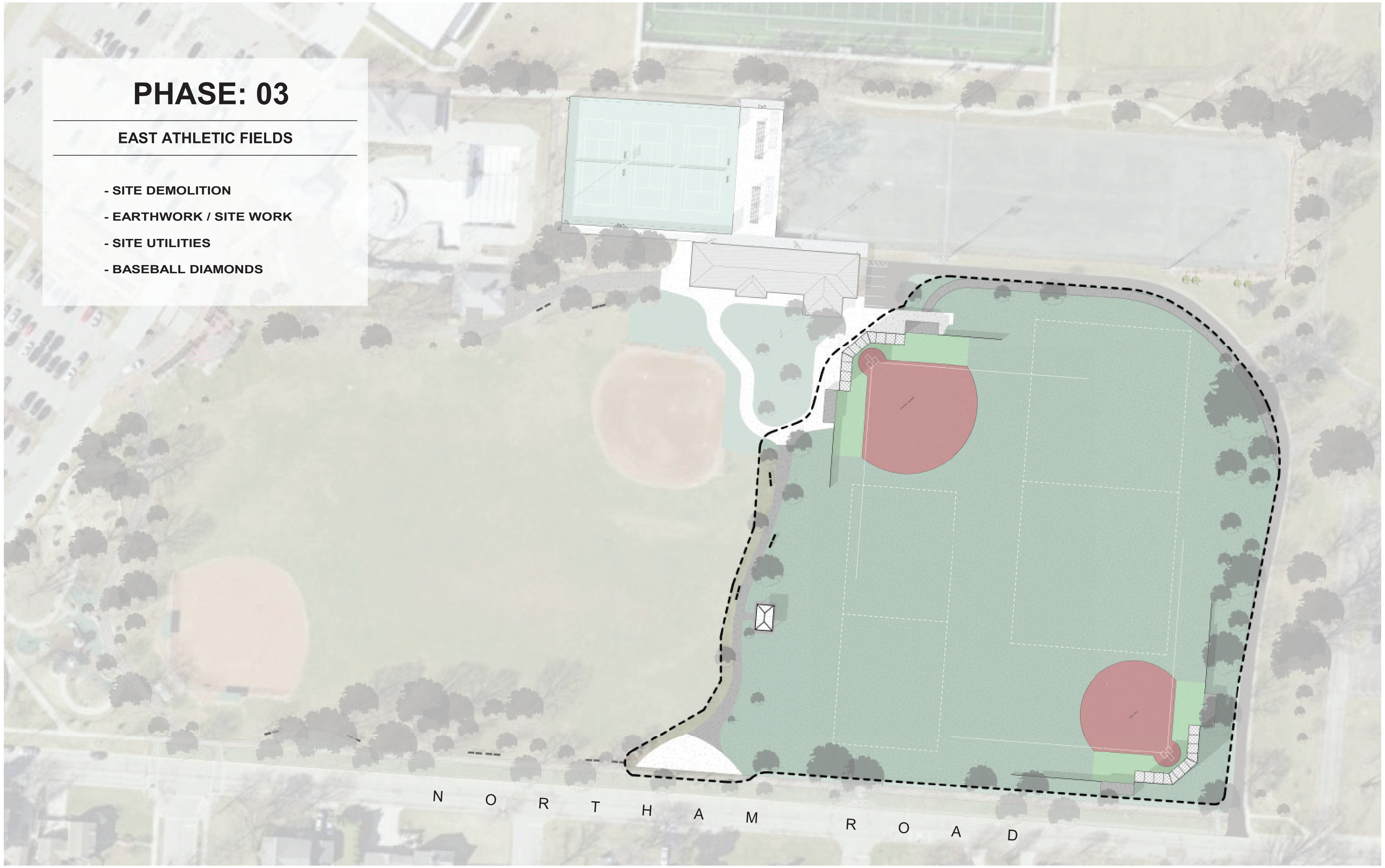
Korda Engineering had the best score and was selected to submit a technical and fee proposal. Korda served as the engineer and lead consultant for the renovation of the West Athletic Fields at Northam Park. Their team is very familiar with the conditions in Northam Park as well as the necessary improvements. Proceeding with the same team as the last phase of renovations will allow for an efficient and effective process. Korda has also provided engineering services for other past projects for the City including other phases at Northam Park. Additionally, they have completed successful projects with a similar scope for other municipalities.

Alternatives
Korda submitted a thorough SOQ and proposal that clearly demonstrated both their technical qualifications as well as their understanding of the project. Given the quality of the response, the Selection Committee is not recommending any alternatives to the selection of Korda Engineering.

Entering this contract at this time will allow the Korda team to begin the design process this summer and be ready to bid before the end of the year. This will allow construction to start in early 2026 and have seed installed by early fall. Following this schedule will provide the best opportunity for having a successful seed catch and minimize the time of disruption to the park. Delaying the start of the project may affect the feasibility of this construction timeline.

Attachments

1.	Northam East Athletic Fields
2.	Ordinance No. 20-2025


PHASE: 03
EAST ATHLETIC FIELDS
- SITE DEMOLITION
- EARTHWORK / SITE WORK
- SITE UTILITIES
- BASEBALL DIAMONDS
NORTHAM ROAD

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 20-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH KORDA NEMETH ENGINEERING FOR DESIGN PROFESSIONAL SERVICES FOR THE RENOVATION OF THE EAST ATHLETIC FIELDS AT NORTHAM PARK

WHEREAS, the 2018 Parks & Recreation Comprehensive Plan identified the need for a drainage plan and other improvements to enhance field usability at Northam Park; and

WHEREAS, a Vision Plan for Northam Park was adopted in 2020 and a Master Drainage Plan followed in 2021, with implementation beginning in 2022; and

WHEREAS, the final phase of this implementation includes the renovation of the East Athletic Fields at Northam Park, with improvements to grading, drainage, irrigation, and athletic field infrastructure; and

WHEREAS, the City issued a Request for Qualifications (RFQ) on April 15, 2025, and received three Statements of Qualifications by May 9, 2025, which were reviewed and scored by a Selection Committee; and

WHEREAS, Korda Nemeth Engineering received the highest score and was selected to submit a technical and fee proposal for design professional services; and

WHEREAS, Korda Nemeth Engineering has relevant experience and past performance with similar projects, including the renovation of the West Athletic Fields at Northam Park, and is well-positioned to ensure continuity and efficiency in this final phase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into contract with Korda Nemeth Engineering in an amount not to exceed $165,000.00 for design professional services for the renovation of the East Athletic Fields at Northam Park.

SECTION 2. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the agreement, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

3600 Tremont Road | Upper Arlington, OH 43221
614-583-5000 | upperarlingtonoh.gov

Authors:	Jacolyn Thiel, Assistant City Manager Keith Hall, Police Chief
Council Meeting Date:	June 9, 2025
Subject/Legislative Item:	Ordinance No. 21-2025 - An ordinance amending the 2025-2026 Employee Strength Table as authorized by Ordinance No. 69-2024 to add two sworn police officer positions within the Police Division
Purpose:	To amend the 2025 Employee Strength Table to reflect proposed operational additions to the Police Division that have emerged since the original adoption of the staffing plan in December 2024.
Executive Summary:	This proposed amendment would authorize the Police Division to increase its employee strength table from 41 to 43 sworn officers. The increase includes the addition of one new School Resource Officer (SRO), to be assigned through a cooperative agreement with Wellington Schools, and the temporary hiring of an additional Drug Enforcement Agent (DEA) position in anticipation of a planned retirement in 2027. Following the retirement, the department's authorized strength would revert to 42 officers.

Purpose and Impact

Staff proposes amending the 2025 Employee Strength Table to accommodate the addition of two (2) sworn officers within the Police Division:

1. A School Resource Officer (SRO) assigned to Wellington Schools.

2. A 24-month hire-ahead position to replace a Drug Enforcement Agent (DEA) in anticipation of a planned retirement in 2027.

School Resource Officer (SRO) – Wellington Schools:

The addition of the SRO position results from a Memorandum of Understanding (MOU) between the City and Wellington Schools starting with the 2025–2026 school year. Under the terms of the MOU:

- Wellington Schools will reimburse the City for the officer's salary and training costs.
- The City will assume the cost of benefits to enable deployment of the officer during periods when school is not in session.
- Either party may terminate the agreement for the following school year with notice by January 1.
- Wellington Schools will continue to utilize Special Duty Officers for student arrival and dismissal periods.

Drug Enforcement Agent (DEA) – Hire Ahead:

The 24-month hire-ahead request is driven by the anticipated retirement of the City's current DEA-assigned officer working at the Columbus District Office. To ensure continuity:

- An existing officer would be appointed to begin a two-year training and transition period alongside the current DEA officer.
- A new officer would be hired to backfill the reassigned position.
- Funding for the additional position will come from the Law Enforcement Fund, supported by forfeiture proceeds under the Contraband Seizure Forfeiture Act. This includes crypto-currency assets awarded to the City as a result of the DEA officer's work.

This amendment would increase the Police Division's authorized strength from 41 to 43 sworn officers through 2027. Following the anticipated retirement, the strength would revert to 42.

These proposed amendments will require amendments to current appropriations. For efficiency purposes, the amendments will be included in the amendments brought forth with mid-year budget review when the City Council returns from summer recess.

History

Wellington Schools identified the importance of having a dedicated School Resource Officer (SRO) and initially attempted to meet this need through special duty assignments. However, due to limitations in the Police Division's staffing levels, the City was unable to consistently meet those coverage needs. As a result, Wellington Schools approached the Police Division to explore the possibility of assigning a full-time officer.

Separately, the Upper Arlington Police Division has maintained a partnership with the Drug Enforcement Agency (DEA) for over 40 years, contributing to efforts that address drug-related issues impacting the Central Ohio region. The current detective assigned to the DEA has notified the department of his intention to retire within the next two years. In response, a training and transition plan has been developed to ensure continuity. This plan involves the early appointment of a replacement officer who will train alongside the current DEA detective. The associated personnel costs will be supported through the City's Law Enforcement Fund, which includes seizure funds—specifically, crypto-currency assets acquired as a result of the DEA officer's work. This proactive approach will allow the City to maintain its valued partnership with the DEA without interruption.

Alternatives

City Council can elect to reject the proposed change to the employee strength table.

Attachments

1.	Ordinance No. 21-2025

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 21-2025

TO AMEND THE 2025-2026 EMPLOYEE STRENGTH TABLE AS AUTHORIZED BY ORDINANCE NO. 69-2024 TO ADD TWO SWORN POLICE OFFICER POSITIONS WITHIN THE POLICE DIVISION

WHEREAS, City Council adopted the 2025-2026 Municipal Program of Services (draft) via Ordinance No. 69-2024; and

WHEREAS, on occasion, there are changes to the employee strength table, which require City Council action; and

WHEREAS, the Upper Arlington Police Division seeks to ensure continuity in its long-standing partnership with the Drug Enforcement Administration (DEA) through a 24-month hire-ahead strategy to allow for overlap and training of a successor officer prior to the current DEA-assigned officer's planned retirement; and

WHEREAS, funding for the DEA hire-ahead position will be drawn from the City's Law Enforcement Fund, supported by asset forfeiture proceeds including crypto-currency seized through DEA activities; and

WHEREAS, the proposed additions will temporarily increase the Police Division's authorized sworn officer strength table from 41 to 43 officers, through 2027, with the strength reverting to 42 following the anticipated retirement; and

WHEREAS, the City of Upper Arlington recognizes the importance of supporting community safety initiatives through strategic partnerships; and

WHEREAS, Wellington Schools and the City have entered into a Memorandum of Understanding (MOU) establishing a School Resource Officer (SRO) assignment beginning with the 2025–2026 school year, with Wellington reimbursing the City for salary and training costs, and the City assuming the cost of benefits; and

WHEREAS, it is therefore recommended that City Council authorize an amendment to the Police Division's sworn officer strength table from 41 to 43 officers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The following amendment to the Police Division's employee strength table shall be adopted and incorporated into the 2025-2026 Municipal

Program of Services: increase the number of sworn officers from 41 to 43.

SECTION 2. This ordinance shall take effect immediately after passage.

3600 Tremont Road | Upper Arlington, OH 43221
614-583-5000 | upperarlingtonoh.gov

Authors: Keith Hall, Police Chief
Jason Messer, Lieutenant – Support Services
Jacolyn Thiel, Assistant City Manager

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 22-2025 - An ordinance authorizing the City Manager to enter into contract with BRINC for the purchase of a safety operations drone and associated software services for the Police Division

Purpose: To authorize the City Manager to enter into a three- year contract with BRINC for the purchase of a safety operations drone.

Executive Summary: The Police Division is proposing to enhance public safety operations by deploying a safety operations drone. A drone was included in the 2025 approved Capital Equipment budget for Police for $30,000. This ordinance authorizes the City Manager to enter into a contract for $ $62,997, to not only purchase the drone, but to also pay for the operations over three years for the flight software, operational management tools, storage, and pilot data licenses to ensure secure CJIS-compliant data management and live-streaming capabilities. The item was originally budgeted for a one-year program; however, staff believe that it would be more effienct to enter into a three-year contract, which is the reason for the budget overage.

Purpose and Impact

The acquisition of the BRINC safety operations drone will enhance safety operations, including but not limited to first responder support, law enforcement, fire operations, emergency management, and public safety monitoring.

The BRINC drone, LiveOps operations software, and unlimited user licenses package costs $20,999.30 per year, for a three-year total of $62,997.90. This will allow the UAPD to train and utilize pilots from all three bureaus with nearly 24/7 pilot coverage for drone operations, and to support other emergency needs.

The use of a drone will be strategically deployed during high-priority incidents, including missing person searches, traffic collisions, barricaded suspect situations, and large-scale public gatherings. In these scenarios, aerial surveillance provides critical real-time intelligence and oversight, enhancing operational effectiveness and decision-making.

The drone is equipped with advanced capabilities, such as:

- Real-time live streaming
- Audio and video recording
- Payload deployment
- Two-way communication
- Scene mapping support
- Spotlight functionality
- Thermal imaging and night vision

The integration of drone technology in police operations significantly enhances situational awareness for first responders. By supplementing traditional public safety efforts, drones contribute to faster emergency response, improved crime prevention, and the development of investigatory leads. Real-time data from drones enables safer and more informed officer deployment, efficient crowd monitoring at public events, rapid scene measurement, and a clearer understanding of traffic conditions and congestion patterns.

Note: There will likely be some additional training costs outside the scope of this project. These costs are expected to be less than $7,000 and will be operational in nature.

Though this request is over budget, no adjustments to appropriations need to be made at this time. A comprehensive review of the budget will be conducted over the summer and if any changes arise as of a result of the purchase, they will be included with the mid-year budget adjustments.

History

Several municipalities in central Ohio are actively using drone technology for police operations. Dublin's Police Department launched a Drone Unit in 2020 and now uses autonomous drones for rapid emergency response and situational awareness. Perry Township Police also operates drones to support law enforcement missions, including searches and crash investigations. The Franklin County Sheriff's Office runs an Unmanned Aircraft Systems Unit to assist public safety efforts countywide. While Columbus Police do not currently use drones, they are developing a real-time crime center to integrate various surveillance tools. These efforts highlight a national trend toward technological growth in policing, of which drones are a significant part.

The Police Division completed vendor presentations over the past year and then released a Request for Proposals, RFP, for a competitive selection process. Proposals were submitted April 28, 2025 and reviewed by a committee including staff from Police, Public Service, and the City Manager’s Office. A follow-up Best and Final Offer request was issued after certain additional costs were discovered that significantly affected some of the pricing received in initial responses. The review committee selected BRINC upon review, as it provides the lowest cost for CJIS-compliant data management, unlimited user licenses, and live-streaming capabilities best aligned with the police division’s operational and transparency goals.

The Police Division has been considering the addition of a safety operations drone program for the last 4 years. In that time, UAPD has responded to hundreds of calls where a drone would have been of great value, such as missing children, in-progress disturbances or fleeing subjects. In the last few years, the Division has relied upon mutual aid agreements with other agencies who had this capability, but this has delayed a timely, effective response in these instances.

Alternatives

Council may choose not to proceed with the purchase of a safety operations drone. Staff has indicated that they view the purchase as a potential opportunity to enhance the use of innovation and technology within safety operations.

Attachments

1.	Ordinance No. 22-2025

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 22-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH BRINC FOR THE PURCHASE OF A SAFETY OPERATIONS DRONE AND ASSOCIATED SOFTWARE SERVICES FOR THE POLICE DIVISION

WHEREAS, the City of Upper Arlington strives to enhance public safety operations through the strategic use of emerging technologies; and

WHEREAS, the 2025 Capital Equipment Budget included $30,000 for the purchase of a public safety drone to support law enforcement and emergency response operations; and

WHEREAS, following a competitive Request for Proposals process and subsequent evaluation, the Police Division recommends the selection of BRINC for the procurement of a safety operations drone, operations management software, secure data services, and associated licenses; and

WHEREAS, the drone will provide critical support during emergency and high-priority incidents—such as missing persons, barricaded suspects, and large public gatherings—enhancing real-time situational awareness and response capabilities for the Police Division.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into a three-year contract with BRINC for the purchase and operation of a public safety drone, associated software, licenses, and services, in an amount not to exceed $62,997.90.

SECTION 2. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

3600 Tremont Road | Upper Arlington, OH 43221
614-583-5000 | **upperarlingtonoh.gov**

Authors: Gary Wilfong, P.E., Public Service Director
Aaron Scott, City Engineer

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 23-2025 - An ordinance authorizing the City Manager to enter into contract with Breck's Paving for construction-related services for the 2025 Street Maintenance Program (SMP) Part II Project

Purpose: To Maintain and Improve the Roadway System

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Breck's Paving for construction related services for the 2025 Street Maintenance Part II Construction Project

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Purpose and Impact
This is an ordinance authorizing the City Manager to enter into contract with Breck's Paving in the amount of $1,133,467.60 for the 2025 Street Maintenance Project Part II (SMP).

On Monday, May 19, 2025, the City received bids from five (5) contractors. The results are summarized below:

Contractor	Base Bid	Alternate A	Alternate B	Alternate C
Breck's Paving	**$1,030,425.09**	**$132,766.87**	**$0.00**	**$0.00**
Strawser Paving	$1,075,561.97	$131,698.75	$0.00	$0.00
Kokosing Construction	$1,085,330.45	$165,862.75	$126,420.00	$15,820.00
Shelly Company	$1,087,931.56	$147,088.85	$109,353.30	$13,802.95
Decker Construction	$1,097,903.92	$142,780.90	$65,801.61	$5,299.70
Engineers Estimate	**$1,074,716.55**	**$139,698.75**	**$0.00**	**$0.00**
Budget	**$1,184,363.19**			

The base bid includes the streets listed below in Table 1 and utilizes typical virgin asphalt material. Alternate A includes the additional streets listed in Table 2 while also utilizing virgin asphalt material. Alternates B & C allow the substitution of high recycled asphalt pavement (RAP) for the base bid and alternate A respectively. Breck's Paving had the lowest and best total bid within budget of $1,030,425.09 for the base bid. Staff recommends awarding the Base Bid and Alternate B to substitute RAP material.

The Street Maintenance Program Part II is not listed in the 10-Year Capital Improvement plan. This project is the result of our other three street projects coming in under budget. The Redding Road Resurfacing & Multimodal Improvements (Ord. 10-2025), the 2025 Street Maintenance Program (Ord. 9-2025), and the 2025 Street Reconstruction Project (Ord. 12-2025) all came in under budget resulting in a combined budget surplus of $1,184,363. Recognizing that these funds were intended for investment in our roadways, staff produced this project to take advantage of the budget surplus.

SMP construction includes: milling and resurfacing of 1.5-inches of asphalt, spot curb repairs, and the restoration of any affected lawn areas. The SMP Part II base bid streets and limits are summarized in **Table 1** below.

Table 1		
Street	**From**	**To**
Andover Rd	Waltham Rd	Barrington Rd
Beaumont Rd	Lane Ave	Berkshire Rd
Bedford Rd	Waltham Rd	Stanford Rd
Belgrave Dr	Bellrose Ln	Crompton Dr
Bellrose Ln	Rosebery Dr	Belgrave Dr
Crompton Dr	Mackenzie Dr	Belgrave Dr
Edgemont Rd	Tremont Rd	Andover Rd
Essex Rd	Northwest Blvd	North Star Rd
Fisher Pl	Zollinger Road	Cul-de-sac
Harford Rd	Guilford Rd	Berkshire Rd
Lyon Dr	Grace Ln	McCoy Rd
Norwell Dr	Castleton Rd N	Norwell Dr E
Patricia Dr	Grace Ln	McCoy Rd
Rosebery Dr	Bellrose Ln	Crompton Dr
Sunset Dr	Swansea Dr	Nottingham Rd
Sunningdale Way	Iverness Way	Sundridge Rd
Squire Ln	Camelot Dr	Marlyn Dr

Tremont Rd	Yorkshire Rd	Arlington Ave
Waltham Rd	Andover Rd	Northwest Blvd
Wilshire Dr	Tremont Rd	Henthorn Rd
Windham Rd	Carriage Hill Ln	Kenny Rd

The SMP Part II alternate A streets and limits (not recommended for award due to budget) are summarized in Table 2 below.

Table 2		
Street	**From**	**To**
Grace Ln	Reed Rd	Lyon Dr
Langham Rd	Tremont Rd	Somerford Rd
Mt. Holyoke	Northam Rd	Ridgeview Rd
Stanford Rd	Cambridge Blvd	Arlington Ave
Tetford Rd	Helston Rd	Brackley Rd

History

Street Maintenance Program

The Street Maintenance Program is an annual Capital Improvement Project that consists of a mill and overlay with new asphalt pavement, spot curb replacement, and the restoration of any affected lawn areas. The City determines which streets receive maintenance based on physical inspections of the roadway. In the past, these inspections have utilized the Pavement Condition Rating (PCR) method, which generates a 1-100 score based on four roadway elements. In 2024, the Engineering Division transitioned from the Pavement Condition Rating method to the Pavement Condition Index (PCI). The PCI rating system is a nationally used rating system developed by the United States Army Corps of Engineers (USACE) which was then adopted by the Department of Defense as well as the American Public Works Association. After comparing our past PCR method to the PCI method, staff determined that the Pavement Condition Index would provide a more comprehensive and objective look at the quality of our pavement.

In making this transition, staff partnered with Applied Pavement Technologies (APTech) to perform the 2024 PCI street ratings. APTech utilizes a vehicle outfitted with the Laser Crack Measurement System (LCMS), which allows automated data collection at normal roadway speeds. The LCMS system maps and records pavement distresses which, when combined with artificial intelligence processing software, produces a PCI rating based on the standards established by the USACE and memorialized by the American Society for Testing and Materials in the ASTM 6433 specification.

Similar to the PCR system, the Pavement Condition Index is a scale ranging from 1 to 100. To establish a PCI score, eight (8) different distress types along with their associated severity are evaluated to determine the "deduct value". The sum of all eight deduct values is subtracted from 100 to determine the PCI score. The distress types are:

• Alligator Cracking
• Block Cracking
• Longitudinal and Transverse Cracking
• Distortions
• Patching and Utility Cuts
• Rutting and Depression
• Raveling
• Weathering

In addition to the Pavement Condition Index, staff continues to evaluate the condition of our curb and gutter. Curbs are rated from 0 to 5, with 5 being the worst condition. Street segments with Curb/Gutter Deterioration or distress indicative of a base failure are reviewed as candidates for full-depth reconstruction projects. All others are reviewed as candidates for the pavement maintenance program.

Recycled asphalt pavement materials reduce the environmental footprint of infrastructure, with typically slight additional costs over traditional asphalt, but in this case there are no additional costs to utilize RAP. To date, the city's pilot test of a side-by-side comparison on Mountview Road in 2019 does not show any differences in terms of quality or performance. Material testing is required to ensure compliance with road specifications, including volumetric, aggregate gradation, binder volume, and binder/asphalt mixture performance grading. Up to 60% Recycled Asphalt Product (RAP) is permitted and will be tested to ensure these specifications are met. Due to the city's commitment to sustainability, it is recommended to award the alternative bid that includes the recycled asphalt pavement.

Updated construction information on this and other 2025 Capital Projects can be found on our online construction Storymap located here: UA Construction Storymap

Alternatives

Alternatively, City Council has alternative options if they choose not to award Breck's Paving the project with Alternate Bid B.

- City Council could authorize award to Breck's Paving for the base bid, therefore not utilizing RAP. This would not be in line with the City's sustainability efforts.
- City Council could choose to award the contract to an alternative bidder. This would not be in line with the City's policy to award the contract to the "lowest and best" bidder.
- City Council can choose to not authorize the City Manager to enter into contract with any of the bidders for this project. This will delay resurfacing on streets with the greatest need for maintenance.

Attachments

1.	Ordinance No. 23-2025

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 23-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH BRECK'S PAVING FOR CONSTRUCTION-RELATED SERVICES FOR THE 2025 STREET MAINTENANCE PROGRAM (SMP) PART II PROJECT

WHEREAS, the City of Upper Arlington annually evaluates and prioritizes pavement and curb conditions to determine roadways in need of resurfacing and repair as part of its Street Maintenance Program; and

WHEREAS, the 2025 Street Maintenance Program (SMP) Part II Project is an additional resurfacing project made possible by surplus funds from three previously authorized street projects: Redding Road Resurfacing & Multimodal Improvements (Ordinance No. 10-2025), the 2025 Street Maintenance Program (Ordinance No. 9-2025), and the 2025 Street Reconstruction Project (Ordinance No. 12-2025), totaling a combined surplus of $1,184,363; and

WHEREAS, on May 19, 2025, the City received bids from five contractors for the 2025 SMP Part II Project, with Breck's Paving submitting the lowest and best total bid of $1,030,425.09 for the Base Bid and Alternate B, which substitutes high recycled asphalt pavement (RAP) material at no additional cost; and

WHEREAS, the use of recycled asphalt materials aligns with the City's sustainability goals and is supported by performance testing and a successful prior pilot project; and

WHEREAS, the City transitioned to the Pavement Condition Index (PCI) system in 2024 in partnership with Applied Pavement Technologies (APTech) to provide a more comprehensive and objective assessment of street conditions, which informs annual project selection.

WHEREAS, it is therefore recommended to award the contract to Breck's Paving for the 2025 SMP Program Part II Project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into contract with Breck's Paving for construction-related services for the 2025 Street Maintenance Program Part II Project in an amount of $1,133,467.60.

SECTION 2. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

Authors: Gary Wilfong, P.E., Public Service Director
Aaron Scott, City Engineer

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 24-2025 - An ordinance authorizing the City Manager to enter into contract with Double Z Construction for construction-related services for the 2025 Waterline Replacement Project

Purpose: To Maintain and Improve the Water Distribution System

Executive Summary: Legislation authorizes the City Manager to enter into contract with Double Z Construction for construction related services for the 2025 Waterline Replacement Project

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Purpose and Impact
This is an ordinance authorizing the City Manager to enter into contract with Double Z Construction in the amount of $1,285,608.50 for the 2025 Waterline Replacement Project.

On Tuesday, May 27, 2025, the City received bids from five (5) contractors. The results are summarized below:

Contractor	Base Bid
Double Z Construction	**$1,168,735.00**
Elite Excavating	$1,169,034.00
Strawser Paving Company	$1,283,329.15
Danbert, Inc.	$1,288,129.61
Eramo & Sons Inc.	$1,548,521.00
Engineer's Estimate	**$1,378,155.00**
Budget	**$1,380,000.00**

Double Z Construction had the lowest and best base bid of $1,168,735.00.

This project includes the replacement of water main lines on Chester Road between Ridgeview Road and Northam Road and on Fairlington Drive between Kioka Avenue and

Fishinger Road. This replacement will increase the main line size from 6 inches to 8 inches in diameter to comply with minimum waterline size requirements established by the City of Columbus. This project will also replace all hydrants and water service taps along with two private service lines (tap cards indicate lead material, but will be confirmed and only replaced if they are lead) which are connected to the main line. Staff is coordinating this project with the 2025 Street Maintenance Program (SMP) as Chester Road and Fairlington Drive will be resurfaced in the 2025 SMP project. The total contract amount of $1,285,608.50 includes a 10% construction contingency and is under the set budget of $1,518,000.

Updated construction information on this and other 2025 Capital Projects can be found on our online construction Storymap located here: UA Construction Storymap

History

In 2012, the City of Upper Arlington worked with Stantec Inc. to create a prioritized list of waterline replacements. This list was based on several key factors, including the age of the waterlines, how often they've broken, the risk of failure, and how critical they are to customers. Two streets—**Chester** and **Fairlington**—were flagged as needing replacement, as their waterlines are over 70 years old and have a history of breaks.

As part of the **2024 Waterline Replacement Project**, the City approved **PVC (polyvinyl chloride)** pipe as an alternate material for waterline construction. PVC pipes have been used successfully for decades across the U.S. and offer several advantages over traditional ductile iron pipes:

- Faster installation and lower labor costs
- Resistant to corrosion, meaning they last longer and require less maintenance
- Environmentally friendly—PVC can be recycled and has a smaller carbon footprint

The 2025 Waterline Replacement Project continues this approach by giving contractors the option to use either **Ductile Iron or PVC pipe**, as long as they:

- Notify the City in advance
- Follow the installation standards set by the **City of Columbus**

PVC is not permitted for all situations—such as pipes that are 12 inches or larger in diameter or where too much pipe bending is required. The construction plans specify where PVC is allowed. This flexible approach, already used by the City of Columbus, has helped attract better pricing from contractors.

Additionally, this year's project will include the **replacement of two water service lines currently made of lead** (tap cards indicate lead material). This update is in response to new federal regulations from the **EPA (Environmental Protection Agency)**, under **40 CFR § 141 Subpart I – Control of Lead and Copper**. These changes went into effect on **December 30, 2024**, and are part of a broader national effort to eliminate lead from public water systems.

A short presentation on this topic is included with this report, and a more detailed briefing will be provided at an upcoming meeting.

Alternatives

As an alternative, the city can choose not to authorize the City Manager to enter into contract with Double Z Construction for this project. This will further delay the needed waterline replacement to reduce breaks and overall system maintenance costs.

Attachments

1.	Ordinance No. 24-2025

ORDINANCE NO. 24-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH DOUBLE Z CONSTRUCTION FOR CONSTRUCTION-RELATED SERVICES FOR THE 2025 WATERLINE REPLACEMENT PROJECT

WHEREAS, the City has identified waterlines on Chester Road and Fairlington Drive as high priority for replacement due to age, history of breaks, and infrastructure standards; and

WHEREAS, the project scope includes main line upsizing, hydrant and service tap replacements, and potential replacement of two lead service lines in compliance with new EPA regulations; and

WHEREAS, contractors may use either ductile iron or PVC pipe, subject to City approval and installation standards, consistent with practices adopted in 2024; and

WHEREAS, this project is coordinated with the 2025 Street Maintenance Program and was competitively bid, with Double Z Construction submitting the lowest and best bid of $1,168,735.00; and

WHEREAS, it is recommended that the City enter into contract with Double Z Construction and include a 10-percent construction contingency, for a total amount of $1,285,608.50, which is within the approved project budget.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into contract with Double Z Construction in an amount not to exceed $1,285,608.50, which includes a 10-percent construction contingency, for construction-related services for the 2025 Waterline Replacement Project.

SECTION 2. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

Authors: Gary Wilfong, P.E., Public Service Director
Aaron Scott, City Engineer

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 25-2025 - An ordinance authorizing the City Manager to enter into contract with Newcomer Concrete for the 2025 Sidewalk Maintenance Program Replacement Contract

Purpose: To Maintain and Improve the Sidewalk System

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Newcomer Concrete for construction-related services for the 2025 Sidewalk Maintenance Program Construction Project.

Purpose and Impact

This is an ordinance authorizing the City Manager to enter into contract with Newcomer Concrete in the amount of $281,847.00 for the 2025 Sidewalk Maintenance Program. The 2025 Sidewalk Maintenance Program was bid as two separate base bids where contractors could bid on just the full replacement and/or the grinding/leveling as two separate contracts which will be encumbered from the same budget line. This ordinance specifically addresses the contract for the sidewalk panels requiring full replacement. There is a separate contract for sidewalk grinding & leveling in front of you tonight as Ord. 26-2025. On Wednesday, May 14, 2025, the City received a bid for the full replacement project from one contractor. The results are summarized below:

Contractor	Base Bid – Replacement	Base Bid – Grinding/Leveling
Newcomer Concrete	**$256,225.00**	
Precision Concrete Cutting Inc.		$93,849.41
Engineer's Estimate	**$170,150.00**	**$99,520.00**
Budget	**$270,000**	

Newcomer Concrete was the only bidder for the replacement project with a bid of $256,225.00. Including a 10% for contingency, the total contract amount is $281,847.00. The 2025 budget for this project is $293,000. Therefore, if awarded in isolation, the replacement project is within budget. However, assuming Council also chooses to award the grinding & leveling contract (Ord. 26-2025), the two contracts combined would be $80,074.41 over budget. Staff recommends awarding the contract for both the replacement work and the grinding & leveling work and using excess budget funds from the 2025 Sidewalk Gap Project (Ord. 27-2025) to make up the budget shortfall.

Prior to recommending this contract for award, staff analyzed recent sidewalk bids (specifically the sidewalk panel replacement cost) to determine if the submitted prices were reasonable and fair. Table 1 lists recent bid data for sidewalk-related work.

Table 1: 4" Sidewalk Panel Bid Prices

Project	Low Bid	High Bid
2022 Sidewalk Maintenance	$181	$372
2023 Sidewalk Maintenance	No 2023 Program	
2024 Sidewalk Maintenance	$245	$360
2025 Sidewalk Maintenance	**$380**	**$380**
2025 Sidewalk Gap	$300	$470

The high bidder for the 2024 program (Decker Construction) had unit prices in line with the 2025 bid from Newcomer Concrete. When we look at the Sidewalk Gap project (and factor in the inefficiencies associated with the sidewalk maintenance project) we see similar prices for sidewalk work.

It is staff's opinion that the difference between our estimate and the bid are two factors:

1. The project being spread out makes for less efficient work for contractors, resulting in less interest from contractors.
2. In previous years, they always had a bidder with prices significantly lower than their competitors and in line with our estimates. With only one bidder, we are left with prices that are on par with previous years' high bids which have remained consistent.

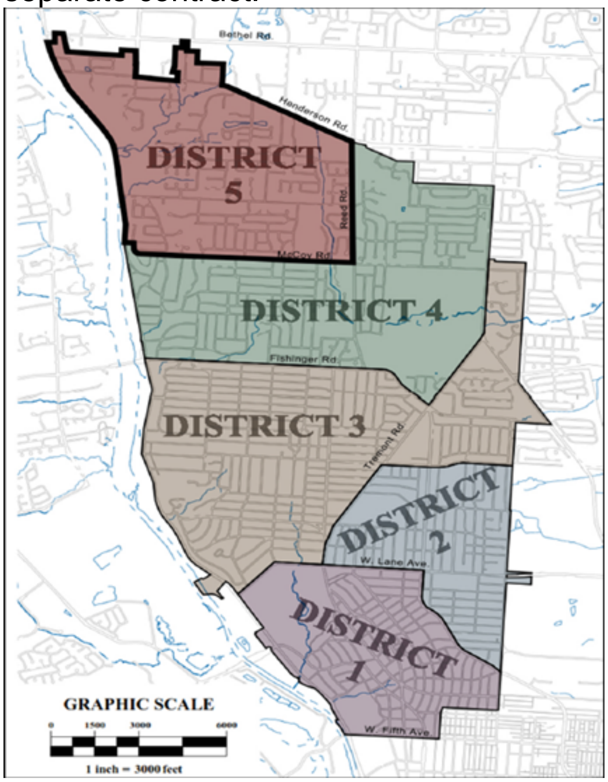
History

The 2025 Sidewalk Maintenance Program addresses sidewalk in need of maintenance and repair in District 4. District 4 is the northern central portion of the city south of McCoy Road and north of Fishinger Road

In April 2025, residents within this district received notices from the City if sidewalks adjacent to their property were in need of repair or replacement (see attached notification letter). An aerial view of their property was provided, indicating the location of the damage and whether the responsibility was of the property owner or of the City to make necessary repairs. When repairs or replacements were the responsibility of the property owner, the City asks for the situation to be rectified by July 14th, 2025. Thereafter, the City will proceed by sending a follow-up notification with the City's costs to make the necessary improvements as part of this contract. The cost is $380 per 4" depth sidewalk panel and $420 per 6" depth sidewalk panel (note: 6" depth sidewalk panels are used on driveway approaches). For reference, the 2024 prices were $238 per 4" depth sidewalk panel and $270 per 6" sidewalk panel. The property owner will then be billed upon the project completion, around January 2026. (Note: per code section 901.03, if the owner fails to pay the bill within thirty (30) days of the date on the City's bill, the rate shall be charged against the real estate upon which the sidewalk is located and shall be a lien upon such real estate).

Following the City's process and to save resources from re-inspecting the entire sidewalk after July 14th, the City bid out all of the resident responsibility portions of sidewalk which is approximately $188,740 of the total contract cost.

The City of Upper Arlington's public right-of-way Sidewalk Inspection Program began in 2018 with Zone 5 and finished the first complete pass through the city with the 2022 program. The 2025 Sidewalk Maintenance Program marks the second time our 5-year program cycle has been in District 4. In an effort to reduce costs, staff has worked to identify sidewalk panels whose defects can be fixed by alternate methods to replacement. These panels are bid as a separate contract.



Alternatives

An alternative is that the City can choose not authorize the City Manager to enter into contract with Newcomer Concrete for this project. This would delay identified maintenance repairs that could negatively impact public safety.

Attachments

1.	District 4 2025 Sidewalk Notice
2.	Ordinance No. 25-2025

City of Upper Arlington
ENGINEERING DIVISION
4100 Roberts Road | Columbus, OH 43228
614-583-5360 | upperarlingtonoh.gov

April 2025
Dear Property Owner:

RE: Notification of Resident Sidewalk Ordinance Issue and Order to Repair Sidewalk

As part of the City of Upper Arlington's public right-of-way Sidewalk Inspection Program, sidewalk on or adjacent to your property has been identified as out of compliance per City Ordinance 901.03, which is detailed below. Please find attached an exhibit showing the sidewalk panel(s) that the City deems are in need of repair or replacement. Panels identified with a **red number** are the responsibility of the property owner. Sidewalk panels marked by a blue "dot" are the responsibility of the City and will be repaired by the City later this year.

Per City Ordinance 901.03, ***"Each owner of any lot or parcel of ground in the City shall cause the sidewalk and every part thereof in front of, alongside or abutting such lot or parcel to be kept in good order and repair and free of nuisance."*** City Ordinance defines the following specific sidewalk code issues:

1. A vertical separation of one inch or more
2. An excessive cross or running slope of more than one inch per foot
3. An irregular walking surface (Including spauling concrete and cracks in excess of ½ inch in width.)

The points marked on the attached exhibit indicate the type of issue(s) that has been identified. Please note that you may also be responsible for any ADA or safety related issues, regardless of whether identified by the City. The sidewalk panel(s) noted in red must be repaired or replaced to eliminate the identified compliance issue(s). The following techniques are the approved methods for corrective action:

1. Vertical Separations	**2. Excessive Slope**	**3. Irregular Walking Surfaces**
a. Removal & replacement	a. Removal & replacement	a. Removal & replacement
b. Hydraulic leveling	b. Hydraulic leveling	b. Grinding high areas
c. Lowering & raising blocks	c. Lowering or raising blocks	
d. Grinding high areas		

Because City code mandates that adjacent property owners are responsible for making these sidewalk repairs, property owners in each district are being notified several months ahead of the City's next contract to construct sidewalk improvements in that district. This will provide property owners sufficient time to complete improvements on their own. Please note that this letter serves as your right of way sidewalk installation permit per the requirements of C.O. 933.15 (B) (4). No additional permit is needed unless you plan to excavate within 10 feet of a street tree.

If you do not complete the indicated repair or replacement by **July 14, 2025**, the City will proceed with completing these improvements and the cost will be billed or assessed back to you as the property owner. In previous years the Sidewalk Maintenance Project average prices were as follows:

- 4" panel (not in drive) ~ $245/panel
- 6" panel (in drive) ~ $270/panel

These costs are provided to you as a courtesy for estimating purposes. 2025 prices will not be known until the project is bid out later this spring. Thank you for your cooperation in making our sidewalks safe. If you have questions, please contact project manager Matt Stewart at 614-583-5348.

Sincerely,

Aaron Scott
City Engineer

Matt Stewart
Project Manager

cc: Sam Simmons, Parks & Forestry Superintendent

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 25-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH NEWCOMER CONCRETE FOR THE 2025 SIDEWALK MAINTENANCE PROGRAM REPLACEMENT CONTRACT

WHEREAS, the City of Upper Arlington implements a cyclical Sidewalk Inspection and Maintenance Program to ensure sidewalks in the public right-of-way remain safe and compliant; and

WHEREAS, the 2025 Sidewalk Maintenance Program addresses sidewalks in need of maintenance and repair in District 4, which includes the north-central portion of the City, located south of McCoy Road and north of Fishinger Road; and

WHEREAS, the property owners received notices in April 2025 identifying necessary sidewalk repairs or replacements, with the City proceeding with repair work on owner-responsible sections not addressed by July 14, 2025, and costs to be billed following project completion in accordance with Code Section 901.03; and

WHEREAS, the City received one bid for the replacement portion of the 2025 program on May 14, 2025, from Newcomer Concrete in the amount of $256,225.00, with a total contract amount including contingency of $281,847.00; and

WHEREAS, the cost of the replacement contract falls within the overall project budget of $293,000, and staff recommends awarding both the replacement and grinding contracts, using surplus funds from the 2025 Sidewalk Gap Project (Ordinance No. 27-2025) to address the combined overage.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

<u>SECTION 1.</u> The City Manager is hereby authorized to enter into contract with Newcomer Concrete for the 2025 Sidewalk Maintenance Program Replacement Project in the amount of $281,847.00, which includes 10-percent contingency.

<u>SECTION 2.</u> The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

Authors: Gary Wilfong, P.E., Public Service Director
Aaron Scott, City Engineer

Council Meeting Date: June 9, 2025

Subject/Legislative Item: Ordinance No. 26-2025 - An ordinance authorizing the City Manager to enter into contract with Precision Concrete Cutting Inc. for construction-related services for the 2025 Sidewalk Maintenance Program Grinding & Leveling Construction Project

Purpose: To Maintain and Improve the Sidewalk System

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Precision Concrete Cutting Inc. for construction-related services for the 2025 Sidewalk Maintenance Program Construction Project.

Purpose and Impact

This is an ordinance authorizing the City Manager to enter into contract with Precision Concrete Cutting Inc. in the amount of $103,234.35 for the 2025 Sidewalk Maintenance Program. The 2025 Sidewalk Maintenance Program was bid as two separate base bids where contractors could bid on just the full replacement and/or the grinding/leveling as two separate contracts which will be encumbered from the same budget line. This ordinance specifically addresses the contract for the sidewalk panels whose repairs can be accomplished by grinding and/or leveling the concrete slab. Sidewalk panels which can be remedied via this method have been bid as "Base Bid -Grinding/Leveling" as the construction method is more specialized. On Wednesday, May 14, 2025, the City received a bid for the "Grinding/Leveling" project from one contractor. The results are summarized below:

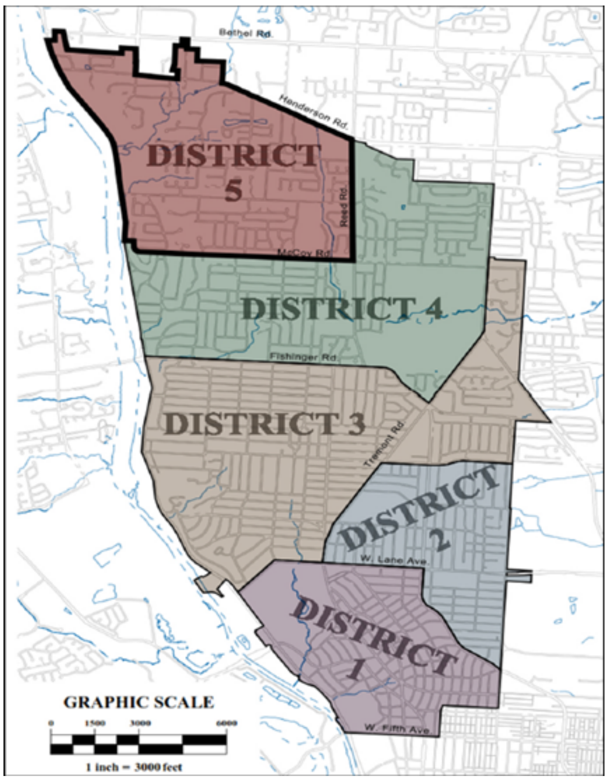
Contractor	Base Bid – Replacement	Base Bid – Grinding/Leveling
Precision Concrete Cutting Inc.		**$93,849.41**
Newcomer Concrete	$256,225.00	
Engineer's Estimate	**$170,150.00**	**$99,520.00**
Construction Budget	**$270,000**	

Precision Concrete Cutting Inc. was the only bidder for the grinding & leveling project with a bid of $93,849.41, with an additional 10% for contingency, the total contract amount is $103,234.35. The 2025 budget for this project is $293,000 including contingency. Therefore, if awarded in isolation, the grinding & leveling project is within budget. Assuming Council also chooses to award the replacement contract (Ord. 25-2025), the combination of the two contracts would be $80,074.41 over budget. Staff recommends awarding the contract for both the replacement work and the grinding & leveling work and using excess budget funds from the 2025 Sidewalk Gap Project (Ord. 27-2025) to make up the budget shortfall.

Although only one bid was received for the grinding and leveling work, the bid came in slightly under budget with unit prices closely mirroring the construction estimate.

History

The 2025 Sidewalk Maintenance Program addresses sidewalk in need of maintenance and repair in District 4. District 4 is the northern central portion of the city south of McCoy Road and north of Fishinger Road. This project also includes panels within zone 5 that were slated for grinding & leveling but could not fit within the 2024 sidewalk maintenance budget.



In April 2025, residents within this district received notices from the City if sidewalks adjacent to their property were in need of repair or replacement (see attached notification letter). An aerial view of their property was provided, indicating the location of the damage and whether the responsibility was of the property owner or of the City to make the necessary repairs. When repairs or replacements are the responsibility of the property owner, the City asks for the situation to be rectified by July 14th, 2025. Thereafter, the City will proceed by sending a follow-up notification with the City's costs to make the necessary improvements as part of this contract. The cost is $50 per panel for those able to be ground and $176.29 for those that will be leveled. The property owner will then be billed upon the project completion, around January 2026. (Note: per code section 901.03, if the owner fails to pay the bill within thirty (30) days of the date on the City's bill, the rate shall be charged against the real estate upon which the sidewalk is located and shall be a lien upon such real estate).

Following the City's process and to save resources from re-inspecting the entire sidewalk after July 14th, the City bid out all of the resident responsibility portions of sidewalk which is approximately $20,760 of the total contract cost. Cost recovery from billing the total cost back to the property owner or non-performing repairs already made by the property owner will bring the total cost to the City down to $73,088 (not including contingency).

The City of Upper Arlington's public right-of-way Sidewalk Inspection Program began in 2018 with Zone 5 and finished the first complete pass through the city with the 2022 program. The 2025 Sidewalk Maintenance Program marks the second time our 5-year program cycle has been in District 4. In an effort to reduce costs, staff worked to identify sidewalk panels whose defects can be fixed by alternative methods to replacement. This contract includes those sidewalk panels.

Alternatives

An alternative is that the City can choose not to authorize the City Manager to enter into contract with Precision Concrete Cutting Inc. for this project. This would delay identified maintenance repairs.

Attachments

1.	District 4 2025 Sidewalk Notice
2.	Ordinance No. 26-2025

City of Upper Arlington
ENGINEERING DIVISION
4100 Roberts Road | Columbus, OH 43228
614-583-5360 | upperarlingtonoh.gov

April 2025
Dear Property Owner:

RE: Notification of Resident Sidewalk Ordinance Issue and Order to Repair Sidewalk

As part of the City of Upper Arlington's public right-of-way Sidewalk Inspection Program, sidewalk on or adjacent to your property has been identified as out of compliance per City Ordinance 901.03, which is detailed below. Please find attached an exhibit showing the sidewalk panel(s) that the City deems are in need of repair or replacement. Panels identified with a **red number** are the responsibility of the property owner. Sidewalk panels marked by a blue "dot" are the responsibility of the City and will be repaired by the City later this year.

Per City Ordinance 901.03, ***"Each owner of any lot or parcel of ground in the City shall cause the sidewalk and every part thereof in front of, alongside or abutting such lot or parcel to be kept in good order and repair and free of nuisance."*** City Ordinance defines the following specific sidewalk code issues:

1. A vertical separation of one inch or more
2. An excessive cross or running slope of more than one inch per foot
3. An irregular walking surface (Including spauling concrete and cracks in excess of ½ inch in width.)

The points marked on the attached exhibit indicate the type of issue(s) that has been identified. Please note that you may also be responsible for any ADA or safety related issues, regardless of whether identified by the City. The sidewalk panel(s) noted in red must be repaired or replaced to eliminate the identified compliance issue(s). The following techniques are the approved methods for corrective action:

1. Vertical Separations	**2. Excessive Slope**	**3. Irregular Walking Surfaces**
a. Removal & replacement	a. Removal & replacement	a. Removal & replacement
b. Hydraulic leveling	b. Hydraulic leveling	b. Grinding high areas
c. Lowering & raising blocks	c. Lowering or raising blocks	
d. Grinding high areas		

Because City code mandates that adjacent property owners are responsible for making these sidewalk repairs, property owners in each district are being notified several months ahead of the City's next contract to construct sidewalk improvements in that district. This will provide property owners sufficient time to complete improvements on their own. Please note that this letter serves as your right of way sidewalk installation permit per the requirements of C.O. 933.15 (B) (4). No additional permit is needed unless you plan to excavate within 10 feet of a street tree.

If you do not complete the indicated repair or replacement by **July 14, 2025**, the City will proceed with completing these improvements and the cost will be billed or assessed back to you as the property owner. In previous years the Sidewalk Maintenance Project average prices were as follows:

- 4" panel (not in drive) ~ $245/panel
- 6" panel (in drive) ~ $270/panel

These costs are provided to you as a courtesy for estimating purposes. 2025 prices will not be known until the project is bid out later this spring. Thank you for your cooperation in making our sidewalks safe. If you have questions, please contact project manager Matt Stewart at 614-583-5348.

Sincerely,

Aaron Scott
City Engineer

Matt Stewart
Project Manager

cc: Sam Simmons, Parks & Forestry Superintendent

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 26-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH PRECISION CONCRETE CUTTING INC. FOR CONSTRUCTION-RELATED SERVICES FOR THE 2025 SIDEWALK MAINTENANCE PROGRAM GRINDING & LEVELING CONSTRUCTION PROJECT

WHEREAS, the City of Upper Arlington seeks to ensure safe pedestrian infrastructure through the ongoing implementation of its Sidewalk Inspection and Maintenance Program, currently in its second five-year cycle; and

WHEREAS, the 2025 Sidewalk Maintenance Program focuses on needed repairs within District 4, the northern central portion of the City between McCoy Road and Fishinger Road, and includes some carryover repairs in Zone 5 that could not be completed in the 2024 program year; and

WHEREAS, in order to reduce overall program costs and improve efficiency, sidewalk panels identified as repairable through grinding and/or leveling were bid as a separate contract titled "Base Bid – Grinding/Leveling"; and

WHEREAS, on May 14, 2025, the City received one bid for this component of the project from Precision Concrete Cutting Inc. in the amount of $93,849.41, and staff recommends awarding the contract with a 10% contingency, for a total contract amount of $103,234.35; and

WHEREAS, this contract amount is within the allocated 2025 project budget and is expected to be partially reimbursed by residents responsible for repairs adjacent to their properties; and

WHEREAS, per Upper Arlington City Code Section 901.03, property owners will be billed upon project completion and unpaid invoices after 30 days shall be assessed against the property as a lien.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into contract with Precision Concrete Cutting Inc. for construction-related services for the 2025 Sidewalk Maintenance Program Grinding & Leveling Construction

Project in the amount of $103,234.35, which includes 10-percent contingency.

SECTION 2. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.

Authors:	Gary Wilfong, P.E., Public Service Director Aaron Scott, City Engineer
Council Meeting Date:	June 9, 2025
Subject/Legislative Item:	Ordinance No. 27-2025 - An ordinance authorizing the City Manager to enter into contract with Strawser Paving Company for construction-related services for the 2025 Sidewalk Gap Project
Purpose:	To Improve the Sidewalk System
Executive Summary:	Legislation authorizes the City Manager to enter into a contract with Strawser Paving Company for construction related services for the 2025 Sidewalk Gap Construction Project.

Purpose and Impact

This is an ordinance authorizing the City Manager to enter into contract with Strawser Paving in the amount of $246,014.34 for the 2025 Sidewalk Gap Project. On Monday, May 19, 2025, the City received a bid for the project from four contractors. The results are summarized below:

Contractor	Base Bid
Strawser Paving Company	**$223,649.40**
Newcomer Concrete	$237,115.71
Decker Construction	$264,421.50
Marker, Inc.	$376,110.76
Engineer's Estimate	**$170,150.00**
Budget	**$400,000**

Strawser Paving Company was the lowest bidder with a bid of $223,649.40 which, including a 10% contingency, brings the total contract amount to $246,014.34. The Capital Improvement Budget for this project, including contingency funds, is $440,000, putting this contract $193,985.66 under budget.

History

The 2025 Sidewalk Gap Project is a result of the 2024 Council initiative to spend excess reserve funds. In response to a request from City Council, Staff presented a number of potential capital projects along with their costs and potential benefits. Among others, the Sidewalk Gap project was selected for funding and added to the 2025 Capital Improvement Program. This project is one of the first projects identified by City Council to move to construction, largely due to the ability for internal staff to perform the design work in-house.

This project fills four gaps in our sidewalk network outlined in Table 1 below:

Table 1		
Sidewalk Gap	**From**	**To**
Pinebrook Road	Haverford Road	Woodbridge Road
Glenmere Road	2211 Glenmere Road	2187 Glenmere Road
Surrey Hill Place	Fishinger Road	Shoreham Road
Redding Road	Dorset Road	Tremont Road

The Pinebrook Road gap is a small gap that creates a large inconvenience for residents in the Lane Acres & Shelbourne subdivisions who use Pinebrook Road to get to Woodbridge Road and Thompson Park. The Glenmere Road & Surrey Hill Place gaps work in tandem to complete the sidewalk network from Fishinger Road to Lytham Road. Filling the Redding Road sidewalk gap completes the sidewalk connection from Fishinger Road to Tremont Road and provides the only north/south connection to Tremont Fountain Park.

The Upper Arlington GIS Division maintains a map showing the existing sidewalk and sidewalk gaps within Upper Arlington. The sidewalk gap map allows us to visualize not only where the existing gaps are but what those gaps mean in the context of the overall sidewalk network. Without this map it can be difficult to see the true extent of the impact of gaps like Surrey Hill Place & Glenmere Road. In 2024 City Council was presented with a variety of different gaps that could be filled along with their associated cost and any known complications. From this list, the gaps in Table 1 above were chosen to maximize the impact to the sidewalk network in a cost-effective manner. As soon as the winter season ended, City survey crews were in the field gathering the necessary information to complete the design of this project. This project is the culmination of extensive work by both staff and City Council to improve our pedestrian network and put excess reserve funds to use.

Alternatives

An alternative is that the City can choose not to authorize the City Manager to enter into contract with Strawser Paving Company for this project. Not authorizing this contract would leave the sidewalk gaps unfilled and would result in the budgeted funds falling back to the general fund.

Attachments

1.	Ordinance No. 27-2025

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 27-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH STRAWSER PAVING COMPANY FOR CONSTRUCTION-RELATED SERVICES FOR THE 2025 SIDEWALK GAP PROJECT

WHEREAS, in 2024, City Council initiated a program to invest excess reserve funds into high-priority projects; and

WHEREAS, City staff presented various capital project options to Council, and the 2025 Sidewalk Gap Project was selected for its immediate community benefit and cost-effective delivery through in-house design; and

WHEREAS, the 2025 Sidewalk Gap Project was subsequently added to the City's 2025 Capital Improvement Program and will address critical sidewalk gaps along Pinebrook Road, Glenmere Road, Surrey Hill Place, and Redding Road; and

WHEREAS, on May 19, 2025, the City reviewed bids from four contractors, and Strawser Paving Company submitted the lowest and best bid, which came in under the project budget.

WHEREAS, it is therefore recommended that the City enter into contract with Strawser Paving Company for construction-related services for the 2025 Sidewalk Gap Project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Manager is hereby authorized to enter into contract with Strawser Paving Company in an amount not to exceed $246,014.34, which includes a 10-percent contingency, for construction-related services for the 2025 Sidewalk Gap Project.

SECTION 2. The City Manager, Finance Director, and City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the contract, including the execution of all documents and amendments, provided such actions are not substantially inconsistent with this ordinance.

SECTION 3. This ordinance shall take effect immediately upon passage.