

**6/8/2026 | 6:00 PM**

**Municipal Services Center, Council Chamber  
3600 Tremont Road**

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance Led by Council Member Nic Fortkamp**
- 3. Consent Agenda**
  - a. Approve June 1, 2026, City Council Meeting Minutes
  - b. Ordinance No. 22-2026 - To Amend Chapter 1701 - Fire Prevention Code of the Upper Arlington Code of Ordinances to Enact § 1701.03 - Fire Protection Systems Compliance Reporting
  - c. Ordinance No. 24-2026 - To Authorize the City Manager to Enter Into Contract with Decker Construction for Construction-Related Services for the Northwest Boulevard Improvements Phase 3 Project
  - d. Ordinance No. 25-2026 - To Authorize the City Manager to Enter Into Contract With Clean All Services and Mr. B's Cleaning Services for Custodial Cleaning Services for City Buildings
- 4. Reports/Presentations**
  - a. Annual Code Enforcement Update, Presented by the Community Development Department
- 5. Legislative Items for Second Reading/Public Hearing/Council Action**
  - a. Ordinance No. 23-2026 - To Amend the Fontenay Subdivision Plat to Permit the Reduction of the Platted Rear Yard Setback From 32 Feet to 19.5 Feet for Lot #3, to Allow for the Retention of a Patio and Swimming Pool Decking (*Fortkamp*)
- 6. Legislative Items for Second Reading/Public Hearing**
  - a. Resolution No. 11-2026 - To Provide for the Submission to the Electors of the City of Upper Arlington at the 2026 General Election a Renewal Tax Levy and an Increase Dedicated to the Police and Fire Pension Fund
- 7. Legislative Items for First Reading/Public Hearing**

- a. Ordinance No. 27-2026 - To Amend Chapters 301 - Definitions, 383 - Bicycles, Motorized Bicycles, Motorcycles, and Other Forms of Transportation Other Than Walking, and 543 - Parks, Playgrounds and Open Space Areas of the Upper Arlington Code of Ordinances to Establish an E-Mobility Device Registration, Safety Education, and Parking Restriction Program
- b. Ordinance No. 28-2026 - To Authorize the City Manager to Enter into Contract with Double Z Construction for Construction-related Services for the 2026 Hydrant Replacement Project
- c. Ordinance No. 29-2026 - To Authorize the City Manager to Enter into a Lease Agreement with Solid Waste Authority of Central Ohio (SWACO) for Continued Operation of a Yard Waste Composting Facility on Roberts Road

**8. Legislative Items for Fourth Reading/Public Hearing**

- a. Ordinance No. 21-2026 - To Amend Various Sections of Part 1 - Administrative Code, Part 4 - Schedule of Fees, and Part 13 - Building Code, of the Upper Arlington Code of Ordinances

*This item is scheduled for a maximum 45-minute discussion.*

**9. City Manager Update**

**10. Adjournment**

**June 1, 2026**

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 6:03 p.m.

**Members Present:** President Ukeme Awakessien Jeter, \*Vice President Heidi Munc, Nic Fortkamp, John Kulewicz, Laura Oldham, and Ben Tracy

*\*Vice President Munc was absent during roll call but arrived at 6:51 p.m. and was present for all further business.*

**Staff Present:** City Manager Steven Schoeny, City Attorney Darren Shulman, City Clerk Krystal Grove, Assistant City Manager Jackie Thiel, Finance Director Brent Lewis, IT Director Ross Morrow, Parks & Recreation Director Debbie McLaughlin, Community Affairs Director Emma Speight, City Engineer Aaron Scott, Assistant Fire Chief Mike Bell, Community Development Director Chad Gibson, and Police Chief Keith Hall

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Council Member Laura Oldham.

### **Consent Agenda**

#### **a. Approve May 11, 2026, City Council Meeting Minutes**

Mr. Kulewicz moved, seconded by Ms. Oldham, to approve the Consent Agenda. The motion carried with the following vote:

**Voting Aye:** Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Vice President Munc and Walter

### **Reports/Presentations**

#### **a. Upper Arlington Public Library Update, Presented by Director Beth Pfahler**

Library Director Beth Pfahler provided an update on Upper Arlington Public Library's three locations (presentation attached as Exhibit A). As a municipal library, it has a seven-member board appointed by City Council, overseeing fiscal transparency, operations, strategic planning, and levy processes. Currently in the final year of its five-year strategic plan, the library focuses on marketing, space, and customer impact, with the mission "We build connections that make lives better."

For 2026, the library's priorities include significant facility projects: replacing the Tremont Road branch roof, renovating Miller Park branch, and planning Tremont Road renovations. Ms. Pfahler noted that HBM Architects' \$13M estimate for Tremont might be less, referencing Lane Road's renovation that was completed for \$1.5M against a \$3.2M estimate. Ms. Pfahler also mentioned adopting a state-mandated cybersecurity policy and signing a three-year union contract through 2029.

Funding comes from the Ohio Public Library Fund and a local property tax levy, with both revenue streams fixed. Major expenses are driven by a 23% increase in salaries and benefits over six years. Ms. Pfahler flagged potential challenges in ongoing discussions about eliminating property taxes. The board is building a dedicated Building Improvement Fund aiming for \$8.6M by 2029 to avoid debt financing.

In 2025, the library circulated 1.5M items, hosted 1,800 programs with 71,000 attendees (27% increase), and saw a 15% rise in eBook usage. Significant initiatives include the Memory Lab, homebound delivery, ESL classes, technology help, and passport services.

Mr. Fortkamp asked about cybersecurity threats and the union contract process. Director Pfahler confirmed the cybersecurity initiative is primarily state-mandated compliance work, and that the union contract is a standard three-year agreement with renegotiation expected to begin six months before expiration in 2029.

Mr. Tracy inquired about fees for specialty services such as the Memory Lab and the comparative cost and availability of eBooks versus physical materials. Ms. Pfahler confirmed there are no fees for most services. She acknowledged wait times for eBooks on OverDrive and suggested the Hoopla platform as a no-wait alternative, noting the library pays only per use. Mr. Tracy personally noted his frequent experience with long eBook waitlists and appreciated the clarification.

Mr. Kulewicz asked about the library's marketing strategies. Ms. Pfahler described a targeted re-engagement campaign using the Orange Boy platform to reach lapsed cardholders and to send interest-specific emails to active patrons. New exterior signage, a refreshed brand identity, and active social media monitoring were also cited.

President Awakessien Jeter acknowledged the library as among the top amenities residents cite when describing why they enjoy living in Upper Arlington and raised the question of whether the

library is adequately engaging the teenage demographic. Ms. Pfahler confirmed that usability studies showed that only 7% of library users in 2022 and 13% in 2025 were young adults and stated that attracting this demographic is a deliberate focus of the Tremont renovation task force. City staff noted that the library is regularly included in city newsletters and community communications, and that the library participates in Network UA's monthly collaborative meetings.

President Awakessien Jeter also asked about the library's revenue-generating potential. Ms. Pfahler noted that, beyond passport services and the Friends of the Library (a separate nonprofit), there are very limited options, as libraries generally do not charge for services.

Regarding the levy promise, Ms. Pfahler reaffirmed the board's commitment to fund building renovations from levy proceeds without taking on debt, while acknowledging that if renovation costs exceed available reserves, options such as borrowing against the Public Library Fund, bonds, or additional levies would need to be considered.

#### **Legislative Items for First Reading/Public Hearing/Council Action**

- a. Resolution No. 8-2026 - To Adopt the Tax Budget for the Upper Arlington Public Library for the Fiscal Year Beginning January 1, 2027, and Submitting the Same to the Franklin County Budget Commission.**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Resolution No. 8-2026.

Finance Director Brent Lewis described the resolution as a procedural checklist item required by state law to initiate the 2027 budget cycle by submitting the library's tax budget to the Franklin County Budget Commission.

Mr. Kulewicz moved, seconded by Mr. Tracy, to pass Resolution No. 8-2026. The motion carried with the following vote:

**Voting Aye:** Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Vice President Munc and Walter

- b. Resolution No. 9-2026 - To Adopt the Tax Budget for the City of Upper Arlington Ohio, for the fiscal Year Beginning January 1, 2027, and submitting the Same to the Franklin County Budget Commission.**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Resolution No. 9-2026.

Mr. Kulewicz asked about a spike in the General Fund advances (line item on page 64 of the agenda packet), from \$2.6 million to \$6.6 million. Mr. Lewis explained that this reflects the return of funds that were advanced to cover cash outlays for the community center project, with repayment coming from Community Foundation donations.

Mr. Fortkamp moved, seconded by Ms. Oldham, to pass Resolution No. 9-2026. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Walter

**c. Resolution No. 10-2026- To Request the Franklin County Auditor to Certify the Current Tax Valuation and the Amount of Revenue That Would Be Generated by a Renewal Tax Levy, with an Increase, of a Specified Number of Mills for the Police and Fire Pension Fund**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Resolution No. 10-2026.

Mr. Lewis provided background on the police and fire pension levy, noting that the city is required by law to contribute 19.5% of payroll for police and 24% for fire pensions, totaling approximately \$3.2 million annually and projected to grow to \$4.1 million (presentation attached as Exhibit B).. The city funds this obligation through two permanent property tax levies and one voted five-year levy set to expire at the end of 2026.

Mr. Lewis explained that Resolution No. 10 replaces the previously passed Resolution No. 6, due to ballot language being found by the Franklin County Auditor to be incorrect. The corrected language describes a renewal of the existing 0.89-mill levy with an increase of 0.24 mills, for a proposed five-year term. The net effect remains the same: increasing annual revenue from approximately \$1.5 million to \$2.2 million. The impact on residential taxpayers is approximately \$8.40 per year per \$100,000 of home value, or roughly \$42 per year for a \$500,000 home. First collection under the new levy would occur in 2028.

Mr. Lewis clarified that the complexity in millage language, the difference between the voted rate (0.89 mills), the effective residential collection rate (approximately 0.5 mills), and the proposed combined rate (1.13 mills), is driven by state statute and the inclusion of all three tax categories (residential, commercial, and public utility personal property). He confirmed that the ballot language has been submitted to the Franklin County Prosecutor's office for preliminary review and received a preliminary approval.

Mr. Kulewicz confirmed that the statutory language leaves no discretion in how the levy must be described. Mr. Tracy clarified for the record that: (1) the pension contribution is a legal obligation;

(2) the levy is the preferable alternative to drawing from other budget lines; and (3) the effective residential millage of approximately 0.74 mills will actually be lower than the 0.89 mills approved five years ago, even as total yield increases (a counterintuitive dynamic created by recent changes in state law eliminating replacement levies).

President Awakessien Jeter asked about the City's communications plan given the potential for voter confusion alongside an expected school levy on the same November ballot. Mr. Lewis and Communications Manager Emma Speight described plans including direct mail brochures, postcards, email newsletters, social media, and a potential online property tax calculator. City Manager Steven Schoeny noted that the two levies are different enough in scale and subject matter that significant confusion between them is unlikely, but the City will be deliberate in its communications.

Ms. Oldham moved, seconded by Vice President Munc, to pass Resolution No. 10-2026. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Walter

**d. Ordinance No. 23-2026 - To Amend the Fontenay Subdivision Plat to Permit the Reduction of the Platted Rear Yard Setback From 32 Feet to 19.5 Feet for Lot #3, to Allow for the Retention of a Patio and Swimming Pool Decking**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 23-2026.

City Attorney Darren Shulman provided an overview of the process for plat amendments, noting that the homeowners constructed the improvements without proper permits, which triggered both a lot coverage variance and the current plat amendment request. He confirmed that the permit violation was fully resolved through the Mayor's Court process, including payment to the City, and asked that Council evaluate the plat amendment solely on its merits.

Community Development Director Chad Gibson presented a summary of the request (presentation attached as Exhibit C). Mr. Gibson explained that the Fontenay subdivision, a ten-lot R-1A subdivision off Coach Road north of Lane Road, contains a platted 32-foot rear yard setback, which is more restrictive than the standard 10-foot setback for pools, established at the time of subdivision for the protection of adjacent neighbors. Additional improvements made after the pool's final inspection brought the decking into violation of that setback. The proposed amendment would reduce the rear yard setback from 32 feet to 19.5 feet for Lot 3 only, applicable only to the swimming pool, decking, and walkways. The Board of Zoning and Planning reviewed and recommended approval on May 20, 2026. No neighborhood opposition was received.

Mr. Tracy confirmed the absence of neighborhood objections. Mr. Gibson confirmed. Mr. Kulewicz asked about the process for other neighbors seeking similar amendments and whether utilities were consulted regarding a minor encroachment into the rear utility easement. Mr. Gibson confirmed each neighbor would need to go through the same plat amendment and variance process and stated that a roughly six-inch encroachment into the 20-foot utility easement was considered de minimis. The dry-stacked stone wall could be easily removed if access were needed, and a full hold-harmless agreement was not deemed necessary given the minimal encroachment.

Ms. Oldham raised drainage concerns, and Mr. Gibson confirmed the homeowners installed drainage improvements in the backyard to address stormwater issues, which staff found satisfactory. Mr. Fortkamp inquired about precedent-setting and easement protections. Mr. Gibson cited a similar plat amendment at Dino's Court, and noted staff does not anticipate a rash of similar requests. Mr. Shulman described the hold-harmless agreement process used in cases of more substantial encroachments.

Vice President Munc asked what would happen procedurally if Council voted "no." Mr. Gibson noted a structural engineer's opinion that removing pool decking could compromise the pool's structural integrity. Mr. Shulman added that a "no" vote would complicate the agreed-upon resolution reached with the homeowners and would likely require further negotiation to achieve code compliance.

President Awakessien Jeter raised a procedural question about why this item was presented for action in a single reading rather than the standard two readings used for ordinances. Mr. Shulman and Mr. Gibson cited code section 4.06(f), which states that Council shall "take action" on a plat amendment request at its next regular meeting following the BZAP recommendation. Mr. Shulman clarified that "taking action" could include a motion to proceed to a second reading. President Awakessien Jeter expressed a preference for consistency with standard council rules and transparency for the public record and proposed moving to a second reading.

Vice President Munc moved, seconded by Ms. Oldham, for a Second Reading/Public Hearing/Council Action on June 8, 2026. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Kulewicz, Oldham, and President Awakessien Jeter

**Voting Nay:** Fortkamp and Tracy

**Absent:** Walter

- e. Ordinance No. 26-2026 - To Authorize the City Manager to an Amended Contract with Clover Landscape LLC for Mowing Services for City-Owned Properties; Waiving Second and Third Readings; and Declaring an Emergency**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 26-2026.

Parks and Recreation Director Debbie McLaughlin presented a summary of the item. The City's existing mowing contractor for approximately 42 parks and medians, Cornwall Lawn and Landscape, failed to perform to acceptable standards over the course of the spring despite more than six documented communications. The contract was terminated following consultation with the City Attorney's Office. Staff solicited updated pricing from the other bidders in the original 2024 competitive bid process and received two responsive bids. Clover Landscape LLC, already under contract for mowing at the City's aquatic facilities and administrative buildings at satisfactory performance, submitted the lowest bid. The proposed ordinance amends the existing Clover contract to incorporate the additional 42 parcels through the end of the 2026 contract year. The City intends to conduct a new comprehensive bid process for 2027.

Mr. Shulman noted that Council approval was required because the total amended contract value exceeds the \$150,000 staff procurement authority, and because the original contract was Council-approved. The emergency declaration was requested given active complaints from park neighbors about grass exceeding 10 inches in height, well above the City's 4.5-inch standard, and the ongoing inability of City staff to absorb the work given equipment and staffing limitations.

Mr. Tracy asked whether the emergency designation was warranted, and Mr. Shulman confirmed that overgrown grass presents documented public health risks including harboring ticks, pests, and rodents, satisfying the "health, safety, and welfare" standard for an emergency clause.

Mr. Tracy moved, seconded by Vice President Munc, to suspend Article IV(4)(B) of the Council Rules to allow for the second and third reading to be waived. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Walter

Vice President Munc moved, seconded by Mr. Fortkamp, to approve the emergency measure. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Walter

Mr. Fortkamp moved, seconded by Vice President Munc, to adopt Ordinance No. 26-2026. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Fortkamp, Kulewicz, Oldham, Tracy, and President Awakessien Jeter

**Absent:** Walter

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

- a. Resolution No. 11-2026 - To Provide for the Submission to the Electors of the City of Upper Arlington at the 2026 General Election a Renewal Tax Levy and an Increase Dedicated to the Police and Fire Pension Fund**

In response to President Awakessien Jeter’s invitation to speak, there were no questions or comments from the public or City Council relative to Resolution No. 11-2026.

President Awakessien Jeter advised that the Second Reading/Public Hearing will occur on June 8, 2026, followed by a Third Reading/Public Hearing/Council Action on June 15, 2026.

- b. Ordinance No. 24-2026 - To Authorize the City Manager to Enter into Contract with Decker Construction for Construction-Related Services for the Northwest Boulevard Improvements Phase 3 Project**

In response to President Awakessien Jeter’s invitation to speak, there were no questions or comments from the public or City Council relative to Ordinance No. 24-2026.

President Awakessien Jeter advised that the Second Reading/Public Hearing/ Council Action will occur on June 8, 2026.

- c. Ordinance No. 25-2026 - To Authorize the City Manager to Enter into Contract with Clean All Services and Mr. B's Cleaning Services for Custodial Cleaning Services for City Buildings**

In response to President Awakessien Jeter’s invitation to speak, there were no questions or comments from the public relative to Ordinance No. 25-2026.

Mr. Kulewicz asked why Fire Station 71 did not appear among the facilities listed in the contract. Assistant City Manager Jackie Thiel clarified that, for Fire Station 72, only the administrative office areas are included in the custodial contract; firefighters are responsible for cleaning their own living spaces. The same principle applies to Station 71.

President Awakessien Jeter advised that the Second Reading/Public Hearing/Council Action will occur on June 8, 2026.

**Legislative Items for Second Reading/Public Hearing**

**a. Ordinance No. 22-2026 - To Amend Chapter 1701 - Fire Prevention Code of the Upper Arlington Code of Ordinances to Enact § 1701.03 - Fire Protection Systems Compliance Reporting**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 22-2026.

Mr. Kulewicz asked how the City currently monitors fire code compliance separate from the new reporting requirement. Assistant Fire Chief Mike Bell explained that biannual or annual fire inspections cover all code compliance requirements, including verification that fire suppression systems have been properly inspected and maintained. The new ordinance will allow near-real-time notification to the City when those third-party system inspections are completed, rather than waiting for the next scheduled inspection.

President Awakessien Jeter advised that the Third Reading/Public Hearing/Council Action will occur on June 8, 2026.

**Legislative Items for Third Reading/Public Hearing**

**a. Ordinance No. 20-2026 - To Authorize the City Manager to Enter into an Economic Development Incentive Agreement with Frazier Financial Advisors**

Mr. Kulewicz recused himself from discussion on Ordinance No. 20-2026 and left Council Chambers at 7:48 p.m.

President Awakessien Jeter advised this item was previously scheduled for Public Hearing/Council Action tonight but was tabled to the June 15, 2026, Council meeting.

Mr. Shulman recommended tabling to a date certain rather than leaving it on the June 8 agenda, noting that the updated agreement language is expected to be ready for the June 15 meeting.

Mr. Tracy moved, seconded by Mr. Fortkamp, to postpone discussion and action on Ordinance No. 20-2026 to the June 15, 2026, Council meeting. The motion carried with the following vote:

**Voting Aye:** Vice President Munc, Fortkamp, Oldham, Tracy, and President Awakessien Jeter

**Abstain:** Kulewicz

**Absent:** Walter

Following discussion, Mr. Kulewicz returned to Council Chambers at 7:50 p.m. and was present for all further business.

**a. Ordinance No. 21-2026 - To Amend Various Sections of Part 1 – Administrative Code, Part 4 - Schedule of Fees, and Part 13 - Building Code, of the Upper Arlington Code of Ordinance**

In response to President Awakessien Jeter’s invitation to speak, the following speaker came forward:

- Andrew Lehman - addressed Council on Amendment No. 1 concerning the proposed increase in campaign contribution limits under Section 105.03(d) and (e). Mr. Lehman argued against raising the limit from \$250 to \$400, stating his preference for a \$300 limit. He noted that Dublin, a larger city, sets its at-large limit at \$310, and expressed concern that a \$400 limit could shift local elections toward favoring well-connected candidates over those who build community relationships through personal outreach.

President Awakessien Jeter indicated a preference to postpone the scheduled 45-minute discussion to the June 8, 2026, meeting, citing both the length of the evening's agenda and the absence of Council Member Walter, who had expressed interest in participating in the vote. Mr. Shulman confirmed there is no urgency requiring action before the summer recess and suggested that the council address all pending amendments, including four prepared in advance based on prior feedback, at the June 15 meeting, allowing Council to vote on everything discussed and then begin fresh after the recess.

Council agreed to postpone the item to the June 8 meeting for further discussion.

**City Manager Update**

Mr. Schoeny reported that he had distributed a written email update to Council members earlier in the day covering developments related to the City's scooter program and baseball operations and had no additional verbal updates to offer.

\* \* \*

There being no further business to come before City Council, Mr. Tracy moved, seconded by Ms. Oldham, to adjourn. President Awakessien Jeter adjourned the meeting at 7:56 p.m.



Upper Arlington  
Public Library

# About Us

- Who We Are and How We're Governed
- Our Strategic Plan: Vision & Progress
- 2026 Priorities
- How We Are Funded
- Our Expenditures
- How We Serve
- How the Community Uses Its Library

EXHIBIT A



Tremont Road



Miller Park



Lane Road

# Board of Trustees



We are a Municipal Library.

We have a seven-member Board, each member appointed for a four-year term by City Council.

President and Vice President serve for no more than 2 consecutive years, who are appointed in January.

Standing committees include Finance and Operations.

Amend and Approve Library Policy

Ensure Fiscal Transparency and Good Stewardship of Tax Dollars

Help Envision and Create Long Range Strategic Plan

Determine Levy Ballot Measures

Hire and Evaluate the Library Director and Fiscal Officer

# Strategic Plan

We are wrapping up the final year of our 5-year strategic plan this year, which prioritized the following:

## Master Facilities Plan

Our Master Facilities Plan is a long-term roadmap for how we use and improve our library spaces to best serve our community. It aligns directly with our Strategic Plan by prioritizing projects that enhance the customer experience

### Marketing & Communication

Produce effective communication strategy to increase use and awareness of the library's role in the community.

### Use of Space

Optimize space that provides welcoming, engaging, and purposeful activities.

### Customer Impact

Provide exceptional experiences for everyone that promote community, celebrate our traditions, entertain, and inspire lifelong learning.

# 2026 Priorities & Beyond

As we look ahead to 2026, our priorities are as follows:

## 1. Master Facilities Plan

- a. New Roof at Tremont
- b. Miller Park Refresh
- c. Tremont Renovation Planning & Community Task Force

## 2. Cybersecurity Initiative

## 3. New CBA 2026-2029

c



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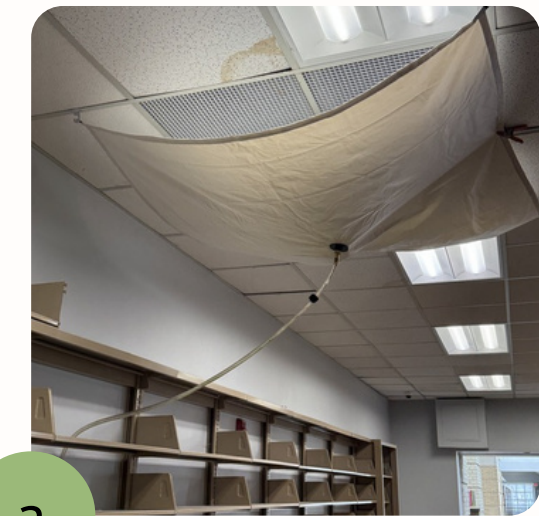
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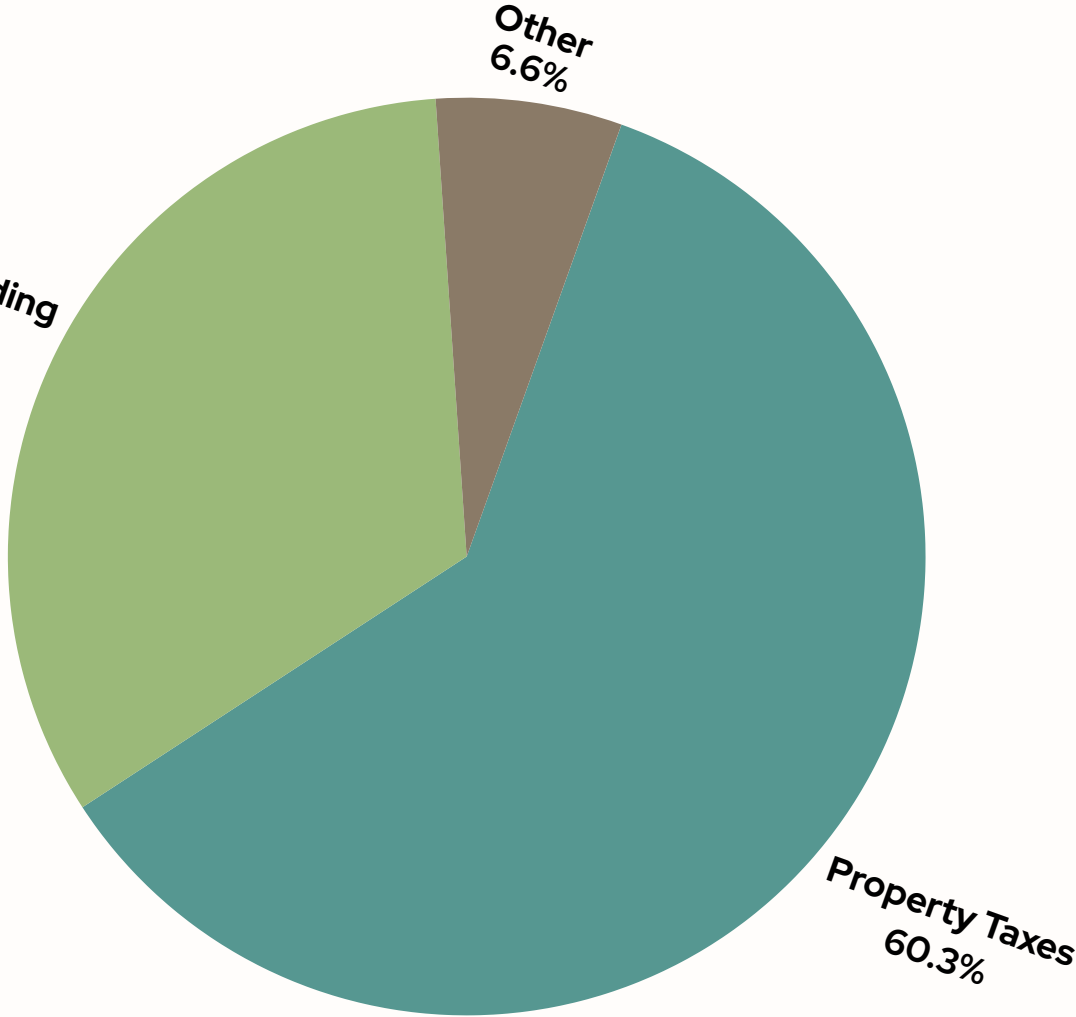
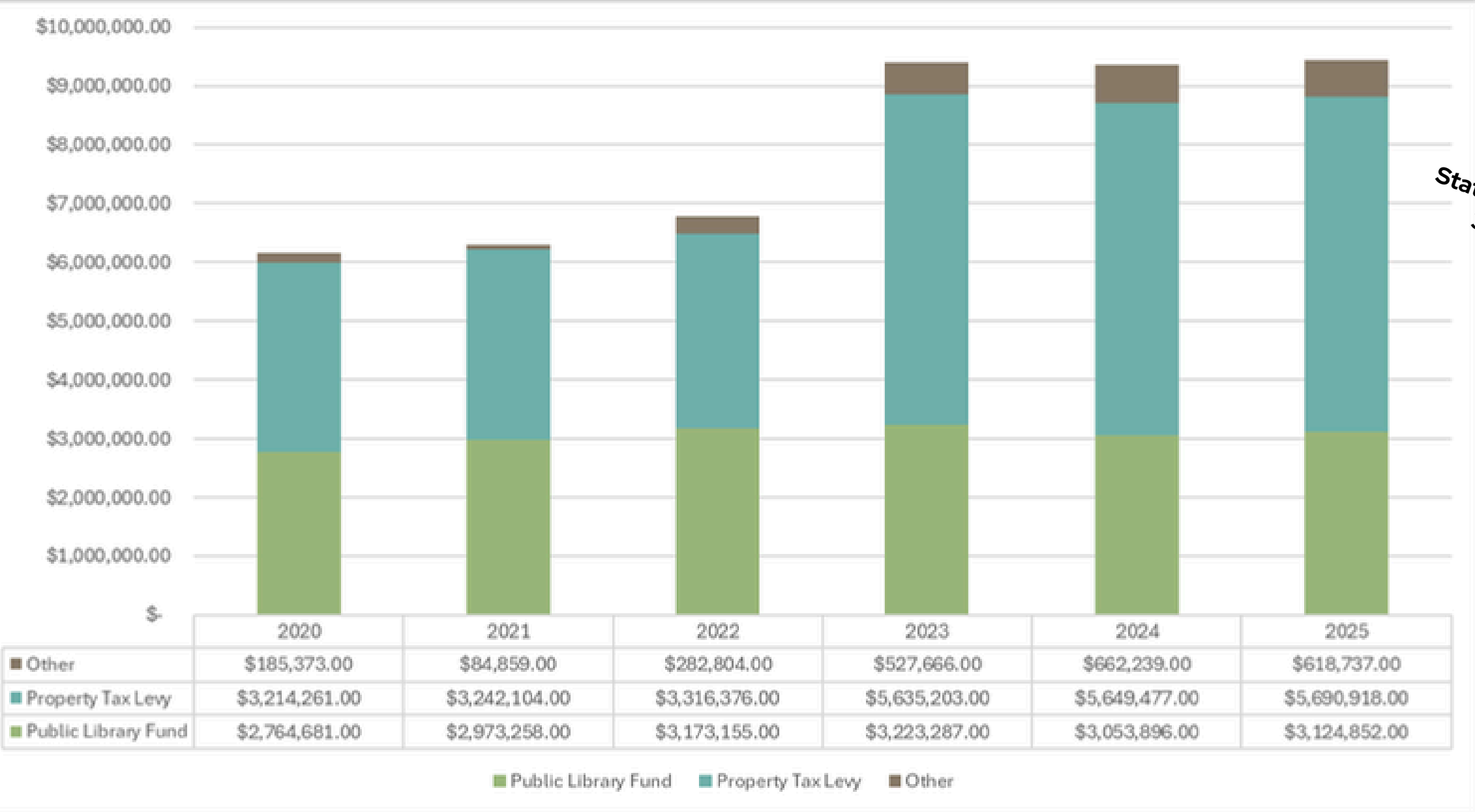
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# How We Are Funded



### Public Library Fund (State Funding)

Formerly a percentage of the state budget, now a fixed line item (changed in 2025 by the Ohio General Assembly). We are watching future state budgets closely to see the long-term impact.

### Property Tax Levy (Local Funding)

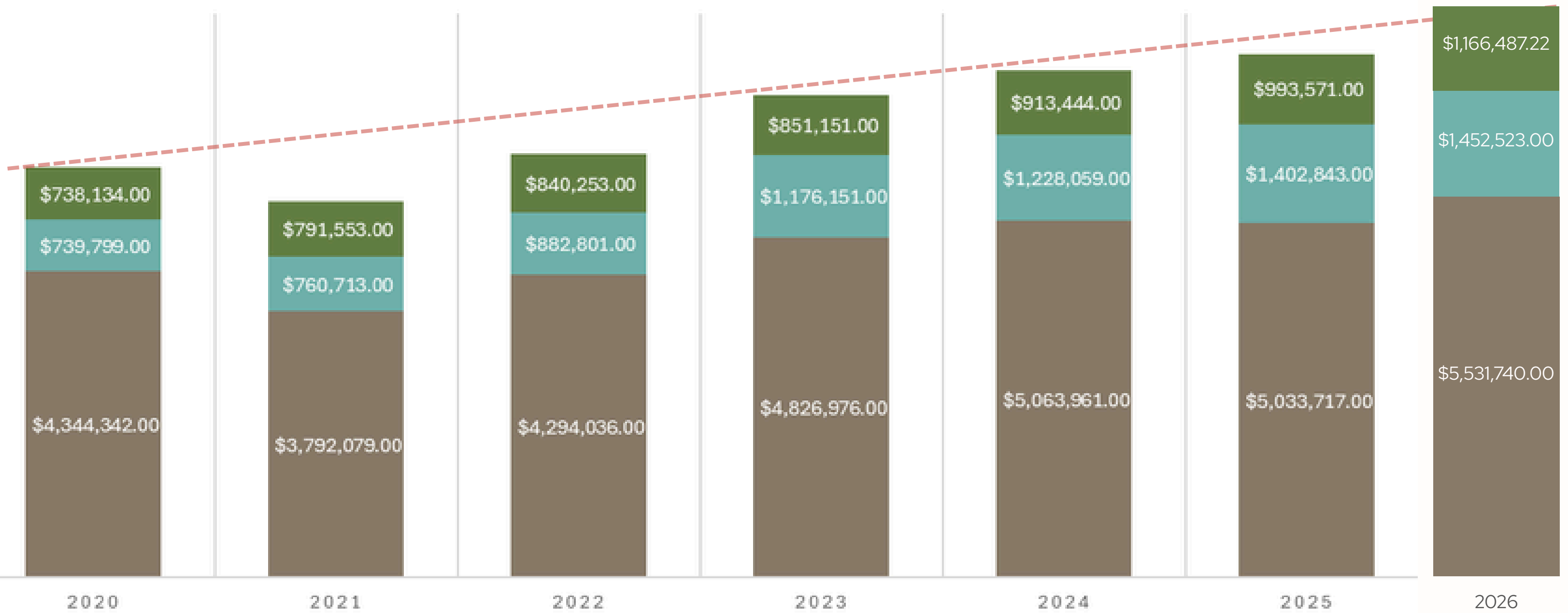
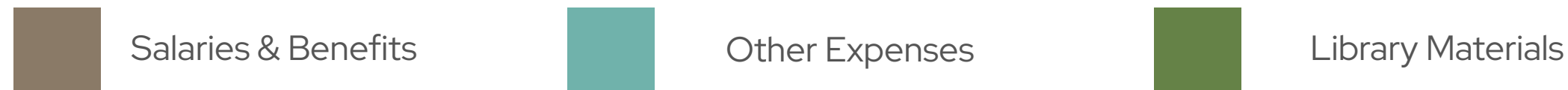
Voters approved a 1-mill increase in 2022. Our 10-mill, 10-year levy runs through 2032, and revenue does not increase with rising property values.

### Other (Interest & Passports)

Interest earnings and a small amount of miscellaneous funds. Passport revenue is \$100k or less each year.

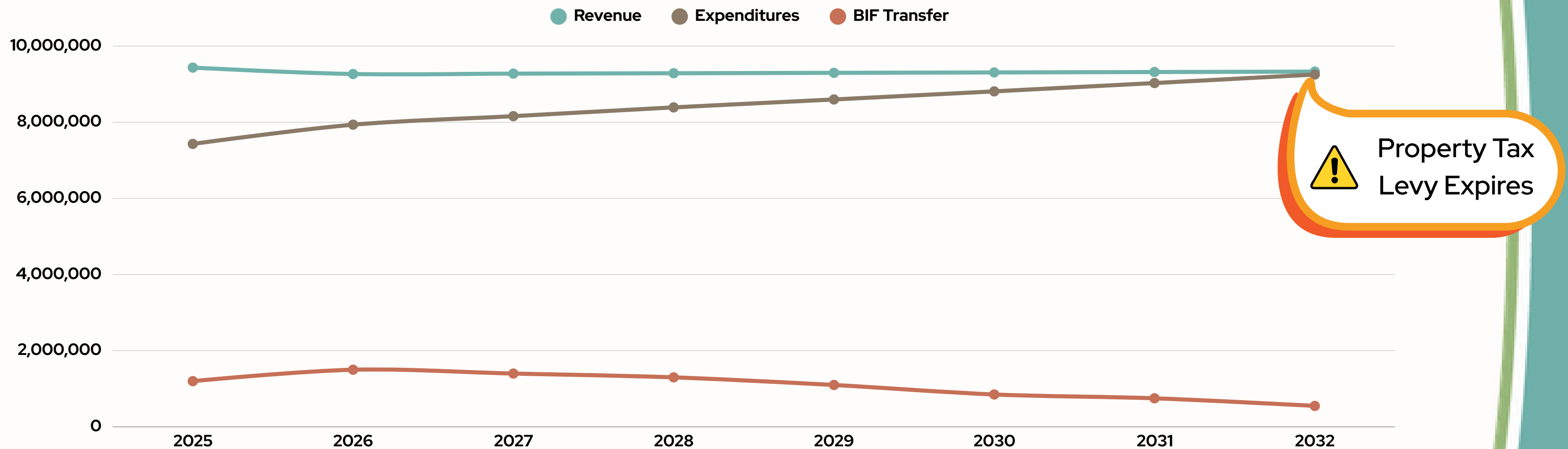
# Our Expenditures

## LIBRARY EXPENSES



23%

# Operating Revenue and Expenditure Forecast (2025–2032)



- The gap between revenues and expenditures gradually narrows as personnel, materials, and operating costs increase.
- The forecast supports continued service delivery while maintaining financial stability.
- These projections are planning assumptions and do not represent future policy decisions or contractual obligations.

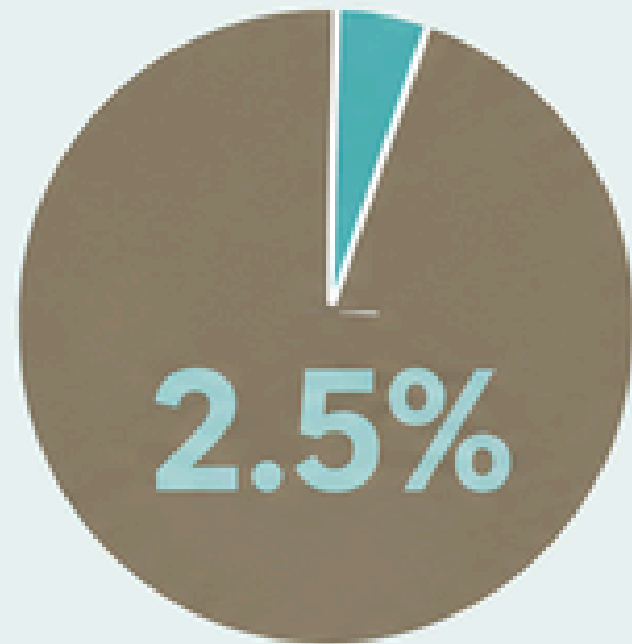


# Public Libraries and Property Taxes

Ohio's Public Libraries Depend on State and Local Funding



## LIBRARIES ARE A SMALL PORTION OF PROPERTY TAXES STATEWIDE



Property taxes generate **\$24 billion** annually statewide.

Libraries account for only **2.5%** of all property taxes collected statewide.



This small share provides the primary local funding that keeps libraries open and serving communities.



## HOW ELIMINATING PROPERTY TAXES WOULD IMPACT LIBRARIES



### Service reductions

Fewer programs, shorter hours, and potential branch closures.



### Loss of local control

Communities would lose their ability to vote on and support library funding.



### Weakened partnerships

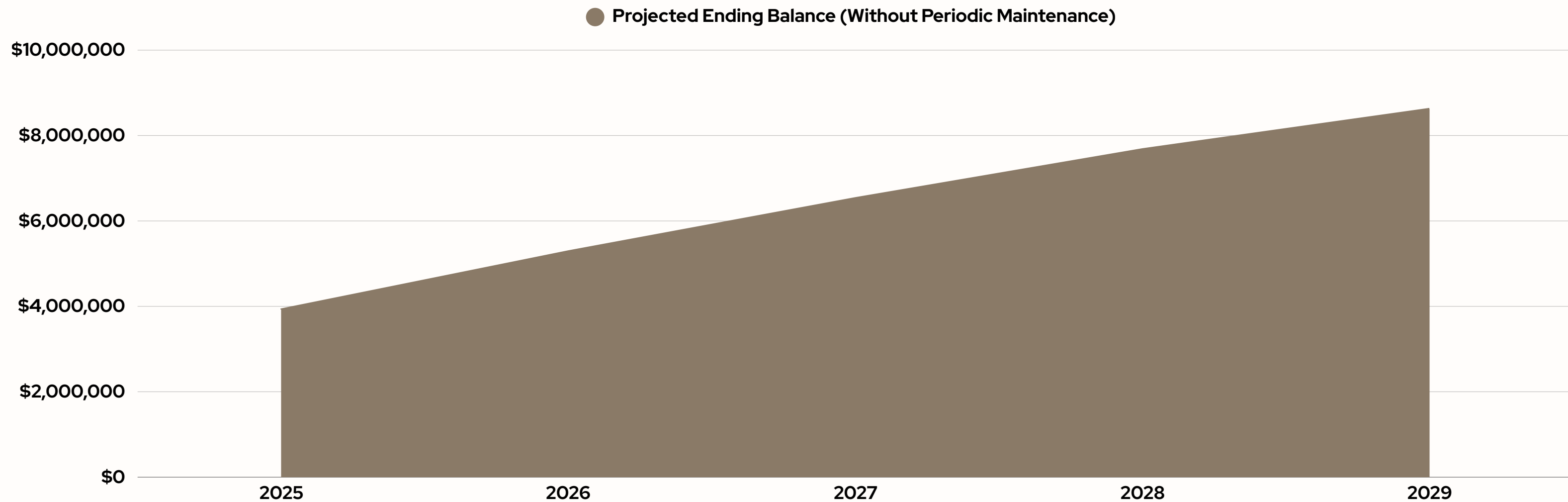
Schools, workforce programs, nonprofits, and community initiatives would be affected.



Eliminating property taxes without a replacement funding plan would put Ohio's public libraries—and the communities they serve—at risk.



# Projected Building Improvement Fund Balance (2025–2032)



Planned transfers from the General Fund to the Building Improvement Fund allow the Library to build dedicated capital reserves without relying on debt financing. Under current assumptions, the Building Improvement Fund is projected to reach approximately \$8.6 million by 2029 (not including any periodic maintenance) providing substantial resources to support future facility investments. The taskforce has been advised that we a starting budget of \$6 million for the renovation of the Tremont Road Branch.

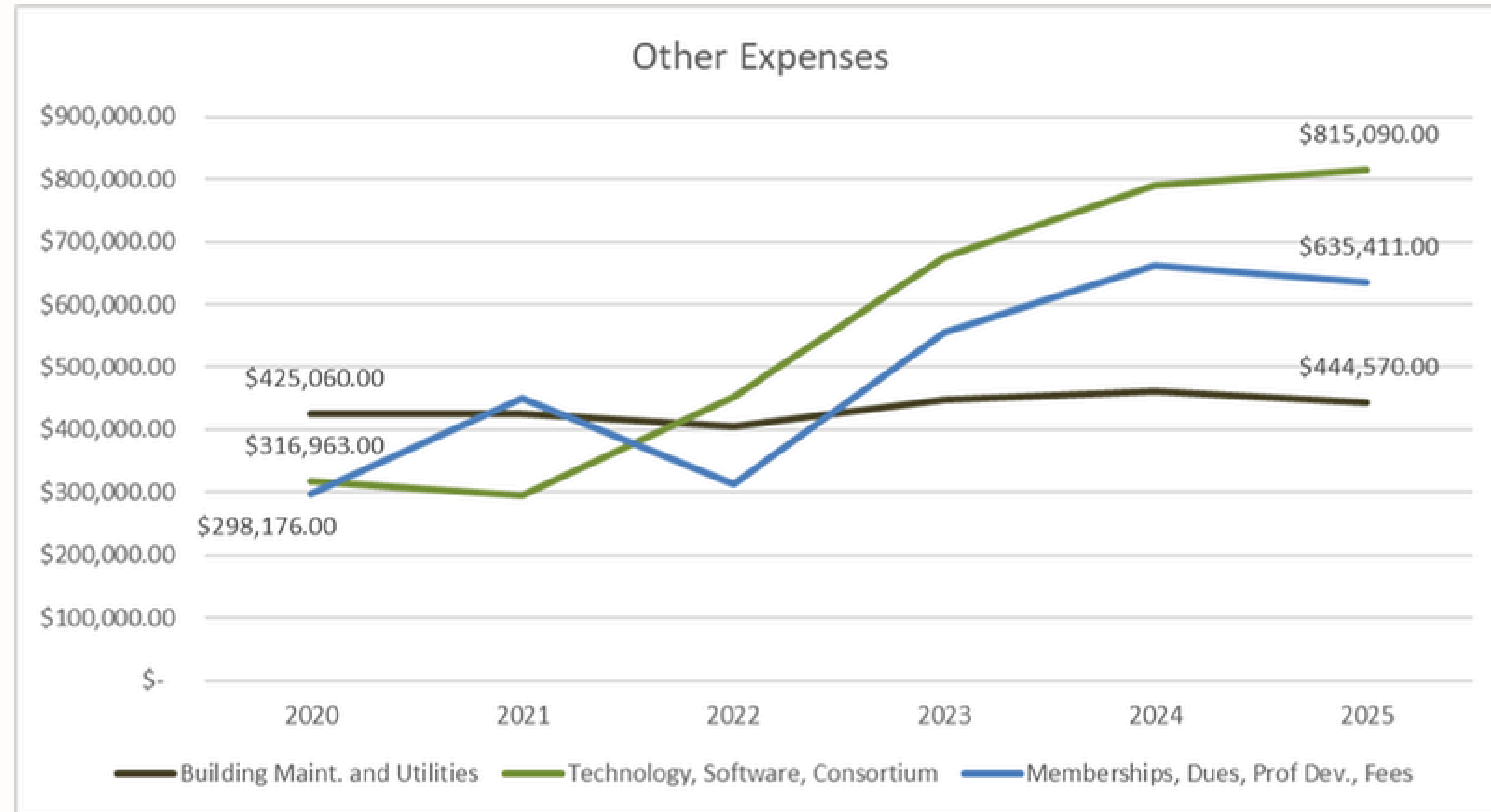
# Our Expenditures

## Technology, Software, & Consortium

We completed a full computer refresh across all three buildings, replacing public and staff machines to maintain security, performance, and reliability. Our annual membership in the Central Library Consortium costs approximately \$180,000 per year and is essential to providing shared technology and resource access.

## Memberships, Dues, and Prof. Dev, and Fees

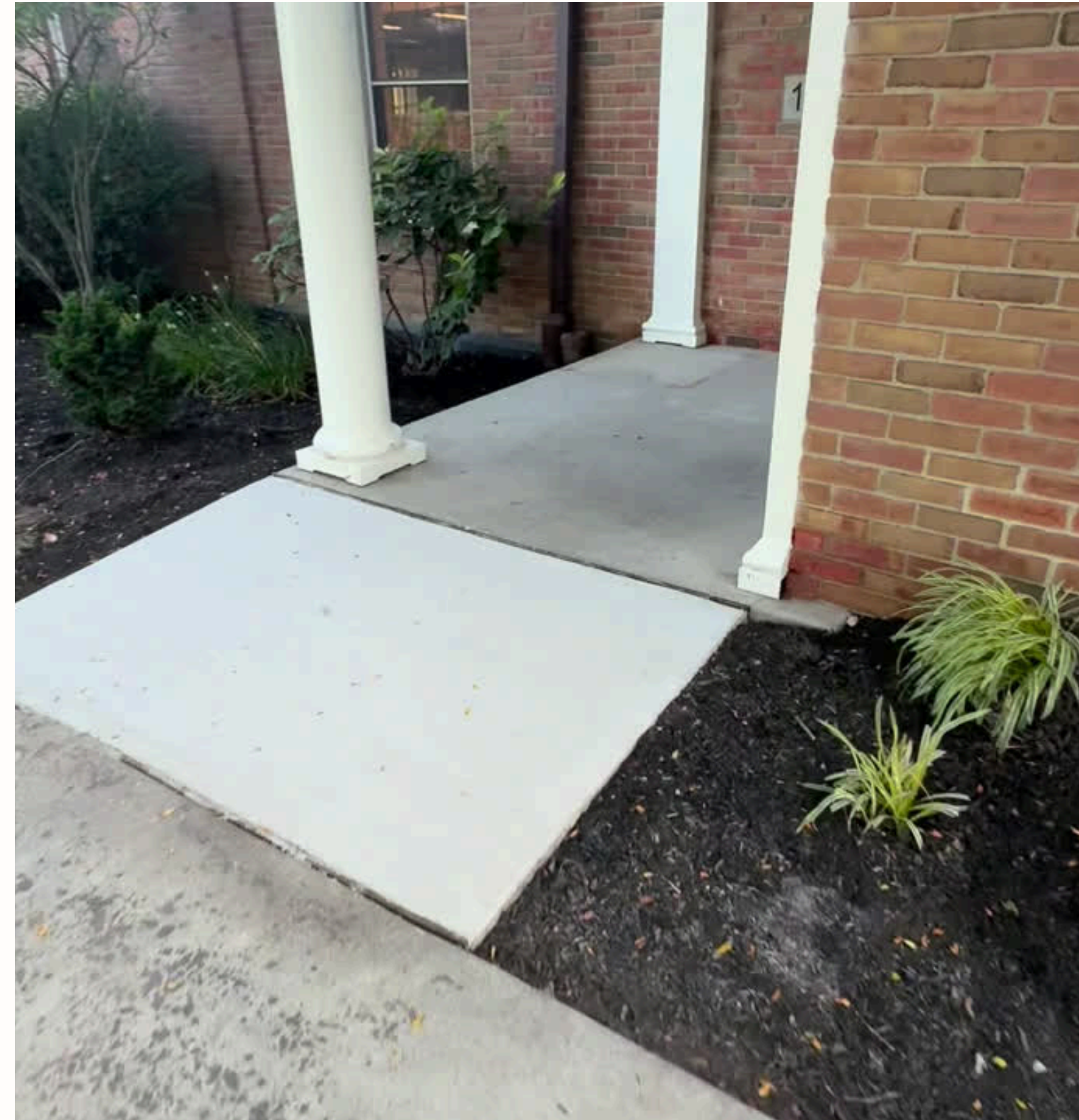
We added programming costs and increased professional memberships and dues.



# Investing in Lane Road

Our Lane Road Branch re-opened in July 2025 with an updated look and exciting new features. The bulk of the project's cost included new mechanicals, a new HVAC system, upgraded lighting, additional power outlets, ceilings, soundproofing, and two new meeting rooms on the first floor.

Construction	\$1,021,697.24
Furniture, Fixtures & Equipment (FF&E)	\$418,667.70
Design Services	\$117,054.25
Total Project Cost:	<u>\$1,557,419.19</u>



# How We Serve

The Library has collections for every interest. As a member of the Central Library Consortium, you have access to millions of items.

## Books & Magazines

We have hundreds of thousands of books for every age and interest, including eBooks. We also have magazines in print and digital formats.



## Movies, Video Games & Music

The Library boasts an impressive array of media, including vinyl records and video games for the latest consoles.



## Research & Ohio History

We are one of the few libraries that continue to have a dedicated Research Department dedicated to reference materials, local history, and more.



## Meeting Rooms & Quiet Study



## Computer Access & Fast WiFi



## Play Spaces

## Passport Services



## Events and Programs

We offered over 1,800 events and programs last year, which more than 71,000 people attended.

# Even More Services

The Library has collections for every interest. As a member of the Central Library Consortium, you have access to millions of items.

## Light Therapy Lamps

A light therapy lamp mimics outdoor light, which creates chemical changes in the brain that can lift mood and ease other symptoms.



## Memory Care Kits

Designed to provide opportunities for caregivers and loved ones to reminisce and connect with those experiencing memory loss, as well as provide information and support.



## Home Delivery

We offer free delivery of library materials to persons who live within our service area and are physically unable to visit the library. Library volunteers deliver to residents in their homes, care centers and retirement communities.



## Technology Help



## Test Proctoring

## Memory Lab

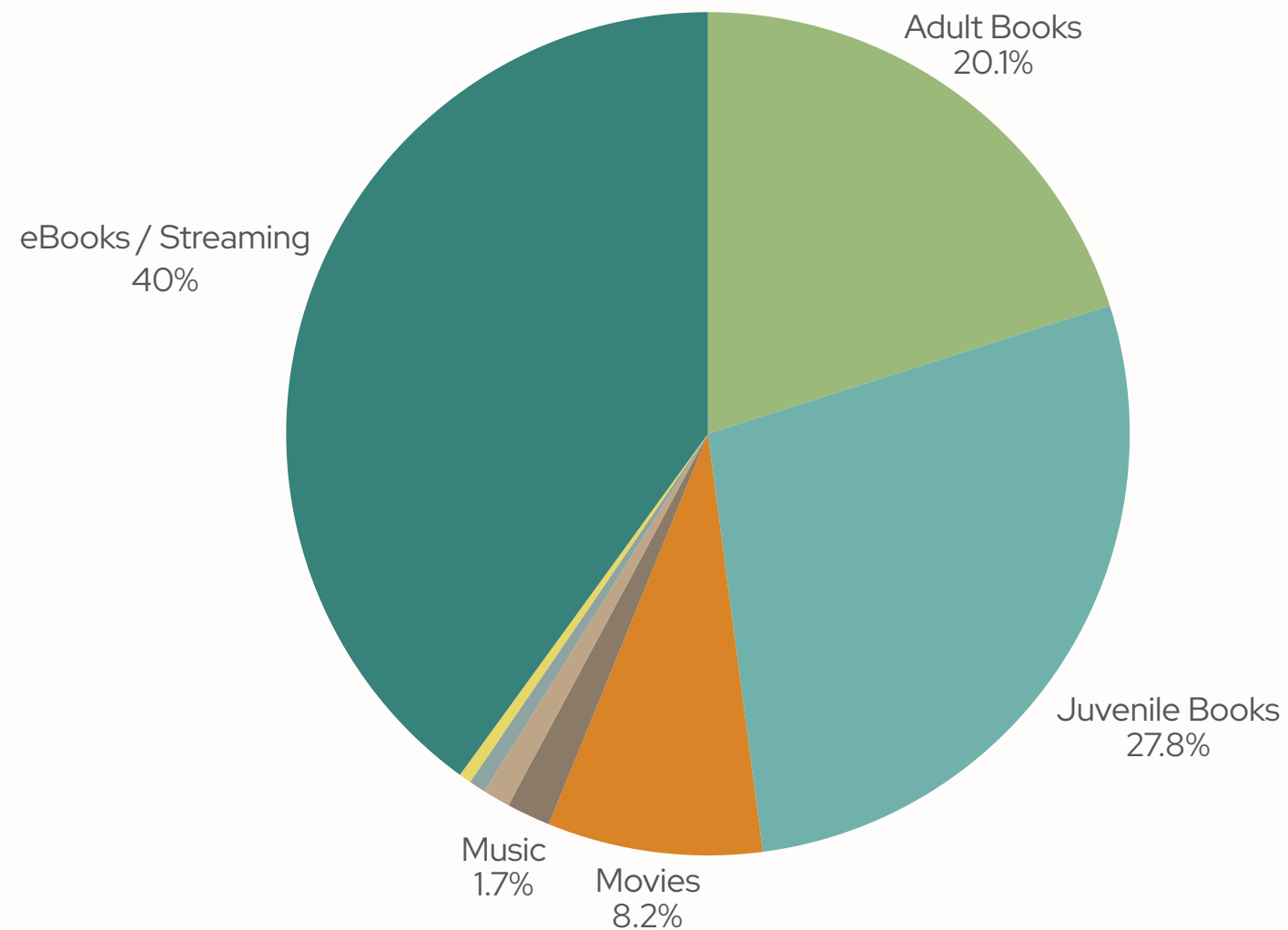
The Memory Lab at the Upper Arlington Public Library provides the community with access to specialized equipment and expertise for digitizing and preserving personal history. Residents can convert VHS tapes, reel-to-reel movies, photographs, slides, and audio recordings into digital formats, ensuring that irreplaceable family memories are safeguarded and accessible for future generations.

## ESOL Conversation Practice



# How the Community Uses the Library

- Adult Books    ● Juvenile Books    ● Movies
- Music    ● Magazines    ● Audiobooks
- Video Games    ● eBooks / Streaming



## 2025 Impact

Library Usage	As of Dec. 31, 2025	Change from 2024
Visits	441,523	↓ 6%
Program Attendance	71,159	↑ 27%
Circulation	1,489,064	↓ 2%
eBooks / Streaming	426,826	↑ 15%
Research Tools	51,800	↑ 12 %
Public Computer Usage	23,602	↓ 6%

Despite only two of our branches being open for much of 2025, overall Library use remained high and even surpassed expectations in program attendance, eBooks, and database use.

# Questions?

**director@ualibrary.org**

# Police and Fire Pension Property Tax Levy Renewal

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June 1, 2026

**By Ohio Statute, the City is legally required to fund the equivalent of 19.5% (Police) and 24% (Fire) of gross income to support the Police and Fire Pension Fund.**

- Police and Fire Employer Obligation
  - Current Levy (2023 – 2027): Average of \$3.2 million annually
  - Projected (2028 – 2032): Average of \$4.1 million annually

## **How the Police and Fire Employer Contribution Has Been Funded**

- **Permanent Property Levy** - .6 mills ("inside millage") dedicated to Police and Fire pensions. (Required per ORC 742.33 and 742.34)
- **Voted Levy** – 5-year, .89 mill voted property tax levy, set to expire in 2026 (collection year 2027).
  - Goal is to collect a consistent amount of revenue during the life of the levy.
  - Subject to the reduction factor - as valuation increases, millage is adjusted so the revenue remains constant.
    - 0.89 mill voted levy is currently being collected at .50 mills and generating approximately \$1.5 million.



**Resolution 10-2026** - To request the Franklin County Auditor to certify the current tax valuation and the amount of revenue that would be generated by a renewal tax levy, with an increase, of a specified number of mills for the Police and Fire Pension Fund.

- Replaces the request made via Resolution 6-2026, approved May 4, 2026.
- Includes revised language needed to generate the proposed revenue amount.
- Scheduled for adoption tonight.

**Resolution 11-2026** - To provide for the submission to the electors of the City of Upper Arlington at the 2026 General Election a renewal tax levy and an increase dedicated to the Police and Fire Pension Fund.

- Legislation to approve placing the proposed levy on the ballot in November 2026.
- Ballot language is set by state code and must be approved by the Franklin County Board of Elections via the Franklin County Prosecutor's Office.
- Legislation is **scheduled for three (3) readings** – amounts noted as “certified” are in draft format pending approval of Res. 10-2026 and certification by FCA.



# Proposed Levy – Language Change

4

**Resolution 6-2026** proposed a levy that would increase from \$1.5 million annually to approximately \$2.2 million annually to continue to meet state-mandated pension costs.

- **Proposed language:** Renewal tax levy of 0.75 mills, a decrease of 0.14 mills.
- Certification process indicated this language would not generate the revenue the City desired - results in decreasing revenue.

**Resolution 10-2026** adjusts the proposed levy language to:

- Renewal of an existing .89 mill levy and an increase of .24 mills, at a rate not to exceed 1.13 mills for each \$1 dollar of taxable value for five (5) years, commencing in 2027, first due in calendar year 2028.

## Impact of New Language

- Still projected to generate the \$2.2 million annually.
- **Existing portion of levy:** Collects at current effective millage (.50 – does not reset) and the 12.5% rollback provision remains intact.
- **Increase portion of levy:** Collects at stated rate and 12.5% rollback does not apply.



# Proposed Levy – Language Change

5

## Impact of New Language (continued)

Proposed Levy Collections			
Proposed Levy	Voted Millage	Effective Millage*	Projected Revenue (rounded)
Existing Portion	0.89	0.50	\$1,500,000
Increased Portion	0.24	0.24	700,000
<b>Total</b>	<b>1.13</b>	<b>0.74</b>	<b>\$2,200,000</b>

\* Amounts reflect residential rates

Impact on Residential Taxpayer (net of 12.5% rollback)			
Home Value	Existing Levy	Proposed Levy*	Change
\$100,000	\$15.31	\$23.71	\$8.40
\$500,000	\$76.55	\$118.55	\$42.00

\* Gross amount totals \$25.90 – as currently listed in language



## Anticipated Timeline

- **June 1** – Approval of Resolution 10-2026
- **June 1** – First Reading of Resolution 11-2026
- **June 8** – Second Reading of Resolution 11-2026
- **June 15** – Approval of Resolution 11-2026
- **Filing Deadline:** August 2026 (Council is off in July)

**QUESTIONS??**

## Why does the City need additional tax dollars to fund police and fire pension obligations?

- Anticipated **police and fire pension obligations** have **risen from an average of \$3.2M to an anticipated \$4.1M annually.**
- The reason for the anticipated increase:
  - An **additional 3 FTE** have been added since the current levy
  - Both **police and fire** are unionized and have negotiated **wages** that have **grown over time** based on market conditions.
    - FOP (Police) – 2026 - 2028
    - IAFF (Fire) – current contract 2025 - 2027
  - There is **proposed legislation at the statehouse to increase the required employer pension contribution for police** for 19.5% to 24% to match the fire pension contribution. This proposed legislation has not been proactively incorporated into the City's currently proposed levy. However, it has been analyzed, and it is projected that the police and fire pension funds would remain solvent if passed under the current proposed levy.



## Does the City maintain reserves for the police and fire pension obligation? If so, why is this important?

- Yes – reserve funds are maintained for the police and fire pension obligation. Currently, about one year’s worth of reserves are maintained. These reserves have accumulated as the result of higher-than-expected property valuation increases (permanent millage) and actual pension costs coming in less than expected in prior years.
- Reserves need to be maintained in the Police and Fire Pension Funds to protect taxpayers from unexpected spikes, unexpected additional staffing needs, a change in the required employer contribution rates, or actual amounts coming in higher than projections. Additionally, if a future levy were to fail, it provides time for future decision-making.



## What if the levy was renewed at a lower rate, were not renewed, or even failed?

- Based on projections, these actions would **deplete police and fire pension reserve balances over time** and cause a need for the City's **General Fund to cover any cost** not covered by the permanent levy's (average \$4.1M annual obligation vs \$1.74M annual tax revenue). This could affect:
  - Future services or expansion of services (public safety, parks, capital maintenance, and other services)
  - Funding that the General Fund supports:
    - Capital Improvement Program
    - Economic Development initiatives
    - Swimming pool operations
- State rollback provision - The City needs to keep future levies and taxpayers in mind. With the State essentially eliminating the state rollback provision in 2013 for all new and increased tax levies, taxpayers would have to pay the full amount of the tax for any increase in millage.
  - State rollback provision: state pays the first 10 percent of the tax bill for all property owners plus 2.5 percent for owner-occupied homes

# Plat Amendment Fontenay Subdivision Lot #3

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Ordinance No. 23-2026

Chad Gibson, Community Development Director

Monday, June 1, 2026

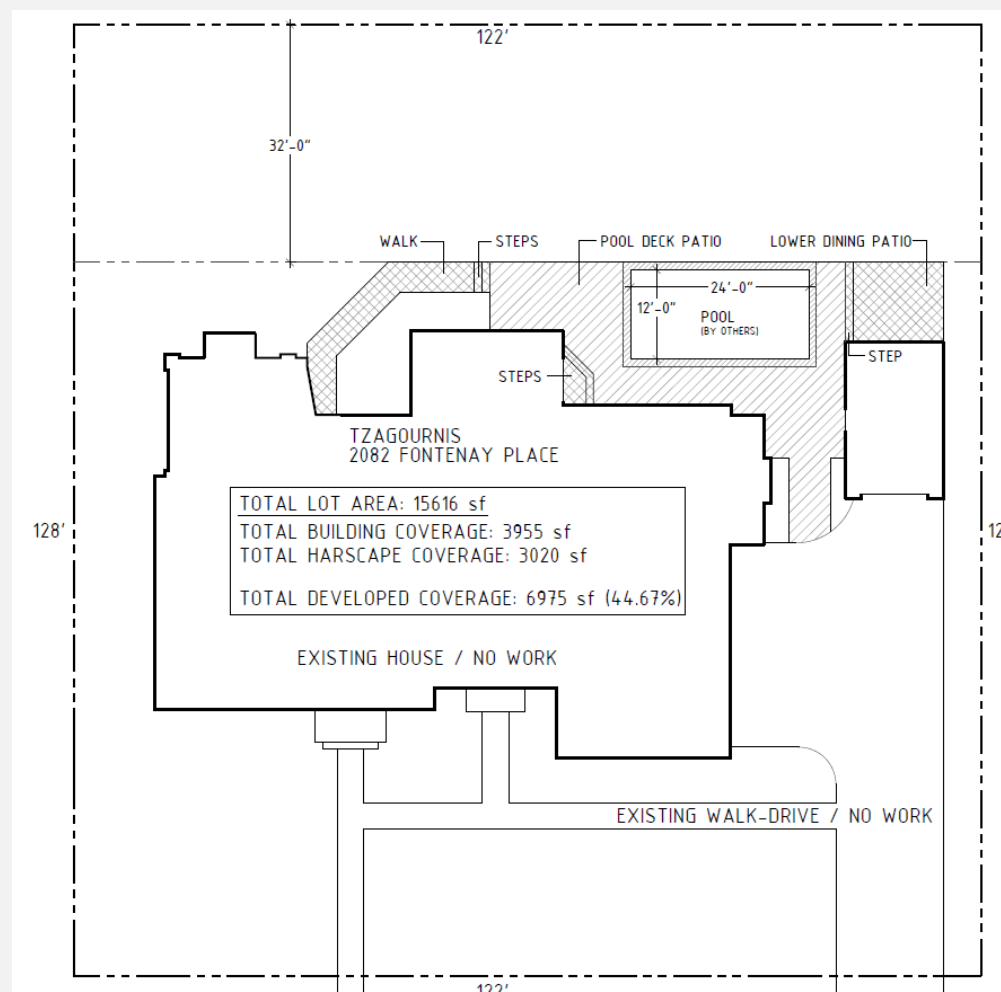


City of **Upper  
Arlington**



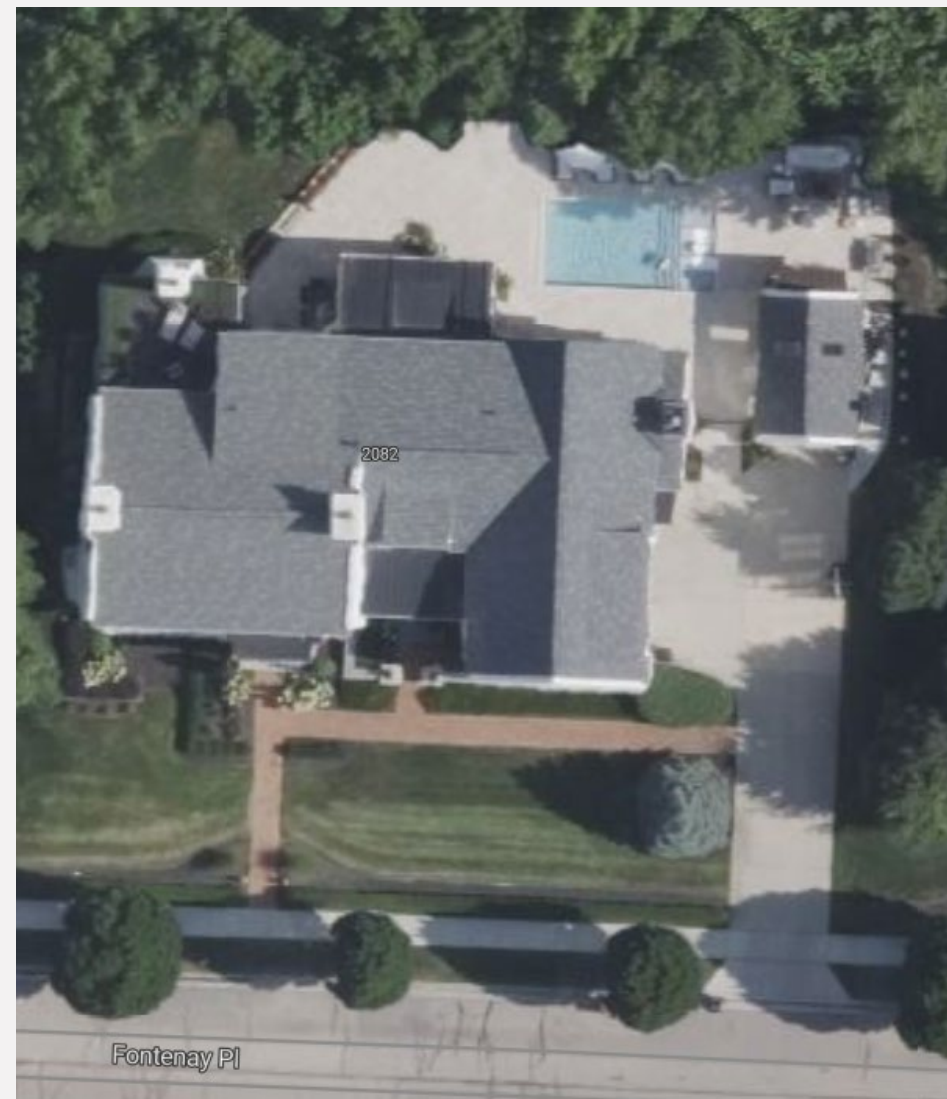
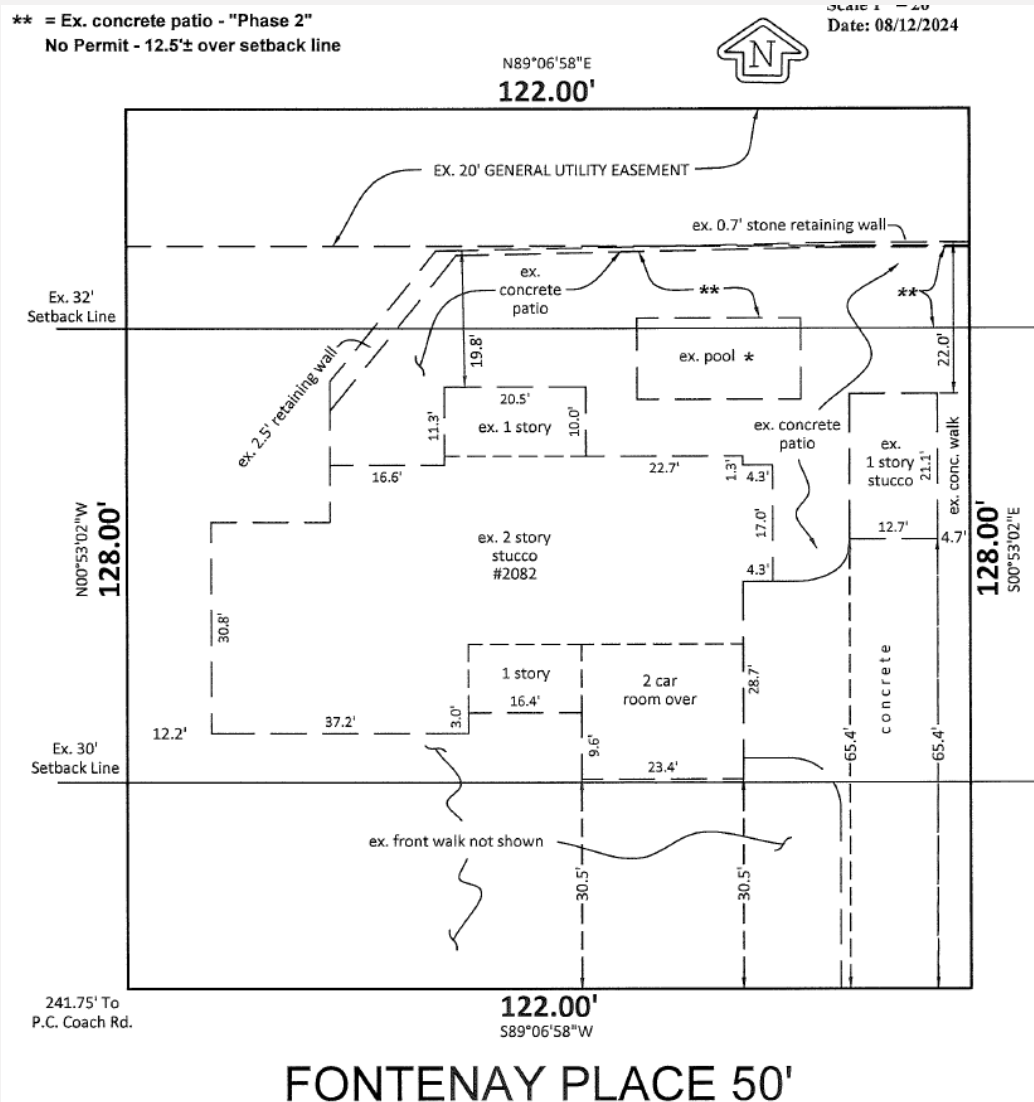
## Fontenay Plat and Approved Plan

- Fontenay Plat recorded in February 2006
- Ten-lot, cul-de-sac subdivision, zoned R-1a
- Adjacent streets include Coach Road, Sandover Road, Nugent Drive, and Roseberry Drive
- Platted rear yard setbacks, easements, and 'do not disturb' areas



# 2082 Fontenay Place

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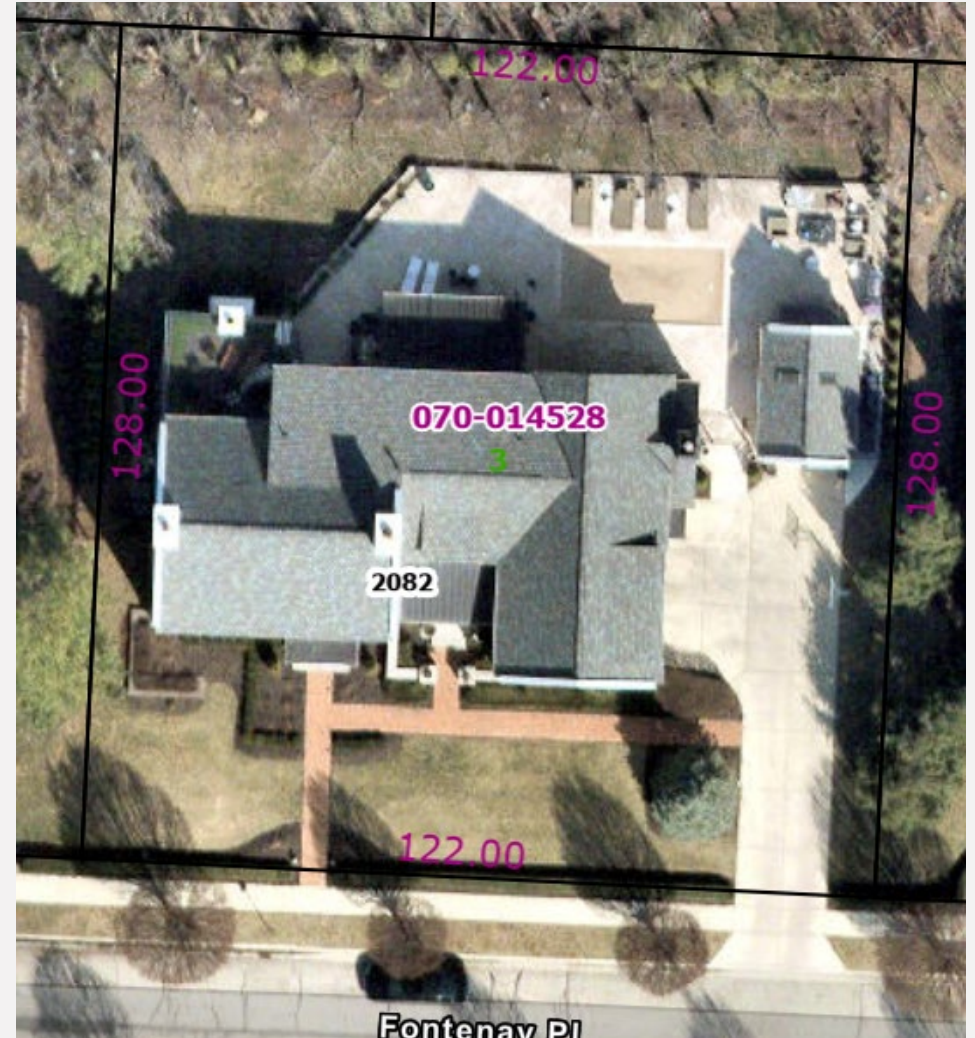


# 2082 Fontenay Place

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Summer 2023



Spring 2024



## Proposed Plat Amendment

- Proposal would amend the 32-foot platted rear yard setback to 19.5 feet to permit the retention of the existing swimming pool and associated patio/decking
- Setback modification applies only to Lot #3
- Separate variance granted to allow an increase to the total development cover maximum from 45% to 50%
- Notification sent to all property owners within the plat *and* within 100 feet of the subject property
- Conditional positive recommendation vote from BZAP at the May 20, 2026 meeting – *That the rear yard setback reduction applies to the swimming pool, including decking and walkways for Lot #3 only.*





<b>Authors:</b>	Michael Bell, Assistant Fire Chief Chris Zimmer, Fire Chief Darren Shulman, City Attorney Jacolyn Thiel, Assistant City Manager
<b>Council Meeting Date:</b>	June 8, 2026
<b>Subject/Legislative Item:</b>	Ordinance No. 22-2026 - To Amend Chapter 1701 - Fire Prevention Code of the Upper Arlington Code of Ordinances to Enact § 1701.03 - Fire Protection Systems Compliance Reporting
<b>Purpose:</b>	To improve compliance tracking, reporting timeliness, and overall efficiency within Fire Prevention through adoption of a standardized third-party reporting requirement.
<b>Executive Summary:</b>	Staff recommends that City Council adopt an amendment to the Fire Prevention Code establishing Section 1701.03 – Fire Protection Systems Compliance Reporting. This amendment will require all contractors performing inspection, testing, and maintenance of fire protection systems to submit reports through an approved single-point repository service company (SRSC).

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### **Purpose and Impact**

Currently, the Fire Prevention Bureau verifies compliance with fire protection system testing and maintenance requirements during annual inspections of commercial properties. These inspections rely on reports generated by third-party contractors, which are often not reviewed until the time of the Fire Division’s inspection—potentially delaying awareness of deficiencies by up to one year.

Adoption of this code amendment will:

- Require near real-time submission of inspection and maintenance reports
- Provide earlier identification of deficiencies, including critical life safety issues
- Improve consistency and completeness of documentation
- Reduce administrative burden on Fire Division staff
- Align the City with regional best practices (many Central Ohio jurisdictions have implemented or are implementing similar systems, including Columbus, Norwich, Washington Township, Westerville, and Worthington.)



The Ohio Fire Code authorizes the fire code official to prescribe recordkeeping formats and require submission of records. The City Attorney's Office reviewed this authority and recommended adoption of a local ordinance to formalize the requirement.

### **Vendor Evaluation and Selection Process:**

While the code amendment authorizes the use of an SRSC, staff conducted a parallel evaluation process to identify the most qualified vendor for implementation.

### **Process included:**

- Review of available vendors operating in Ohio
- Development and application of a scoring matrix
- Coordination with the City IT Director to review system architecture and security
  
- **IROL (Recommended Vendor)**
  - Full bi-directional integration with the Fire Division RMS
  - Additional inspection software is included
  - Review by IROL code official / subject matter expert (SME) in fire and building codes reviews all documents to determine the severity and the urgency of the notification, utilizing the Fire Division-provided criteria for notification.
  - Current fees are a \$20 per document upload which is billed to the fire protection system contractor
  
- Brycer
  - Partial integration with RMS, possibly bi-directional but undetermined at this time
  - No inspection software provided
  - Current fees are a \$20 per document upload, billed to the fire protection system contractor
  - Review by SME is provided at an additional cost (+ \$5 per document)
  
- LIV
  - Limited integration with RMS
  - No inspection software provided
  - No SME review provided
  - Current fees; \$15 per document upload cost to the fire protection system contractor

### **Implementation Considerations:**

- The selected SRSC platform will be cloud-based and operate outside the City network
- No direct cost to the City; fees are paid by contractors using the system
- Contractors benefit from streamlined reporting and integration with existing systems



- Upon adoption of the ordinance, staff will finalize vendor agreement and begin onboarding

Anticipated implementation timeline: August 1, 2026

### **History**

The Fire Prevention Bureau conducts annual inspections of commercial properties, which includes verifying compliance with testing and maintenance requirements for fire safety systems such as sprinklers and alarms. Third-party contractors perform these evaluations on a set schedule with the property owner, unrelated to Fire Division inspections. Contractor reports are reviewed during Fire Division inspections, which can delay notification to the Fire Division by up to a year.

### **Alternatives**

Council has the option not to adopt this code and keep compliance with fire protection system testing and maintenance requirements reports as they are done currently.

### **Attachments**

1.	Ordinance No. 22-2026
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# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## ORDINANCE NO. 22-2026

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### TO AMEND CHAPTER 1701 - FIRE PREVENTION CODE OF THE UPPER ARLINGTON CODE OF ORDINANCES TO ENACT § 1701.03 – FIRE PROTECTION SYSTEMS COMPLIANCE REPORTING

**WHEREAS,** the Fire Prevention Bureau conducts annual inspections of commercial properties to verify compliance with fire protection system testing and maintenance requirements; and

**WHEREAS,** such compliance relies on reports generated by third-party contractors, which are often not reviewed until the time of inspection, potentially delaying awareness of deficiencies; and

**WHEREAS,** the Ohio Fire Code authorizes the fire code official to prescribe recordkeeping formats and require submission of records; and

**WHEREAS,** adoption of a single-point repository service company (SRSC) will provide quicker reporting, improve documentation consistency, reduce administrative burden, and align the city with regional best practices; and

**WHEREAS,** to implement the proposed requirements a city code change is required to be authorized by City Council.

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

**SECTION 1.** Chapter 1701 – Fire Prevention Code of the Upper Arlington Code of Ordinances is hereby amended and updated to enact § 1701.03 – Fire Protection Systems Compliance Reporting as follows:

#### **1701.03 – Fire Protection Systems Compliance Reporting**

(A) All contractors, entities, companies, or individuals providing inspections, tests, and maintenance of the fire prevention systems listed within this section are required to enroll and utilize the approved single-point repository service company (“SRSC”) for reporting information regarding the inspections, tests, and maintenance of the fire protection system to the City.

(B) Fire protection system information must be filed with the SRSC within five business days from the completion of the services.

(C) Information related to the inspections, tests, and maintenance is required to be

submitted through the SRSC for the fire protection and life safety systems in the Ohio Fire Code. [Ohio Administrative Code (OAC)1301:7-7]

(D) The City may select and contract with an SRSC for reporting the required fire protection system information to the City.

(E) Fees. The SRSC is authorized to charge a fee to users of the reporting system, as set forth in the contract.

**SECTION 2.** This ordinance shall take effect 30 days after passage.



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

**Council Meeting Date:** June 8, 2026

**Subject/Legislative Item:** Ordinance No. 24-2026 - To Authorize the City Manager to Enter Into Contract with Decker Construction for Construction-Related Services for the Northwest Boulevard Improvements Phase 3 Project

**Purpose:** To Maintain and improve the Roadway System

**Executive Summary:** Legislation authorizes the City Manager to enter into a contract with Decker Construction for construction-related services for the Northwest Boulevard Improvements Phase 3 Project.

**Purpose and Impact**

This ordinance authorizes the City Manager to enter into a contract with Decker Construction in the amount of \$2,873,193.43 for the Northwest Boulevard Improvements Phase 3 Construction Contract.

On Monday, May 18, 2026, the City received bids from two (2) contractors. The results are summarized below:

<b>Contractor</b>	<b>Base Bid</b>
Decker Construction	\$2,611,994.02
Strawser Paving	\$2,800,487.01
<b>Engineer’s Estimate</b>	<b>\$2,807,672</b>

\*The construction budget is \$2,600,000 plus 10% contingency totaling \$2,860,000

Decker Construction submitted the lowest and best total bid of \$2,611,994.02. With a 10% contingency, the total contract amount is \$2,873,193.43 which is over the budgeted amount by \$13,193.43. This overage will easily be covered with interest earned on bond funds.

**History**



Improvements to Northwest Boulevard were proposed to occur over three phases with the third and final phase originally scheduled to occur in 2024. However, the project was shifted to 2026 to avoid adjacent construction conflicts. The individual phases and their locations are listed below:

Phase	Year	Limits
Phase 1	2020	Wilshire Drive to Barrington Road
Phase 2	2021	Barrington Road to North Star Road
Phase 3	2026	Wilshire Drive to Fishinger Road

The first and second phases of this project were primarily focused on enhancing the storm infrastructure on the south end of Northwest Boulevard to address flooding concerns in the area. The pavement and curb were also replaced in these phases. However, extensive replacement of the roadway base was unnecessary. The third phase of this project is primarily focused on addressing the pavement and road base.

### Northwest Boulevard, Columbia Gas, and the Fourth of July

When early discussions with Columbia Gas began regarding their transmission line, staff had to consider how the transmission line work would affect the timing of the final phase of improvements to Northwest Boulevard. With this phase already having been postponed once, and considering the condition of the pavement, the decision was made to keep the project in 2026 and coordinate construction schedules with Columbia Gas. Staff has been clear with Columbia Gas from the beginning that Northwest Boulevard must be open and walkable for the annual fourth of July parade. Today, pipeline installation on Northwest Boulevard is complete, and the affected pavement has mostly been restored to ensure the parade route can be safely navigated on foot. If this construction contract is awarded, Decker Construction will begin mobilizing to the site immediately following the parade weekend and begin the final phase of improvements to Northwest Boulevard.

### Alternatives

Should City Council choose not to award Decker Construction the Northwest Boulevard Phase 3 construction contract, the following options are available:

- City Council could award the contract to a different bidder. However, this would not be consistent with the City’s policy of awarding to the “lowest and best” bidder.
- City Council could decline to authorize a contract with any bidder. This would delay much needed repairs to Northwest Boulevard.

### Attachments

1.	Ordinance No. 24-2026
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# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## ORDINANCE NO. 24-2026

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### TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH DECKER CONSTRUCTION FOR CONSTRUCTION-RELATED SERVICES FOR THE NORTHWEST BOULEVARD IMPROVEMENTS PHASE 3 PROJECT

**WHEREAS,** improvements to Northwest Boulevard are occurring over three phases, with Phase 1 beginning in 2020, Phase 2 beginning in 2021, and Phase 3 proposed to begin in 2026; and

**WHEREAS,** Phase 1 covered Wilshire Drive to Barrington Road, Phase 2 covered Barrington Road to North Star Road, and Phase 3 will cover Wilshire Drive to Fishinger Road; and

**WHEREAS,** the first and second phases of the project focused on improving stormwater infrastructure and replacing pavement and curbs along the south end of Northwest Boulevard to address flooding concerns, and the third phase is primarily focused on roadway pavement and base improvements; and

**WHEREAS,** on May 18, 2026, the City received two bids for the replacement portion of the 2026 program, with the lowest bid from Decker Construction for an amount of \$2,611,994.02; and

**WHEREAS,** it is therefore recommended to award the Northwest Boulevard Improvements Phase 3 construction project contract to Decker Construction.

**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 Decker Construction for construction-related services for the Northwest Boulevard Improvements Phase 3 Project, in an amount of \$2,873,193.43, which includes a 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.



<b>Authors:</b>	Mike Hamer, Facilities Manager Jacolyn Thiel, Assistant City Manager
<b>Council Meeting Date:</b>	June 8, 2026
<b>Subject/Legislative Item:</b>	Ordinance No. 25-2026 - To Authorize the City Manager to Enter Into Contract With Clean All Services and Mr. B's Cleaning Services for Custodial Cleaning Services for City Buildings
<b>Purpose:</b>	To provide custodial cleaning services for the Bob Crane Community Center and all other City buildings.
<b>Executive Summary:</b>	To authorize the City Manager to enter into: <ul style="list-style-type: none"><li>• A contract with Clean All Services for custodial services at the Bob Crane Community Center for \$184,440 in Year 1, with annual renewal options up to Year 5 at \$207,564; and</li><li>• A contract with Mr. B's Cleaning Services for custodial services for all other City buildings for \$108,000 in Year 1, with annual renewal options up to Year 5 at \$122,400.</li></ul>

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## Purpose and Impact

The City issued a Request for Proposals (RFP) for custodial services for the Bob Crane Community Center (BCCC) and other City buildings on April 21, 2026. Site visits were conducted on April 29, 2026, and bids were opened on May 6, 2026. The City received eight bids.

Staff recommends awarding:

- A contract to Clean All Services for custodial services at the Bob Crane Community Center for \$184,440 in Year 1, with annual renewal options up to Year 5 at \$207,564; and
- A contract to Mr. B's Cleaning Services for custodial services for all other City buildings for \$108,000 in Year 1, with annual renewal options up to Year 5 at \$122,400.
- Staff also recommends authorizing a 10% contingency for each contract year for additional custodial services if needed.



The 2026 adopted budget includes \$260,000 for custodial cleaning services at the Bob Crane Community Center and \$120,000 for custodial services at all other City buildings.

The City’s procurement process evaluated proposals based on more than price alone. In accordance with City policy, proposals were reviewed based on reputation, experience, past performance, operational capabilities, staffing approach, and overall responsiveness.

The City removed Mid-American Cleaning from consideration due to previous contract performance issues that resulted in contract termination.

Staff completed reference checks for Clean All Services and received positive feedback regarding quality of work and responsiveness. However, references noted some challenges with retention of second and third shift staffing. Due to the operational needs and oversight available at the Bob Crane Community Center, staff believes this location is the most appropriate assignment for Clean All Services.

For the remaining City buildings, staff recommends continuing services with Mr. B’s Cleaning Services due to the City’s positive operational experience with the company in existing facilities. While Environment Control SW Ohio’s five-year total was marginally lower, Mr. B’s submitted the lower first-year cost proposal and has demonstrated satisfactory performance and familiarity with City operations.

**Recommended Contract Awards**

**Bob Crane Community Center**

Vendor	Year 1	Year 2	Year 3	Year 4	Year 5
Clean All Services	\$184,440	\$189,972	\$195,660	\$201,528	\$207,564

**Other City Buildings**

Vendor	Year 1	Year 2	Year 3	Year 4	Year 5
Mr. B's Cleaning Services	\$108,000	\$111,600	\$115,200	\$118,800	\$122,400



The proposed agreements will be for an initial 12-month term with the option for the City Manager to approve up to four additional one-year renewals, for a total potential contract term of five years.

Staff is also requesting authorization for a 10% contingency each year to address potential additional custodial needs related to special events, operational adjustments, emergency response cleaning, or expanded service demands.

### **Special Contract Provisions**

The proposed contracts include enhanced operational and security requirements due to the public nature of City facilities and after-hours access requirements. Key provisions include:

- Mandatory employee background checks through BCI and FBI screening;
- Bonding requirements;
- Immediate replacement of unsatisfactory personnel;
- Defined response times for biohazard cleanup and remedial work; and
- Specific operating hours for cleaning services at the BCCC and City facilities.

These provisions are intended to ensure security, service quality, operational reliability, and protection of City facilities.

### **History**

Custodial services for City facilities and the Bob Crane Community Center have historically been bid separately due to the differing operational needs and timing associated with the opening of the Bob Crane Community Center.

In June 2024, City Council approved a contract with Mr. B's Cleaning Services for custodial services at the Municipal Services Center, Public Service Center, Senior Center, and Fire Station 72. The initial contract amount was \$108,000 annually with an option to renew for an additional year. At that time, staff noted that custodial services for the Bob Crane Community Center would be bid separately once operational needs for the new facility were better understood.

In March 2025, City Council approved a separate custodial services contract with Environment Control for the Bob Crane Community Center. The initial contract was \$236,520 structured as an 18-month agreement to align future expiration dates with other City custodial contracts and allow the City to evaluate whether all facilities should eventually be bid together or continue under separate agreements. The BCCC contract included unique operational requirements, including seven-day-per-week cleaning schedules, midday staffing coverage, and event-related cleaning needs.



Following approximately one year of operations at the Bob Crane Community Center, staff evaluated custodial operations, service levels, and procurement options and determined that separate contracts continue to provide the best operational approach at this time due to the differing service demands, schedules, and staffing requirements between the Bob Crane Community Center and other City facilities.

Bob Crane Community Center  
3200 Tremont Road  
Upper Arlington, Ohio 43221

- Level 1 – 12,905 SF
- Level M – 6,414 SF
- Level 2 – 8,455 SF
- Level 3 – 8,748 SF
- Level 4 – 19,623 SF
- Level 5 – 17,695 SF

### **Other City Buildings**

- Municipal Services Center – 39,915 SF
- Fire Station 72 – 7,990 SF
- Public Service Center – 14,000 SF

### **Alternatives**

Council could choose to award the contracts to another qualified bidder, reject all proposals and direct staff to rebid the services, or direct staff to pursue a single consolidated custodial contract for all City facilities in the future. Staff believes the recommended approach provides the best balance of cost, operational experience, service quality, and staffing capability for the differing needs of the Bob Crane Community Center and other City buildings.

### **Attachments**

1.	Ordinance No. 25-2026
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# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON  
STATE OF OHIO

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## ORDINANCE NO. 25-2026

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### TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH CLEAN ALL SERVICES AND MR. B'S CLEANING SERVICES FOR CUSTODIAL CLEANING SERVICES FOR CITY BUILDINGS

**WHEREAS,** the City issued a Request for Proposals ("RFP") for custodial services for the Bob Crane Community Center and other City facilities on April 21, 2026; and

**WHEREAS,** site visits were conducted on April 29, 2026, and proposals were opened on May 6, 2026, with a total of eight proposals received; and

**WHEREAS,** proposals were evaluated in accordance with the City's procurement policies based upon qualifications, experience, reputation, past performance, operational capabilities, staffing approach, responsiveness, and cost; and

**WHEREAS,** staff recommends awarding a contract to Clean All Services for custodial services at the Bob Crane Community Center in the amount of \$184,440 for the initial contract year, with annual renewal options through Year 5 up to \$207,564; and

**WHEREAS,** staff further recommends awarding a contract to Mr. B's Cleaning Services for custodial services for all other City buildings in the amount of \$108,000 for the initial contract year, with annual renewal options through Year 5 up to \$122,400; and

**WHEREAS,** staff further recommends authorizing a contingency amount equal to ten percent (10%) annually for each contract to address additional custodial needs, including special events, emergency response cleaning, operational adjustments, or expanded service demands; and

**WHEREAS,** the 2026 adopted budget includes sufficient appropriations for custodial services at the Bob Crane Community Center and other City facilities.

**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 Clean All Services for custodial services at the Bob Crane Community Center for an initial one-year term in the amount of \$184,440, with the option to approve up to four additional one-year renewals, for a total

potential contract term of five years and a Year 5 contract amount up to \$207,564.

**SECTION 2.**

The City Manager is hereby authorized to enter into a contract with Mr. B's Cleaning Services for custodial services for all other City facilities for an initial one-year term in the amount of \$108,000, with the option to approve up to four additional one-year renewals, for a total potential contract term of five years and a Year 5 contract amount up to \$122,400.

**SECTION 3.**

The City Manager is hereby authorized to approve an annual contingency amount equal to ten percent (10%) of each contract amount for additional custodial services as necessary.

**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.



**Authors:** Chad Gibson, AICP, Community Development Director

**Council Meeting Date:** June 8, 2026

**Subject/Legislative Item:** Ordinance No. 23-2026 - To Amend the Fontenay Subdivision Plat to Permit the Reduction of the Platted Rear Yard Setback From 32 Feet to 19.5 Feet for Lot #3, to Allow for the Retention of a Patio and Swimming Pool Decking (*Fortkamp*)

**Purpose:** The purpose of this request is to reduce the platted rear yard setback for 2082 Fontenay Place from 32 feet to 19.5 feet in order to accommodate swimming pool decking and a patio that were built without a permit.

**Executive Summary:** This application proposes a plat amendment for Lot #3 of the Fontenay Subdivision located at 2082 Fontenay Place. The applicant is seeking to retain swimming pool decking and a patio that were installed without a permit and are partially located within the 32-foot platted rear yard setback. The proposed plat amendment only applies to this property and not others in the Fontenay subdivision; it would reduce the platted rear setback from 32 feet to 19.5 feet.

The installation of these additional improvements following the city's review/inspection process, has been handled through the Mayor's Court process, resulting in the payment of a significant penalty to the City.

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**Purpose and Impact**

The Fontenay subdivision, platted in 2006, includes ten (10) lots along Fontenay Place and Coach Road. Lot sizes range from 0.358 acres to 0.508 acres and the subdivision is completely developed. The subject property and all homes within the Fontenay Subdivision are zoned R-1A, One-Family Residence District, which primarily allows single-family dwellings in low-density residential neighborhoods. During the development review process for this subdivision, platted rear setbacks and 'do-not-disturb' areas were included to mitigate potential impacts to surrounding properties and as a reassurance to neighbors that these lots would not be overdeveloped.

Unified Development Ordinance (UDO) Article 6.09(D)(11) states: *All swimming pools, swim spas and buried hot tubs and portions thereof, including walkways and decking, shall be located at least ten (10) feet from side and rear property lines, and shall be located behind the*



*front building setback line. Location within a platted easement, platted reserve or platted side or rear yard setback line is prohibited; any change or modification would require plat amendment approval.*

UDO Article 4.06(F) provides the procedure for review and approval of plat amendments. It states, “A plat amendment is the alteration of a final plat that changes any of the feature(s) required to be set forth in the plat...” No specific approval criteria for a plat amendment are provided in the UDO, so Council is charged with determining if the proposed building setback reduction is appropriate for this established neighborhood and for adjacent properties. However, Staff has historically been advised by the City Attorney’s Office to reference the practical difficulty standards used for the review of variances to provide a framework for the discussion.

## **History**

In June 2022, Certificate of Zoning Compliance (CZC) Application #22-3038 was conditionally approved for the subject property. It included compliant rear yard hardscape (patio, pool decking, etc.) and noted a new swimming pool to be built 'by others'. In April 2023, the corresponding Swimming Pool Permit Application #23-1416 was approved for the subject property. [This approval came after an initial denial due to encroachment into the platted 32-foot rear yard setback - the permit was subsequently revised to meet code.] The pool was built and received a final inspection in October 2023.

On June 12, 2024, the City was contacted about improvements in the rear yard of the subject property beyond the scope of approved permits. After receiving the complaint, the City performed an inspection and observed code violations and completed work beyond the permitted scope. The City's Code Compliance Officer issued a citation on the basis of these zoning and building code violations (Zoning Compliant #24-2661). An 'as-built' survey was submitted by the applicant several months later which confirmed the encroachments and also revealed lot coverage and pool decking setback violations. A variance application was submitted on April 15, 2026.

The Code Compliance case in Upper Arlington Mayor's Court was ultimately dismissed (after a penalty was paid) to allow the applicant an opportunity to pursue a resolution to these issues through the variance and plat amendment processes. Since June 2024, Staff has met with the applicant and/or their legal counsel several times, including multiple site inspections to correct swimming pool barrier violations.

This plat amendment application was originally filed on July 1, 2025 but was not completed until April 2026. Notification of all property owners within the Fontenay Subdivision was completed via certified mail on April 20, 2026. The applicant attended the [May 6, 2026, BZAP Work Session](#) to introduce and discuss the application. Staff provided an overview and history of the circumstances ([see minutes](#)). The Board had drainage and landscaping questions.

At the [May 20, 2026 BZAP meeting](#), the applicants provided photos and videos showing the landscaping and low stone wall (see attached draft minutes), along with a video during a recent rain event. After discussion, BZAP voted to provide a positive recommendation to City Council on the plat amendment. [The Board also approved lot coverage and swimming pool decking setback variances via a separate application ([#26-1385](#)).]



## Alternatives

Should this plat amendment request be denied, the applicant could further explore the removal or reduction of the unlawful swimming pool decking and patio. The applicant could also choose to contest a denial through the legal system.

## Attachments

1.	2082 Fontenay PI_BZAP Staff Report- Plat Amendment
2.	2082 Fontenay PI_Plat Amendment Application 25-3177
3.	2082 Fontenay PI_City Letter - 6.11.24
4.	2082 Fontenay PI_Letter of Adequacy
5.	2082 Fontenay PI_Subdivision Plat
6.	2082 Fontenay PI_Site Photo #1
7.	2082 Fontenay PI_Site Photo #2
8.	DRAFT BZAP Minutes 5.20.26
9.	Exhibit A - 2082 Fontenay PI_As-Built Survey/New Rear Yard
10.	Ordinance No. 23-2026





**Authors:** Justin Milam, AICP, Senior Planner  
Riley Stanek, Community Development Intern

**BZAP Meeting Date:** May 20, 2026

**Subject:** 2082 Fontenay Place (OR-##-26) - Review and recommendation to City Council of a plat amendment to permit the retention of swimming pool decking and a patio that was installed without a permit and is located within the platted rear yard, which is prohibited.

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### Site Description/History

See Staff Report for VAR-24-26.

### Proposal

The applicant is seeking to reduce the 32-foot rear setback line to 19'- 6" for Lot #3 (from the original plat). This reduced setback would allow the property owner to retain an existing non-compliant swimming pool and patio located within the rear yard. No changes are being proposed to any other property located within the subdivision. To amend this setback, a recommendation from the Board of Zoning and Planning to City Council will be needed. A review by City Council is tentatively scheduled next month if a recommendation by the Board is made.

The applicant attended the May 6, 2026, BZAP Work Session to introduce and discuss the application. Staff provided an overview and history of the application- see draft minutes.

### Zoning Code Requirements

Article 6.09(D)(11) states:

All swimming pools, swim spas and buried hot tubs and portions thereof, including walkways and decking, shall be located at least ten (10) feet from side and rear property lines, and shall be located behind the front building setback line. Location within a platted easement, platted reserve or platted side or rear yard setback line is prohibited; any change or modification would require plat amendment approval. Installation of a swimming pool may allow a development coverage bonus per Table 5-F.

Article 4.06(F) states:

Final plat amendment: Upon the application of an owner(s) of land described in a plat within the corporation limits of the City of Upper Arlington, the City Council may amend the final plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment



to avoid undue hardship.

(1) Plat amendment defined: A plat amendment is a change that does not substantially alter the final plat including but not limited to changes in lot and block numbers, setback lines, or subdivision names. The vacation or alteration of any street, road highway, alley, park, or easement by the City is not a plat amendment subject to the requirements of this section.

(2) Filing requirements: The applicant(s) shall file with the Director of Community Development, at least twenty (20) working days before the BZAP meeting, a final plat amendment which meets the requirements of Subsection 4.05(H), and other city ordinances as applicable, together with an application for approval thereof and a fee for the review of said plat amendment.

(3) Procedure: The procedure for a final plat amendment shall be as follows:

(a) The applicant(s) shall file with the Director of Community Development an application including required submittals, which sets forth the location and description of the proposed plat amendment and the reason(s) why the amendment of the plat is sought. A copy of the application shall be filed along with the required sets of amended plat drawings proposed by the applicant(s).

(b) The applicant(s) shall provide proof of notification upon filing as required below. Proper notification requires that the applicant(s) shall send a copy of the application to all other landowners within the plat to be amended. The certified mail certificates shall be presented to the Director of Community Development with all other submittal requirements.

(c) The City shall give notice of the proposed plat amendment application by posting on the City website at least ten (10) days before the date of the hearing. Such notices shall set forth the part or the plat to be amended and briefly describe the proposed amendment, the date(s) of the BZAP meeting hearing(s) on the application and the date(s) City Council will consider the application.

(4) Letter of adequacy, Service Director: Within ten (10) days after the final plat amendment application has been filed with the planning officer, a copy thereof shall be transmitted to the technical review committee (TRC), who will check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said final plat amendment does so conform, the TRC, within ten (10) days working days after said plat has been transmitted to him/her, will return said plat to the Director of Community Development, together with a report verifying adequacy of the proposed amendment. The Director of Community Development shall thereupon transmit the report to BZAP for its consideration.

(5) BZAP review: At the first meeting of BZAP after a copy of the final plat amendment application, together with the report, has been received by BZAP, it shall consider the final plat amendment and forward its recommendation to City Council. If BZAP recommends disapproval of the final plat amendment, it shall enter in its minutes the reason(s) for such disapproval.

(6) City Council acceptance of plat amendment: BZAP's recommendation and the plat shall be transmitted to the City Council, together with all certificates and endorsements herein required. The Council shall take action regarding the plat amendment request at its next regular meeting after the plat amendment has been reviewed by BZAP. If the plat amendment is approved by City Council, the applicant(s) shall follow all final plat filing requirements.

The City's Public Services Director issued a Letter of Adequacy (see #4 above) on May 14, 2026.



## Alternatives

Over the past two years, Staff has offered several alternatives to the plat amendment (and corresponding variance application). See Staff Report for VAR-24-26.

## Requested Action and Findings

The code does not offer specific conditions of approval for plat amendments, but notes that the City Council may amend the plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship. In the Board's recommendation for approval or denial to City Council, they shall identify those unusual or exceptional factors that are present to avoid undue hardship. [See those identified by the applicant in their application.] Should the Board offer a positive recommendation to City Council, Staff would recommend that a condition be added to the subdivision plat for this property that the *rear yard setback reduction applies to the swimming pool, including decking and walkways for lot #3 only.*

## Attachments

1.	2082 Fontenay PI Plat Amendment Application
2.	2082 Fontenay PI City Letter - 6.11.24
3.	2082 Fontenay PI Letter of Adequacy





### Record No: 25-3177

Plat Amendment

Status: Active

Submitted On: 7/1/2025

### Primary Location

2082 FONTENAY PL  
UPPER ARLINGTON, OH 43220

### Owner

TZAGOURNIS GEORGE M | TZAGOURNIS  
CYNTHIA L  
Fontenay Place 2082 fontenay place  
COLUMBUS OH , OH 43220

## BZAP/City Council Information

**BZAP/Council Ordinance #**

**Status**

Pending

**BZAP Recommendation Date**

05/20/2026

**City Council Review Date**

06/01/2026

**Plat Amendment Request**

To reduce the platted 32-foot rear yard setback to 19.5 feet to accommodate a swimming pool and associated decking.

**BZAP conditions**

- 1) That the rear yard setback reduction applies to the swimming pool, including decking and walkways for lot #3 only.

## Plat Amendment Application

**Lot #\***

3

**Subdivision\***

Fonatenay Place

**Description of the Request\***

Allow a swimming pool decking and a patio 12.5 feet into 32ft rear setback area

**Reason for the Request\***

Structural engineer recomends we don't remove hardscape adjacent to pool requesting variance if possible to avoid damaging integrity of pool structure



June 11, 2024

Dr. George and Mrs. Cynthia Tzagournis  
2082 Fontenay Place  
Upper Arlington, OH 43220

**RE: Certificate of Zoning Compliance #22-3038 and Swimming Pool Permit #23-1416**

Dear Dr. and Mrs. Tzagournis –

The City has been made aware of possible discrepancies between improvements authorized as part of the Certificate of Zoning Compliance (CZC) #22-3038 and Swimming Pool Permit #23-1416 for your property at 2082 Fontenay Place. Per CZC #22-3038 and Swimming Pool Permit #23-1416, the pool and all associated decking were appropriately located outside of the platted 32-foot rear yard setback. Recent aerial images from both the City of Upper Arlington's GIS and the Franklin County Auditor's Office appear to show additional improvements located within this platted rear setback (and possibly a utility easement), which is prohibited.

The final inspection for the pool occurred on October 19, 2023 and the pool was passed due to conformance with code and the approved plans. It appears that additional work may have occurred after this final inspection. Per Unified Development Ordinance (UDO) [Article 3.06](#) (Enforcement and Penalties) it is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of the UDO. Should violations exist, citations may be issued with daily fines assessed.

In order to resolve this matter, we request access to your property so as to ascertain compliance. In addition, if you have any relevant documentation that demonstrates the pool and decking are compliant with the CZC and Swimming Pool Permit, please submit them to me for review. Please contact me by **June 28, 2024** to schedule a time for us to inspect the property. In the alternative, the City will proceed based on the information it currently has.

Please feel free to reach out if you have questions.

Respectfully,



Chad D. Gibson, AICP

Community Development Director

614-583-5074

[cgibson@uaoh.net](mailto:cgibson@uaoh.net)

C: Darren Shulman, City Attorney  
Roger Eastep, Chief Building Official  
Michael Morris, Code Compliance Assistant

Attachments: Aerial images: Upper Arlington GIS (dated 3/11/2024) and Franklin County Auditor's Office (11/25/2023)  
Approved site plans from Swimming Pool Permit #23-1416 and CZC #22-2038  
[Fontenay Place](#) subdivision plat map (Lot #3)

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May 14, 2026

Mr. Chad Gibson  
Development Director  
City of Upper Arlington

**Re: Fontenay Plat Amendment – Letter of Adequacy**

Pursuant to the Unified Development Ordinance (UDO) 4.06(F)(4), I have reviewed the proposed plat amendment for the Fontenay subdivision to determine the adequacy with existing street, storm, sanitary, water, and utility services, and have determined that there are adequate services to accommodate the amendment.

Sincerely,

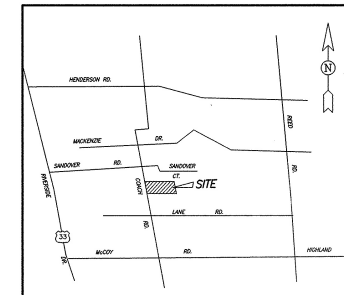
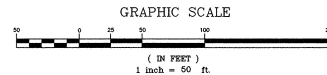
*Gary D. Wilfong*

Gary D. Wilfong, PE  
Public Service Director

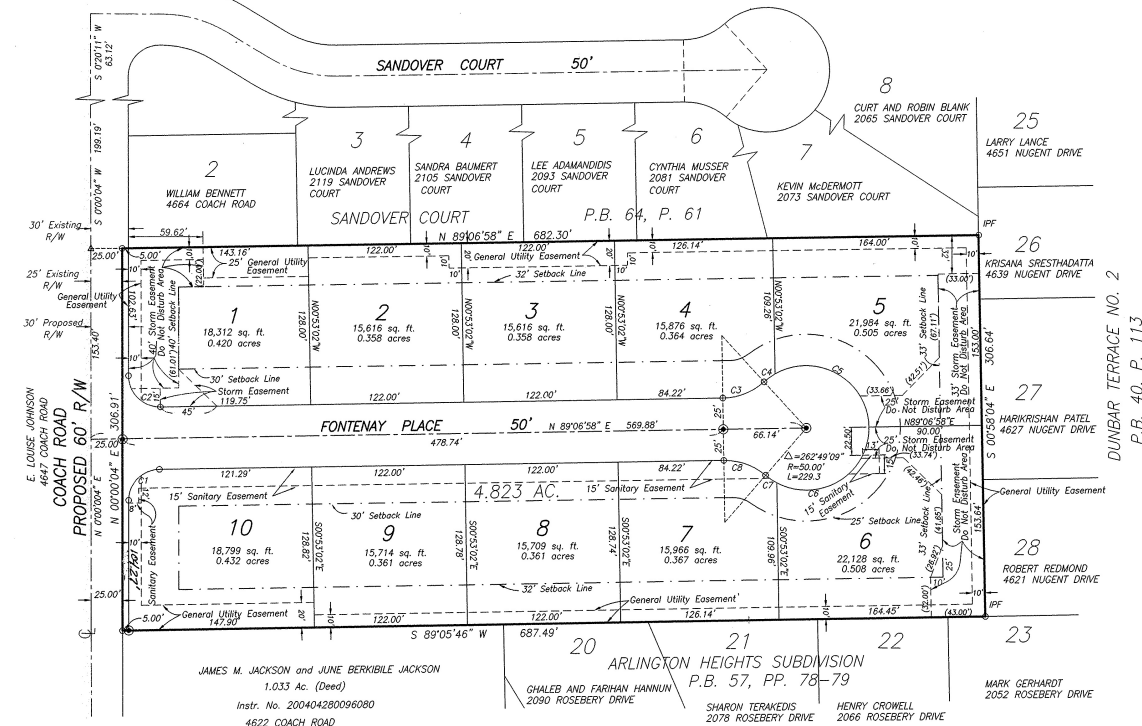
CC: Aaron Scott, PE, City Engineer  
Rory Stimpson, PE, Assistant City Engineer  
Justin Milam, AICP, Senior Planner



# FONTENAY



LOCATION MAP  
NO SCALE



SETBACKS:

Front Yard	30'
Front Yard Lots 5 and 6 only	25'
Side Yard	12'
Minimum between adjacent buildings	26'
Rear Yard	32'
Rear Yard Lots 5 and 6 only	33'

The undersigned hereby certify rights-of-way for Fontenay Place and Coach Road herein dedicated to public use are hereby approved and accepted as such for the State of Ohio, County of Franklin, City of Upper Arlington, City of Upper Arlington by Ordinance No. \_\_\_\_\_

Approved this 23<sup>rd</sup> day of JANUARY, 2006, James D. Brey  
Mayor, City of Upper Arlington, Ohio

Approved this 23 day of January, 2006, Virginia Barney  
City Manager, City of Upper Arlington, Ohio

Transferred this 8<sup>th</sup> day of February, 2006, Joseph W. Testa  
Auditor, Franklin County, Ohio

Robert E. Montgomery by SB  
Deputy Auditor, Franklin County, Ohio

Filed for record this 8<sup>th</sup> day of February, 2006

Fee \$ 86.40 File No. 200602080025284

Recorded in Plat Book 108, Page 88

Scott Bowman  
Deputy Recorder, Franklin County, Ohio

Property Owner: COACH ROAD ASSOCIATES, LLC  
495 S. High Street  
Suite 150  
Columbus, Ohio 43215  
614-241-2070

Developer: COACH ROAD ASSOCIATES, LLC  
495 S. High Street  
Suite 150  
Columbus, Ohio 43215  
614-241-2070

Engineer/Surveyor: Bauer, Davidson & Merchant, Inc.  
255 Green Meadows Drive South  
Westerville, Ohio 43081  
614-846-3393  
bdmim@ameritech.net

Existing Zoning: R-1a

TRANSFERRED  
FEB 08 2006  
JOSEPH W. TESTA  
AUDITOR  
FRANKLIN COUNTY, OHIO



SURVEYOR'S CERTIFICATE

We do hereby state that we have surveyed the above premises and prepared the attached plat and that said plat is correct. The field survey, on which this plat is based, was conducted in November, 2004.

All dimensions are shown in feet and decimal parts thereof. Dimensions shown along curved lines are chord measurements.

The following symbol, unless otherwise noted, indicates a 3/4-inch (I.D.) iron pipe survey marker with a plastic plug set in the top and bearing the initials BD & M:

Permanent survey markers, to be placed upon completion of construction necessary to the improvement of the subject premises, are indicated by the following symbol: Permanent survey markers are to be solid iron pins one-inch in diameter and approximately thirty inches long.

The bearings shown on this plat are based on the bearing of N00°04'E for the centerline of Coach Road as it is shown and delineated upon the recorded plat of Sandover Court (Subdivision) of record in Plat Book 64, Page 61, Recorder's Office, Franklin County, Ohio.

The 4.823 acres of land platted herein is located in Zone X (areas determined to be outside the 500-year floodplain as shown on the Flood Insurance Rate Map for Franklin County, Ohio Map No. 39049C0137 G, Dated: August 2, 1995).

BAUER, DAVIDSON & MERCHANT  
Consulting Engineers  
GATIS  
EPPENHEISS  
5572  
Professional Surveyor No. 5719

BAUER, DAVIDSON & MERCHANT, INC.  
Consulting Engineers  
255 Green Meadows Drive S.  
Westerville, Ohio 43081  
(614) 846-3393

LOT NO.	CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	CHORD BRG.
Lot 10	C1	89°06'54"	25.00'	24.62'	38.88'	35.08'	S44°33'31"W
Lot 1	C2	90°53'06"	25.00'	25.39'	39.66'	35.63'	S45°26'29"E
Lot 4	C3	41°24'35"	50.00'	18.90'	36.14'	35.36'	N68°24'41"E
Lot 4	C4	12°25'53"	50.00'	5.45'	10.85'	10.83'	S53°55'20"W
Lot 5	C5	118°58'42"	50.00'	84.85'	103.83'	86.15'	N60°22'23"W
Lot 6	C6	118°58'42"	50.00'	84.85'	103.83'	86.15'	N58°36'19"E
Lot 7	C7	12°25'53"	50.00'	5.45'	10.85'	10.83'	S55°41'24"E
Lot 7	C8	41°24'35"	50.00'	18.90'	36.14'	35.36'	N70°10'45"W

LEGEND:  
 ○ PF = 3/4" - Inch Iron Pin Found  
 ● = 1" - Inch Solid Iron Pin Set

Situated in the State of Ohio, County of Franklin, City of Upper Arlington, being in Quarter Township 1, Township 1, Range 19, United States Military Lands, containing 4.823 acres of land, more or less (according to a survey conducted by Bauer, Davidson & Merchant, Inc. in November of 2004), said 4.823 acres being part of that 5.00 acre (with exception) tract of land described in the deed to COACH ROAD ASSOCIATES, LLC, record in Instrument No. 2005-0180011-771, Recorder's Office, Franklin County, Ohio.

The undersigned MICHAEL A. EDWARDS, President of MICHAEL EDWARDS BUILDING & DESIGN, INC. Member of COACH ROAD ASSOCIATES, LLC, owner and ten holder of the land platted herein, duly authorized in the premises, does hereby certify that this plat accurately represents this FONTENAY, a subdivision of Lots numbered 1 through 10, both numbers inclusive, and does hereby accept this plat of some and dedicates to public use, as such, all of FONTENAY PLACE and COACH ROAD shown hereon and not heretofore dedicated.

The City shall not accept streets for public use until construction is satisfactorily completed.

In consideration of approval of this plat, I understand and agree to fulfill my obligations and responsibilities reflected in the Subdividers' Agreement and the Subdivision Regulations of the City of Upper Arlington, Ohio. Zoning, building and health permits may be withheld in this subdivision until the subdivider has complied with the Subdividers' Agreement.

General Utility Easements are granted to the public and to all owners of lots in the subdivision, and are reserved for the construction, operation and maintenance of public and private utilities above and beneath the surface of the ground and where necessary, the construction, operation and maintenance of service connections or subsurface drainage outlets, storm sewers and surface drainage features. No construction or landscaping shall be permitted in the designated Do Not Disturb Areas located within the storm sewer easements.

Following their satisfactory completion, all proposed roads and associated right-of-ways as herein indicated and represented on said plat shall be willfully dedicated to the City of Upper Arlington for public purposes, unless otherwise noted and approved.

The undersigned hereby certifies that all zoning, subdivision and platting requirements as set forth herein and by codified Ordinance and/or law have been observed.

In Witness Whereof, MICHAEL A. EDWARDS, President of MICHAEL EDWARDS BUILDING & DESIGN, INC. Member of COACH ROAD ASSOCIATES, LLC, has hereunto set his hand this 20<sup>th</sup> day of December, 2005.

Signed and acknowledged in the presence of  
Michael A. Edwards  
Michael A. Edwards, Pres.  
 Michael A. Edwards, President

COACH ROAD ASSOCIATES, LLC  
 By MICHAEL EDWARDS BUILDING & DESIGN, INC.  
Michael A. Edwards, Pres.  
 Michael A. Edwards, President





5/20/2026| 6:00 PM

**MUNICIPAL SERVICES CENTER, 3600 TREMONT ROAD  
CITY COUNCIL CHAMBERS**

**Members Present:** Todd Boyer, Kevin Carpenter, Matt McGrath, Kelsey Priebe, Shannon Tolliver, Bill Westbrook

**Members Absent:** Daniel Barringer

**Staff Present:** Senior Planner Justin Milam, City Planner Taylor Mullinax, Planning Intern Riley Stanek, Deputy City Clerk Brooke Bowman, Assistant City Attorney Darlene Pettit

**Call to Order/Roll Call**

Chair Tolliver called the meeting to order at 6:00 p.m.

Chair Tolliver called for a motion to excuse the absence of Mr. Barringer. Mr. Carpenter moved, seconded by Ms. Priebe, to excuse the absence of Mr. Barringer from the May 20, 2026, BZAP meeting. The motion carried unanimously.

**Consent Agenda**

- a. Approval of the Board of Zoning and Planning meeting minutes from April 22 and May 6, 2026.**

Chair Tolliver called for a motion to approve the Consent Agenda. Moved by Mr. Carpenter, seconded by Mr. Boyer to approve the Consent Agenda.

**VOTING AYE:** Todd Boyer, Kevin Carpenter, Matt McGrath, Kelsey Priebe, Shannon Tolliver, Bill Westbrook

**ABSENT:** Daniel Barringer

The motion carried (6-0).



Ms. Bowman administered an oath to those persons wishing to present testimony this evening, including applicants, representatives of applicants, and anyone speaking as a proponent or opponent of an application.

### **Variance/Conditional Uses**

- a. **1880 Tremont Road (VAR-20-26)- To permit a two-story addition to encroach up to five feet into the 10-foot rear yard setback and 22'-10" into the rear yard profile coefficient.**

Planner Taylor Mullinax presented the variance application to permit a two-story addition to encroach up to five feet into the 10-foot rear yard setback and 22'-10" into the rear yard profile coefficient. The property is located at the northwest corner of Tremont and Coventry Roads, is zoned R-1C, and contains a contributing historic structure built in 1925. The proposal introduces two variances, both of which increase existing nonconformities; however, staff found the design compatible with the home and surrounding historic district.

Chair Tolliver asked the applicant to come forward. The applicant's architect, Juliet Bullock, explained that due to the constraints of the corner lot and the historic character of the home, the north side addition was the least obtrusive option. The applicant, Adam Krystal, noted that the neighboring property owner to the north had no objections. Staff recommended approval with a condition requiring substantial landscaping species along the north property line at a minimum height of six feet, with any dead or dying trees to be removed and replaced.

Chair Tolliver asked if there was anyone in the audience who would like to speak on this variance and no one came forward.

Chair Tolliver called for a motion to approve VAR-20-26, to permit a two-story addition to encroach up to five feet into the 10-foot rear yard setback and 22'-10" into the rear yard profile coefficient findings #1, 3, 4, and 6, and the condition that all existing and proposed trees along the north property line shall be substantial species planted at a minimum height of six feet to provide adequate screening of the home addition, and that any dead or dying trees shall be removed and replaced. Moved by Mr. Carpenter, seconded by Mr. Westbrook to approve VAR-20-26.

**VOTING AYE:** Todd Boyer, Kevin Carpenter, Matt McGrath, Kelsey Priebe, Shannon Tolliver, Bill Westbrook

**ABSENT:** Daniel Barringer

The motion carried (6-0).

- b. **[Postponed by the Applicant] 2229 Ridgeview Road (Var-21-26)- To permit a two-story attached garage addition that encroaches 2'-11" into the eight-foot minimum side yard setback and reduces the side setback sum from 16 feet to 13'-11".**



- c. **3141 Asbury Drive (VAR-22-26)- To permit a one-story third bay garage addition to encroach ~~4'-9"~~ 1'-3"** into the 10-foot minimum side yard setback.

Senior Planner Justin Milam presented the variance application to permit a one-story third bay garage addition to encroach 1'-3" into the 10-foot minimum side yard setback. The applicant had initially received approval for a 10'-8" wide garage bay but determined that width to be insufficient for practical use; the requested encroachment would bring the bay to a more standard 12-foot width. Staff recommended approval with finding number 4, noting the addition would blend into the neighborhood and not adversely impact views from the street or surrounding properties. The item was not placed on the consent agenda due to a letter received from a neighboring property owner, though staff remained comfortable with the proposal.

Chair Tolliver asked the applicant to come forward. Kyle Rooney on behalf of the owners noted that the adjacent property to the north has 40 feet of setback from the shared property line, and that a survey of the block revealed 13 of 26 homes have three-car garages.

Chair Tolliver asked if there was anyone in the audience who would like to speak on this variance and no one came forward.

Chair Tolliver called for a motion to approve VAR-22-26, to permit a one-story third bay garage addition to encroach 1'-3" into the 10-foot minimum side yard setback with findings #4. Moved by Mr. Carpenter, seconded by Ms. Priebe to approve VAR-22-26.

**VOTING AYE:** Todd Boyer, Kevin Carpenter, Matt McGrath, Kelsey Priebe, Shannon Tolliver, Bill Westbrook

**ABSENT:** Daniel Barringer

The motion carried (6-0).

- d. **[Postponed by the City as conditional use required.] 2641 Alliston Court (VAR-23-26)- To permit the construction of a two-story addition that encroaches up to 6'-9" into the 12-foot minimum side yard setback and up to 7'-5" into the 18'-1" side yard longwall setback. A conditional use is also required in order to create a two-family dwelling.**

#### Plat Amendment/Variance

- a. **2082 Fontenay Place (VAR-24-26)- To permit an increase in development coverage from 45 percent (includes a swimming pool bonus) to 50 percent and to reduce the side yard swimming pool decking setback from 10 feet to zero, in order to permit the retention of swimming pool decking and a patio that installed without a permit**



The Board noted the applicant and their counsel arrived late; the Board had briefly considered postponing the item.

Applicants' counsel, Attorney Frank Reed, representing the property owners, summarized the history of the project: the pool permit was issued in August 2022, construction was approved and inspected in 2023, and a third contractor subsequently installed additional concrete decking without a separate permit. Cynthia Tzagournis submitted a video taken the morning of the meeting, following significant rainfall, demonstrating that the installed drainage improvements were functioning properly with no standing water.

The Board reviewed the three conditions of approval recommended by staff. The first condition, requiring the swimming pool fence to meet applicable ordinances, was deemed already satisfied following a city inspection earlier in the week. Discussion on the second condition clarified that the structure in question is a landscaping wall, not a structural retaining wall, and as such detailed engineering plans are not available. Staff and the Board agreed the conditions should be reworded accordingly, with the applicant providing documentation of the landscaping wall and drainage improvements to staff by July 1, 2026. The third condition, requiring future rear and side yard improvements to be reviewed by planning staff, was accepted without objection.

Chair Tolliver asked if there was anyone in the audience who would like to speak on this variance and no one came forward.

Chair Tolliver called for a motion to approve VAR-24-26, to permit an increase in development coverage from 45 percent (includes a swimming pool bonus) to 50 percent and to reduce the side yard swimming pool decking setback from 10 feet to zero, in order to permit the retention of swimming pool decking and a patio that was installed without a permit with findings #2 and the following two conditions, (1) the applicant shall provide details to staff regarding the landscaping wall and drainage improvements by July 1, 2026; and (2) any future improvements in the rear and side yards must be reviewed with planning staff to determine if additional variances would be required. Moved by Mr. Carpenter, seconded by Mr. McGrath to approve VAR-24-26.

**VOTING AYE:** Todd Boyer, Kevin Carpenter, Matt McGrath, Kelsey Priebe, Shannon Tolliver, Bill Westbrook

**ABSENT:** Daniel Barringer

The motion carried (6-0).

- b. 2082 Fontenay Place (OR-##-26)- Review and recommendation to City Council of a plat amendment to permit the retention of swimming pool decking and a patio that was installed without a permit and is located within the platted rear yard, which is prohibited.**

Chair Tolliver asked if there was anyone in the audience who would like to speak on this variance and no one came forward.



Chair Tolliver called for a motion to provide a positive recommendation to City Council for a plat amendment for 2082 Fontenay Place, to permit the retention of swimming pool decking and a patio that was installed without a permit and is located within the platted rear yard, which is prohibited, with the condition that the rear yard setback reduction applies to the swimming pool, including decking and walkways, for Lot 3 only. Moved by Mr. Carpenter, seconded by Mr. Westbrook to provide a positive recommendation to Council for a plat amendment.

**VOTING AYE:** Todd Boyer, Kevin Carpenter, Matt McGrath, Kelsey Priebe, Shannon Tolliver, Bill Westbrook

**ABSENT:** Daniel Barringer

The motion carried (6-0).

### **Adjournment**

There being no further business, Chair Tolliver called for a motion to adjourn. Mr. Westbrook moved, seconded by Mr. McGrath, to adjourn. The motion carried unanimously, and the meeting was adjourned at 6:53 p.m.

ATTEST:

CHAIR:



# Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio  
614-235-8677 FAX:614-235-4559

A Mortgage Location Survey prepared for and certified to:

**Cindy & George Tzagornis**

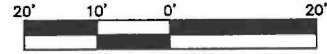
**Legal Description:** Situated in The State of Ohio, County of Franklin, City of Upper Arlington, in Quarter Township 1, Range 19, United States Military Lands, Being Lot 3 of Fontenay, Plat Book 108, Page 88.

**Applicant:** Buyer

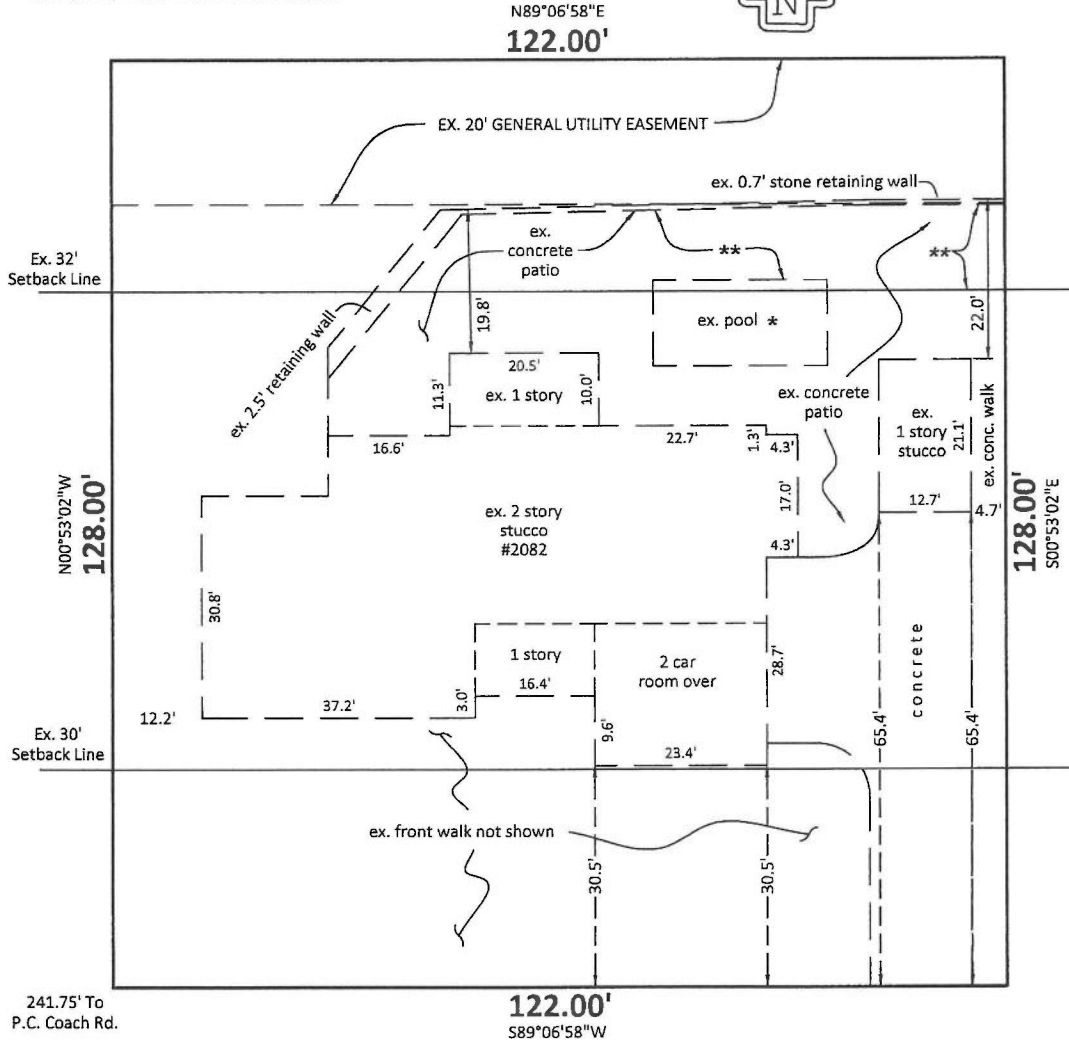
**Posted Address:** 2082 Fontenay Drive, Upper Arlington, Ohio

\* = Ex. pool - "Phase 1" Permit Improvement approved by City - ± 1.5' over setback line

\*\* = Ex. concrete patio - "Phase 2" No Permit - 12.5'± over setback line



Scale 1" = 20'  
Date: 08/12/2024



## FONTENAY PLACE 50'

We hereby certify that the foregoing Mortgage Location Survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.

**THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.**

Myers Surveying Co., Inc

By \_\_\_\_\_

Professional Surveyor

Myers Order No.-7-07/25/2024

Rec.

Field

DWG.

Ltr.

Ck.

# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## ORDINANCE NO. 23-2026

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### TO AMEND THE FONTENAY SUBDIVISION PLAT TO PERMIT THE REDUCTION OF THE PLATTED REAR YARD SETBACK FROM 32 FEET TO 19.5 FEET FOR LOT #3, TO ALLOW FOR THE RETENTION OF A PATIO AND SWIMMING POOL DECKING

**WHEREAS,** the property owners of 2082 Fontenay Place, located within the City of Upper Arlington, submitted an application requesting a plat amendment to permit the reduction of the platted rear yard setback from 32 feet to 19.5 feet, to allow for the retention of a patio and swimming pool deck; and

**WHEREAS,** Fontenay Subdivision was originally platted in 2006, and includes ten lots along Fontenay Place and Coach Road, with lot sizes ranging from .358-.508 acres; and

**WHEREAS,** the Board of Zoning and Planning (BZAP) reviewed the request on May 20, 2026, and has recommended approval of the final plat amendment in accordance with Upper Arlington Codified Ordinances §4.06(F)(5); and

**WHEREAS,** City Council may amend the final plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship; and

**WHEREAS,** pursuant to Upper Arlington Codified Ordinances §4.06 (F)(6), the recommendation must be presented to City Council at their first meeting immediately following BZAP's recommendation; and

**WHEREAS,** City Council has determined that the proposed amendment is in the best interest of the City and consistent with applicable laws, regulations, and planning standards.

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

**SECTION 1.** The application to amend the Fontenay Subdivision to permit the reduction of the platted rear yard setback from 32 feet to 19.5 feet for Lot #3, to allow for the retention of a patio and swimming pool decking, submitted by property owners George and Cynthia Tzagournis of 2082 Fontenay Place, as described in Exhibit A, is hereby approved by City Council.

**SECTION 2.** The City Clerk is hereby directed to certify a copy of this ordinance for filing with the Franklin County Recorder's Office as required by law.

**SECTION 3.**

This ordinance shall take effect immediately upon passage.



**Authors:** Brent Lewis, Finance Department Director

**Council Meeting Date:** June 8, 2026

**Subject/Legislative Item:** Resolution No. 11-2026 - To Provide for the Submission to the Electors of the City of Upper Arlington at the 2026 General Election a Renewal Tax Levy and an Increase Dedicated to the Police and Fire Pension Fund

**Purpose:** To authorize the placement of a renewal property tax levy, with an increase, dedicated to the Police and Fire Pension Fund on the 2026 general election ballot.

**Executive Summary:** In order to place a question on a ballot, the City Council must adopt a resolution stating such. This proposed resolution pertains to submitting the following question to the voters:

A renewal of an existing tax of 0.89 mill and an increase of 0.24 mill, to constitute a tax for the benefit of the City of Upper Arlington for the purpose of paying the City's employer contributions to the Ohio Police and Fire Pension Fund at a rate not exceeding 1.13 mills for each \$1 of taxable value, that the county auditor estimates will collect \$2,190,393 annually, which amounts to \$25.90 for each \$100,000 of the county auditor's appraised value, for five (5) years, commencing in 2027, first due in calendar year 2028.

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### **Purpose and Impact**

This is the Resolution that is required to place a question on the ballot. All the background and history has been presented to you with the Resolutions requesting certification from the Franklin County Auditor. As of the first reading of this Resolution, the amount noted as certified by the Franklin County Auditor has only been informally certified because of the associated Resolution requesting certification being before you for approval. Once certification is received, this resolution will be adjusted, if needed.

For efficiency's sake, here are the key points to this proposed renewal with an increase:

- The proposed levy would be for a five-year period and increase annual revenue from approximately \$1.5 million per year to approximately \$2.2 million per year in order to address projected pension costs. To accomplish this, there are effectively two components:



- **Renewal of the existing levy**  
Renewing the existing levy does not reset the effective rate back to the original 0.89 mills. Instead, the levy continues at the current effective rate of approximately 0.50 mills and continues generating approximately \$1.5 million annually. This portion of the levy also remains eligible for the 12.5% state rollback, meaning the taxpayer burden is reduced by 12.5% and the State reimburses the City for that amount.
- **Additional levy increase**  
 To generate the additional approximately \$700,000 needed to reach the proposed \$2.2 million annual total, the City must levy additional millage. Based on current valuations, that additional amount equates to approximately 0.24 mills. Because this portion is considered a new levy under state law, it is not eligible for the 12.5% reduction.
- The proposed levy would impact taxpayers by increasing property taxes (starting in 2028) by \$8.40 per \$100,000 of home value, or \$42 for a home valued at \$500,000.

## History

The City has funded the employer portion of Police and Fire pensions through a combination of permanent and voted property tax levies since 1976, with residents voting to approve ten, five-year ballot issues in support of this levy. The millage for previous levies over the years has varied from .89 to 1.2 mills. The most recent levy commenced in tax year 2021 (first due in calendar year 2022) and is set to expire for tax year 2026 (final collection in 2027).

Many Central Ohio communities—including Bexley, Columbus, Dublin, Gahanna, Grandview Heights, Grove City, Hilliard, Upper Arlington, Westerville, and Worthington—utilize a combination of permanent and voter-approved property tax levies to support public safety services and associated pension obligations.

## Alternatives

There are several alternatives regarding this proposed tax levy. Below are some of the main topics to consider.

- City Council could decide not to renew the levy or renew a lower/higher amount than proposed.
  - Based on projections, not renewing or renewing at a lower rate would deplete police and fire pension reserve balances over time and cause a need for the City's General Fund to cover any costs not covered by the permanent levies (average \$4.1M annual obligation vs \$1.74M annual tax revenue). This could affect:
    - Future services or expansion of services (public safety, parks, capital maintenance, and other services)
    - Funding that the General Fund supports: Capital Improvement Program, Economic Development initiatives, swimming pool operations.
- City Council could decide to make the levy anywhere between 1 and 5 years in length.
  - Costs would be associated with each individual levy.



- City Council could wait to put the levy on the November 2027 ballot.
  - If the City waits to put the renewal on the November ballot and the levy does not pass, the current levy would expire and there would be no collections for tax year 2027.

**Attachments**

1.	Resolution No. 11-2026
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# RECORD OF RESOLUTIONS

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## RESOLUTION NO. 11-2026

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### TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF UPPER ARLINGTON AT THE 2026 GENERAL ELECTION A RENEWAL TAX LEVY AND AN INCREASE DEDICATED TO THE POLICE AND FIRE PENSION FUND

**WHEREAS,** on November 2, 2021, the voters of the City approved a 0.89 mill levy to provide funds for payment of the employer's contribution to the Police and Fire Pension Fund and first placed on the tax list and duplicate in 2022 for collection years 2023, 2024, 2025, 2026, and 2027; and

**WHEREAS,** to meet the City's estimated police and fire pension employer liability over the next five years approval of a renewal tax levy of 0.89 mills and an increase of .24 mills, for a rate not to exceed 1.13 mills for each one dollar of taxable value, is necessary; and

**WHEREAS,** the Franklin County Auditor has certified that a renewal tax levy of 0.89 mills and an increase of .24 mills, for a rate of not to exceed 1.13 mills for \$1 of taxable value, will generate \$2,190,393 during the first year of collection, based on the current assessed valuation of the City of \$2,914,119,580.

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

**SECTION 1.** That the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the City of Upper Arlington and that it is necessary to levy a tax in excess of the ten-mill limitation for a period of five years, including a levy upon the duplicate of the current year, for the purpose of payment of the police officer employer's contribution and the firefighter employer's contribution to the Police and Fire Pension Fund required under Sections 742.33 and 742.34 of the Ohio Revised Code.

**SECTION 2.** That it is necessary to levy taxes for the tax years 2027 through 2031, a renewal of the existing tax of .89 mills and an increase of .24 mills, resulting in a rate for each year not exceeding one and thirteen hundredths (1.13) of one mill for each one dollar of taxable value within the City of Upper Arlington and that the proceeds be dedicated solely to the Police and Fire Pension Fund.

**SECTION 3.** That the City Clerk is hereby directed to certify a copy of this Resolution to the Board of Elections of Franklin County, Ohio, in order that said Board of Elections may make the necessary arrangements for the

submission of such question to the electors of said City of Upper Arlington, as provided by law.

**SECTION 4.**

That the Board of Elections shall provide for the submission of the following question to the electors of the City of Upper Arlington at the November 3, 2026, General Election, as authorized by Ohio Revised Code Sections 5705.19(W) and 5705.25. Said issue may be placed on a ballot with other issues, if authorized by law.

For the purposes of the ballot title, which said Board of Elections is required by law to prepare, the following statement of the issue to be so submitted is, in the opinion of this Council, true and impartial and in compliance with law:

A renewal of an existing tax of 0.89 mill and an increase of 0.24 mill, to constitute a tax for the benefit of the City of Upper Arlington for the purpose of paying the City's employer contributions to the Ohio Police and Fire Pension Fund at a rate not exceeding 1.13 mills for each one dollar of taxable value, that the county auditor estimates will collect \$2,190,393 annually, which amounts to \$25.90 for each \$100,000 of the county auditor's appraised value, for five (5) years, commencing in 2027, first due in calendar year 2028.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

If a majority of the electors voting thereon, vote "For the Tax Levy," then, the tax levy shall be approved and shall take effect in accordance with its terms.

**SECTION 5.**

That this resolution shall be in full force and effective immediately upon its adoption, as provided in Ohio Revised Code Section 5705.19.



<b>Authors:</b>	Steven Schoeny, City Manager
<b>Council Meeting Date:</b>	June 8, 2026
<b>Subject/Legislative Item:</b>	Ordinance No. 27-2026 - To Amend Chapters 301 - Definitions, 383 - Bicycles, Motorized Bicycles, Motorcycles, and Other Forms of Transportation Other Than Walking, and 543 - Parks, Playgrounds and Open Space Areas of the Upper Arlington Code of Ordinances to Establish an E-Mobility Device Registration, Safety Education, and Parking Restriction Program
<b>Purpose:</b>	The purpose of this legislation is to proactively safeguard pedestrians, motorists, and the operators of motorized micro-mobility (e-mobility) devices within Upper Arlington. With the rapid growth of electric scooters, electric skateboards, and e-bikes, this program fills a crucial regulatory gap. By establishing a formalized registration process, mandatory safety instruction, and public parking parameters, the City will facilitate accountability, build public awareness of safe riding practices, and provide the Upper Arlington Police Division (UAPD) with the standard enforcement tools needed to maintain orderly and safe public rights-of-way. The legislation also amends Upper Arlington Parks rules to increase safety and protect parks from reckless operation of motorized devices.
<b>Executive Summary:</b>	In response to escalating public safety complaints and a 2026 community engagement survey confirming that over 90% of residents view motorized micro-mobility as a moderate-to-significant safety concern, the City administration proposes a comprehensive regulatory and public education framework. This ordinance requires motorized vehicles not licensed by the Ohio Bureau of Motor Vehicles (BMV)—such as e-bikes, motorized scooters, and electric skateboards—to be formally registered with the UAPD to operate within the City of UA or park on any public property in Upper Arlington. Licensed drivers receive free registration via a simple affidavit, while unlicensed riders (primarily minors) must pass a collaborative public safety course to obtain a registration sticker. Additionally, minors are required to wear a helmet. Violations are categorized as unclassified misdemeanors, subjecting devices to immediate immobilization or physical seizure and a \$150 fee.



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## Purpose and Impact

There are 5 key elements to the proposed legislative changes:

### 1. Two-Tiered Registration Framework & Sticker Identification

To balance resident convenience with public accountability, the program splits registrations into two categories:

**Driver's License Registration:** Designed for operators possessing a valid Ohio Motor Vehicle Driver's License. The application will be free and completed online or at the UAPD desk (3600 Tremont Rd). Applicants must supply the device make, model, and serial number, and a signed affidavit attesting that only licensed drivers will operate the device and that operators will carry their licenses.

**Non-Driver's License Registration:** Required if any user of the device lacks a valid driver's license. To qualify, all authorized operators must attend and pass a free safety class. Minors under 18 require a parent/guardian signature confirming review of training materials, accepting financial responsibility for fines, and acknowledging key terms of the City's registration program, including helmet requirements.

### 2. Parking Restrictions

This ordinance explicitly outlaws parking any unregistered electronic scooter, electric skateboard, or motorized bicycle on public property — including City Parks, Upper Arlington City Schools, Upper Arlington Public Libraries, and the Bob Crane Community Center. Furthermore, to prevent regulatory circumvention, any device ridden by an individual under the age of 16 but displaying a "Driver's License" registration sticker is subject to immediate parking enforcement on these designated public properties.

### 3. Operational Rules, Helmets, and State Law Intersections

The proposed addition of Section 383.02 establishes a requirement that helmets be worn by anyone under 18 years old operating an e-mobility device, regardless of whether they have a valid driver's license.

### 4. Enforcement, Seizure, and Immobilization Protocols

A citation is explicitly *not* required for law enforcement to secure an offending device. UAPD officers are granted clear discretion to stop young riders lacking visible registration stickers. Under the proposed framework, if a device is illegally operated or improperly parked, the City has two distinct enforcement pathways:

- **Immobilization (Preferred Method):** Securing the device at a public bike rack using a City-owned lock, which can only be removed by UAPD personnel upon compliance.



- **Seizure:** Physical transportation of the device to a City facility—either the UAPD Headquarters at 3600 Tremont Road or the City's Public Service Center at 4100 Roberts Road.

For an initial registration violation, the \$150 impoundment or locking device removal fee may be waived upon successful device registration (and completion of the safety course if applicable). Second and subsequent violations strictly mandate the payment of the \$150 fee before the device is released or unlocked. Any item left unclaimed after six months will be legally disposed of as forfeited property.

## 5. Park Rules Clarifications

The legislation also requires operators of wheeled transportation in Upper Arlington parks to abide by the following rules:

- a. Obey city laws and requirements
- b. Operate in a safe manner per manufacturer's requirements
- c. Travel only on paved areas
- d. Use on natural trails and in natural areas is prohibited
- e. Speed limit of 10 miles per hour
- f. Must yield to pedestrians
- g. Walk through crowded areas and over park bridges
- h. Use lights before dawn or after dusk
- i. All motorcycles, including e-dirt bikes, are prohibited

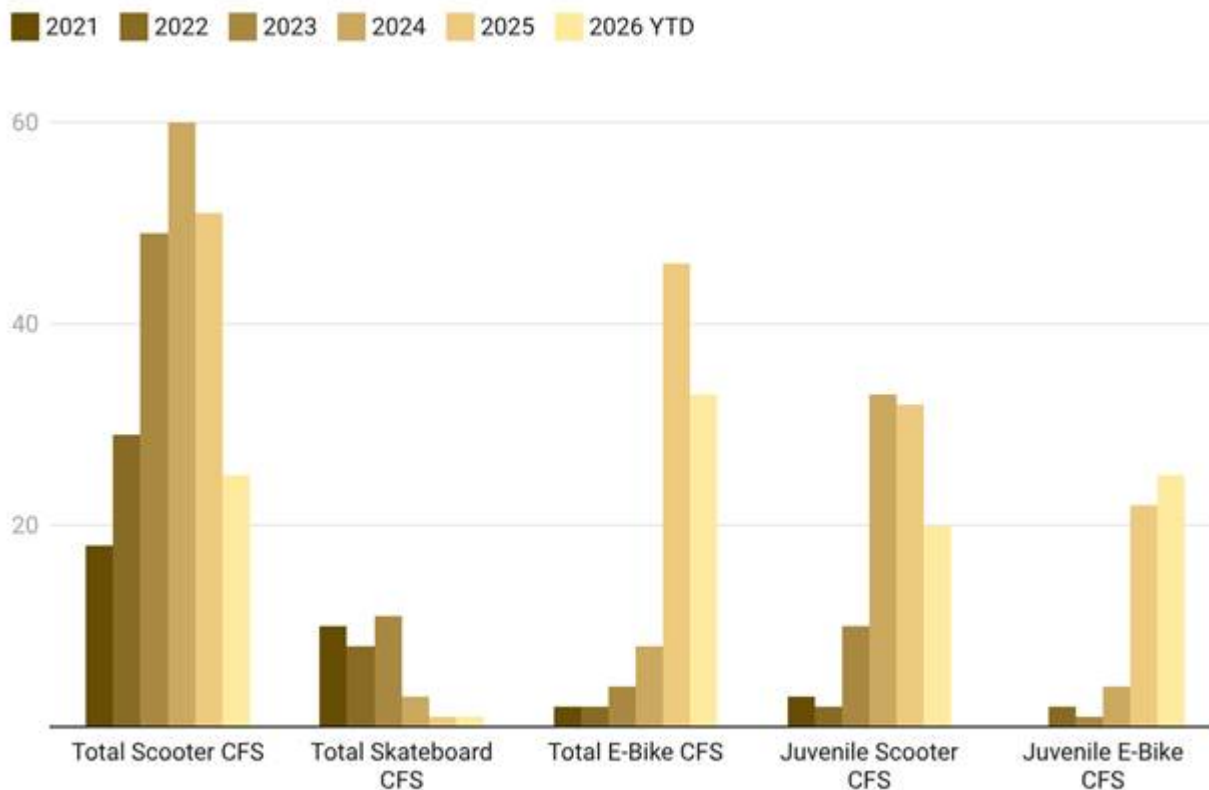
## History

### 1. Quantitative Need: UAPD Calls for Service (CFS) Trends

An evaluation of UAPD data from 2021 through 2026 Year-to-Date (YTD) reveals a spike in e-mobility issues, heavily driven by juvenile operators and the rapid adoption of e-bikes. Total e-bike calls skyrocketed from a mere 2 in 2021 to 46 in 2025, with 2026 YTD already reaching 33 calls. Crucially, juvenile-specific e-bike calls grew from 0 in 2021 to 22 in 2025 and 25 in 2026 YTD.



## UAPD Calls For Service (CFS)



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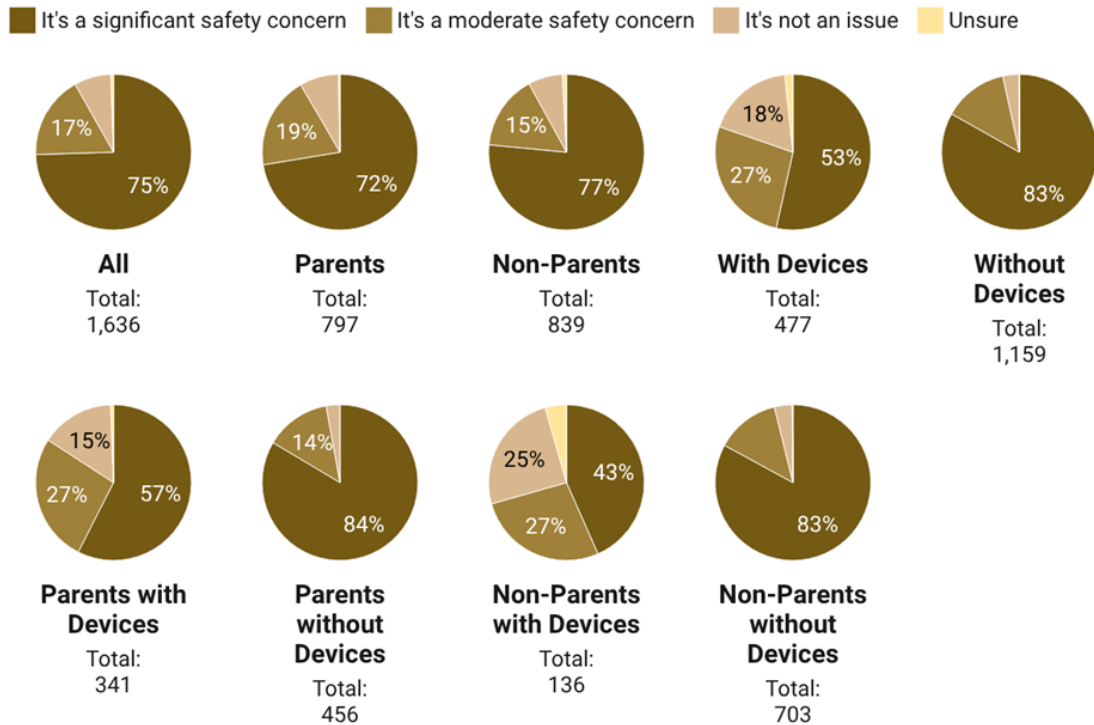
## 2. Stakeholder and Community Survey Feedback

In May 2026, the City launched an opt-in community survey to compile stakeholder sentiments. The feedback overwhelmingly supported robust legislative intervention. Across all respondents, 1,219 individuals classified e-mobility devices as a "significant safety concern," while 283 labeled them a "moderate concern." Only 125 felt it was not an issue.



# Respondents Are Worried About e-Mobility Devices

All Respondents



Source: City of Upper Arlington May 2026 Survey • Created with Datawrapper

When asked about specific anxieties, the community highlighted the following core areas:

Unsafe operation on City streets and sidewalks: 1,444 respondents

Operators not wearing helmets: 1,069 respondents

Pedestrian safety: 1,018 respondents

Operation of devices in parks: 728 respondents

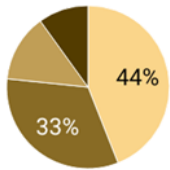
Inappropriate parking/placement when not in use: 400 respondents

Regarding the proposed two-class registration plan, 712 respondents liked the concept exactly as written, and an additional 528 supported it with minor adjustments. Only 217 expressed a general dislike of the policy. Looking specifically at Upper Arlington residents, 669 approved as proposed and 504 approved with adjustments, representing an overwhelming supermajority in favor of the program in some form.

# Ownership Impacts Opinion, To A Degree

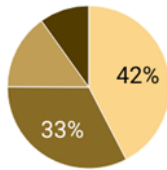
All Survey Respondents

■ I like it as proposed 
 ■ I like it, but it needs some adjustments to be most effective 
 ■ I don't like it 
 ■ I'm not sure, I would need to know more



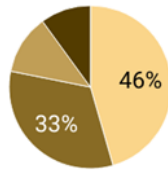
**All**

Total:  
1,618



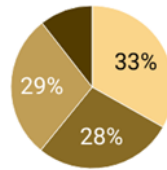
**Parents**

Total:  
790



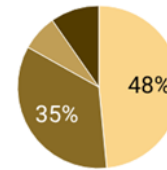
**Non-Parents**

Total:  
828



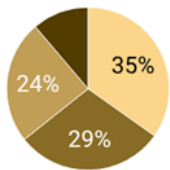
**With Devices**

Total:  
473



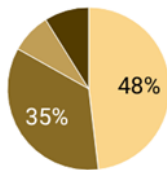
**Without Devices**

Total:  
1,145



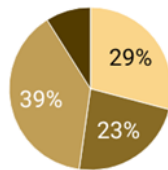
**Parents with Devices**

Total:  
339



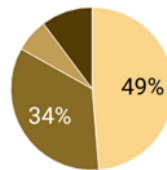
**Parents without Devices**

Total:  
451



**Non-Parents with Devices**

Total:  
134



**Non-Parents without Devices**

Total:  
694

Source: City of Upper Arlington May 2026 Survey • Created with Datawrapper

## 3. Program Development and Implementation Timeline

The policy has been systematically advanced through the following community and administrative milestones in 2026:

**Week of April 20:** Completed initial regional outreach to UA Schools and UA Public Library; issued introductory community Insight post.

**Week of May 4:** Formally released the draft regulatory framework alongside the community opt-in survey.

**Week of May 25:** Aggregated and analyzed survey data.

**June 8 & June 9:** First Council reading/public hearing and subsequent School Board presentation.

**June 15:** Second reading/public hearing

**August 17:** Third reading/public hearing. Review and discussion of proposed amendments.



**August 25:** Proposed Final Fourth Reading and official legislative roll-call vote.

**Fall / Winter:** Finalize safety class schedules in September for the Winter activity guide, launch courses in November or December.

**Implementation:** Registration officially opens January 1, with active police enforcement commencing March 1.

### Alternatives

Through the survey, several suggestions were made. Those suggestions included:

1. Universal helmet requirement
2. Require lights
3. Minimum age/Parental supervision requirement
4. Sidewalk speed limit
5. Sidewalk ban
6. Park ban
7. Ban riding after dark
8. Full ban
9. More police staffing

Staff is prepared to talk through each of these suggested modifications. In discussing these modifications, staff will be focused on evaluating the impact of these potential changes on:

- The ability of UAPD to effectively enforce the law.
- The probability of achieving voluntary compliance from the public.
- The potential for positive impact on the community, especially related to safety.
- The potential for unintended negative consequences.
- Financial costs of the proposed change.

### Attachments

1.	eMobility Code Changes summary
2.	Ordinance No. 27-2026
3.	Scooter Program Presentation Slides



## Proposed Code for e-Mobility Registration Program

### § 301.02 - DEFINITIONS (D-H)

Add: Electric skateboard is a vehicle or device consisting of a floorboard that is designed to be stood upon while riding and is powered by an electric motor.

### § 383.01 - TRANSPORTATION RULES FOR FORMS OF TRANSPORTATION OTHER THAN WALKING.

(A) This section shall apply to all forms of transportation other than walking.

(B) All traffic laws must be followed when using any form of transportation. All traffic laws that by their nature could apply to a mode of transportation other than walking, do apply upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.

(C) When using a vehicle or other transportation device, the vehicle/device may only carry the number of people the vehicle is designed for.

(D) Due care must be taken when passing.

(E) No person shall travel recklessly on any public or private property a city street or sidewalk.

### § 383.02 - REGISTRATION AND HELMET REQUIREMENTS

(A) It shall be unlawful to operate any electronic scooter, electric skateboard, or motorized bicycle on the city streets or on any public right of way, including public paths or sidewalks unless:

(1) The operator is wearing a helmet and has successfully completed a safe riding course through the Upper Arlington Police Division and the device bears a City registration sticker certifying completion and providing contact information for the rider's parent, guardians, or other person legally responsible for the immediate care of the rider; or

(2) The operator has registered the device with the Upper Arlington Police Division, provided a valid driver's license, and attested that only persons bearing a valid

driver's license will operate the device in Upper Arlington, and the device bears a registration sticker certifying the above; or

(3) The operator has successfully completed a safe riding course through the Upper Arlington Police Division, is over 18 years of age, and the device bears a City registration sticker certifying completion.

(B) It shall be unlawful to park an electronic scooter, electric skateboard, or motorized bicycle on public property, including but not limited to City, Upper Arlington City Schools or Upper Arlington Public Library property, without a registration sticker.

(C) It shall be unlawful to permit an operator who is not authorized under (A) to use a registered device.

(D) A violation of this section is an unclassified misdemeanor.

#### **§ 383.15 – IMPOUNDING AND IMMOBILIZATION.**

(A) Whenever any mode of transportation is used in violation of 383.01, such mode of transportation may be impounded until such time as the \$150 impound fee has been paid.

(B) Whenever any mode of transportation is in violation of 383.02, such mode of transportation may be immobilized or impounded as follows:

(1) Impound: A seized mode of transportation will be returned upon registering the device and paying a \$150 impound fee.

(2) Immobilization: A mode of transportation may be immobilized by a locking device. A locking device will be removed upon registering the device and paying a \$150 locking device removal fee.

(3) The fee associated with an initial violation of this subsection section may be waived upon registration of the device.

(C) A citation is not required to impound or immobilize a mode of transportation under this section.

(D) The City Manager may designate employees who have authority to enforce this section by immobilizing parked devices with equipment approved by the Upper Arlington Police Division.

(E) Items unclaimed after six months shall be disposed of as unclaimed and forfeited property pursuant to C.O. 551.03.

**§ 543.02 ADOPTION OF RULES, VIOLATIONS; UNAUTHORIZED AND PROHIBITED ACTS.**

(A) The following rules and regulations are ordained and established for the conduct in the parkettes, public parks, playgrounds and open space areas of the city.

(1) No person shall cut, injure, deface, remove or disturb any tree, shrub, building, fence, sign, bench or other structure, apparatus or property; or pick, cut, or remove any shrub, bush or flower; or mark or write upon any building, fence, bench or other structure. No person shall modify any park grounds in any way, including but not limited, to creating or altering paths. The use of a metal detector is permitted, but digging is not permitted.

(2) No person shall make or kindle an open fire except in barrels, fireplaces or picnic grills provided by the city for that purpose.

(3) No abusive, profane or indecent language, or any lewd or obscene conduct, or any other conduct that may annoy others, shall be allowed.

(4) (a) No person, except law enforcement officers within the scope of their duties, shall shoot or discharge any firearms of any description, knives, bows and arrows, crossbows, air and gas guns, slingshots, missiles or missile-throwing devices, or other dangerous ordnance or deadly weapon as defined in C.O. ch. 523.

(b) No person shall have in his or her possession or ignite or detonate any fireworks or explosive devices, or model rockets, as defined in C.O. ch. 523, without having first obtained in writing the permission of the director of parks and recreation and fire chief.

(c) Model rocketry, archery and similar hobbies and/or activities shall be prohibited without the written permission of the director of parks and recreation.

(5) No person shall sell, offer or solicit for sale any goods or merchandise, conduct business, or provide instructional services on park grounds or parking lots without a written permit from the director of parks and recreation. The following are considerations for granting a permit:

(a) Person has entered into a contract with the city for such sales as a service to patrons at facilities specifically designed for such purpose, including, but not

limited to, pool concession stands, community center café, and vending machines.

(b) Sales are being done as part of either a city-hosted or city-permit-approved special event. Special events for the purpose of promoting a private business shall not be approved. Specifically, the sale of beverages, pre-packaged goods, or sales from food trucks are only permitted on park grounds or parking lots if part of a permitted event.

(c) Instructional services are being performed by a person that has entered into a contract with the city for such purposes. This shall include group programs as well as individual lessons.

(6) No person shall use, consume, carry or bring any alcoholic beverage in or upon any parkette, public park, playground or open space areas.

(a) This subsection does not apply to intoxicating liquor or beer consumed on the premises of the Amelita Mirolo Barn or within the event areas designated by the city manager in accordance with a city permit issued by the city manager pursuant to C.O. § 131.05.

(7) Betting, gambling in any form or maintaining any gambling equipment is prohibited.

(8) The playing of baseball, golf and other games, activities, or contests involving risk of injury to persons or property is prohibited except in areas expressly set aside for such activities, unless otherwise approved by the director of parks and recreation.

(9) No person shall distribute any advertising, commercial or promotional circulars, cards or written matter, or place signs within any parkette, public park, or playground or open space areas.

(10) No events, entertainment or exhibition (public or private) shall be given in any parkette, public park, playground or open space areas except under the direction or by written permission of the director of parks and recreation.

(11) It shall be unlawful for any person to scatter or litter any form of waste material including but not limited to wrappers, gum, seeds, and cigarette butts.

(12) No motor vehicles of any description, other than municipal service or emergency vehicles, may enter upon a parkette, public park, playground or open space areas, except as authorized by the director of parks and recreation.

(13) No person or group of persons shall erect, place or cause to be placed, alter or cause to be altered any equipment (including stakes or inflatable apparatus), facilities or grounds in the city-owned parkette, public park, playground or open space areas without special written permission from the director of parks and recreation.

(14) No person or group of persons shall enter, use or remain upon city parkette, public park, playground or open space areas between the hours of 11:00 p.m. to 5:00 a.m. except upon the express authorization of the director of parks and recreation.

(a) Lights for the multi-sport court at Sunny 95 park are limited to use up to 9:30 p.m.

(b) All other park lighting systems for active areas such as ball diamonds and courts shall only be used within the designated park hours.

(15) No person shall feed, cause to be fed or provide food for any wildlife on any public property within the boundaries of the city. Exceptions to this will only be granted through city, state and/or federal permitting processes.

(a) Signs shall be conspicuously posted to notify individuals that feeding of waterfowl is prohibited on public property within the city.

(b) The absence of a sign shall not be an indication that the no feeding of waterfowl policy does not apply to a particular water source.

(c) Defacing, tampering, moving, or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.

(16) No person in a park shall engage in the activities of swimming, wading, boating and/or ice skating in areas or at times which have not been set aside for these purposes by appropriate signage.

(a) Signs shall be conspicuously posted to notify individuals that these activities are prohibited on public property within the city.

(b) The absence of a sign shall not be an indication that these activities do not apply to a particular water source.

(c) Defacing, tampering, moving or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.

- (17) *Regulations regarding animals.*
- (a) No person in a park shall hunt, capture, take, trap or in any other way abuse, molest, injure, pursue or destroy any animal without the permission of the director other than by fishing.
  - (b) No person shall release any domesticated or exotic fish or animals in any park.
  - (c) All persons using a park must comply with C.O. § 519.02 (animals at large and animals causing physical harm).
- (18) Fishing on a catch-and-release only basis is permitted within the City of Upper Arlington. After capture, all fish must be unhooked and returned to the water unharmed. No person shall take or carry away or attempt to take or carry away any fish caught in a public body of water within the City of Upper Arlington.
- (a) Signs shall be conspicuously posted to notify individuals that a water source is catch-and-release fishing only and criminal penalties exist for taking or carrying away, or attempting to take or carry away fish from the water source.
  - (b) The absence of a sign shall not be an indication that this catch and release policy does not apply to a particular water source.
  - (c) Defacing, tampering, moving or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.
  - (d) No person in a park shall fish in public park waters in violation of any sign or signs prohibiting fishing or a manner thereof.
- (19) Smoking and the use of any smoking, vaping, or e-cigarette materials or devices within any areas of any parkette, public park, playground, or open space areas is prohibited.
- (20) Any wheeled transportation in parks must abide by the following:
- (a) Obey city laws and requirements
  - (b) Operate in a safe manner per manufacturer's requirements
  - (c) Travel only on paved areas
  - (d) Use on natural trails and in natural areas is prohibited
  - (e) Speed limit of 10 miles per hour

(f) Must yield to pedestrians

(g) Walk through crowded areas and over park bridges

(h) Use lights before dawn or after dusk

(i) All motorcycles, including e-dirt bikes, are prohibited

(B) (1) Except as provided in subsections (B)(2) and (B)(3), whoever violates this section is guilty of violating park rules and regulations, a minor misdemeanor.

(2) If the offender has previously been convicted of a violation of this section, violating park rules is a misdemeanor of the fourth degree.

(3) If a violation of this section constitutes a higher classification of offense under another section of the general offenses code or under a state or federal statute, then the offender may also be prosecuted for said section of the general offense code or state or federal statute. It is the intent of this section that the offender be subject to the full range of penalties provided by said section of the general offense code or state or federal statute.

# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## ORDINANCE NO. 27-2026

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### TO AMEND CHAPTERS 301 – DEFINITIONS, 383 – BICYCLES, MOTORIZED BICYCLES, MOTORCYCLES, AND OTHER FORMS OF TRANSPORTATION OTHER THAN WALKING, AND 543 – PARKS, PLAYGROUNDS AND OPEN SPACE AREAS OF THE UPPER ARLINGTON CODE OF ORDINANCES TO ESTABLISH AN E-MOBILITY DEVICE REGISTRATION, SAFETY EDUCATION, AND PARKING RESTRICTION PROGRAM

**WHEREAS,** the use of electric bicycles, electric scooters, electric skateboards, and other motorized micro-mobility devices has increased within the City of Upper Arlington; and

**WHEREAS,** the Upper Arlington Police Division has experienced an increase in calls for service related to motorized micro-mobility devices, particularly involving juvenile operators; and

**WHEREAS,** a 2026 community survey found that more than ninety percent of respondents identified motorized micro-mobility devices as a moderate or significant public safety concern and expressed strong support for enhanced regulation and education efforts; and

**WHEREAS,** City Council finds it necessary and appropriate to establish a registration, education, safety, parking, and enforcement program to promote the safe operation of motorized micro-mobility devices and protect the health, safety, and welfare of residents and visitors.

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

**SECTION 1.** Chapter 301 – DEFINITIONS, § 301.02 - DEFINITIONS (D-H) of the Upper Arlington Code of Ordinances is hereby amended as follows:

#### **§ 301.02 - DEFINITIONS (D - H).**

The following words and phrases when used in this traffic code or any traffic ordinance of the city shall have the meanings respectively ascribed to them in this chapter unless otherwise stated.

*Drive:* means any person who drives or operates a motor vehicle upon any street, highway or private property.

*Driver:* means every person who drives, operates, or is in actual physical control of a vehicle, trackless trolley or streetcar.

*Drug abuse offense, cocaine, and L.S.D.:* have the same meanings as in ORC § 2925.01.

*Drug of abuse:* has the same meaning as in ORC § 3719.011 and ORC § 4506.01.

*Electronic scooter* is a vehicle consisting of a two-wheeled device with handlebars and a floorboard that is designed to be stood upon while riding, and is powered by an electric motor.

*Electric skateboard* is a vehicle or device consisting of a floorboard that is designed to be stood upon while riding and is powered by an electric motor.

*Electronic wireless communications device:* includes any of the following:

- (A) A wireless telephone;
- (B) A text-messaging device;
- (C) A personal digital assistant;
- (D) A computer, including a laptop computer and a computer tablet;
- (E) Any device capable of displaying a video, movie, broadcast television image, or visual image;
- (F) Any other substantially similar wireless device that is designed or used to communicate text, initial or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

*Emergency vehicle:* means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety, or local authorities, and motor vehicles when commandeered by a law enforcement officer.

*Equivalent offense:* means any of the following:

- (A) A violation of a municipal ordinance, law of this state, law of another state, or law of the United States that is substantially similar or equivalent;
- (B) A violation of a former law of this state that is substantially similar or equivalent.

*Explosives:* means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.

*Flammable liquid:* means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

*Fronting:* means facing a street or highway without regard to the placement of the school building and may include one (1) or more sides of the school property.

*Funeral escort vehicle:* means any motor vehicle, including funeral hearse, while used to facilitate the movement of a funeral procession.

*Gross weight:* means the weight of a vehicle plus the weight of any load thereon.

*Handicapped parking space or disability parking spaces:* means clearly marked parking spaces on public or private streets, parking lots and parking garages designated for the exclusive use of a handicapped designated vehicle and denoted in accordance with the requirements of ORC § 4511.60(E) and ORC § 3781.111(C).

*Handicapped designated vehicle:* means a motor vehicle that displays either (1) a parking card issued under ORC § 4503.44 or (2) a special license plate issued under ORC § 4503.44 and is being operated by or for the transport of a handicapped person. When a motor vehicle displays a temporary parking pass, disabled veteran plate, permanent parking card from the appropriate state agency, or special license plate, that is being operated by or transporting a disabled or handicapped person, the motor vehicle shall have the decal or parking card clearly displayed on the left

dashboard or in the left front windshield of enclosed vehicles so that the parking privilege information is on the front side of the card and is readily readable from outside the windshield.

*Handicapped person:* means any person who has lost the use of one (1) or both legs or one (1) or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

*Highway or laned street:* means a street or highway, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

*House arrest:* means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to ORC § 2967.28 and during which all of the following apply:

- (1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.
- (2) The offender is required to report periodically to a person designated by the court or parole board.
- (3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

**SECTION 2.** Chapter 383 – BICYCLES, MOTORIZED BICYCLES, MOTORCYCLES, AND OTHER FORMS OF TRANSPORTATION OTHER THAN WALKING, § 383.01 – TRANSPORTATION RULES FOR FORMS OF TRANSPORTATION OTHER THAN WALKING of the Upper Arlington Code of Ordinances is hereby amended as follows:

**§ 383.01 - TRANSPORTATION RULES FOR FORMS OF TRANSPORTATION OTHER THAN WALKING.**

- (A) This section shall apply to all forms of transportation other than walking.
- (B) All traffic laws must be followed when using any form of transportation. All traffic laws that by their nature could apply to a mode of transportation other than walking, do apply upon any public street, highway, sidewalk, or shared-use path, or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (C) When using a vehicle or other transportation device, the vehicle/device may only carry the number of people the vehicle is designed for.
- (D) Due care must be taken when passing.
- (E) No person shall travel recklessly on any public or private property ~~a city street or sidewalk~~.

**SECTION 3.** Chapter 383 – BICYCLES, MOTORIZED BICYCLES, MOTORCYCLES, AND OTHER FORMS OF TRANSPORTATION OTHER THAN WALKING, § 383.02 – RESERVED of the Upper Arlington Code of Ordinances is hereby amended as follows:

**§ 383.02 – REGISTRATION AND HELMET REQUIREMENTS.**

- (A) It shall be unlawful to operate any electronic scooter, electric skateboard, or motorized bicycle on the city streets or on any public right of way, including public paths or sidewalks unless:
  - (1) The operator is wearing a helmet and has successfully completed a safe riding course through the Upper Arlington Police Division and the device bears a City registration sticker certifying completion and providing

contact information for the rider's parent, guardians, or other person legally responsible for the immediate care of the rider; or

- (2) The operator has registered the device with the Upper Arlington Police Division, provided a valid driver's license, and attested that only persons bearing a valid driver's license will operate the device in Upper Arlington, and the device bears a registration sticker certifying the above; or
- (3) The operator has successfully completed a safe riding course through the Upper Arlington Police Division, is over 18 years of age, and the device bears a City registration sticker certifying completion.
- (B) It shall be unlawful to park an electronic scooter, electric skateboard, or motorized bicycle on public property, including but not limited to City, Upper Arlington City Schools, or Upper Arlington Public Library property, without a registration sticker.
- (C) It shall be unlawful to permit an operator who is not authorized under (A) to use a registered device.
- (D) A violation of this section is an unclassified misdemeanor.

**SECTION 4.** Chapter 383 – BICYCLES, MOTORIZED BICYCLES, MOTORCYCLES, AND OTHER FORMS OF TRANSPORTATION OTHER THAN WALKING, § 383.15 – RESERVED of the Upper Arlington Code of Ordinances is hereby amended as follows:

**§ 383.15 – IMPOUNDING AND IMMOBILIZATION.**

- (A) Whenever any mode of transportation is used in violation of 383.01, such mode of transportation may be impounded until such time as the \$150 impound fee has been paid.
- (B) Whenever any mode of transportation is in violation of 383.02, such mode of transportation may be immobilized or impounded as follows:
  - (1) Impound: A seized mode of transportation will be returned upon registering the device and paying a \$150 impound fee.
  - (2) Immobilization: A mode of transportation may be immobilized by a locking device. A locking device will be removed upon registering the device and paying a \$150 locking device removal fee.
  - (3) The fee associated with an initial violation of this subsection section may be waived upon registration of the device.
- (C) A citation is not required to impound or immobilize a mode of transportation under this section.
- (D) The City Manager may designate employees who have authority to enforce this section by immobilizing parked devices with equipment approved by the Upper Arlington Police Division.
- (E) Items unclaimed after six months shall be disposed of as unclaimed and forfeited property pursuant to C.O. 551.03.

**SECTION 5.** Chapter 543 – PARKS, PLAYGROUNDS AND OPEN SPACE AREAS, 543.02 – ADOPTION OF RULES, VIOLATIONS; UNAUTHORIZED AND PROHIBITED ACTS of the Upper Arlington Code of Ordinances is hereby amended as follows:

## § 543.02 – ADOPTION OF RULES, VIOLATIONS; UNAUTHORIZED AND PROHIBITED ACTS.

- (A) The following rules and regulations are ordained and established for the conduct in the parkettes, public parks, playgrounds and open space areas of the city.
- (1) No person shall cut, injure, deface, remove or disturb any tree, shrub, building, fence, sign, bench or other structure, apparatus or property; or pick, cut, or remove any shrub, bush or flower; or mark or write upon any building, fence, bench or other structure. No person shall modify any park grounds in any way, including but not limited to, creating or altering paths. The use of a metal detector is permitted, but digging is not permitted.
  - (2) No person shall make or kindle an open fire except in barrels, fireplaces or picnic grills provided by the city for that purpose.
  - (3) No abusive, profane or indecent language, or any lewd or obscene conduct, or any other conduct that may annoy others, shall be allowed.
  - (4)
    - (a) No person, except law enforcement officers within the scope of their duties, shall shoot or discharge any firearms of any description, knives, bows and arrows, crossbows, air and gas guns, slingshots, missiles or missile-throwing devices, or other dangerous ordnance or deadly weapon as defined in C.O. ch. 523.
    - (b) No person shall have in his or her possession or ignite or detonate any fireworks or explosive devices, or model rockets, as defined in C.O. ch. 523, without having first obtained in writing the permission of the director of parks and recreation and fire chief.
    - (c) Model rocketry, archery and similar hobbies and/or activities shall be prohibited without the written permission of the director of parks and recreation.
  - (5) No person shall sell, offer or solicit for sale any goods or merchandise, conduct business, or provide instructional services on park grounds or parking lots without a written permit from the director of parks and recreation. The following are considerations for granting a permit:
    - (a) Person has entered into a contract with the city for such sales as a service to patrons at facilities specifically designed for such purpose, including, but not limited to, pool concession stands, community center café, and vending machines.
    - (b) Sales are being done as part of either a city-hosted or city-permit-approved special event. Special events for the purpose of promoting a private business shall not be approved. Specifically, the sale of beverages, pre-packaged goods, or sales from food trucks are only permitted on park grounds or parking lots if part of a permitted event.
    - (c) Instructional services are being performed by a person that has entered into a contract with the city for such purposes. This shall include group programs as well as individual lessons.
  - (6) No person shall use, consume, carry or bring any alcoholic beverage in or upon any parkette, public park, playground or open space areas.
    - (a) This subsection does not apply to intoxicating liquor or beer consumed on the premises of the Amelita Mirolo Barn or within the event areas designated by the city manager in accordance with a city permit issued by the city manager pursuant to C.O. § 131.05.
  - (7) Betting, gambling in any form or maintaining any gambling equipment is prohibited.
  - (8) The playing of baseball, golf and other games, activities, or contests involving risk of injury to persons or property is prohibited except in areas expressly set aside for such activities, unless otherwise approved by the director of parks and recreation.
  - (9) No person shall distribute any advertising, commercial or promotional circulars, cards or written matter, or place signs within any parkette, public park, or playground or open space areas.
  - (10) No events, entertainment or exhibition (public or private) shall be given in any parkette, public park, playground or open space areas except under the direction or by written permission of the director of parks and recreation.
  - (11) It shall be unlawful for any person to scatter or litter any form of waste material including but not limited to wrappers, gum, seeds, and cigarette butts.

- (12) No motor vehicles of any description, other than municipal service or emergency vehicles, may enter upon a parkette, public park, playground or open space areas, except as authorized by the director of parks and recreation.
- (13) No person or group of persons shall erect, place or cause to be placed, alter or cause to be altered any equipment (including stakes or inflatable apparatus), facilities or grounds in the city-owned parkette, public park, playground or open space areas without special written permission from the director of parks and recreation.
- (14) No person or group of persons shall enter, use or remain upon city parkette, public park, playground or open space areas between the hours of 11:00 p.m. to 5:00 a.m. except upon the express authorization of the director of parks and recreation.
- (a) Lights for the multi-sport court at Sunny 95 park are limited to use up to 9:30 p.m.
- (b) All other park lighting systems for active areas such as ball diamonds and courts shall only be used within the designated park hours.
- (15) No person shall feed, cause to be fed or provide food for any wildlife on any public property within the boundaries of the city. Exceptions to this will only be granted through city, state and/or federal permitting processes.
- (a) Signs shall be conspicuously posted to notify individuals that feeding of waterfowl is prohibited on public property within the city.
- (b) The absence of a sign shall not be an indication that the no feeding of waterfowl policy does not apply to a particular water source.
- (c) Defacing, tampering, moving, or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.
- (16) No person in a park shall engage in the activities of swimming, wading, boating and/or ice skating in areas or at times which have not been set aside for these purposes by appropriate signage.
- (a) Signs shall be conspicuously posted to notify individuals that these activities are prohibited on public property within the city.
- (b) The absence of a sign shall not be an indication that these activities do not apply to a particular water source.
- (c) Defacing, tampering, moving or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.
- (17) *Regulations regarding animals.*
- (a) No person in a park shall hunt, capture, take, trap or in any other way abuse, molest, injure, pursue or destroy any animal without the permission of the director other than by fishing.
- (b) No person shall release any domesticated or exotic fish or animals in any park.
- (c) All persons using a park must comply with C.O. § 519.02 (animals at large and animals causing physical harm).
- (18) Fishing on a catch-and-release only basis is permitted within the City of Upper Arlington. After capture, all fish must be unhooked and returned to the water unharmed. No person shall take or carry away or attempt to take or carry away any fish caught in a public body of water within the City of Upper Arlington.
- (a) Signs shall be conspicuously posted to notify individuals that a water source is catch-and-release fishing only and criminal penalties exist for taking or carrying away, or attempting to take or carry away fish from the water source.
- (b) The absence of a sign shall not be an indication that this catch and release policy does not apply to a particular water source.
- (c) Defacing, tampering, moving or damaging such signs shall constitute a violation of this chapter in addition to any other penalties that may apply regarding the defacement of public property.
- (d) No person in a park shall fish in public park waters in violation of any sign or signs prohibiting fishing or a manner thereof.
- (19) Smoking and the use of any smoking, vaping, or e-cigarette materials or devices within any areas of any parkette, public park, playground, or open space areas is prohibited.
- (20) Any wheeled transportation in parks must abide by the following:
- (a) Obey city laws and requirements

(b) Operate in a safe manner per manufacturer's requirements

(c) Travel only on paved areas

(d) Use on natural trails and in natural areas is prohibited

(e) Speed limit of 10 miles per hour

(f) Must yield to pedestrians

(g) Walk through crowded areas and over park bridges

(h) Use lights before dawn or after dusk

(i) All motorcycles, including e-dirt bikes, are prohibited

(B) (1) Except as provided in subsections (B)(2) and (B)(3), whoever violates this section is guilty of violating park rules and regulations, a minor misdemeanor.

(2) If the offender has previously been convicted of a violation of this section, violating park rules is a misdemeanor of the fourth degree.

(3) If a violation of this section constitutes a higher classification of offense under another section of the general offenses code or under a state or federal statute, then the offender may also be prosecuted for said section of the general offense code or state or federal statute. It is the intent of this section that the offender be subject to the full range of penalties provided by said section of the general offense code or state or federal statute.

**SECTION 5.** This ordinance shall take effect 30 days after passage.

# E-Mobility Device Safety in Upper Arlington

Version as of June 4, 2026

For June 8, 2026 Upper Arlington City Council meeting



# Agenda

- Define the issue
- Elements of a Successful Safety Effort
- Current State
- Proposed New System
- Strengths and Weaknesses
- What we heard from the community
- Next Steps



# Bottom Line Up Front

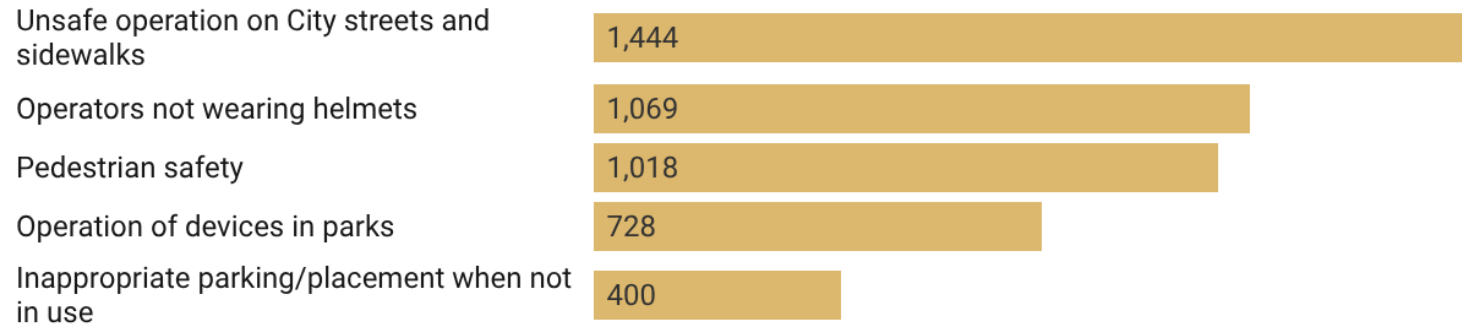
City staff recommends implementing an e-mobility device registration system, coupled with an education requirement for operators without a driver's license and changes to our park rules. We believe this program fills a critical gap in the safety system for these devices and is the most workable solution that we have identified.



# Defining the issue

## What kinds of problems?

### Concerns About Both Riders and Pedestrians



1,626 people responded to this question. More than one answer was allowed.

Source: City of Upper Arlington, May 2026 • Created with Datawrapper

## What kinds of devices?

- Transportation devices with a motor that don't require a license plate.
- Low-speed assistive devices intended for someone with a mobility challenge are exempt



# Elements of a successful safety effort

- Easy to understand
  - Overall principles
  - Specifics and technicalities
- Easy to enforce
  - Limited ambiguity
  - Easily demonstrated standards
  - Ease of observation
- Low barrier to comply
- A penalty that is higher than the barriers to compliance
- Easy for the target audience to see the self-interest in compliance



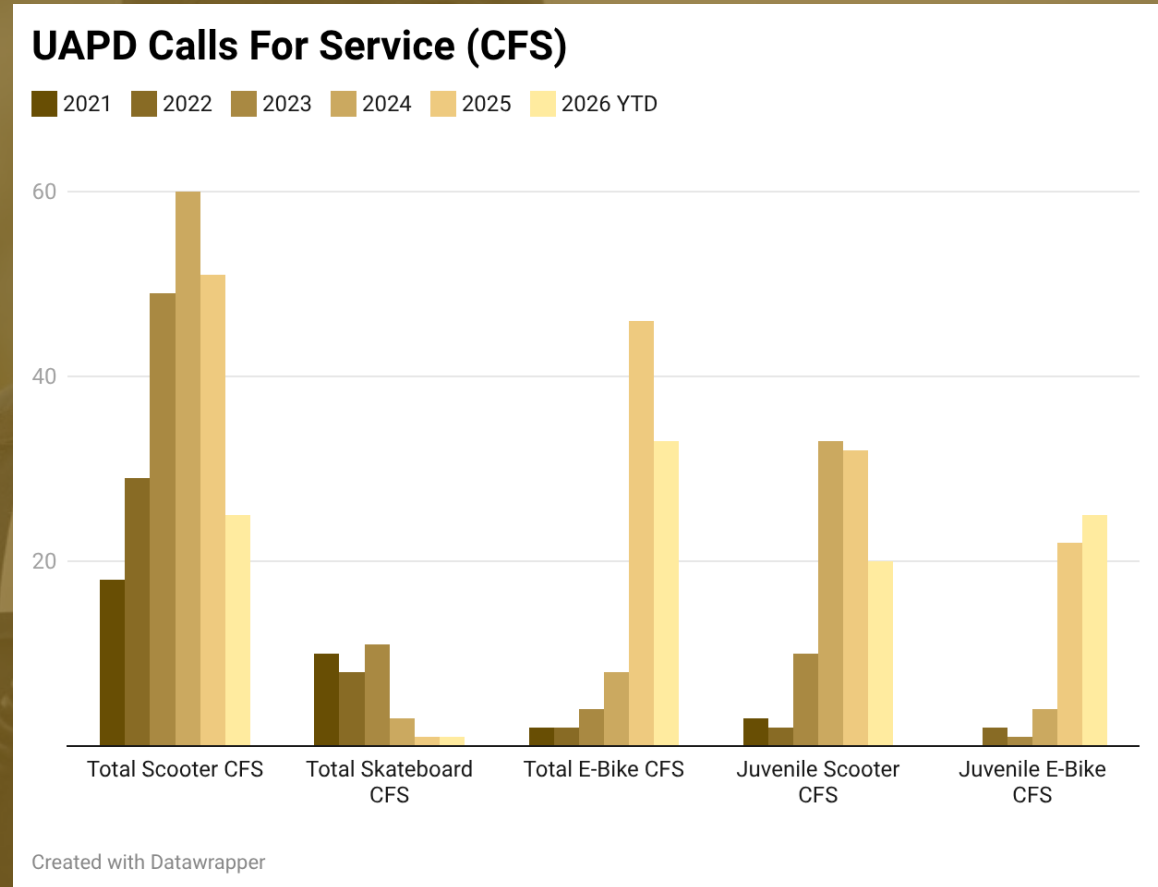
# The current state

- The following things are currently illegal in UA:
  - Operating Class 3 devices underage and without a helmet
  - Riding an e-motorcycle without license and registration
  - Riding more than 2 abreast
  - Riding double
  - Riding the wrong way on a street.
  - Running stop signs
  - Weaving in the road
  - Any other violations of the federal, state or city traffic laws
- The following things are NOT currently illegal in UA:
  - Riding without a helmet
  - Riding on the sidewalk (except in a business district)
  - Riding in a park
  - Riding 2 abreast
  - There is no minimum age for riding a motorized device



# Enforcement

- Typically, UAPD has 4-6 officers assigned to patrol at all times.
  - 10 square miles
  - 166 miles of roads
  - 183 acres of park land
  - 10 public schools, 3 private schools
  - Multiple shopping centers
- Most people stop illegal or unsafe behavior when they see a police officer or a patrol vehicle.
- We cannot use unmarked vehicles for traffic enforcement
- UAPD officers know to stop anyone they see operating any e-device device unsafely
- Enforcement of moving violations can lead to more unsafe behavior (running from police)



# The new system

## The Theory

- UA's legal framework already prohibits most of the unsafe behavior we see
- Kids under 16 have not had any education on the rules of the road since Safety Town
- Rules for Parks need clarified
- Ensure everyone operating a device knows the rules of the road
- Simplify enforcement for UAPD
- Easy compliance with appropriate penalties



# Program Specifics - Registration

- **If you have a driver's license**
  - Supply a copy of driver's license
  - Sign an affidavit that only individuals with a valid driver's license will operate the device
  - Put the sticker on your device
- **If you do not have a driver's license**
  - Take a class taught by UAPD
  - If you are under 18, a parent must sign an acknowledgement of financial responsibility and appropriate laws.
  - Put a sticker on your device
  - Put a helmet on your head



# Program Specifics - Enforcement

- Devices without a registration sticker may be immobilized (locked in place with a UAPD lock) or seized.
  - Release of the device will require the device to be properly registered.
  - Unregistered motorcycles will be towed.
- If someone without a driver's license operates a device with a "licensed" sticker, the device will be immobilized or seized.
- Devices parked on City, UA Public Library, or UA City School District property may be immobilized if they do not have the appropriate sticker or the operator cannot produce a valid driver's license.
- All laws for safe operation still apply.
- Repeat violations are subject to a \$150 fine.



# Program Specifics - Helmets

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- Anyone under 18 operating an e-mobility device must wear a helmet.
- The same penalties (immobilization, seizure and fine) apply to failure to wear a helmet.



# Program Specifics - Parks Rule Changes

Wheeled transportation in Parks must:

- Be registered and operate only when parks are open
- Travel only on paved areas
- Stay under 10 mph
- Yield to pedestrians
- Walk through crowded areas and over bridges
- Use lights after dusk and before dawn



# Universal Registration

## Strengths

- Does not rely on age assessment in the field.
- Ensures universal safety education

## Weaknesses and Questions

- Imposes a burden on law-abiding adult riders
- Requires affixing a sticker that owners may find unappealing.
- Need to include exceptions for assistive devices.
- What about non-residents?



# Required education for unlicensed operators

## Strengths

- Ensures that everyone knows the rules of the road
- Mechanism in place to deliver the training through partnership with schools and library

## Weaknesses

- May not successfully change behavior



# Parking restrictions

## Strengths

- Helps avoid safety hazard of kids fleeing police
- Allows police to actively enforce on larger numbers of devices and operators
- Protects officers by not needing to lift/transport devices

## Weaknesses

- Could push parking to private property



# Helmets

## Strengths

- Requires a widely accepted, proven safety device for minors
- Does not impose a burden on adults

## Weaknesses

- Removes some personal choice
- Does not cover adults on a key safety strategy.



# Community Feedback

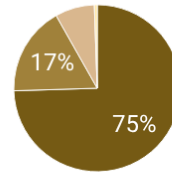
Whether you have an e-bike or e-scooter in your household has a large impact on whether you think that they are a “significant” or “moderate” safety concern.

Non-residents make up 22.4% of the people who don’t think this is an issue. Non-residents make up 7.6% of survey respondents.

## Respondents Are Worried About e-Mobility Devices

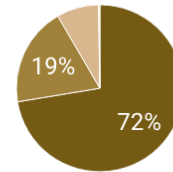
All Respondents

■ It's a significant safety concern 
 ■ It's a moderate safety concern 
 ■ It's not an issue 
 ■ Unsure



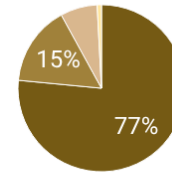
**All**

Total:  
1,636



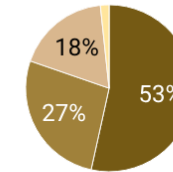
**Parents**

Total:  
797



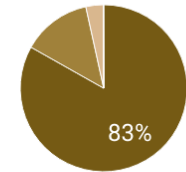
**Non-Parents**

Total:  
839



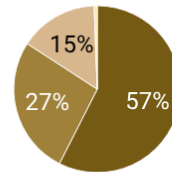
**With Devices**

Total:  
477



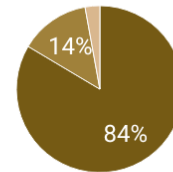
**Without Devices**

Total:  
1,159



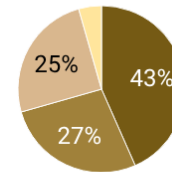
**Parents with Devices**

Total:  
341



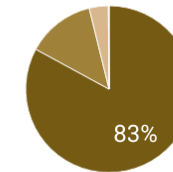
**Parents without Devices**

Total:  
456



**Non-Parents with Devices**

Total:  
136



**Non-Parents without Devices**

Total:  
703

Source: City of Upper Arlington May 2026 Survey • Created with Datawrapper

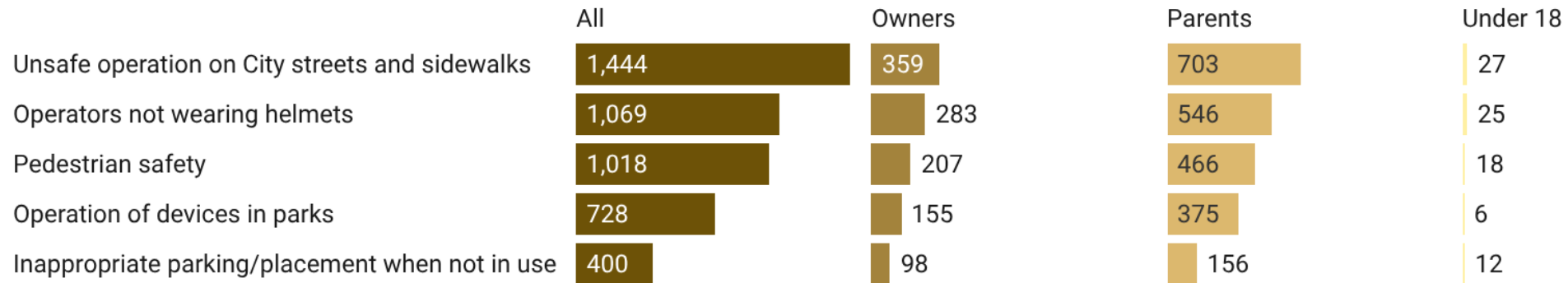


# Consistent areas of concern

Surprising consistency across demographics on the areas of concern with a few items of note:

- Owners of devices reported less concern about pedestrian and park safety than others.
- Respondents under 18 reported relatively high concerns about riders without helmets.

## Consistent concerns about both riders and pedestrians



1,626 respondents included at least one concern

Source: City of Upper Arlington, May 2026 • Created with Datawrapper



# Where you stand depends on what you own

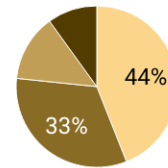
People without an e-mobility device were 45% more likely to like the device registration as proposed.

Nonetheless, 77 percent overall, and at least 50 percent of each of the main groupings, support the framework as proposed or with some adjustments.

## Ownership Impacts Opinion, To A Degree

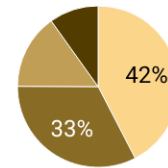
All Survey Respondents

■ I like it as proposed   
 ■ I like it, but it needs some adjustments to be most effective   
 ■ I don't like it   
 ■ I'm not sure, I would need to know more



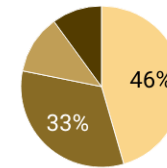
**All**

Total:  
1,618



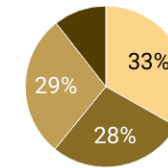
**Parents**

Total:  
790



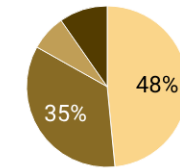
**Non-Parents**

Total:  
828



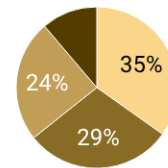
**With Devices**

Total:  
473



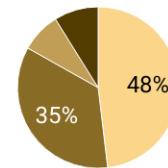
**Without Devices**

Total:  
1,145



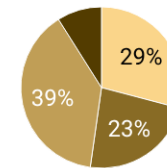
**Parents with Devices**

Total:  
339



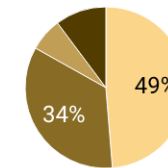
**Parents without Devices**

Total:  
451



**Non-Parents with Devices**

Total:  
134



**Non-Parents without Devices**

Total:  
694

Source: City of Upper Arlington May 2026 Survey • Created with Datawrapper



# Ideas for Improvement from the Survey

## Ideas

1. Universal helmet requirement
2. Require lights
3. Minimum age/Parental supervision requirement
4. Sidewalk speed limit
5. Sidewalk ban
6. Park ban
7. Ban riding after dark
8. Full ban
9. More police staffing

## Standards for evaluation

- Can police enforce without making assumptions?
- Probability of compliance
- Potential for positive impact
- Law of unintended consequences
- Financial cost



# Next Steps

- First Reading - June 8
- School Board Presentation - June 9
- Second Reading - June 15
- Development and analysis of proposed changes - July
- 3<sup>rd</sup> Reading and Review proposed amendments, if needed - August 17
- 4<sup>th</sup> Reading and Vote - August 25
- Education and registration begins in 4<sup>th</sup> quarter
- Requirements are effective January 1, 2027





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

**Council Meeting Date:** June 8, 2026

**Subject/Legislative Item:** Ordinance No. 28-2026 - To Authorize the City Manager to Enter into Contract with Double Z Construction for Construction-related Services for the 2026 Hydrant Replacement Project

**Purpose:** To Maintain and Improve the Water and Roadway System

**Executive Summary:** Legislation authorizes the City Manager to enter into a contract with Double Z Construction for construction related services for the 2026 Hydrant Replacement project

**Purpose and Impact**

This is an ordinance authorizing the City Manager to enter into contract with Double Z Construction in the amount of \$248,050.00 for the 2026 Hydrant Replacement Construction project. On Monday, May 27th, 2026, the City received bids for the project from two (2) contractors. The results are summarized below:

<b>Contractor</b>	<b>Base Bid</b>
Double Z Construction	\$225,500
John Eramo & Sons	\$236,120
Engineer's Estimate	\$204,000

\*The construction budget is \$205,000 plus 10% contingency totaling \$225,500

Double Z Construction submitted the lowest and best bid of \$225,500. With a 10% contingency, the total contract amount is \$248,050, which is over the budgeted amount by \$22,550. Staff recommends that the contract be awarded to Double Z Construction.

This contract is budgeted in the Water Surcharge Fund, which has the necessary funds to cover the overage. Any required changes to appropriations as a result of this overage will be evaluated and proposed with the mid-year budget adjustments.



## History

The Hydrant Replacement Project was added to the Capital Improvement Program (CIP) budget in 2024 after the City was notified that the Kennedy Valve Company, the producer of the Kennedy branded hydrant, would no longer be producing repair parts for certain styles of Kennedy hydrants. Comparing these styles of hydrants to our inventory, staff identified 952 hydrants whose repair parts have been discontinued. The Annual Hydrant Replacement Project was created to start the slow process of replacing these hydrants.

At the outset of each year, the Engineering Division coordinates with the Public Works and Fire divisions to compile a list of all Kennedy hydrants which are currently out of service. After accounting for out-of-service hydrants, staff starts at the south end of the City and includes as many additional Kennedy hydrants as can be fit in the remaining project budget. This approach allows us to address those that are out of service while also giving the contractor a number of hydrants in the same geographic area to increase efficiency. Any hydrant that is replaced will have its usable parts removed to continue repairs on our remaining Kennedy hydrants. This project will be coordinated with our annual waterline replacement projects to ensure there is no duplication of work.

This project is part of the 2026 CIP. More information on the overall 2026 CIP can be found on the [Capital Improvement Program Story Map](#).

## 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 delay the replacement of our Kennedy hydrants and strain our existing replacement parts inventory.

## Attachments

1.	Ordinance No. 28-2026
----	-----------------------



# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## ORDINANCE NO. 28-2026

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### TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH DOUBLE Z CONSTRUCTION FOR CONSTRUCTION-RELATED SERVICES FOR THE 2026 HYDRANT REPLACEMENT PROJECT

**WHEREAS,** the City was notified that repair parts for certain Kennedy-brand fire hydrants are no longer being manufactured, and staff identified approximately 952 hydrants within the city affected by the discontinuation of those parts; and

**WHEREAS,** the City established an annual hydrant replacement program to systematically replace affected hydrants, prioritize those that are out of service, salvage usable parts for remaining hydrants, and coordinate replacement activities with other water infrastructure projects to improve efficiency and avoid duplication of work; and

**WHEREAS,** on May 27, 2026, the City received two bids for the 2026 Hydrant Replacement Project, with Double Z Construction submitting the lowest and best bid of \$225,500; and

**WHEREAS,** the 2026 Hydrant Replacement Project is included in the 2026 Capital Improvement Program (CIP); and

**WHEREAS,** it is recommended to proceed with awarding the contract to Double Z Construction as the lowest and best bid, including a 10-percent contingency.

**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 \$248,050, which includes a 10-percent contingency, for construction-related services for the 2026 Hydrant 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:** Katy Rees, Performance Analyst  
Gary Wilfong, P.E., Public Service Director

**Council Meeting Date:** June 8, 2026

**Subject/Legislative Item:** Ordinance No. 29-2026 - To Authorize the City Manager to Enter into a Lease Agreement with Solid Waste Authority of Central Ohio (SWACO) for Continued Operation of a Yard Waste Composting Facility on Roberts Road

**Purpose:** To continue the City of Upper Arlington's partnership with the Solid Waste Authority of Central Ohio in its yard waste program.

**Executive Summary:** This legislation approves a ground lease between the City and the Solid Waste Authority of Central Ohio at Roberts Road site.

---

### **Purpose and Impact**

This legislation approves the ground lease agreement with Solid Waste Authority of Central Ohio (SWACO) for the Roberts Road yard waste facility. The yard waste site will be managed by Ohio Mulch, SWACO's selected contractor. The operation of the Roberts Road yard waste facility will continue to provide free and convenient yard waste and leaf collection drop-off to the City of Upper Arlington and all surrounding communities.

The ground lease between City of Upper Arlington and SWACO will have several direct benefits to the City of Upper Arlington including site/land utilization improvements, on-site food waste processing opportunities and the creation of a Recycling Convenience Center – a year-round, residential drop-off site for hard-to-recycle items like Styrofoam, electronic waste, batteries, and appliances. SWACO has committed to these improvements in lieu of paying rent for the site.

### **History**

SWACO supports various waste diversion programs throughout Franklin County, including yard waste processing, which is available to all Franklin County communities. SWACO's yard waste program allows Franklin County residents and municipal contractors to dump residential yard waste at designated processing sites free of charge; SWACO contracts with qualified processors to manage these sites.

Since 1998, SWACO has leased the City of Upper Arlington owned land located at 4120 Roberts Road for yard waste composting activities. This lease did not require rent payment from SWACO for use of the land. During that time, SWACO subleased the land to its



contracted yard waste processor, Ohio Mulch. In November 2025, SWACO released a request for proposals for qualified contractors to accept and process yard waste material for the yard waste program. This RFP included management of various sites across Franklin County, including the Roberts Road site. Ohio Mulch was the contractor selected through the competitive bid process.

**Alternatives**

Council has the option to disapprove the plan. This would eliminate the operation of the yard waste facility not only for Upper Arlington residents, but other Franklin County residents as well.

**Attachments**

1.	Ordinance No. 29-2026
----	-----------------------



# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

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## ORDINANCE NO. 29-2026

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### TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH SOLID WASTE AUTHORITY OF CENTRAL OHIO (SWACO) FOR CONTINUED OPERATION OF A YARD WASTE COMPOSTING FACILITY ON ROBERTS ROAD

**WHEREAS,** the City of Upper Arlington and the Solid Waste Authority of Central Ohio (SWACO) entered into a lease agreement in 1998 for the use of approximately 7.6 acres of City-owned property on Roberts Road for the operation of a yard waste composting facility; and

**WHEREAS,** SWACO administers a countywide yard waste diversion program that provides Franklin County residents and municipal contractors with free yard waste disposal services and has selected Ohio Mulch through a competitive procurement process to continue managing the Roberts Road facility; and

**WHEREAS,** all renewal options under the existing lease agreement have been exhausted, and it is necessary for the parties to enter into a new lease agreement to continue operation of the facility; and

**WHEREAS,** the continued operation of the Roberts Road facility will provide convenient yard waste and leaf disposal services for Upper Arlington residents and surrounding communities; and

**WHEREAS,** under the proposed ground lease, which will expire on December 31, 2035, SWACO has committed to providing site improvements, opportunities for on-site food waste processing, and the creation of a Recycling Convenience Center in lieu of rental payments, all of which will provide public benefit to the city.

**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 lease agreement with Solid Waste Authority of Central Ohio (SWACO) for the use of City-owned property located at 4120 Roberts Road for yard waste processing and related waste diversion activities.

**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.



**Authors:** Darren Shulman, City Attorney

**Council Meeting Date:** June 8, 2026

**Subject/Legislative Item:** Ordinance No. 21-2026 - To Amend Various Sections of Part 1 - Administrative Code, Part 4 - Schedule of Fees, and Part 13 - Building Code, of the Upper Arlington Code of Ordinances

*This item is scheduled for a maximum 45-minute discussion.*

**Purpose:**

The purpose of this legislation is to amend and modernize the City's Administrative Code to improve clarity, eliminate outdated or duplicative provisions, align the code with current practices and state law, and enhance operational efficiency.

**Executive Summary:**

This update reflects a systematic review of the administrative code, as well as selections in other areas, to remove redundancies, simplify language, and ensure consistency with administrative practices.

Revisions include fixing inconsistencies in campaign finance language, adjusting authority levels to reflect inflation, updates to penalties, and removing unnecessary language.

---

**Purpose and Impact**

This update is intended to create a more user-friendly, legally sound, and administratively efficient code. The primary impacts include:

- **Improved Clarity and Usability:** Simplifying legal language and removing duplicative provisions makes the code easier for staff, Council, and the public to interpret and apply.
- **Consistency with State Law and Best Practices:** Updates to campaign finance, compensation, and employee conduct ensure alignment with state requirements and ethical standards.
- **Operational Efficiency:** Increasing financial thresholds (e.g., settlement authority and in-kind contracting limits) to reflect inflation since the last time the code was updated.



- **Modern Governance Practices:** Greater flexibility in council meeting scheduling and the allowance of remote meetings for certain boards improves accessibility and adaptability.
- **Organizational Alignment:** Departmental restructuring and board consolidations better reflect how the City currently operates.
- **Risk Reduction:** Eliminating potentially problematic provisions (e.g., gratuities for officiating weddings) reduces legal and ethical risk.

## History

At the 2025 City Council Retreat, a comprehensive update to the City Code was identified as a Council priority. On October 13, 2025, the City Attorney presented a project update outlining the proposed strategy for Council review and adoption. The first phase of this project—focused on the Personnel Code—was adopted on December 15, 2025. The remaining Administrative Code sections are included in this phase for Council consideration.

The Administrative Code has evolved over time through incremental amendments, resulting in some inconsistencies, redundancies, and outdated provisions.

Additionally, some code sections have not been reviewed in many years, leading to discrepancies between the code and current practice.

This effort represents a comprehensive review to reconcile those inconsistencies, codify current practices, and make the code easier to read and apply.

Changes from the May 4, 2026, meeting included in current draft:

- 101.99 - changes incorporated to keep option of jail sentence
- 105.03 - changes incorporated to clarify the \$100 cash restriction and add language regarding "person, corporation, or organization" to restriction
- 105.04 - changes incorporated to prohibit public resources from being used for partisan political activity and in support of a candidate
- 111.02 - incorporated new language suggested by Council to permit holding meetings either virtually or at a different location in an emergency
- 111.03 - changes suggested by Council incorporated, including striking date reference, changing "within" to "in" and rewording effective date language

**Changes from the May 11, 2026, meeting included in current draft:**

- replaced "his" with "his/her" in six locations
- removed change to 131.05
- provided a list of potential amendments based on Council discussion around the financial contributions (105.03), political activity (105.04), and marriages (135.01)

## Alternatives



Council may consider the following alternatives:

**1. Adopt the legislation as proposed**

This approach implements all recommended updates and provides the most comprehensive modernization of the Administrative Code.

**2. Adopt with modifications**

Council may choose to revise or exclude specific provisions, particularly those identified as policy considerations.

*Staff recommends that discussion begin with the first section identified for revision and proceed sequentially through the remaining sections to ensure an efficient review process. Council can set this for as many readings as it needs to review the language.*

*Given the volume of changes, any changes discussed and agreed to by Council during discussion will be incorporated into the draft for the next meeting. Suggested edits are also requested between readings to give staff time to review, draft, and include them in the packet for discussion.*

**3. Take no action**

**Attachments**

1.	Code Change List 5.11.26v
2.	Code Change Summary
3.	Proposed Amendments 6.1.26
4.	Ordinance No. 21-2026
5.	Exhibit A - Draft Code Changes WORKING COPY Part_1___ADMINISTRATIVE_CODE - CODE CLEANUP 6.1.26v



## List of Proposed Code Changes by Section

### **PART 1 – ADMINISTRATIVE CODE**

- § 101.03 INTERPRETATION.
- § 101.99 GENERAL PENALTY.
- § 105.01 DEFINITIONS.
- § 105.03 FINANCIAL CONTRIBUTION.
- § 105.04 POLITICAL ACTIVITY.
- § 111.01 REGULAR MEETINGS.
- § 111.02 PLACE OF MEETINGS.
- § 111.03 COUNCIL SALARIES.
- § 111.04 PRESIDENT AND VICE PRESIDENT OF COUNCIL'S SALARY. (STRIKE)
- § 113.01 PUBLICATION.
- § 131.02 MANAGEMENT OF PUBLIC WORKS, RECORDS.
- ~~§ 131.05 CITY PERMITS FOR ALCOHOL ON PUBLIC PROPERTY.~~
- § 131.09 ASSISTANT CITY MANAGER. (RESERVE)
- § 131.11 SETTLEMENT OF CLAIMS.
- § 131.14 CONTRACTS INVOLVING CITY SERVICES OR EQUIPMENT.
- § 133.02 POWERS AND DUTIES.
- § 133.03 DEPUTY CITY CLERK (STRIKE)
- § 135.01 MARRIAGES.
- § 137.01 ESTABLISHMENT. (RESERVE)
- § 137.04 CAPITAL EQUIPMENT FUND.
- § 137.05 EMPLOYEE BENEFIT FUND.
- § 137.06 SANITARY SEWER SURCHARGE FUND.

§ 137.07 WATER SURCHARGE FUND.

§ 137.08 CENTRALIZED BILLING FUND. (RESERVE)

§ 137.09 STATE ISSUE TWO IMPROVEMENT FUND (RESERVE)

§ 137.10 INFRASTRUCTURE IMPROVEMENT FUND.

§ 137.12 ESTATE TAX CAPITAL PROJECT FUND. (RESERVE)

§ 137.13 TECHNOLOGY FUND.

§ 139.03 ASSISTANT CITY ATTORNEY. (RESERVE)

§ 139.05 SUPPORT EMPLOYEES TO THE CITY ATTORNEY. (RESERVE)

§ 139.06 SPECIAL COUNSEL AND CONSULTANTS.

CHAPTER 141. ENGINEERING DIVISION (RESERVE)

§ 141.01 ENGINEERING DIVISION (STRIKE)

§ 141.02 CITY ENGINEER (STRIKE)

§ 141.03 RESERVED (STRIKE)

§ 143.07 SPECIAL OR PRIVATE POLICE OFFICERS, BOND AND FEE. (RESERVE)

§ 145.04 ENGINEERING DIVISION (NEW)

§ 145.05 CITY ENGINEER (NEW)

CHAPTER 146. BOARD AND COMMISSION MEETINGS (NEW)

§ 146.01 MEETING BY MEANS OF VIDEO CONFERENCE OR OTHER SIMILAR ELECTRONIC TECHNOLOGY.

§ 149.01 CIVIL SERVICE COMMISSION; APPOINTMENT, TERM, REMOVAL.

§ 149.04 RULES.

§ 149.05 PROBATIONARY APPOINTMENTS.

§ 149.07 EXAMINATIONS. (RESERVE)

§ 149.13 POLITICAL ACTIVITY.

§ 149.99 PENALTY.

§ 151.03 ORGANIZATION AND PROCEDURE.

§ 151.04 DUTIES.

§ 152.02 ESTABLISHMENT AND MEMBERSHIP.

§ 152.05 ARTS MANAGER. (RESERVE)

§ 153.02 USE OF MUNICIPAL TENNIS COURTS.

§ 157.03 ORGANIZATION AND PROCEDURES.

§ 157.04 POWERS AND DUTIES.

§ 173.01 MAYOR'S COURT DIVERSION PROGRAM.

§ 173.03 PASSING BAD CHECK PROGRAM. (RESERVE)

§ 173.05 TRAFFIC DIVERSION PROGRAM.

§ 173.08 DOMESTIC VIOLENCE DIVERSION PROGRAM. (STRIKE)

#### **PART 4 – SCHEDULE OF FEES**

§ 401.03 FEE PROVISIONS.

#### **PART 13 – BUILDING CODE**

§ 1305.08 GENERAL REQUIREMENTS.

#### CHAPTER 1306. BOARD OF BUILDING STANDARDS

§ 1306.01 COMPOSITION AND MEMBERSHIP

§ 1306.02 TERM OF OFFICE. (RESERVE)

§ 1306.03 ORGANIZATION AND APPEALS PROCEDURE.

§ 1306.04 QUORUM. (RESERVE)

§ 1306.05 DUTIES. (RESERVE)

§ 1306.06 APPLICATION AND FILING FEE FOR BOARD OF BUILDING  
STANDARDS.

§ 1306.07 APPEAL FROM DECISION OF THE BOARD OF STANDARDS.

## Code Change Summary

### General changes:

- Obvious/duplicative sections: Examples are giving authority to hire positions with council authorization. The Council authorization is enough – budget/org chart. Also, charter creates finance director, so don't need code section saying same thing.
- Make it clear mayor and president of council are the same person and can be used interchangeably (code refers to both at different times)
- Reduce legalese – Instead of saying “That a surcharge be added” now says “A surcharge shall be added”

### Compensation:

- Move president and vice president salary under the Council Salaries section to make it easier to find – all salaries are now in the same place
- Add language that legislation increasing salary or compensation can't take effect until that seat has had an election (reelection or new member). I believe this is consistent with state law and is best practice. If don't want to stagger, could also say any change takes effect 4 years later, which would ensure every seat has come up by then.
- Remove language allowing mayor to accept money “gratuitously' given” to perform a marriage. I think this language potentially runs afoul of ethics laws. In interest of caution, I would either set a price and have the money go to the member (which would be included as part of their compensation) or go to a fund (I haven't talked to Brent about how this would work so if Council wants to do this, we can come up with a proposal). In Delaware we had a mayor's fund that funded employee recognition and things like flowers when someone passed away.

### Campaign Finance and Political Activity

- Clean up conflicting language on donation limit by removing \$150 limit and keeping the \$250
- Remove conflicting language about signing petitions, which will default to state law
- Clarify that employees in civil service have to follow state law as well as our code

### Criminal code:

- The general penalty, which refers to cases where there is no penalty listed, has been changed from fifty dollars to one thousand dollars
- Delete passing bad checks program – use criminal diversion and people don't write checks as often
- Delete domestic violence prevention program – I don't believe that is appropriate
- Clarify fee for traffic diversion program to align with current practice (\$225 plus court costs for dismissal, which is cheaper than if the person is guilty)

#### **Council Meetings:**

- The regular meetings of the city council will now be held on designated Mondays, with the time and date provided pursuant to the Ohio Open Meetings. Current practice is that Council votes by resolution to approve the schedule of meetings.
- Meetings can be held at alternative locations with at least four days' notice
- This is more flexible than current language which states meetings are held on the second and 4<sup>th</sup> Monday, which is a vestige of the old meeting/conference session cadence and is too rigid

#### **City Manager's Authority:**

- The city manager's authority to settle claims on behalf of the city has been increased from thirty thousand dollars to fifty thousand dollars
- Limit was last set in 2009. According to US CPI inflation calculator, 30k in 2009 equals \$45500 today.
- Similar change to contracting for in kind services. Raised to the same 50k (which is lower than procurement threshold so that can be adjusted).

#### **Public Safety Department:**

- Not touched

#### **Engineering moved under Public Service**

- Used to be its own section, but is also currently referenced as being part of public service

#### **Finance:**

- Delete funds that aren't used

## **Boards and Commissions**

- Moved Board of Building Standard duties to BZAP (codifying resolution earlier)
- Corresponding revision to eliminate Board of Building Standards
- Cleanup

## **Alcohol on City Property:**

- Cleanup inconsistent language regarding awarding permits to other governmental entities and non-profits

## **Schedule of fees:**

- If you do work without a permit, increases penalty from double to quadruple fee

## **Chapter 1305:**

Cleanup 1305.08 – Delete reference to 1305.07(K) - a section that does not exist

## **Chapter 1306 Board of Building Appeals:**

- Complete conversion of this body to BZAP (currently done by a standalone ordinance)

## **Remote Meetings:**

Allowed for non-BZAP boards and commissions

## **Not Touched:**

Personnel Code – changes brought last year

143: Department of Public Safety (one excess section deleted)

147: Department of Health

160: Community Relations Committee – made changes in 2025 per annual review/renewal

175: Community Development Department

## **Items under consideration:**

- Looking into whether we need the Local Law Enforcement Block Grant Fund

## Proposed Amendments

### **Amendment 1:**

For “§ 105.03 FINANCIAL CONTRIBUTION.”

Amend dollar figure in sections (D) and (E) from \$250 to \$400

### **Amendment 2:**

For “§ 105.03 FINANCIAL CONTRIBUTION.”

Add language making the effective date of the changes in Amendment 1 after the 2029 City Council election.

### **Amendment 3:**

For “§ 105.04 POLITICAL ACTIVITY.”

Amend (A) to read as follows: No council member or candidate for council in the City of Upper Arlington shall solicit any employee, including council appointed employees, to take any part in securing the nomination or election of any candidate for council in the City of Upper Arlington.

### **Amendment 4:**

For “§ 135.01 MARRIAGES.”

The city may establish a fee for providing the service based on the actual cost to the city. Any such fee shall be included in the city’s Master List of Fees.

# RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON  
STATE OF OHIO

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## ORDINANCE NO. 21-2026

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### TO AMEND VARIOUS SECTIONS OF PART 1 - ADMINISTRATIVE CODE, PART 4 - SCHEDULE OF FEES, AND PART 13 - BUILDING CODE, OF THE UPPER ARLINGTON CODE OF ORDINANCES

**WHEREAS,** City Council identified a comprehensive review of the City Code as a priority during the 2025 Council Retreat; and

**WHEREAS,** on October 13, 2025, the City Attorney presented a project update outlining a phased approach for Council review and adoption of code revisions; and

**WHEREAS,** the first phase of this effort, focused on the Personnel Code, was adopted on December 15, 2025; and

**WHEREAS,** the Administrative Code, as well as portions of the Schedule of Fees and Building Code, have been reviewed and revised to improve clarity, modernize procedures, and align with current City operations.

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

**SECTION 1.** Various sections of Part 1 – Administrative Code, Part 4 – Schedule of Fees, and Part 13 – Building Code, of the Upper Arlington Code of Ordinances are hereby amended and updated as described in Exhibit A (attached hereto and incorporated herein).

**SECTION 2.** This ordinance shall take effect 30 days after passage.

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## Part 1

# ADMINISTRATIVE CODE

### § 101.03 INTERPRETATION.

In the construction of the Codified Ordinances, the following rules shall control, excepting those inconsistent with the manifest intent of council as disclosed in a particular provision, section or Code:

*Calendar-Computation of time:* The terms month and year shall mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day except if the last be Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.

*City and municipality:* The words city and municipality shall mean the City of Upper Arlington, Ohio.

*City Hall:* The term City Hall shall mean the public building located at 3600 Tremont Road in the City of Upper Arlington, Ohio.

*Conjunctions:* And shall include or and or shall include and, if the sense so requires.

*Council:* Council means the Council of Upper Arlington, Ohio.

*Fire division:* The term fire division or fire department shall mean the fire division of the department of public safety of the city.

*Gender:* Words importing the masculine shall extend and be applied to the female and neuter genders.

*General rule:* Excepting as otherwise provided in this section words and phrases shall be construed according to the common usage of language; provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law, shall be construed according to such technical or special meaning.

Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate unless contrary to law or to the clear intent of any such particular provision.

*Joint authority:* words giving authority to a board, commission or to three (3) or more municipal officers or employees or other persons shall be construed as giving authority to a majority thereof unless otherwise specifically provided.

Mayor: The titles mayor and president of council refer to the same office and can be used interchangeably.

*Municipal building/Municipal Services Center:* The terms municipal building and Municipal Services Center shall mean the public building located at 3600 Tremont Road in the City of Upper Arlington, Ohio.

*Number:* Words in the plural shall include the singular. Words in the singular and in the singular shall include the plural number.

*Owner:* The word owner when applied to property, shall include any part owner, joint owner or tenant in common, of the whole or any part of such property.

*Person:* The word person shall extend to and be applied to associations, clubs, corporations, firms and partnerships, as well as to individuals.

*Police division:* The terms police division or police department shall mean the police division of the department of public safety of the city.

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*Premises:* The word premises when used as applicable to property shall extend to and include land and buildings.

*Public authority:* The term public authority shall extend to and include the board of education of the municipality, the municipality, the county commissioners, the State of Ohio, the United States of America, and any duly authorized public official, board or commission.

*Property:* The word property shall include real and personal, and any mixed and lesser estates or interests therein; the words personal property shall include every kind of property except real property; and the words real property shall include lands, tenements and hereditaments.

~~*Reasonable time:* In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.~~

*Street:* The word street shall be construed to include alleys, avenues, boulevards, lanes, roads, streets and other public ways in the Municipality.

*Tenant or occupant:* The words tenant or occupant as applied to a building or land shall extend and be applied to any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.

*Tenses:* The use of any verb in the present tense shall include the future.

## **§ 101.99 GENERAL PENALTY.**

Whoever in the Codified Ordinances or in any ordinance heretofore or hereafter adopted, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in said Codified Ordinances the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of the Codified Ordinance or of any such ordinance is hereby made a misdemeanor, any violator upon conviction by the court, shall be fined in any amount not exceeding ~~fifty one thousand~~ fifty one thousand dollars (\$~~501000.00~~), or imprisoned not more than thirty (30) days, or both. Each day any violation of any provision of the Codified Ordinances shall continue shall constitute a separate offense.

## **§ 105.01 DEFINITIONS.**

(A) *Contribution:* means any contribution that is required to be reported in the statement of contribution under ORC § 3517.10 and defined under ORC § 3517.01(B)(5).

(B) ~~*In-kind Contribution:* means any contribution that is defined under ORC § 3517.01(B)(16).~~

~~*Personal funds:* means contributions to the campaign committee of a candidate by the candidate or by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.~~

(C) ~~*In-kind Contribution:* means any contribution that is defined under ORC § 3517.01(B)(16).~~ *Personal funds:* means contributions to the campaign committee of a candidate by the candidate or by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.

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### § 105.03 FINANCIAL CONTRIBUTION.

- (A) Solicitation of contributions: No person shall solicit any employee of the City of Upper Arlington, to contribute any money or any articles of value to secure the nomination or election of any candidate for Council in the City of Upper Arlington.
- (B) Contribution by employees: No employee, including council-appointed employees, of the City of Upper Arlington shall make any contribution of money or any articles of value toward the nomination or election of any candidate for Council in the City of Upper Arlington.
- (C) Campaign funds: No candidate for, or member of, the Council of the City of Upper Arlington shall accept any contribution of money or other item of value from any Upper Arlington employee, including council-appointed employees. This provision does not prohibit council members from contributing to other candidates for city council.
- (D) No person ~~or entity, corporation, or organization~~ shall make a contribution or in-kind contribution of more than two hundred and fifty dollars (\$250.00) in a calendar year to any candidate or member of council to be used as campaign funds.
- (E) No candidate or member of council shall accept a cash contribution of more than \$100 or any other contribution in-kind contribution of more than two hundred and fifty dollars (\$250.00) in a calendar year from any person or entity to be used as campaign funds.
- ~~(F) No person, corporation, or organization shall make cash contributions to a candidate for or member of council totaling more than one hundred dollars (\$100.00) to be used as campaign funds in each primary, special, or general election or in a non-election calendar year.~~
- ~~(FG)~~ Subsections (D) and, (E) ~~and (F)~~ shall not apply to a candidate's personal funds as defined by this chapter.
- ~~(GH)~~ The provisions of the laws of the State of Ohio pertaining to elections that are not inconsistent with the provisions of this section shall remain in full force and effect and shall apply in addition to the requirements of this section. In the event of a conflict between the provisions of the laws of the State of Ohio and provisions of this section, the provisions of this section shall control.

### § 105.04 POLITICAL ACTIVITY.

- (A) No employee, including council-appointed employees, shall take any active part in securing the nomination or election of any candidate for council in the City of Upper Arlington.
- (B) No employee, including council-appointed employees, shall use City of Upper Arlington resources or non-public information for the purpose of partisan political activity or in support of or opposition to any candidate for office.
- ~~(C)~~ No employee, supervisor, council-appointed employee, member of council or candidate for council of the City of Upper Arlington shall request any employee or appointed official of the City of Upper Arlington to sign any nominating petition for any candidate for any office, or any petition designed to place any issue upon, the ballot in the City of Upper Arlington.
- ~~(DE)~~ The provisions of this section shall not be construed to prevent any person from:
  - (1) Exercising his/her right to vote upon any item appearing on the ballot in the City of Upper Arlington.
  - (2) ~~Providing access to the electoral process by the signature of any petition designed to provide access for any candidate or issue to the ballot in the City of Upper Arlington.~~
  - ~~(23)~~ Expressing his/her private political views in a private context in such a manner that publication of his/her views does not result.

(34) Responding to factual questions put to him in his/her official capacity in areas of his/her official knowledge or expertise, or to requests for his/her official opinion in those areas wherein he is required to be able to reach an official opinion.

(ED) No person shall do any act that has the effect of precluding or discouraging any employee, officer, etc. from exercising the rights described in C.O. § 105.04(C).

### § 111.01 REGULAR MEETINGS.

The regular meetings of the city council shall be held ~~on at 7:30 p.m. on the second and fourth~~ Mondays of each month designated by Council. The time and date of each meeting shall be provided pursuant to the requirements of the Ohio Open Meetings Act.

### § 111.02 PLACE OF MEETINGS.

- (A) ~~Such m~~Meetings shall be held in the City Hall, 3600 Tremont Road, also known as the Upper Arlington Municipal Services Center, provided that the council may, ~~by a majority vote of the members present and voting at a regular meeting~~ establish an alternative location for a meeting, ~~determine that the next succeeding meeting shall be held in one of the public schools within this city. The City shall provide at least four (4) days n~~Notice days' notice of any meeting to be held elsewhere than at the Municipal Services Center, except for City Hall, in the event of an emergency, as determined by the concurrence of the president and vice-president of council, notice of the alternative meeting location or means shall be provided as soon as practicable. shall be posted in a conspicuous place in the City Hall for at least five (5) days prior to such meeting, and shall be published in the Upper Arlington News or in some newspaper of general circulation in this city at least three (3) days before such meeting.
- (B) ~~Special meetings of the council shall be held in the City Hall, unless a different location is authorized by unanimous consent of all members.~~
- (CB) Nothing in this section shall restrict the council's authority to recess a meeting which has been duly convened, and to resume the same at another location within this city which is open to the public.
- (C) ~~If permitted by Ohio l~~aw, Council may hold meetings by means of video conference or other similar electronic technology.

### § 111.03 COUNCIL SALARIES.

- (A) The salary of each member of council shall be ~~three thousand dollars (\$3,000.00) per annum payable at the rate of two hundred fifty dollars (\$250.00) per month, effective January 10, 2012. The salary shall automatically increase to~~ the minimum monthly salary necessary to qualify for a full month credit of contributing service in the public employee retirement system on the effective date of any increase in the statutory requirement. (Ord. No. 82-2011)
- (B) ~~The salary of the president of council and ex-officio mayor, in addition to council salary, shall be one thousand two hundred dollars (\$1,200.00) per annum, payable at the rate of one hundred dollars (\$100.00) per month (effective January 1, 1990).~~
- (C) ~~The salary of the vice president of council, in addition to council salary, shall be six hundred dollars (\$600.00) per annum, payable at the rate of fifty dollars (\$50.00) per month.~~
- (D) Each council member shall have the option to participate ~~with~~in the city's health care benefits program.
- (E) ~~No~~Any legislation increasing the salary or compensation of a council member ~~shall~~cannot be applied to a council member until the ~~next~~first election for that member's seat following the adoption of the legislation.

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#### **§ 111.04 PRESIDENT AND VICE PRESIDENT OF COUNCIL'S SALARY.**

The salary of the president of council and ex-officio mayor, in addition to council salary, shall be one thousand two hundred dollars (\$1,200.00) per annum, payable at the rate of one hundred dollars (\$100.00) per month (effective January 1, 1990). The salary of the vice president of council, in addition to council salary, shall be six hundred dollars (\$600.00) per annum, payable at the rate of fifty dollars (\$50.00) per month (effective January 1, 1990).

#### **§ 113.01 PUBLICATION.**

All municipal ordinances, resolutions, statements, orders, proclamations, notices and reports required by law or ordinance to be published shall be published by posting copies thereof in a public place in the Municipal Services Center of the City of Upper Arlington for a period of not less than ten (10) days, by posting copies thereof on the city's website, or by publication thereof in any newspaper printed in Ohio and of general circulation in the City of Upper Arlington; provided, however, notices to bidders for the construction of public improvements and notices of the sale of bonds shall be published as provided by Upper Arlington Codified Ordinance or statute.

Pursuant to Section XI of the City Charter, concurrence is required for consideration of subjects not included in the notice of the meeting. For purposes of this requirement, the distribution to council members of the official agenda with any and all ordinances, resolutions, requests, plans or reports attached thereto shall be the official notice of the meeting, provided it occurs at least twenty-four (24) hours prior to the meeting. ~~There is no requirement that this notice be published.~~

#### **§ 131.02 MANAGEMENT OF PUBLIC WORKS, RECORDS.**

The city manager shall manage and supervise all public works and undertakings of the city, except as otherwise provided by law, and shall have all powers and perform all duties conferred upon him/her by law. ~~The city manager shall keep a record of his/her proceedings, a copy of which, certified by him/her, shall be competent evidence in all courts.~~

(Ord. No. 115-2010, 3-16-2011)

#### **§ 131.09 ASSISTANT CITY MANAGER. RESERVED.**

~~The city manager, with the advice and consent of council, may appoint an assistant city manager whose powers and duties shall be prescribed by the city manager.~~

#### **§ 131.11 SETTLEMENT OF CLAIMS.**

The city manager is authorized, upon advice from the city attorney, to settle or compromise on behalf of the city any claim against the city, whether a moral or legal obligation, wherein the amount to be paid in settlement of such claim does not exceed ~~thirty-fifty~~ thousand dollars (~~530,000.00~~), and wherein such settlement is deemed by the city manager to be in the best interest of the city. Settlement of claims against the city in excess of ~~thirty-fifty~~ thousand dollars (~~530,000.00~~) shall be approved by ordinance of city council.

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(Ord. No. 111-2009)

**§ 131.14 CONTRACTS INVOLVING CITY SERVICES OR EQUIPMENT.**

- (A) The city manager may enter into contracts involving the payment of money or providing services, equipment, or other value in-kind to the city in exchange for city services or the loaning of city equipment without council approval provided that
  - (1) The finance ~~and administrator services~~ director determines the payment or provision of services, equipment, or other value in-kind reasonably compensates the city for the services provided or the equipment loaned;
  - (2) The contract requires the other party to be responsible for any damages to the loaned city equipment and is executed in accordance with C.O. § 138.11(B); and
  - (3) The city manager notifies council no later than thirty (30) days after entering into the contract.
- (B) The city manager may enter into contracts with another political subdivision involving the loaning of city equipment in exchange for the borrowing of equipment from the other political subdivision without council approval provided that
  - (1) The department director maintains a log of all equipment loans and annually reviews whether the rental value of equipment borrowed reasonably compensate the city for the rental value of equipment loaned;
  - (2) The contract requires the other political subdivision to be responsible for any damages to the loaned city equipment, permits the city to bill the other political subdivision if the city is not being reasonably compensated, does not involve an expenditure of more than ~~thirty~~ thirty-fifty thousand dollars (~~\$350,000.00~~) by the city, and is executed in accordance with C.O. § 138.11(B).
  - (3) The city manager notifies council no later than thirty (30) days after entering into the contract.
- (C) For purposes of this section, "reasonably compensates" means that the total of the cost of services provided, rental value of equipment loaned, and any expenditure made by the city is approximately equal to the total of the cost of services received, rental value of equipment borrowed, and any payment received by the city.
- (D) This section does not modify the city manager's powers granted pursuant to C.O. §§ 131.01 and 131.10.

(Ord. No. 111-2009; Ord. No. 9-2013; Ord. No. 34-2016, § 1, 6-6-2016)

**§ 133.02 POWERS AND DUTIES.**

The city clerk shall act as the clerk of council and shall perform duties including but not limited to maintaining legislative records, certifying ordinances, and attesting official documents, in addition to the ~~have all~~ powers and duties delegated by statute or by council ~~to such officials~~.

**~~§ 133.03 DEPUTY CLERKS.~~**

~~The city clerk is authorized to appoint one (1) or more deputy clerks to assist him/her in the operation of his/her office and to act for him/her in his/her absence.~~

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### § 135.01 MARRIAGES.

The mayor and acting mayor shall be permitted to solemnize marriages in accordance with Ohio Revised Code Section 3101.08. ~~accept monies gratuitously given for the solemnization of a marriage.~~

### § 137.01 ~~ESTABLISHMENT~~RESERVED.

~~Under the provisions of Sections II and XIV of the Charter, a finance department is created under the supervision of the finance director. The finance director shall be appointed by the city manager subject to the approval of a super majority of at least five (5) members of council. The finance director shall serve at the pleasure of the city manager upon approval of such recommendation by a super majority of five (5) members of city council.~~

~~(Ord. No. 6-2012, 2-13-2012; Ord. No. 5-2017, § 2, 2-13-2017)~~

### § 137.04 CAPITAL ~~IMPROVEMENT~~EQUIPMENT FUND.

There is hereby established a fund to be known as the capital equipment fund, which shall consist of two (2) divisions designated respectively as:

- (A) New equipment.
- (B) Special projects.

Funds in division (A) shall be used for the purchase of new equipment having a useful life of at least five (5) years. Funds in division (B) shall be used for the financing of special projects of a nature not ordinarily included in current operating expenses of a non-recurring nature.

### § 137.05 EMPLOYEE BENEFIT FUND.

- (A) ~~That t~~he employee benefit fund is hereby created in the treasury of the City of Upper Arlington for the sole purpose of providing for employee benefits, included but not limited to health care, life insurance, dental benefits and disability benefits.
- (B) Deposits into the fund shall come from the proportionate share of the costs of employee benefits budgeted in the operating accounts of the departments and divisions of the city, along with third party reimbursements for employee benefits, premiums and refunds.
- (C) Expenditures from the fund shall be to pay for the cost of employee benefits, administration of the benefits program and the cost of actuarial and advisory assistance.
- ~~(D) The fund shall be credited with interest based on the proportionate share of funds available for investment purposes.~~

### § 137.06 SANITARY SEWER SURCHARGE FUND.

- (A) ~~That A~~a surcharge shall be added to the sewer rate, to be applied to all users of sewerage service within the ~~City of Upper Arlington, Ohio~~city, including any extensions of ~~said the~~the city, at the rate of twenty-three percent (23%) of the sewer charges billed, by the City of Columbus. Said rate is in addition to the sewer rate charged by the City of Columbus. Such surcharge shall apply to all bills rendered for billing periods beginning on and after January 1, 2019.
- (B) ~~That a~~All money derived from said surcharge shall be credited to the sanitary sewer surcharge fund, established by Ordinance No. 175-90. ~~Said The~~the fund shall be used for the payment of the cost of

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management, maintenance, operation and repair of the sewerage system of this city, or for the enlargement or replacement of ~~said-the~~ system, for construction and reconstruction of main and interceptor storm sewers and for the payment of the interest on any debt incurred for the construction thereof.

(Ord. No. 87-2018, § 5, 12-10-2018)

### **§ 137.07 WATER SURCHARGE FUND.**

- (A) ~~That a~~A surcharge shall be added to the regular water rate, to be applied to all consumers in the ~~c~~City of ~~Upper Arlington, Ohio~~, including any extensions of ~~said-the~~ city, at the rate of fifteen percent (15%) of the water charges billed by the City of Columbus based on meter consumption of water. Said rate is in addition to the water rate charged by the City of Columbus. Such surcharge shall apply to all bills rendered for billing periods beginning on and after January 1, 2019.
- (B) ~~That a~~All money derived from said surcharge shall be credited to the water surcharge fund, which is hereby established. ~~Said-The~~ fund shall be used for the payment of the cost of management, maintenance and repair of the water distribution system of this city. Any balance in such fund may be used for the construction and reconstruction of the water distribution system including repair and/or replacement of fire hydrants and for the payment of the interest on any debt incurred for the construction thereof.

(Ord. No. 87-2018, § 6, 12-10-2018)

### **§ 137.08 ~~CENTRALIZED BILLING FUND.~~ RESERVED.**

- ~~(A) That the centralized billing fund is hereby created in the Treasury of the City of Upper Arlington for the purpose of providing centralized billing services for the various departments, divisions and offices of the city.~~
- ~~(B) Deposits into the fund shall come from the departments, divisions and offices for whom centralized billing services have been provided.~~
- ~~(C) Expenditures from the fund shall be to pay the cost of operating expenditures incurred in providing the billing services.~~

### **§ 137.09 ~~STATE ISSUE TWO IMPROVEMENT FUND.~~ RESERVED.**

- ~~(A) That the state issue two improvement fund is hereby created in the Treasury of the City of Upper Arlington for the purpose of undertaking capital projects approved by the Ohio Public Works Commission.~~
- ~~(B) Deposits shall come from the Ohio Public Works Commission and from any other city funds which are used to pay the matching funds.~~
- ~~(C) Expenditures from the fund shall be used to pay the expenses of the capital projects including architect and engineering fees and inspection services.~~

~~As the authorized levels of expenditures from projects approved from the bonded improvement fund are reached, balances in the projects shall be transferred to the state issue two fund, sanitary sewer fund, water surcharge fund, stormwater management fund or capital improvement fund, as appropriate.~~

### **§ 137.10 INFRASTRUCTURE IMPROVEMENT FUND.**

- (A) ~~That t~~he infrastructure improvement fund is hereby created in the Treasury of the City of Upper Arlington for the purpose of undertaking capital projects.
- (B) Deposits into the fund shall come from the transfers out category of the general fund at a funding level of seven hundred fifty thousand dollars (\$750,000.00) per year, or as adjusted by city council through budget authority, for a period of five (5) years beginning with fiscal year 1997.

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- (C) Expenditures from the fund shall be used to pay the expenses of the capital projects including architect and engineering fees and inspection services.

**§ 137.12 ~~RESERVE~~ESTATE TAX CAPITAL PROJECT FUND.**

The estate tax capital project fund is hereby created in the Treasury of the City of Upper Arlington for the purpose of undertaking capital projects.

Deposits into this fund shall come from estate tax in any year that exceeds \$2.1 million and council designates the tax to be used for capital projects. A proportional amount of investments earnings will be deposited into this fund.

Expenditures from the fund shall be used to pay all expenses of capital projects including such expenses as architectural/engineering fees and inspection services.

**§ 137.13 TECHNOLOGY FUND.**

All cellular tower fees shall be deposited in the technology fund, which is hereby established. ~~In addition, the fund shall be annually supplemented by cable television franchise fees in an amount not to exceed fifty thousand dollars (\$50,000.00).~~ This technology fund shall be used for the purchase of all technological equipment to include communications and computer equipment unless another fund has been established by law.

**§ 139.03 ~~FIRST ASSISTANT CITY ATTORNEY.~~ RESERVED.**

The city attorney, with approval of council, is authorized to appoint a first assistant city attorney who shall hold office at the pleasure of the city attorney.

**§ 139.05 ~~SUPPORT EMPLOYEES TO THE CITY ATTORNEY.~~ RESERVED.**

The city attorney may appoint such support staff, including assistant city attorneys; paralegal/office managers; criminal justice administrators; legal administrative specialists, and legal interns as may be authorized by council whose duty shall be to assist the city attorney in the performance of the duties imposed upon them by the provisions of this chapter. Such support employees shall hold office at the pleasure of the city attorney.

(Ord. No. 115-2010, 3-16-2011)

**§ 139.06 SPECIAL COUNSEL AND CONSULTANTS.**

In accordance with the provisions of C.O. § 138.06(B)(2) and § 138.09(F), the city attorney is authorized to appoint special counsel and consultants for the prosecution, investigation and defense of cases ~~in the courts~~ and for other legal matters. Such special counsel and consultants shall receive reasonable compensation, to be fixed by the city attorney. ~~The city attorney shall advise city council of any such appointments prior to the next regularly scheduled council meeting.~~

(Ord. No. 113-2009)

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## CHAPTER 141. RESERVED. ~~ENGINEERING DIVISION~~

### ~~§ 141.01 ENGINEERING DIVISION.~~

~~The engineering division shall be administered by the city engineer, under the general supervision and control of the city manager or designee. In addition to the city engineer, the division shall include one (1) or more assistant city engineers and such other personnel as may be authorized by council and appointed by the city manager.~~

~~(Ord. No. 39-2015, § 1, 6-22-2015)~~

### ~~§ 141.02 CITY ENGINEER.~~

~~The city engineer shall be appointed by, and shall serve at the pleasure of the city manager. The city engineer shall be a professional engineer, duly registered or licensed to practice in the State of Ohio. The city engineer shall perform all engineering services for the city and its departments, except on projects of such a nature as may require the assistance of consulting engineers. The selection and employment of consulting engineers shall be made by the city engineer, in accordance with the rules and procedures approved by the city manager, when authorized by council.~~

~~(Ord. No. 115-2010, 3-16-2011)~~

### ~~§ 143.07 RESERVED. SPECIAL OR PRIVATE POLICE OFFICERS, BOND AND FEE.~~

~~The city manager is authorized to commission such special or private police officers and private detectives as deemed necessary, all to serve without compensation from the city.~~

~~Such private or special police officers and private detectives shall give a bond in the sum of five thousand dollars (\$5,000.00) to the satisfaction of the city manager and shall pay an annual fee in the sum of one hundred dollars (\$100.00). They shall act under the direction and control of the police chief and such rules and regulations as the city manager shall from time to time provide.~~

~~(Ord. No. 117-2009)~~

### § 145.04 ENGINEERING DIVISION.

The engineering division shall be administered by the city engineer, under the general supervision and control of the city manager or designee.

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### **§ 145.05 CITY ENGINEER.**

The city engineer shall be appointed by, and by and shall serve at the pleasure of the city manager. The city engineer shall be a professional engineer, duly registered or licensed to practice in the State of Ohio. The city engineer shall perform all engineering services for the city and its departments, except on projects of such a nature as may require the assistance of consulting engineers. The selection and employment of consulting engineers shall be made by the city engineer, in accordance with the rules and procedures approved by the city manager, when authorized by council.

## **CHAPTER 146. BOARD AND COMMISSION MEETINGS**

### **§ 146.01 MEETING BY MEANS OF VIDEO CONFERENCE OR OTHER SIMILAR ELECTRONIC TECHNOLOGY.**

With the exception of the Board of Zoning and Planning, boards and commissions may meet by videoconference, teleconference, or other electronic means in compliance with Ohio Revised Code Section 121.22 and any applicable requirements in Ohio Revised Code or Upper Arlington codified ordinance, resolution, or rules of procedure.

### **§ 149.01 CIVIL SERVICE COMMISSION; APPOINTMENT, TERM, REMOVAL.**

Council shall appoint three (3) electors of the city as civil service commissioners, who shall be residents of the city and/or the Upper Arlington School District at the time of appointment and for the duration of their term of service. ~~The members of the existing civil service commission shall continue in office for the terms for which they were appointed. Thereafter, m~~Members of the civil service commission shall be appointed to serve for a term of four (4) years and shall expire on the last day of June. Appointments shall commence on the date the appointment is approved by council or such other date provided by council. Any member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the unexpired portion of said term. City council may shorten or lengthen a particular term at the time of appointment to maintain a staggered rotation so that not all members' terms expire in the same year or extend a term until a replacement is appointed.

~~Council may at any time remove any commissioner from office~~A commissioner's seat shall become vacant if and when he/she no longer meets the residency requirement.

~~Council may at any time remove any commissioner from office if and when he/she no longer meets the residency requirement.~~

Council may at any time remove any commissioner for inefficiency, neglect of duty, incompetence or malfeasance in office, having first given to such commissioner a copy of the charges against him/her and an opportunity to be heard in person or by counsel in his/her own defense.

(Ord. No. 8-2013; Ord. No. 40-2022, § 3, 6-6-2022)

### **§ 149.04 RULES.**

The commission shall prescribe, amend and enforce the civil service rules and keep its proceedings and records of its examinations concerning the enforcement and effect of the civil service provisions and the rules thereunder. If there is a conflict between the civil service rules and ORC ch. 124, the rules shall supersede chapter 124; provided, that the rules may not supersede the City Charter or the Upper Arlington Codified Ordinances. ~~The commission~~

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~~shall make an annual report to council.~~ The rules shall provide for but are not limited to any requirements mandated by ORC ch. 124.

### **§ 149.05 PROBATIONARY APPOINTMENTS.**

- (A) All original and promotional appointments shall be for a probationary period of one (1) year.
- (B) The one-year probationary period for original appointments of police officers shall begin on the date of appointment or the date of certification pursuant to ORC § 109.77, whichever occurs later.
- (C) A probationary period may be extended by the appointing authority for up to one hundred eighty (180) additional days for good cause, unless otherwise provided in any applicable collective bargaining agreement.
- (D) No appointment or promotion shall be deemed ~~finally made~~final until the employee has satisfactorily served his probationary period.

(Ord. No. 62-2014, § 1, 11-24-2014; Ord. No. 65-2021, § 1, 11-8-2021)

### **§ 149.07 ~~RESERVED~~ EXAMINATIONS.**

~~All examinations shall be practical and impartial and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position for which appointment is sought.~~

(Ord. No. 65-2021, § 1, 11-8-2021)

### **§ 149.13 POLITICAL ACTIVITY.**

~~In addition to the limitations provided by the Ohio Revised Code and Ohio Administrative code, A~~ll persons in the civil service are subject to the provisions of C.O. ch. 105.

### **§ 149.99 PENALTY.**

- (A) Whoever violates C.O. §§ 149.12, 149.13, 149.14, 149.15, ~~149.16 or and~~ 149.17 is guilty of a civil service violation, a misdemeanor of the first degree. The court shall impose a mandatory fine of one hundred dollars (\$100.00), which shall not be suspended.
- (B) In addition to any criminal penalty, any person in the civil service who violates this chapter or C.O. ch. 105 shall also be subject to disciplinary action which may include termination.

### **§ 151.03 ORGANIZATION AND PROCEDURE.**

- (A) The parks and recreation advisory board shall elect its own chairperson and establish its own rules of organization and procedure for the conduct of its meetings. The rules shall not conflict with the City Charter, this chapter, the rules of council, or state law and shall be generally in accordance with Roberts Rules of Order. All Rules shall be submitted to the city clerk and kept on file.
- (B) The board shall meet at the call of the chairperson, the director of parks and recreation, the city manager, or council. ~~The city clerk shall appoint a person to~~City staff shall record board minutes. ~~The board may invite~~

~~from time to time members of the public including those representing department related committees to speak on various topics.~~

- (C) Recommendations by the board may be provided to council, the city manager, or the parks and recreation director.

(Ord. No. 14-2016, § 1, 3-14-2016)

#### **§ 151.04 DUTIES.**

The duties of the parks and recreation advisory board shall include the following

- ~~(A) The parks and recreation advisory board shall a~~Act in an advisory capacity to the director, city manager or city council.
- ~~(B) The purpose of the board is to p~~Provide input and discuss park ~~and~~; recreational, ~~and cultural arts~~ services and facilities.
- ~~(C) The board shall also s~~Serve as ambassadors for the city by soliciting input from the community and by educating our citizens and facility users regarding the services provided by the department.
- ~~(D) If so directed by the director or city council, the board shall~~ receive public input and consider matters pertaining to:
- ~~(1) acquisition, development, improvement and management of parks, parkstrips and other city property.~~
  - ~~(2) The board may also receive input on matters pertaining to~~ recreational programs and facilities in the community, the need for improvement and extension thereof, the need and feasibility of additional recreation facilities and methods of financing the same.
- ~~(E) It shall also f~~Facilitate, as necessary, updates or reports from the chairperson or designee of each of the boards, commissions or councils related to the parks and recreation department.
- ~~(A)(F)~~ The board shall perform such other duties relative to the department and programs as delegated by city council or the director.

(Ord. No. 14-2016, § 1, 3-14-2016)

#### **§ 152.02 ESTABLISHMENT AND MEMBERSHIP.**

- (A) *Establishment:* There is hereby established and created the Upper Arlington Cultural Arts Commission.
- (B) *Membership:* The commission shall consist of the following members:
- (1) Seven (7) regular members appointed by the president of council, subject to approval of council, for three-year terms. City council may shorten or lengthen a particular term at the time of appointment to maintain a staggered rotation so that not more than three (3) members' terms expire in the same year or extend a term until a replacement is appointed. All commission members shall be residents of the City of Upper Arlington.
  - (2) Public input: Any public agency or organization, private association, or individual may address the commission on issues pertaining to cultural arts. In addition, the chairperson may invite any individual to address the commission based on their expertise in the area of cultural arts.
  - (3) The director of parks and recreation, or other designee, shall attend meetings of the commission and serve as staff representative to the commission.
- (C) *Terms:*

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- (1) ~~Unless otherwise designated when a member is appointed, T~~erms shall commence the first day of July~~7~~ and expire the last day of June.
  - (2) Absence from three (3) consecutive regular meetings shall operate to vacate the term of the member, unless such absence is authorized or excused by vote of the commission and approved by the director. Any term thus vacated, or vacated by resignation, shall be filled by appointment by the president of council, subject to approval of council for the remainder of the unexpired term.

(Ord. No. 13-2016, § 1, 3-14-2016; Ord. No. 79-2020, § 1, 12-14-2020; Ord. No. 40-2022, § 5, 6-6-2022)

#### **§ 152.05 ARTS MANAGER ~~RESERVED~~.**

~~The city shall designate an art manager to manage the city's art collection, help implement the duties outlined in C.O. § 152.03 and perform other duties as the city manager or their designee may prescribe.~~

(Ord. No. 13-2016, § 1, 3-14-2016; Ord. No. 79-2020, § 1, 12-14-2020)

#### **§ 153.02 ~~USE OF MUNICIPAL TENNIS COURTS~~ AUTHORITY TO ADOPT RULES AND REGULATIONS FOR FACILITIES.**

- (A) *Regulations:* The city manager ~~shall be~~ authorized to adopt such rules and regulations as he may deem necessary or desirable for the operation of ~~the tennis courts and the tennis program recreation facilities~~ to include establishment of fees, ~~which rules shall be on file in the department of parks and recreation.~~

#### **§ 157.03 ORGANIZATION AND PROCEDURES.**

- (A) The board of zoning and planning shall elect its chairman and establish its own rules of procedure for the conduct of its business. The term of the chairman shall be as prescribed in the rules. The rules shall not conflict with the provisions of the City Charter, this chapter, the rules of council, or state law and shall be generally in accordance with Roberts Rules of Order. All rules shall be submitted to the city clerk and kept on file.
- (B) ~~The director of community development, his/her designee or such other person as may be directed by the City staff~~ city manager shall be the secretary of the board of zoning and planning. ~~It shall have such assistance and such other employees as the council may from time to time authorize.~~

(Ord. No. 15-2016, § 1, 3-14-2016)

#### **§ 157.04 POWERS AND DUTIES.**

- (A) The board of zoning and planning shall exercise all powers and perform all duties as prescribed in the Unified Development Ordinance or as hereafter may be invested by ordinance, resolution or other action of council in the board of zoning and planning, including appeals brought under Chapter 1401.02.
- (B) Four (4) members of the board of zoning and planning shall constitute a quorum for the transaction of business. No action may be taken by the board without the concurrence of a majority of the members present and voting. The foregoing notwithstanding, a minimum of three (3) affirmative votes shall be required to pass or approve any board action.

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- (C) Vacancies, absence from three (3) consecutive regular meetings shall operate to vacate the term of the member, unless such absence is authorized or excused by vote of the board. Any term thus vacated, or vacated by resignation, shall be filled by appointment by the mayor subject to the approval of council for the remainder of the unexpired term.

(Ord. No. 15-2016, § 1, 3-14-2016)

### **§ 173.01 MAYOR'S COURT DIVERSION PROGRAM.**

The Upper Arlington City Prosecutor may use his/~~or~~ her discretion to refer criminal cases filed in the Upper Arlington Mayor's Court to the mayor's court diversion program established within the city attorney's office. Cases referred to the mayor's court diversion program will be assessed a one hundred dollar (\$100.00) fee to deter the costs incurred from the operation of and participation in this program. Individuals who successfully complete the requirements of the mayor's court diversion program will have their charges dismissed upon payment of court costs. Court costs will be determined and assessed pursuant to the rules of court.

(Ord. No. 70-2010; Ord. No. 115-2010, 3-16-2011)

### **§ 173.03 ~~PASSING BAD CHECK PROGRAM. RESERVED~~**

~~(A) In lieu of filing criminal charges, check cases may be referred to the passing bad check program within the city attorney's office upon approval of the prosecuting attorney. Cases referred to the passing bad check program will be assessed a thirty dollar (\$30.00) fee to defer the costs incurred from the operation of and participation in this program. The prosecutor may waive any fee, either using his or her discretion or when an individual is unable to pay.~~

~~(B) Check cases that have been filed in the Upper Arlington Mayor's Court may be referred to the passing bad check program, established within the city attorney's office, upon approval of the prosecuting attorney. Individuals who successfully complete the requirements of the passing bad check program will have their charges dismissed upon payment of court costs. Court costs will be determined and assessed pursuant to the rules of court.~~

### **§ 173.05 TRAFFIC DIVERSION PROGRAM.**

The prosecutor at his/her discretion may divert a person charged with a traffic offense into the traffic diversion program. When making this decision, the prosecutor may consider the following factors: defendant's prior record; aggravating circumstances involved in the stop; the police officer's objection or request for diversion; any other factors deemed relevant to the decision; and whether the offense is a Traffic Rule 13 offense.

Once in the program, a hearing will be set and conditions set forth to complete the diversion process.

There shall be a traffic diversion fee of two hundred and twenty five dollars (\$225.00) ~~payable plus~~ dismissal court costs, once the program conditions have been met. The conditions of the program may consist of, but not be limited to: community service; defensive driving program; victim impact panel; and other types of programs relating to traffic issues.

Failure to comply with the conditions of this program will result in removal from the diversion program and reinstatement of the original traffic charge.

(Ord. No. 70-2010)

**~~§ 173.08 DOMESTIC VIOLENCE DIVERSION PROGRAM.~~**

- ~~(A) The prosecutor at his/her discretion may divert a person accused or charged with domestic violence into the domestic violence diversion program. This program is intended to resolve pending domestic violence conflicts and may be used at the city attorney's discretion. The following criteria must be met for consideration for admittance into the program. This criterion does not guarantee acceptance into the domestic diversion program nor does failure to meet all criteria preclude an alleged offender's participation in the program.~~
- ~~(1) The current domestic violence allegation is a first offense by the alleged offender of either Domestic Violence or offense of violence against others, as defined in ORC § 2901.01(A)(9)(a) within ten (10) years prior to the date of the offense currently alleged;~~
  - ~~(2) The alleged offender has no prior convictions of charges which were the result of a reduction from domestic violence charges within ten (10) years prior to the date of the now alleged offense;~~
  - ~~(3) The alleged victim did not suffer visible injury or injuries requiring medical treatment;~~
  - ~~(4) The alleged offender did not make threats or convey intent to cause serious physical harm;~~
  - ~~(5) No deadly weapon was used, as defined by ORC § 2923.11(A), by alleged offender or possessed by alleged offender in the commission of the incident leading to the domestic violence offense currently alleged;~~
  - ~~(6) The alleged offender has not undergone prior domestic violence counseling within then (10) years prior to the date of the offense currently alleged;~~
  - ~~(7) The alleged offender consents to participate in the domestic violence diversion program;~~
  - ~~(8) The alleged victim consents to the alleged offender being admitted to the domestic violence diversion program;~~
  - ~~(9) The alleged offender has had no previous participation in this or any other domestic violence diversion program;~~
  - ~~(10) The Upper Arlington Police Division has no objection to the alleged offender being placed into the Program; and~~
  - ~~(11) Admission to the program is subject to any other information deemed relevant by the city attorney to the decision.~~
- ~~(B) Once in the program, a hearing will be set and conditions set forth to complete the diversion process.~~
- ~~(C) The conditions of the program may consist of, but is not limited to: community service work; victim impact panel; restitution; counseling; and other types of programs relating to domestic violence and family issues.~~
- ~~(D) Failure to comply with the conditions of this program will result in removal from the domestic diversion program and prosecution of pending charges.~~
- ~~(E) The city attorney retains the right to remove any individual from the program for any cause.~~
- ~~(F) There shall be a domestic violence diversion program fee of two hundred twenty-five dollars (\$225.00) assessed to the alleged offender.~~

(Ord. No. 75-2010)

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## Part 4

### SCHEDULE OF FEES

#### § 401.03 FEE PROVISIONS.

(A) ~~Quadrupled Doubled~~ fees. Where work, activities, or conditions for which a permit issued by the city is required under state law or any section of the Codified Ordinances is started or proceeded with, prior to obtaining a permit, the fees as calculated for said permit shall be ~~doubled quadrupled~~. Payment of such ~~doubled quadrupled~~ fee shall not:

(1) Relieve any persons from fully complying with the requirements of state law or the applicable sections of the Codified Ordinances in the execution of the work; or

(2) Limit the imposition of any penalties or sanctions provided for violations of state law or the applicable sections of the Codified Ordinances.

(B) ~~Submission of a permit fee under (A) does not guarantee that the permit will be granted.~~

(C) If fees are not collected at the time of application, or by the time a service has been provided, the city has the right to pursue collection of any of the fees charged by the city, including certification of amounts owing to the county auditor to be placed as a lien on real property, remittance to a collection service, or any other appropriate and legal pursuit of payment.

(D) The city manager may decrease or waive fees contained in the schedule of fees for the purposes of economic development as provided in an economic incentive agreement approved by city council or for other matters that the city manager determines are in the best interest of the city. The waiver of any fees must be in compliance with the Constitution and the laws of the State of Ohio.

## Part 13

### BUILDING CODE

#### § 1305.08 GENERAL REQUIREMENTS.

(A) Notice: Notice of the demolition of a structure shall be made by the applicant to all adjacent property owners. Failure to provide the required notice shall invalidate any permit and shall constitute a violation. Notice shall be made as follows:

(1) Posted notice: Upon the issuance of an approved demolition permit by the community development department, the applicant shall cause notice of the demolition to be given by posting a sign announcing such demolition in a conspicuous place in the front part of the subject property.

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(2) Duration of posting: Said sign, provided by the community development department, shall be posted conspicuously no less than ten (10) days in advance of such demolition and shall remain posted on the subject property until all work on the subject property has been completed. After posting the sign as required in this section, the applicant shall provide to the community development department a notarized affidavit indicating that the sign has been posted and that it will remain posted throughout the ten-day period required by this section as well as acknowledging that the applicant is responsible for replacing the sign as quickly as possible if it is damaged or stolen.

(3) Sign fee: At the time of application, the applicant shall pay a nonrefundable sign fee as listed in the C.O. § 401.02 master list of fees. The city shall not be held responsible for lost, stolen, vandalized or damaged signs.

(B) Method of demolition. An approved demolition permit is valid for normal demolition means only. Normal demolition means is defined as, but not limited to, common construction machinery, backhoes, cranes, wrecking balls and manual labor.

Blasting is prohibited. Burning is prohibited unless applicant has obtained an approved burning permit from the Upper Arlington Fire Division.

(C) Safety. For the duration of demolition, a forty-two-inch high construction-standard safety fence shall be installed and maintained in good condition around the perimeter of the subject property. The site shall be maintained in a safe and orderly condition at all times.

The director of community development and/or designee shall have full authority to stop the demolition or removal of any building or structure or part thereof, when the same is being done in a reckless or careless manner, or in violation of the provisions of this chapter or any other ordinances of the city. When such work is stopped by order of the director of community development and/or designee, it shall not be resumed without written approval of the director of community development or designee.

(D) Expiration of permit. An approved demolition permit shall be valid for a period of six (6) months from the date of issuance. Upon written request to the director of community development and/or designee the permit may be renewed for a maximum of ninety (90) days for good cause shown.

(E) Commencement of demolition. Upon commencement of demolition, all demolition work shall be completed within ten (10) calendar days.

Where unusual or unique circumstances arise, the director of community development and/or designee may grant an extension to the ten-calendar-day requirement at his/her discretion.

(F) Hours of work. The standards and special permits as set forth in C.O. § 517.15 regarding hours of work and excessive noise shall be held applicable.

(G) Non-transferable and non-assignable. An approved demolition permit is non-transferable and non-assignable without prior written approval of the director of community development and/or designee.

(H) Performance. All demolition work shall be performed in a workmanlike manner in accordance with C.O. ch. 1305, the demolition permit and all building, zoning, fire and other applicable codes and ordinances.

(I) Protection of adjoining property owners. The director of community development and/or designee may impose such requirements and conditions as he/she deems necessary for the protection of adjoining property owners and the public interest.

(J) Commercial demolition. The demolition of all commercial buildings or structures or parts thereof shall comply with the requirements of the Ohio Basic Building Code.

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(K) Redevelopment of site. No demolition permit shall be issued unless the new construction, replacement or redevelopment of the building or accessory structure has been granted all the necessary approvals, including, but not limited to: permits, variances, rezonings, amendments to a final development Plan, plat amendments, certificates, and reviews, with the following exceptions:

(1) When the demolition is determined by the director of community development and/or designee to be required to abate a nuisance or eliminate an unsafe building as defined in C.O. § 1305.01 of the building code; and

(2) When the demolition involves a site which is to be redeveloped into multiple lots as the result of a lot split proposal, resubdivision or plat amendment. Redevelopment of the site must commence within thirty (30) days after completion of the demolition. If redevelopment of the site has not commenced within thirty (30) days, then complete site restoration, pursuant to the standards set forth in C.O. § 1305.08(L), shall be required. Site restoration shall be completed within thirty (30) days following the expiration of the thirty-day redevelopment period.

(L) Site restoration. No demolition permit shall be issued if any building or structure is to be demolished but not replaced by another structure unless a site restoration plan is submitted and approved by the director of community development and/or designee.

When demolition is required to abate a nuisance or eliminate an unsafe building as defined in C.O. § 1305.01 of the building code, the registered demolition contractor shall submit a site restoration plan within ten (10) days following the issuance of the demolition permit.

The site of every approved demolition shall be restored in accordance with any required environmental approval or site restoration plan, or in accordance with minimum standards set forth herein.

Every restoration shall be performed in a manner which prevents erosion and shall include, at a minimum, prompt removal of debris, backfilling any excavation with granular material, grading in such a manner as to prevent stormwater from accumulating or ponding on the site and to prevent any negative effect on adjacent properties, a six-inch overlay of topsoil and seeding with grass or sod installation.

Further, the owner of the property shall be required to observe all regulations set forth in U.A.C.O. Chapter 537.

If the site is not being redeveloped pursuant to C.O. § 1305.07(K), site restoration shall be completed within thirty (30) days from the date of completion of the demolition or expiration of development approvals, building expiration of required permit, or abandonment of the site/project.

(Ord. No. 94-2010; Ord. No. 87-2015, § 5, 12-14-2015)

## **CHAPTER 1306. ~~BOARD OF BUILDING STANDARDS~~APPEALS**

### **§ 1306.01 ~~COMPOSITION AND MEMBERSHIP~~BOARD OF ZONING AND PLANNING.**

~~There shall be a board of building standards appointed by the president of city council, subject to the approval of the council, to consist of seven (7) members who shall, collectively, be qualified by profession on all matters~~

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~~pertaining to building, electric, plumbing, heating and ventilation and who shall be residents of this city, and shall not be officers or employees of this city.~~

~~Appeals and requests for variances under this Chapter are heard by the Board of Zoning and Planning (BZAP).~~

### **§ 1306.02 ~~TERM OF OFFICE. RESERVED~~**

~~Members of the board of building standards shall be appointed for terms of four (4) years, and shall expire on the last day of June. Appointments shall commence on the date the appointment is approved by council or such other date provided by council. Any member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the unexpired portion of said term. City council may shorten or lengthen a particular term at the time of appointment to maintain a staggered rotation so that not more than three (3) members' terms expire in the same year or extend a term until a replacement is appointed. Members of the board of building standards shall be removed from office after three (3) unexcused absences.~~

~~(Ord. No. 40-2022, § 1, 6-6-2022)~~

### **§ 1306.03 ORGANIZATION AND APPEALS PROCEDURE.**

- ~~(A) The board shall organize, elect a chairperson and vice chairperson and adopt rules for its own government. The director of community development, or his designated representative, shall act as secretary. The board shall meet during the first quarter of each odd-numbered year and elect officers and thereafter they shall meet on call by the chairperson or by the city manager pursuant to its rules.~~
- (B) 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.
- (C) The board may postpone or continue any hearing on its own motion or on the motion of a party. The board shall keep a complete and accurate record of all proceedings, which shall be open to public inspection.
- (D) Testimony at a hearing on an appeal from an order of the building inspector shall be under oath and a stenographic or other record of testimony and other evidence shall be required.
- (E) For a hearing on an appeal from an order of the building inspector, the board may require the attendance of witnesses, the production of records and papers, and may depose witnesses in accord with ORC § 119.09.
- (F) If the order appealed from concerns ORC § 3781.111, or rules promulgated under that section, reasonable notice of time, date, place, and subject of the hearing shall be given to any local organization composed of or representing persons with disabilities or, if none exists, then to any statewide organization composed of or representing persons with disabilities. A local organization composed of or representing persons with disabilities or, if none exists, then any statewide organization composed of or representing persons with disabilities, may file an appeal from a decision of the board of building standards as provided by this chapter.
- (G) The board shall render its decision on any appeal from an order of the building inspector within thirty (30) days of the final hearing on the appeal, ~~unless an extension is agreed to by the appellant;~~ ~~the board's~~ decision shall be entered on the board's record. A certified copy of the decision shall be served upon the parties and upon the parties' attorneys, if applicable, by certified mail, return receipt requested, with notice that such order may be appealed, within fifteen (15) days after the mailing of the board's decision, to the state board of building appeals, or to the Franklin County Court of Common Pleas.

(Ord. No. 82-2013; Ord. No. 87-2015, § 5, 12-14-2015)

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**§ 1306.04 ~~QUORUM. RESERVED~~**

~~Four (4) members shall constitute a quorum. The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or any administration official.~~

**§ 1306.05 ~~DUTIES RESERVED.~~**

~~(A) — The board shall recommend to the city council any changes that it may deem necessary in this Code.~~

~~(B) It shall serve as interpreter of this Code.~~

~~(C) It shall hear all appeals from the refusal or revocation of a residential one-, two- and three-family dwelling unit building permit, and shall also hear all appeals from the refusal or revocation of a license, the issuance of which is within the jurisdiction of the Building Inspector, or any other order made by the building inspector.~~

~~(D) — It shall perform such other duties as may be assigned to it by the Council of the City of Upper Arlington.~~

**§ 1306.06 ~~APPLICATION AND FILING FEE FOR BOARD OF BUILDING STANDARDS APPEAL ELIGIBILITY.~~**

Any person aggrieved by an order of the building inspector, or any person seeking a variance from the requirements of the Upper Arlington Building Code, may appeal such order or request such variance using a form prepared by the department of community development. This application form shall contain a notice that the decision of the board is subject to appeal to state board of building appeals, or to Franklin County Court of Common Pleas within fifteen (15) days after final decision of the board, and that it is the responsibility of a successful applicant or appellant, before taking action thereunder, to let the appeal period for that decision expire before taking action under the board's decision.

For appeals of an order of the building inspector, applications for appeal before the board shall be filed within thirty (30) days of the mailing date or actual receipt of the order being appealed, whichever is earlier. Such appeals shall be filed with the director of community development, or the director's designated representative, ~~who shall transmit the same to the board.~~

A decision to file a code enforcement citation in the Upper Arlington Mayor's Court or other court of competent jurisdiction, or to pursue other remedies provided in C.O. § 1305.99, may not be appealed ~~to the board of building standards.~~

~~An appeal is not complete until the filing fee specified in the Schedule of Fees established pursuant to Any application submitted to the board of building standards shall be accompanied by a filing fee as specified in C.O. ch. 400, Table 401.02.~~

(Ord. No. 82-2013; Ord. No. 87-2015, § 5, 12-14-2015)

**§ 1306.07 ~~APPEAL FROM OF DECISION OF THE BOARD OF ZONING AND PLANNING BUILDING STANDARDS.~~**

The director of community development or designee, a party, or an organization composed of or representing persons with disabilities as provided in C.O. § 1306.03(F), aggrieved by a decision of the ~~Upper Arlington Board of Building Standards~~ on a variance application or appeal of an order of the building inspector may appeal that decision to the state board of building appeals or to the Franklin County Court of Common Pleas. Such appeal shall

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be taken within fifteen (15) days after the final action of the board ~~of building standards~~. No decision ~~of the board of building standards~~ 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 state board of building appeals or Franklin County Court of Common Pleas.

(Ord. No. 82-2013; Ord. No. 87-2015, § 5, 12-14-2015)