



6/10/2024 | 7:00 PM

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

If you are joining through Zoom, please click the link below to join the meeting:

<https://us06web.zoom.us/j/88268224042>

Or Telephone: 1 929 205 6099

Webinar ID:882 6822 4042

1. Call to Order/Roll Call

2. Pledge of Allegiance Led by Council Member John Kulewicz

3. Consent Agenda

- a. Approve City Council Meeting Minutes for June 3, 2024

4. Reports/Presentations

- a. Upper Arlington Public Library Presentation on the Master Facilities Plan and 2024 Priorities, Presented by Director Beth Hatch
- b. Bob Crane Community Center Operations Update, Presented by Parks & Recreation Director Debbie McLaughlin, Community Center Manager TJ Putnam, and Recreation Supervisor Matt Leber

5. Legislative Items for Fourth Reading/Public Hearing/ Council Action

- a. Ordinance No. 38-2024 - An ordinance amending §525.01 - Definitions and §525.02 - Unlawful Discriminatory Practices of the Upper Arlington Code of Ordinances (*Munc*)

6. Legislative Items for Third Reading/Public Hearing/Council Action

- a. Ordinance No. 40-2024 - An ordinance authorizing the City Manager to amend the contract with Pizzuti Solutions for Owner's Representative Services for the Bob Crane Community Center (*Walter*)

7. Legislative Items for Second Reading/Public Hearing/Council Action

- a. Ordinance No. 44-2024 - An ordinance authorizing the City Manager to enter into contract with the Edge Group, Inc. for master planning services for Fancyburg Park (*Adams*)

- b. Ordinance No. 45-2024 - An ordinance authorizing the City Manager to enter into contract with RedTree Investment Group for management and advisory services (*Close*)
- c. Ordinance No. 46-2024 - An ordinance authorizing the City Manager to enter into contract with Performance Pipelining, Inc. for the 2023 & 2024 Sanitary Sewer Repairs Construction Project (*Kulewicz*)

8. Legislative Items for First Reading/Public Hearing/Council Action

- a. Resolution No. 6-2024 - A resolution adopting the tax budget for the Upper Arlington Public Library for the fiscal year beginning January 1, 2025 and submitting the same to the Franklin County Budget Commission (*Lynch*)

9. Legislative Items for First Reading/Public Hearing

- a. Ordinance No. 47-2024 - An ordinance authorizing the City Manager to enter into contract with Mr. B's Cleaning Service for custodial and cleaning services for city buildings
- b. Ordinance No. 48-2024 - An ordinance authorizing the City Manager to enter into contract with Performance Pipeline, Inc. for the 2024 Sustainable Sewer Solutions Project
- c. Ordinance No. 49-2024 - An ordinance authorizing the City Manager to enter into contract with Newcomer Concrete for the 2024 Sidewalk Maintenance Program

10. City Manager Update

11. Adjournment

June 3, 2024

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

Members Present: John J. Kulewicz, Jim Lynch, Heidi Munc and President Ukeme Awakessien Jeter

Staff Present: Assistant City Engineer Aaron Scott, City Manager Steven Schoeny, Assistant City Manager Jackie Thiel, City Attorney Darren Shulman, City Clerk Krystal Gonchar, Community Affairs Director Emma Speight, IT Director Jeff Kasson, Community Development Director Chad Gibson, Finance Director Brent Lewis, Parks & Recreation Director Debbie McLaughlin, Police Chief Keith Hall, Public Service Director Gary Wilfong, Park Development and Arts Superintendent Jeff Anderson.

Pledge of Allegiance

The Pledge of Allegiance was led by Ms. Munc. A moment of silence followed the pledge, in memory of the passing of former City Council Member Mary Ann Krauss and Code Compliance Officer Tom Paisley, who both passed away last week.

Consent Agenda

- a. **Approve City Council Meeting Minutes for May 20, 2024**
- b. **Ordinance No. 41-2024 – An ordinance authorizing the City Manager to enter into contract with Esports Foundry for a complete e-sports package and support services for the Bob Crane Community Center**
- c. **Ordinance No. 42-2024 – An ordinance authorizing the City Manager to enter into contract with King Business Interiors for the purchase of fitness equipment for the Bob Crane Community Center**

d. Ordinance No. 43-2024 – An ordinance authorizing the City Manager to enter into contract with Design 2 Wellness for the purchase of fitness equipment for the Bob Crane Community Center

Mr. Lynch moved, seconded by Mr. Kulewicz, to approve the Consent Agenda.

President Awakessien Jeter then called for a vote on the motion to approve the Consent Agenda.

Voting Aye: Kulewicz, Lynch, Munc, and President Awakessien Jeter

Voting Nay: None

Absent: Adams, Close, and Walter

Abstain: None

The motion carried.

Reports/Presentations

a. Sanitary 101 Presentation, Presented by Public Service Director Gary Wilfong and Assistant City Engineer Aaron Scott

The Public Service Director and Assistant City Engineer presented on the sanitary and storm sewer systems and related projects that go before City Council for approval (attached hereto and incorporated herein as Exhibit A). The City must work within the guidelines of the Environmental Protection Agency (EPA) and the City of Columbus. The City's Capacity, Management, Operations, and Maintenance Program help the systems run smoothly. They also discussed the upcoming 2024 Sustainable Sewer Solutions Program.

Mr. Kulewicz asked about the lifespan of the pipes. Mr. Scott stated they have a long lifespan of over 50 years. The Assistant City Manager confirmed that with the lining upgrades, the pipes would last for at least 50 years, with some piping lasting upwards of 75 years. Ms. Munc asked about the disruption to residents during maintenance of the systems. Mr. Scott stated that the crew typically works underground via a manhole, but there may be small disruptions when repairing lateral work. Mr. Wilfong noted that there is an odor, but residents are informed prior to work, so they are aware of it. Mr. Kulewicz asked if there were any septic tanks remaining in the City. The Assistant City Manager confirmed that there are three, with an option to tie into the sanitary main. President Awakessien Jeter asked where the overflow goes when there is localized flooding. Mr. Scott stated that most water overflows are from the downspouts of homes where flooding of yards occurs. He stated that there are various methods to identify repair needs, such as camera systems, smoke testing, and dye testing. The Sustainable Sewers Program identifies needs and drives the projects.

Legislative Items for Third Reading/Public Hearing/Council Action

a. Ordinance No. 37-2024 - An ordinance amending §155.13 - Miscellaneous Benefits of the Upper Arlington Code of Ordinances

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 37-2024.

Mr. Kulewicz moved, seconded by Ms. Munc, to adopt Ordinance No. 37-2024.

President Awakessien Jeter then called for a vote on the motion to approve Ordinance No. 37-2024.

Voting Aye: Kulewicz, Lynch, Munc and President Awakessien Jeter
Voting Nay: None
Absent: Adams, Close, and Walter
Abstain: None

The motion carried.

Legislative Items for Second Reading/Public Hearing/Council Action

a. Ordinance No. 39-2024 – An ordinance authorizing the City Manager to amend the contract with Elford, Inc. for Construction Manager at Risk Services for the Bob Crane Community Center and to appropriate and transfer funds

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 39-2024.

Mr. Lynch moved, seconded by Mr. Kulewicz, to adopt Ordinance No. 39-2024.

President Awakessien Jeter then called for a vote on the motion to approve Ordinance No. 39-2024.

Voting Aye: Kulewicz, Lynch, Munc and President Awakessien Jeter
Voting Nay: None
Absent: Adams, Close, and Walter
Abstain: None

The motion carried.

Legislative Items for Third Reading/Public Hearing

a. Ordinance No. 38-2024 – An ordinance amending §525.01 – Definitions and §525.02 – Unlawful Discriminatory Practices of the Upper Arlington Code of Ordinances

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

- Liz Neal – she supports the legislation and adding the protection to our nondiscriminatory code. She is glad it will help people get back on their feet.

Ms. Munc added that Carlie Boos from the Affordable Housing Alliance of Central Ohio is working with central-Ohio communities to make legislation stronger, to help the people that the legislation is intended for. Ms. Munc asked the City Attorney to advise on the "3x" rule that was referenced in other communities' SOI ordinances. The City Attorney advised that he would review the suggested changes, but the viability of the proposed change is a policy question. Mr. Kulewicz commented that he would prefer to seek feedback from the residents who initiated this change.

President Awakessien Jeter advised the Fourth Reading/Public Hearing/Council Action is scheduled for June 10, 2024.

Legislative Items for Second Reading/Public Hearing

b. Ordinance No. 40-2024 – An ordinance authorizing the City Manager to amend the contract with Pizzuti Solutions for Owner's Representative Services for the Bob Crane Community Center

In order to comply with the Ohio Ethics Law, Mr. Kulewicz abstained from discussion on Ordinance No. 40-2024 and left the Council Chambers at 7:40 p.m.

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 40-2024.

President Awakessien Jeter advised the Third Reading/Public Hearing/Council Action is scheduled for June 10, 2024.

After discussions were concluded, Mr. Kulewicz returned to the Council Chambers at 7:41 p.m. and was present for all further business.

Legislative Items for First Reading/Public Hearing

- a. **Ordinance No. 44-2024 - An ordinance authorizing the City Manager to enter into contract with the Edge Group, Inc. for master planning services for Fancyburg Park**

In response to President Awakessien Jeter's invitation to speak, the following speakers came forward:

- Walt Thieman – He stated there are not enough clay tennis courts in the City. The shortage of clay courts is dramatic. He suggested turning the hard tennis courts at Fancyburg into clay courts. The Fancyburg neighbors would benefit from less noise being generated from clay tennis courts.

Mr. Lynch would like to make sure the residents are kept informed on the planning for Fancyburg Park. The shelter house will be named after the late Mr. Handley.

President Awakessien Jeter advised the Second Reading/Public Hearing/Council Action is scheduled for June 10, 2024.

- b. **Ordinance No. 45-2024 - An ordinance authorizing the City Manager to enter into contract with RedTree Investment Group for management and advisory services**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 45-2024.

The Finance Director highlighted that the City has been in contract with the current advisement group for five years. In an effort to follow the procurement process, staff made the decision to solicit bids for this service. Mr. Nelson, from RedTree discussed the variability during the five-year plan.

President Awakessien Jeter advised the Second Reading/Public Hearing/Council Action is scheduled for June 10, 2024.

- c. **Ordinance No. 46-2024 - An ordinance authorizing the City Manager to enter into contract with Performance Pipelining, Inc. for the 2023 & 2024 Sanitary Sewer Repairs Construction Project**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 46-2024.

President Awakessien Jeter advised the Second Reading/Public Hearing/Council Action is scheduled for June 10, 2024.

City Manager Update

The City Manager provided the following update:

- Thanked Council for their support through this difficult time with the loss of staff.

* * *

There being no further business to come before City Council Mr. Kulewicz moved, seconded by Ms. Munc to adjourn the meeting.

Voting Aye:	Kulewicz, Lynch, Munc, and President Awakessien Jeter
Voting Nay:	None
Absent:	Adams, Close, and Walter
Abstain:	None

Motion carried and the meeting was adjourned at 7:57 p.m.

President of Council

ATTEST: _____
City Clerk

UA Sanitary Sewers 101

Gary D. Wilfong, PE – Public Service Director

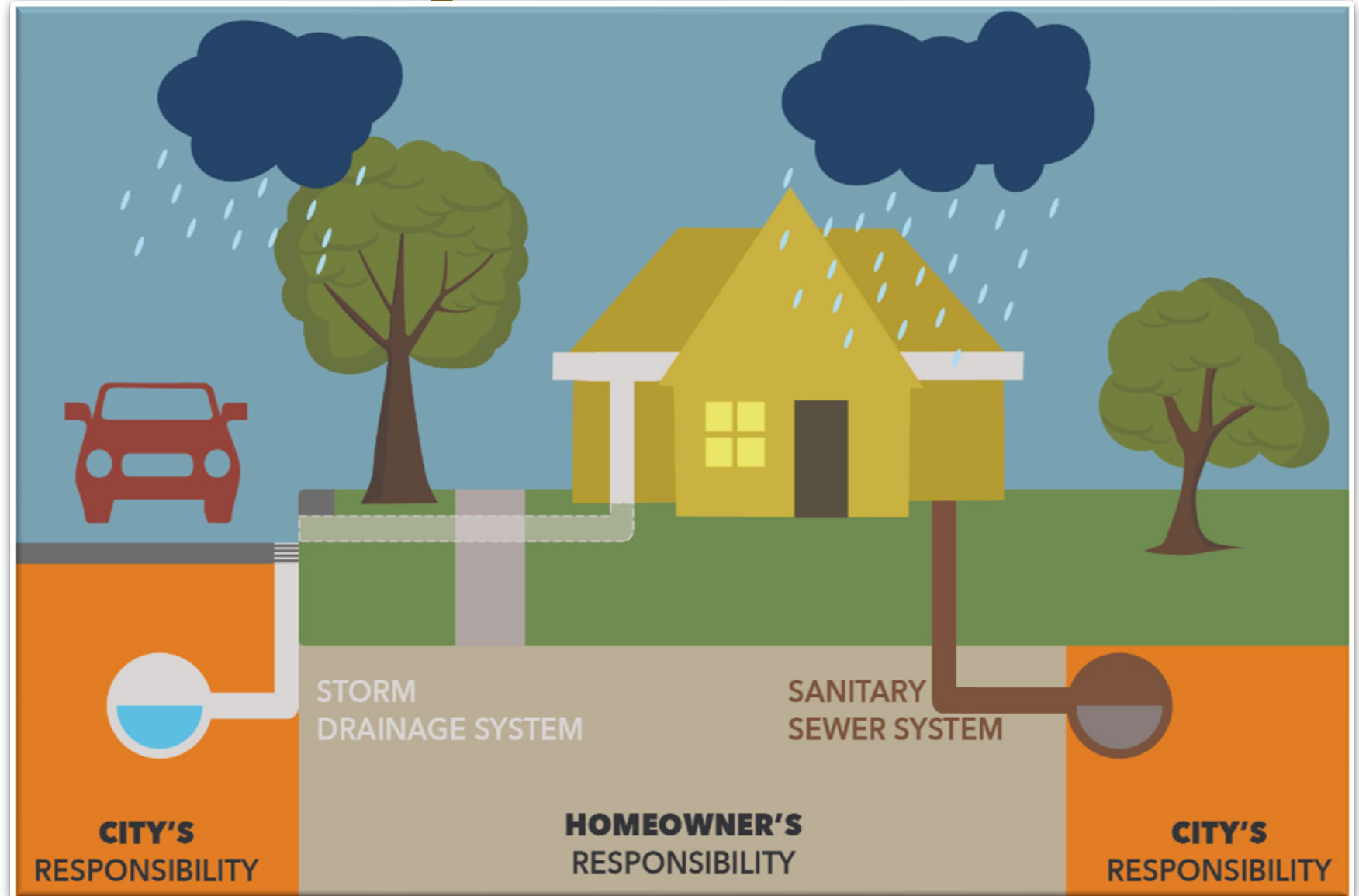
Aaron Scott, PE – Asst. City Engineer

June 3rd, 2024



Two 'sewers' – Sanitary and Storm

- Completely independent systems
- Storm system for rainwater and outdoor watering runoff only
- Sanitary System for your interior plumbing



The “CMOM”

- Includes:
 - Our Goals
 - Responsibility
 - Emergency Response Protocols
 - Inspection and Maintenance Process

City of Upper Arlington
Sanitary Sewer Collection System

CAPACITY, MANAGEMENT, OPERATIONS AND MAINTENANCE PROGRAM

City of  Upper Arlington
PUBLIC SERVICE DEPARTMENT
4100 Roberts Road | Columbus, OH 43228
614-583-5359 | upperarlingtonoh.gov

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Public Service – Inspection & Maintenance

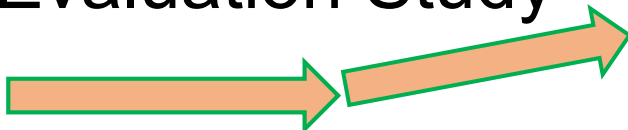
- Cleaning and televising – Public Works televises and inspects 140,000 feet of pipe each year, 70,000 feet in-house and 70,000 feet via contract.
- Sanitary Repairs and Root Foaming list – developed from these inspections

Sanitary Sewer Repairs						
Priority	Sewer Segment ID	Pipe Diameter	Segment Length	As built length:	Assumed taps:	Type of Defect
1	07-97_07-98	8	200	212	8	Some of service wye's are defective. Moved up on list because of the services 0-32' and 67' to 98' Defective service 119.9' 87.1' Hole void visible, 238.2 hole at service Point repair in segment has dropped causing flow restrictions. MH 6-24 holding back water causing flow restriction Heavy deposits around service for 2738 Brandon Rd. Mainline has moderate deposits and roots Sag in pipe, cause hydraulic deficiency because of sag pipe, over 100% capacity during wet weather Broken Soil Visible Deformed and Collapsing Grit and heavy calcium deposits- Grit and heavy calcium deposits-
2	14-34_14-33	8	101	100	1	
3	02-84_02-83	8	346	347	10	
4	01-32_01-25	8	304	319	5	
5	06-23A_06-23	8	365	354	6	
6	02-176_02-177	8	319	319	8	
7	03-21_03-20	12	412	401	13	
8	27-29_27-28	8	208	205	3	
9	04-46_04-47	10				
10	04-48_04-49	10				
9	18-23_18-24	8	260	262	7	3139 Leeds, pipe sag before and after lateral connection; the pipe has already been lined. Point repair is needed at sag in pipe Significant deposits attached downstream, 3 occurrences of I/I
10	15-104_15-105	8	250	254	9	
			Totals:	2773	70	

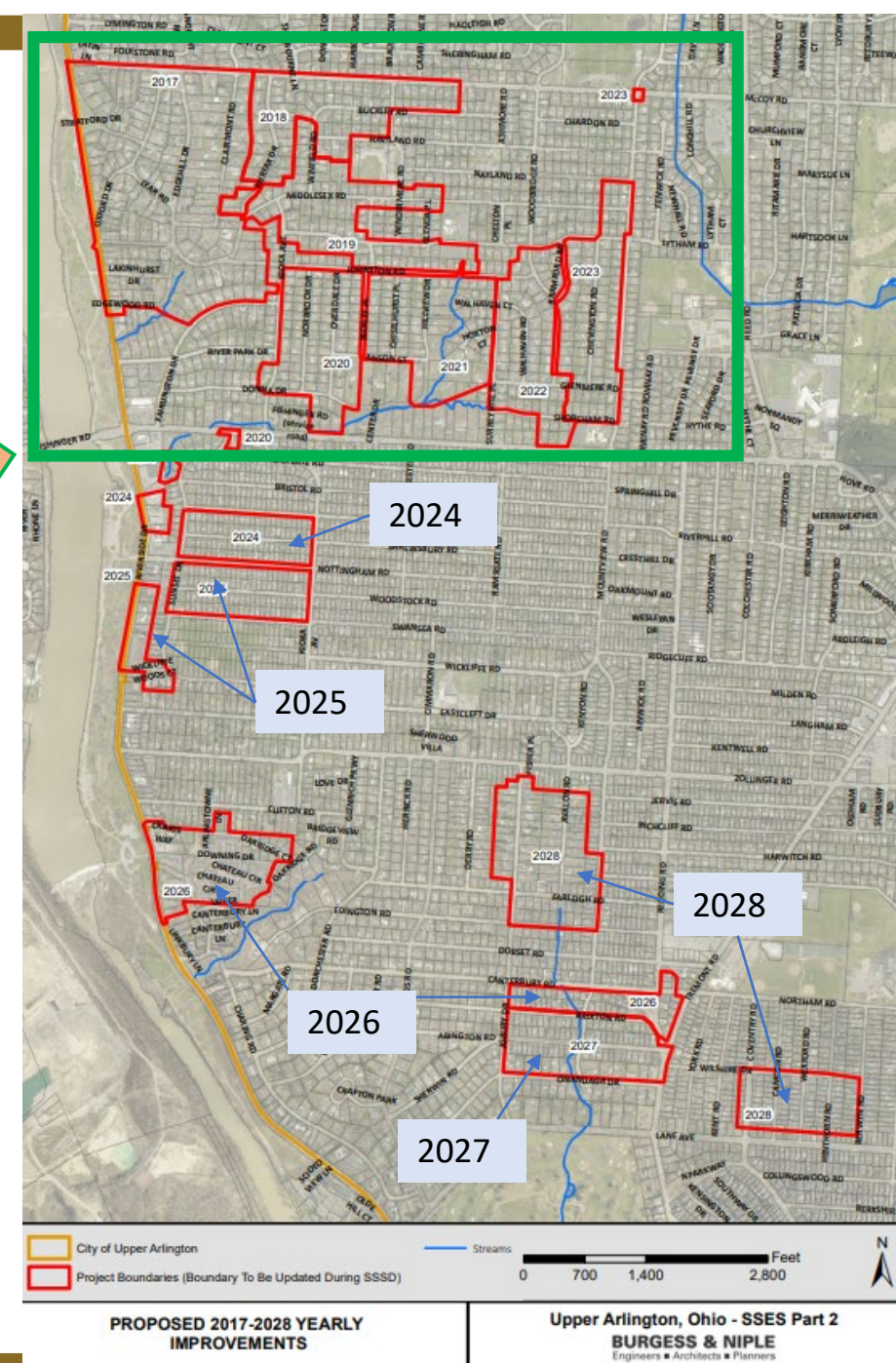


List Created by Public Works with Engineering Assistance and Cleaning Contractors that are NASSCO PAPC certified (National Association of Sewer Service Companies – Pipeline Assessment Certification Program)

2024 Sustainable Sewer Solutions (SSS) Program

- SSES – Sewer System Evaluation Study
- 2017-2023 Completed! 
- \$1.6M budget for 2024 SSS project
- 2024-2028 left in program

[YouTube Sustainable Sewer Solutions video](#)



Thank you!



Authors: Steven Schoeny, City Manager

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 38-2024 - An ordinance amending §525.01 - Definitions and §525.02 - Unlawful Discriminatory Practices of the Upper Arlington Code of Ordinances (*Munc*)

Purpose: To add source of income protections to the City's non-discrimination code

Executive Summary: Ordinance to expand the City's prohibited discriminatory practices to include source of income in housing.

Purpose and Impact

The proposed legislation updates Section 525 - Unlawful Discriminatory Practices of the Upper Arlington Code of Ordinances to prohibit discrimination in housing on the basis of source of income. The legislation defines source of income as: "PAYMENTS FROM A LAWFUL OCCUPATION OR EMPLOYMENT, AS WELL AS OTHER SUBSTANTIATED AND VERIFIED PAYMENTS INCLUDING BUT NOT LIMITED TO SUPPLEMENTAL SECURITY INCOME, GOVERNMENT SUBSIDIES, AND SPOUSAL AND CHILD SUPPORT." The legislation then includes source of income as one of the prohibited reasons to refuse to lease or rent any real property, along with status within a protected class.

Source of income protection as provided in the legislation prohibits landlords from discriminating against renters who rely on substantiated and verified payments in the credit check process to obtain housing. Neither State nor Federal law provides protection for renters who rely upon Social Security, child or spousal support, Veterans benefits, Supplemental Security Income (SSI), or other government payments. With no protection, residents and potential residents of Upper Arlington can be denied housing despite having otherwise acceptable credit and rental histories. A complete Frequently Asked Questions document highlighting the numbers of residents who rely on such sources of income is attached to this staff report.

History

Upper Arlington has had protections against unlawful discriminatory practices for several decades. The code was most recently updated in 2021 to amend the enforcement mechanism under the code, provide an opportunity for parties to mediate disputes, and



include protections based on gender and sexual orientation. The City has not previously considered source of income protections.

Alternatives

This protection does not exist today, and Council could choose to maintain the status quo.

Attachments

1.	UA Source of Income FAQ
2.	Ordinance No. 38-2024
3.	Ordinance No. 38-2024 Exhibit A- UNLAWFUL DISCRIMINATORY PRACTICES





PROPOSED SOURCE OF INCOME ANTI-DISCRIMINATION LEGISLATION ANSWERS TO FREQUENTLY ASKED QUESTIONS

What is *Source of Income (SOI) Discrimination*?

Source of income discrimination is a landlord's refusal to accept various lawful, verifiable source(s) of income as part of the process for determining a person's eligibility as a prospective tenant. Typically, almost all landlords will accept wage income. However, some will exclude legal, verifiable income like child support, spousal support, or loan programs, as well as federal, state, or local assistance payments, benefits, or subsidy programs.

Why is SOI legislation needed?

Source of income discrimination by landlords is *not* prohibited under the Federal Fair Housing Act of 1968 or Ohio fair housing laws. A study conducted by Franklin County Office of Justice Policy & Programs found that discrimination based on source of income is widespread in Franklin County. In their study, **35 landlords in total responded from UA's three zip codes—43221, 43220, and 43212**. Of the 35:

- 18 (51.4%) do not accept any source of income outside of employment
- 21 (60%) do not accept social security
- 27 (77%) do not accept child support

Who could be impacted by this in Upper Arlington?

Renters who rely on:

- **Social Security for older adults (over 65)**
19% of renters are older adults, despite making up 16.4% of the UA population
- **Supplemental Security Income (SSI) for individuals with disabilities**
144 households in Upper Arlington received Supplemental Security Income
- **Veterans benefits**
1,201 Veterans live in Upper Arlington; of those, 561 are reported to have a disability
- **Children**
1,195 children in UA live in single-parent households; a significant portion of those households likely rely on some form of child or spousal support

Why pass SOI non-discrimination legislation in Upper Arlington?

Having source of income protection treats everyone equally, regardless of age or family make up. If you can afford a home, have good credit and a good rental history, you should have an equal playing field to rent your home. You should not be disadvantaged because you rely on Social Security, child support, Veterans benefits or some other verifiable and regular source of income.

Source of income protection is not new to Central Ohio. The cities of Columbus, Bexley, Worthington, Grandview Heights, Gahanna, Reynoldsburg and Whitehall already have SOI protections. In fact, SOI protection has become so common that real estate search sites like Zillow list SOI protection as part of their community profile information.

Statistics show that the legislation works to reduce discrimination. HUD reports that without source of income protection, prospective tenants are denied rentals at a rate of 78%. With source of income protection, that rate falls below 15% on average.

Why don't landlords already accept these other legal forms of income?

Data indicates that many Upper Arlington landlords do accept other legal forms of income. The vast majority of landlords are good actors providing an absolutely vital service to the community, and follow federal, state and local laws. Sometimes, it takes a change in the law to overcome the inertia of "this is how we have always done it" or to demonstrate a shift in community values. This is why protecting a tenant's right to qualify for a rental home based on any legal and verifiable source of income they receive is critical.

Some general concerns and opinions typical of landlords include:

Concern: As a small-business owner, landlords should be able to choose their customers without oversight.

Response: As a business owner, landlords can—and should—continue to exercise lawful discretion when screening residents. Source of Income does not prohibit landlords from refusing to rent to individuals with poor credit, poor housing backgrounds, insufficient income, or other known risks. All it does is broaden the types of income you must consider, without looking at an applicant's individual circumstances.

Concern: Some landlords have concerns about renting to families with children, due to a perceived potential for increased noise and impacts on other tenants, and believe that there may be an increased risk for damage to their property.

Response: Familial status discrimination has been illegal under the Fair Housing Act since its amendment in 1988. Housing providers should seek the "housing for older persons" exemption if they intend to operate senior housing.

Concern: Non-wage-earning tenants won't be a good fit for the neighborhood or the community.

Response: Different sources of income are not a reliable means for determining a person's suitability as a renter. Various circumstances of hardship could cause a person

to require financial assistance at some point in their life – such as an injury, a death in the family, or a divorce.

Will source of income non-discrimination legislation bring Section 8 project housing to Upper Arlington?

No. Section 8 project housing relates to the development of affordable housing units in which Section 8 funds are stacked with other sources to finance the development. This is completely unrelated to a landlord or property manager’s decision to rent a unit to a tenant who is using a legal source of income to qualify for a unit.

In Upper Arlington, current and market rental rates for most rental homes exceed the rent limits that are the payment standards for individuals who hold a Housing Choice Voucher (tenant-based). It is unlikely that a voucher holder could apply for a unit in Upper Arlington unless the landlord were willing to lower the monthly rent and utility calculation to fall within the payment standard.

If a landlord has an available unit within the payment standard price point and a prospective tenant with a housing choice voucher applies and qualifies for the unit through that landlord’s application process, the landlord would then submit the unit to CMHA for an inspection. There are community resources available to provide landlords with technical assistance in navigating this process.

The following table shows current Fair Market Rents in Franklin County used to determine eligibility for housing vouchers:

Payment Standards for Housing Choice Vouchers Columbus & Franklin County	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
FY 2024	\$1,278	\$1,562	\$1,888	\$2,094

The following table shows 2024 median rents at market rate for 1, 2 and 3 bedrooms in Upper Arlington as of April 2024:

At Market Rate Sourced from Zillow	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Upper Arlington	\$1,595	\$1,600	\$2,650	\$3,275

How would the enforcement mechanism work?

Upper Arlington already has a non-discrimination ordinance in place. This legislation is an amendment to the current ordinance. Any person who believes they have been discriminated against may complete the City's [Discrimination Complaint Form](#).

When the City receives a complaint, the City follows the process outlined in municipal code [525.02 \(K\): Complaint procedure](#). In general, the City begins the process by offering mediation services contracted through an independent mediator, with the costs covered by the City. If the parties are unable to resolve the matter or if mediation services are declined, the City appoints a hearing officer, and an administrative hearing is conducted with the hearing officer providing a final decision and recommendation. This decision may be appealed pursuant to the provisions of ORC Ch. 2506.

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 38-2024

TO AMEND §525.01 – DEFINITIONS AND §525.02 – UNLAWFUL DISCRIMINATORY PRACTICES OF THE UPPER ARLINGTON CODE OF ORDINANCES

- WHEREAS,** the City has had protections against unlawful discriminatory practices for several decades, which were most recently updated in 2021 to amend the enforcement mechanism under the code, provide an opportunity for parties to mediate disputes, and include protections based on gender and sexual orientation; and
- WHEREAS,** source of income protection measures prevent landlords from discriminating against tenants who rely on substantiated and verified payments in the credit screening process for obtaining housing; and
- WHEREAS,** neither state nor federal laws provide protection for tenants who rely upon Social Security, child or spousal support, Veterans Benefits, Supplemental Security Income, or other government payments; and
- WHEREAS,** with no protection, current residents and potential residents of Upper Arlington can be denied housing despite having otherwise acceptable credit and rental histories; and
- WHEREAS,** this Council aims to uphold and enrich an inclusive environment where every individual feels welcomed and valued.

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

SECTION 1. Sections 525.01 and 525.02 of Chapter 525 – Unlawful Discriminatory Practices of the Upper Arlington Code of Ordinances are hereby amended as described in EXHIBIT A, attached hereto and made a part herein.

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

§ 525.01 DEFINITIONS.

As used in this chapter:

- (A) *Person*: includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons. It also includes, but is not limited to, any employee, lending institution; and the state, and all political subdivisions, authorities, agencies, boards and commissions thereof.
- (B) *Employer*: any person or entity employing four (4) or more persons within the state, and any person acting in the interest of an employer, directly or indirectly.
- (C) *Employee*: does not include any individual employed in the domestic service of any person.
- (D) *Labor organization*: includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or for other mutual aid or protection in relation to employment.
- (E) *Employment agency*: includes any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.
- (F) *Discriminate*: to treat a person differently, or less favorably. Providing a reasonable accommodation to address a disability does not constitute discrimination.
- (G) *Unlawful discriminatory practice*: means any act prohibited by this chapter.
- (H) *Place of public accommodation*: means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store or other place for the sale of merchandise or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public.
- (I) *Housing accommodations*: include any building or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one (1) or more individuals, groups or families whether or not living independently of each other; and any vacant land offered for sale or lease.

It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman or agent, or by any other person pursuant to authorization of the owner, by the owner or by a legal representative.
- (J) *Restrictive covenant*: means any specification limiting the transfer, rental, lease or other use of any housing because of race, color, religion, national origin or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, national origin or ancestry as a condition of affiliation or approval.
- (K) *Burial lot*: means any lot for the burial of deceased persons within any public burial ground or cemetery, including but not limited to, cemeteries owned and operated by municipal corporations, townships or companies or associations incorporated for cemetery purposes.
- (L) *Protected class*: classification of individuals based on one (1) or more of the following characteristics: race, color, religion, sex, military or veteran status, national origin, age, ancestry, familial status, disability, sexual orientation, gender identity, or gender expression or any class of people designated as a protected class by state or federal law.
- (M) *Religious exemption*: includes the religious exemptions for hiring and housing provided by ORC 4112.02 and 4112.024 and exceptions established in C.O. § 525.03.

-
- (N) SOURCE OF INCOME: PAYMENTS FROM A LAWFUL OCCUPATION OR EMPLOYMENT, AS WELL AS OTHER SUBSTANTIATED AND VERIFIED PAYMENTS INCLUDING BUT NOT LIMITED TO SUPPLEMENTAL SECURITY INCOME, GOVERNMENT SUBSIDIES, AND SPOUSAL AND CHILD SUPPORT.

(Ord. No. 50-2021 , § 1, 6-28-2021)

§ 525.02 UNLAWFUL DISCRIMINATORY PRACTICES.

Absent a religious exemption, it shall be an unlawful discriminatory practice:

- (A) For any employer to refuse to hire or otherwise to discriminate against any person based on a protected class with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment.
- (B) For an employment agency, based on a protected class to:
 - (1) Refuse or fail to accept, register, classify properly or refer for employment, or otherwise to discriminate against any person.
 - (2) Comply with a request from an employer for referral of applicants for employment, if the request indicates directly or indirectly that the employer fails to comply with the provisions of ORC §§ 4112.01 to 4112.07, inclusive or of this chapter.
- (C) For any labor organization to:
 - (1) Limit or classify its membership on the basis of a protected class.
 - (2) Discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect their status as an employee or wages, hours or employment conditions based on a protected class.
- (D) For any employer, labor organization or joint labor-management committee controlling apprentice training programs to discriminate against any person based on a protected class in admission to or employment in any program established to provide apprentice training.
- (E) Except where based on a bona fide occupational qualification certified in advance by the Ohio Civil Rights Commission, for any employer, employment agency or labor organization prior to employment or admission to membership, to:
 - (1) Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, color, religion, national origin or ancestry; but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in personnel records and may use photographic or fingerprint identification for security purposes.
 - (2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination, based upon membership in a protected class.
 - (3) Announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, national origin or ancestry of such group.

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(Supp. No. 10)

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- (4) Utilize in the recruitment or hiring of persons any employment agency, placement service, training school or center, labor organization or any other employee-referring source known to such employer to discriminate against persons because of membership in a protected class.
- (F) For any proprietor or employee, keeper or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons, the full enjoyment of the accommodations, advantages, facilities or privileges thereof based on the person's membership in a protected class.
- (G) For any person to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice or to obstruct or prevent any person from complying with ORC §§ 4112.01 to 4112.11, inclusive, or the provisions of this chapter; or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.
- (H) For any person to:
- (1) Refuse to sell, transfer, assign, finance or otherwise deny or withhold housing accommodation from any person based on the protected class of any prospective owner, occupant or user of such housing.
 - (2) Refuse to lease or rent any real property based on the protected class **OR SOURCE OF INCOME** of any current or prospective tenant.
 - (3) Represent to any person that housing is not available for inspection when in fact it is so available.
 - (4) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing or otherwise withhold financing of housing from any person based on the protected class of any present or prospective owner, occupant or user of such housing, provided such person, whether an individual, corporation or association of any type, lends money as one (1) of the principal aspects of their business or incidental to their principal business and not only as a part of the purchase price of an owner-occupied residence nor merely casually or occasionally to a relative or friend.
 - (5) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing because of the protected class of any present or prospective owner, occupant or user of such housing.
 - (6) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing because of the protected class of any present or prospective owner, occupant or user of such housing.
 - (7) Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any housing or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing which indicates any preference, limitation, specification or discrimination based upon a protected class.
 - (8) Make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning race, color, religion, ancestry or national origin in connection with the sale or lease of any housing or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing.
 - (9) Include in any transfer, rental or lease of housing any restrictive covenant concerning a protected class or honor or exercise or attempt to honor or exercise, any such restrictive covenant,

provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision.

- (10) Represent in the context of a housing sale that the presence or anticipated presence of persons of any protected class, in the area will or may have results such as the following:
 - (a) The lowering of property values.
 - (b) A change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located.
 - (c) An increase in criminal or antisocial behavior in the area.
 - (d) A decline in the quality of the schools serving the area.
- (11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing accommodations or to discriminate against them in the terms or conditions of such access, membership or participation, on account of a protected class.
- (12) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected in C.O. § 525.02(H).
- (13) Whether or not acting under color of law, by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate or interfere with any of the following based on a protected class:
 - (a) Selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting housing accommodations.
 - (b) Participating, without discrimination on account of race, color, religion, national origin or ancestry, in any of the activities, services, organizations or facilities described in C.O. § 525.02(H).
 - (c) Participating in any of the activities, services, organizations or facilities described in C.O. § 525.02(H)(13)(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
- (14) Refuse to sell, transfer, assign, rent, lease, sublease, finance, or otherwise deny or withhold a burial lot from any person based on the protected class of any prospective owner or user of such lot.
- (I) For any person to discriminate in any manner against any other person because they opposed any unlawful practice defined in this section, or because they made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under ORC §§ 4112.01 to 4112.07, inclusive, or under this chapter.
- (J) Reserved.
- (K) *Complaint procedure:*
 - (1) *Filing of the complaint.*
 - (a) An aggrieved individual, complainant, may file with the Upper Arlington Clerk of Council a written complaint sworn under oath which alleges facts and circumstances, including the location, date(s), and time(s), of an unlawful discriminatory act(s) or practices, that such

acts did or are occurring within the city limits, that the discrimination was directed at the complainant, and which identifies the person who committed or continues to commit the alleged unlawful discriminatory act(s) or practices.

- (b) Concurrent with the filing of the complaint, the complainant shall provide to the clerk of council in writing the complainant's mailing address, telephone number, if any, and email address, if any.
- (c) The complaint shall not be accepted by the clerk of council if any of the following apply:
 - 1. The complaint is presented to the clerk of council more than one hundred eighty (180) days following the most recent unlawful discriminatory act alleged in the complaint;
 - 2. No incident location provided in the complaint is within the City of Upper Arlington;
 - 3. The complaint fails to include all the information required by division (1)(a) of this section;
 - 4. The complainant fails to concurrently provide a writing that includes the information required in division (1)(b) of this section.
- (d) Within sixty (60) days following the receipt of the complaint, the city shall:
 - 1. Issue a notice of complaint by certified mail or another form of mail that evidences receipt. The notice of complaint shall include an offer of mediation. If the respondent agrees to mediation, the city shall provide an independent mediator to work with the parties to resolve the matter.
 - 2. If the respondent declines to participate in mediation, fails to respond within the allotted time for a response, or the mediation is unsuccessful, the city shall appoint an independent hearing officer to hear the case.

(2) *Hearing officer, final decision, remedies, and appeal.*

- (a) If a hearing officer is appointed, the hearing officer shall have the authority to:
 - 1. Conduct an administrative hearing;
 - 2. Provide to all the parties, witnesses, and the law director timely notice of the hearing date, time, and location;
 - 3. Set, change as necessary, and timely communicate to the parties such reasonable procedural rules as the hearing officer shall deem appropriate;
 - 4. Issue subpoenas and direct the exchange of discovery.
- (b) At the conclusion of the administrative hearing the hearing officer shall issue to the parties and the city a final written decision to include findings of fact and conclusions of law:
 - 1. If the hearing officer finds the respondent did engage in, or continues to engage in, an unlawful discriminatory act or practice under this chapter, and the hearing officer, in the hearing officer's sole discretion, deems it appropriate, the hearing officer's final written decision may include the issuance to the respondent of orders to cease and desist, an award of actual damages and the imposition upon the respondent of such other sanctions as are provided in this chapter; or

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2. If the hearing officer, in the hearing officer's sole discretion, deems it appropriate, the hearing officer's final written decision may include the issuance of a notice of dismissal.
- (c) If the final decision of the hearing officer includes the issuance to the respondent of orders to cease and desist the unlawful discriminatory acts or practices or the award of damages such orders shall specify a time period for the respondent's compliance.
 - (d) The final decision of the hearing officer may include the imposition upon the respondent of reasonable costs of the hearing process. attorney fees and the cost of mediation shall not be assessed against the respondent.
 - (e) The final decision of the hearing officer may include the imposition upon the respondent of a civil penalty payable to the city as follows:
 1. If division (2)(e)2. or (2)(e)3. of this section does not apply, a civil penalty in an amount not to exceed one thousand dollars (\$1,000.00);
 2. If division (2)(e)3. of this section does not apply and if the respondent has been found by the hearing officer to have committed one violation of this chapter during the five-year period immediately preceding the date on which a complaint was filed with the clerk of council, a civil penalty in an amount not to exceed two thousand five hundred dollars (\$2,500.00);
 3. If the respondent has been found by the hearing officer to have committed two or more violations of this chapter during the five-year period immediately preceding the date on which a complaint was filed with the clerk of council, a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00).
 - (f) The final decision of the hearing officer may not include any orders for reinstatement of employment.
 - (g) The final decision of the hearing officer may be appealed pursuant to the provisions of ORC Ch. 2506.

(Ord. No. 50-2021 , § 2, 6-28-2021)

Authors:	Steven Schoeny, City Manager Jeff Anderson, Parks Development & Arts Superintendent
Council Meeting Date:	June 10, 2024
Subject/Legislative Item:	Ordinance No. 40-2024 - An ordinance authorizing the City Manager to amend the contract with Pizzuti Solutions for Owner's Representative Services for the Bob Crane Community Center (<i>Walter</i>)
Purpose:	To assist City staff in the successful delivery of Community Center project throughout the design and construction process
Executive Summary:	Legislation will authorize the City Manager to amend the contract with Pizzuti Solutions for Owner's Representative services on the Upper Arlington Community Center.

Purpose and Impact

On May 24, 2021, City Council approved Ordinance 40-2021, which authorized a contract with Pizzuti Solutions for Owner's Representative services for the Upper Arlington Community Center. This new ordinance will authorize the City Manager to execute an amendment to the Pizzuti Solutions contract in the amount of \$476,000 for additional services as Owner's Representative (OR) on the Community Center project. With this proposed amendment, the total contract with Pizzuti Solutions for OR services on the Community Center project would not exceed \$2,593,500. Of the total contract amount, \$119,000 will be for Owner's Representative services on the Kingsdale Parking Garage with the remaining \$2,474,500 being for services on the Community Center (including office component).

As OR, Pizzuti Solutions has worked cooperatively and in conjunction with the City to ensure successful completion of the project by providing services that include project oversight, schedule and budget management, procurement assistance, design review, construction oversight and closeout assistance. The City's initial contract with Pizzuti Solutions assumed a 38-month total project duration which is scheduled to conclude on June 30, 2024. However, the current construction schedule has substantial completion scheduled for January 10, 2025, with a public opening of the facility in the spring of 2025. Based on the current schedule, this amendment would extend Pizzuti Solution's contract for eleven months providing for continued services through construction closeout and opening.

Due to overall project costs running under budget, the community center portion of the

proposed change (\$357k) will be captured in the overall \$85mm community center project budget (no increase needed).

The proposed change was not anticipated in the 2024 budget, and therefore was not appropriated. At this time, there are sufficient funds and appropriations within the Bonded Improvement Fund and the Infrastructure Improvement Fund to cover this proposed change. If appropriation changes are needed, they will be brought forth during the mid-year budget review.

History

The original contract with Pizzuti Solutions was for a \$70mm total project budget based upon the conceptual financial information provided by the Community Center Feasibility Task Force in December 2020. At the completion of the Design Development phase, the total project budget was revised to \$85mm as presented to City Council on June 13, 2022. In addition to the increased budget, the overall project schedule has also been extended, largely due to adjustments needed during design in response to fluctuating cost estimates due to unusually high and unpredictable COVID related cost escalation during the Schematic Design and Design Development Phases. This amendment represents the additional services provided by Pizzuti Solutions in response to the extended schedule.

In addition to the schedule, there have also been several other factors that have required additional services from the Owner's Representative beyond what was anticipated in the original contract. These include:

- During design, Pizzuti Solutions assisted the City with necessary Value Engineering efforts and an adjusted bidding strategy that gave the City the confidence to advance the project, but also significantly impacted the design and ultimately the construction schedule.
- A separate freestanding parking structure on the adjacent parcel was not anticipated in the original proposal but was added to the scope of the project. Pizzuti Solutions has been involved in preparing parking deck design concepts, the design review process for the parking deck as well as the land lease negotiation with Echo Reality.

Pizzuti Solutions has assisted the City with their lease negotiation with the OSUWMC and is providing oversight on the design and construction of the Tenant Improvements from the Owner's perspective. These costs are not included in the overall Community Center project budget.

Alternatives

An alternative to amending this contract would be to allow Pizzuti Solutions services to conclude at the end of June 2024. This is not recommended since the construction schedule currently shows an additional seven months until the completion of construction and approximately ten months to the opening of the center. Pizzuti Solutions, in their role as Owner's Representative, has provided necessary assistance to City Staff throughout the project. It will be critical to continue these services throughout the completion of the project,



allowing their team to assist with end of project items such as finish review, FF&E procurement, punch list oversight, project closeout and move coordination.

Delaying this ordinance is also not recommended in order to avoid any potential disruptions to the service being offered by Pizzuti Solutions.

Attachments

1.	Ordinance No. 40-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 40-2024

TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH PIZZUTI SOLUTIONS FOR OWNERS REPRESENTATIVE SERVICES FOR THE BOB CRANE COMMUNITY CENTER

- WHEREAS,** on May 24, 2021, City Council approved Ordinance No. 40-2021, which authorized a contract with Pizzuti Solutions for Owner's Representative Services for the Upper Arlington Community Center; and
- WHEREAS,** at the completion of the Design Development phase, the total project budget was revised to \$85M as presented to City Council on June 13, 2022; and
- WHEREAS,** in addition to schedule changes, there have been other factors that have required additional services from the Owner's Representative beyond what was anticipated in the original contract, which included value engineering efforts, adjustments to bidding strategy, design services for the separate freestanding parking structure that was added to the project scope, and lease negotiations; and
- WHEREAS,** the initial contract with Pizzuti Solutions assumed a 38-month total project duration, which is scheduled to conclude on June 30, 2024, however, the current construction schedule has substantial completion scheduled for January 10, 2025, with a public opening of the facility in the spring of 2025; and
- WHEREAS,** based on the current schedule, this amendment would extend Pizzuti Solution's contract for eleven months, providing for continued services through construction closeout and opening; and
- WHEREAS,** this ordinance will authorize the City Manager to execute an amendment to the original contract for an increased amount of \$476,000.00 for additional services, for a total contract amount not to exceed \$2,593,500.00, of which \$119,000.00 will be for Owner's Representative services on the Kingsdale Parking Garage with the remaining \$2,474,500.00 being for services on the community center; and
- WHEREAS,** Staff recommend authorizing the City Manager to enter into an amended contract with Pizzuti Solutions for Owners Representative services for the Bob Crane Community Center.

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 an amended contract with Pizzutti Solutions for an increased amount of \$476,000.00 for additional services, for a total contract amount not to exceed \$2,593,500.00, of which \$119,000.00 will be for Owner's Representative Services on the Kingsdale Parking Garage, with the remaining \$2,474,500.00 being for services on the Bob Crane Community Center.

SECTION 2.

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

SECTION 3.

This ordinance shall take effect immediately upon passage.

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

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 44-2024 - An ordinance authorizing the City Manager to enter into contract with the Edge Group, Inc. for master planning services for Fancyburg Park (*Adams*)

Purpose: To provide master planning, estimating and conceptual design services for the renovation of Fancyburg Park

Executive Summary: Legislation authorizes the City Manager to enter into a contract with the Edge Group, Inc. for master planning design services for Fancyburg Park

Purpose and Impact

This is an ordinance authorizing the City Manager to enter into a contract with the Edge Group, Inc. in an amount not to exceed \$174,636 for master planning services for the future renovation of Fancyburg Park. A breakdown of the total cost of these services is shown below:

Phase 1 Master Planning Services: \$69,000

Phase 2 Master Planning Services: \$57,700

Site Survey: \$35,000

8% Contingency: \$5,000 for Phase 1 and \$7,936 for Phase 2 = \$12,936

Total not to Exceed: \$174,636

Phase 1 Master Planning Services shall include conceptual base mapping, cost estimating, community engagement and development of conceptual plan alternatives. The fee for this phase is \$74,000 with Phase 1 contingency and is below the \$75,000 that is included in the 2024 Capital Improvement Plan. These services will help refine the scope and budget that is included in the 10 year CIP for the renovation of Fancyburg Park and provide information needed for future budget planning.

Upon completion of the Phase 1 services, the City Manager shall be authorized to amend the contract with the Edge Group to include Phase 2 Services and a Detailed Site Survey if funds are approved in the 2025 budget. Phase 2 services will include additional community engagement and the development of a detailed Master Plan Package that will include



conceptual grading, utility needs, materiality, 3D character imagery, cost estimating and phasing recommendations. Phase 2 services will be included in the 2025 Capital Improvement Plan subject to City Council approval of the 2025 CIP.

The 2018 Parks and Recreation Comprehensive Plan included a Park Assessment of Fancyburg that identified several amenities that are in Fair or Poor Condition. The Comprehensive Plan made several recommendations related to the renovation of these amenities, including to update all park infrastructure items that are outdated and need enhancement and/or change them out to provide new amenities that best reflect the values of citizens and their community. Recommendations also included to remove unproductive amenities in parks and replace them with new amenities that are desired by the community, such as pickleball, basketball, natural areas, and fitness equipment.

The renovation of Fancyburg is currently included in the 10 Year CIP for 2027 and 2028. Beginning with Master Planning Services, as this time will help to refine the scope and budget that is included in the Capital Improvement Plan. It will also allow the City to begin the Community Engagement process and ensure that the planned renovations appropriately address the recreational needs and desires of residents. It will provide a clear direction for the future of the park and how it fits into the overall City park system.

History

A Request for Qualifications was issued on March 13, 2024. On April 5th, four Statements of Qualifications (SOQs) were submitted and reviewed by a Selection Committee consisting of six Parks & Recreation Department staff members. SOQs were scored based on evaluation criteria provided in the Request for Qualifications including project team, past performance, understanding of the project, project approach and overall quality of the response. The results are summarized below:

Vendor: Average Score

Edge Group: 90

OHM Advisors: 89

MSA Sport: 88

MKSK: 75

All the responding firms submitted very responsive SOQs that clearly demonstrated their qualifications and experience. However, the Edge Group had the best average score and was selected to submit a technical and fee proposal. Their experience includes several projects that are very similar in scale and scope to Fancyburg. These include Warner Woods Park in Columbus and Bevelhymer Park in New Albany. Their experience was complimented by the rest of their team, including Meyers and Associates who have served as architects for the Grandview Center and Pierce Field Park for the City of Grandview as well as Korda Engineers who have completed several projects for Upper Arlington, including Northam Park.

Alternatives

The Edge Groups submitted a thorough SOQ and proposal that clearly demonstrated both their technical qualifications and their understanding of the project. Given the quality of the



response, the Selection Committee does not recommend any alternatives to the selection of the Edge Group.

Entering this contract at this time will allow the Edge Group to begin the design process this summer. They have proposed a schedule that will allow for preliminary cost estimates and conceptual alternatives to be developed by the fall so that they can be considered as part of any proposed changes to the 2025 capital improvement plan. Delaying this ordinance would not allow this work to be completed prior to approval of the new budget.

Attachments

1.	Ordinance No. 44-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 44-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH EDGE GROUP, INC. FOR MASTER PLANNING SERVICES FOR FANCYBURG PARK

WHEREAS, the 2018 Parks and Recreation Comprehensive Plan included a Park Assessment of Fancyburg Park, which identified several amenities that are in fair or poor condition; and

WHEREAS, the Comprehensive Plan made several recommendations related to the renovation of these amenities, including updates to all outdated park infrastructure items and removal of unproductive amenities; and

WHEREAS, master planning services, which will occur in phases, will help refine the scope and budget that is included in the Capital Improvement Plan, will allow the City to begin the community engagement process, and ensure that the planned renovations appropriately address the recreational needs and desires of residents; and

WHEREAS, a Request for Qualifications (RFQ) was issued on March 13, 2024, and on April 5, 2024, four Statements of Qualifications (SOQs) were reviewed by a Selection Committee consisting of six Parks & Recreation Department staff members; and

WHEREAS, SOQs were scored based on evaluation criteria provided in the RFQ, including project team, past performance, understanding of the project, project approach, and overall quality of the response; and

WHEREAS, Staff recommend awarding the contract to Edge Group, Inc., due to their thorough SOQ and proposal, which clearly demonstrated both their technical qualifications and their understanding of the project.

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

SECTION 1. The City Manager is hereby authorized to enter into a two-year contract with Edge Group, Inc. for an amount not to exceed \$174,636.00, for master planning services for the future renovation of Fancyburg Park.

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

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

Authors: Brent Lewis, Finance Department Director

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 45-2024 - An ordinance authorizing the City Manager to enter into contract with RedTree Investment Group for management and advisory services (*Close*)

Purpose: To authorize the City Manager to enter into a contract for investment management/advisory services.

Executive Summary: The City's current investment management/advisory with Meeder Public Funds expires on June 30, 2024. Though not required by the City's procurement code, the City solicited requests for proposals for these services. Upon review and evaluation of the proposals, the City recommends the City Council approve entering into a contract with Red Tree Investment Group for a period of three years, with an option to extend for an additional two years. The total cost for the first three years of the contract would be \$88,140 (\$28,380; \$28,380; \$31,380). Years four and five would total \$65,760 (\$31,380 and \$34,380), if the City chooses to extend. The total contract value for the five-year period would be \$153,900.

Purpose and Impact

Staff is requesting authorization to allow the City Manager to enter into a contract with Red Tree Investment Group for investment management/advisory services. This contract would be for a period of up to five years (three years, with an option to extend two additional years) and it would be for an amount not to exceed \$154,000. The breakdown of the cost is as follows:

Year 1 - \$28,380
Year 2 - \$28,380
Year 3 - \$31,380
Year 4 - \$31,380
Year 5 - \$34,380

The City has been under contract with Meeder Public Funds for investment management/advisory services for the past five years. The total cost for their services for the current year is \$35,000.



History

As mentioned above, the City has been under contract with Meeder Public Funds for investment management/advisory services for the past five years. Over this time frame, Meeder has provided exceptional service to the City. Though specialized services like this are not required to be bid out per the procurement code, staff decided to conduct a request for proposal process to primarily determine if the current pricing was reasonable. The RFP generated three responses:

- Meeder Public Funds - discretionary services, three-year total - \$114,000; two-year option - to be negotiated
- RedTree Investment Group - discretionary services, three-year total - \$88,140; two-year option - \$65,760
- Fifth Third Investment Group, non-discretionary services, no fixed fees - paid a one-time concession upon the purchase of any investment in the portfolio.

Note: A non-discretionary investment means that the broker has to contact you and get your permission before making any trades in your account. In a discretionary account, the broker is permitted to exercise their own discretion and make purchases or sales of securities without talking to you and getting your permission (within the parameters of the investment policy).

Meeder and RedTree are the two of the top, and most widely used, discretionary advisors in the state. While Fifth Third is a very highly respected non-discretionary advisor the is used by clients such as the City of Toledo and the City of Worthington.

After careful review of all the proposals, and a preference for discretionary services and a fixed fee approach, staff would recommend entering into a contract with RedTree Investment Group. Below are some additional details about RedTree:

- Founded in 2014 by Ryan Nelson and Jennifer Trowbridge (50% female owned), who brought extensive experience from regional investment firms to create a company tailored for public entities.
- Based in Cincinnati, Ohio.
- Based on assets, over 99% of our accounts are comprised of institutional governmental entities, and all accounts are separately managed portfolios.
- Currently work with over 30 cities in Ohio.
- Comprised of a solid team of nine professionals.
- Current client examples : City of Westerville, City of Mason, City of New Albany, City of Gahanna, City of Pickerington
- A key strength of our firm lies in managing construction funds. Over the past decade, the RedTree investment team has successfully overseen more than 150 projects governed by ORC Chapter 135, resulting in a total asset value exceeding \$4 billion. Presently, we are actively involved in the management of over 55 projects, amounting to approximately \$1.2 billion in assets.



- Investment management totals - \$8.4B in governmental assets; \$14.3M in non-governmental assets (Meeder - \$54.6B in governmental assets, for comparison)

Alternatives

Though RedTree has been recommended based on several factors, including price, the City Council could elect to award the contract to Meeder Investment Group based on prior history, continuity, and strong performance with the City.

Attachments

1.	Ordinance No. 45-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 45-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH REDTREE INVESTMENT GROUP FOR MANAGEMENT AND ADVISORY SERVICES

WHEREAS, the City's current contract for investment management and advisory services with Meeder Public Funds expires on June 30, 2024; and

WHEREAS, the City has been in contract with Meeder Public Funds for five years and though not required by procurement code, the staff issued a request for proposal (RFP) for these services; and

WHEREAS, the RFP generated three responses, as described below:

Meeder Public Funds: discretionary services, three-year total - \$114,000; two-year option - to be negotiated

RedTree Investment Group: discretionary services, three-year total - \$88,140; two-year option - \$65,760

Fifth Third Investment Group: non-discretionary services, no fixed fees- paid a one-time concession upon the purchase of any investment in the portfolio; and

WHEREAS, after careful review of all the proposals and a preference for discretionary services and a fixed-fee approach, staff recommend entering into a contract with RedTree Investment Group for a period of three years, with an option to extend for an additional two years.

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

SECTION 1. The City Manager is hereby authorized to enter into a three-year contract with RedTree Investment Group, with an option to extend for an additional two years, for an amount not to exceed \$153,900.00, for management and advisory services.

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

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

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

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 46-2024 - An ordinance authorizing the City Manager to enter into contract with Performance Pipelining, Inc. for the 2023 & 2024 Sanitary Sewer Repairs Construction Project (*Kulewicz*)

Purpose: To Maintain and Improve the Wastewater System

Executive Summary: This is an ordinance authorizing the City Manager to enter into contract with Performance Pipelining, Inc. in the amount of \$336,220.50 for the 2023 & 2024 Sanitary Sewer Repairs Construction Contract.

Purpose and Impact

This is an ordinance authorizing the City Manager to enter into contract with Performance Pipelining, Inc. in the amount of \$336,220.50 for the 2023 & 2024 Sanitary Sewer Repairs Construction Contract. On Friday, May 24, 2024, the City received bids for the project from four (4) contractors. The results are summarized below:

<u>Contractor</u>	<u>Bid Price</u>
Visu-Sewer of Ohio, LLC	\$418,110.55
Inliner Solutions, LLC	\$422,861.75
Insight Pipe Contracting, LLC	\$506,247.50
Performance Pipelining, Inc.	\$336,220.50
Engineer's Estimate	\$427,065.10
Budget	\$430,000.00

Performance Pipelining, Inc. had the lowest and best bid of \$336,220.50.

The amount included in the 2023 and 2024 budget for this combined project is \$430,000 (Sanitary Sewer Surcharge Fund). The total contract price is under budget at \$336,220.50 which includes a 10% contingency. A second phase will be proposed for the remaining budget so that urgent repairs may be included if found during inspection throughout the year.

History



This project consists of sanitary sewer lining of approximately 2,413 linear feet of 8-inch pipe, 579 linear feet of 12-inch pipe, 663 linear feet of 15-inch pipe, and 156 linear feet of 18-inch pipe. Point repair work for 4 locations is also included as needed. The proposed work has been prioritized based on recommendations from the Public Works Division from conditions found while performing periodic video inspection of the lines. Point Repairs are prioritized by Public Works and are completed as funds remain.

Alternatives

The alternative to not authorize the City Manager to enter into contract with Performance Pipelining, Inc. for this project would delay top priority repairs and maintenance to the sewer system, which could lead to sewer backup and/or more costly improvements.

Council could also direct the City Manager to rebid the sanitary repairs and add additional work for the remaining \$93,700. The low-bid pricing is extremely favorable given the overall average bids. This risks receiving bids that are above budget, and is therefore not recommended.

Attachments

1.	Ordinance No. 46-2024
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RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 46-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH PERFORMANCE PIPELINING, INC. FOR THE 2023-2024 SANITARY SEWER REPAIRS CONSTRUCTION PROJECT

- WHEREAS,** this project consists of sanitary sewer lining of approximately 2,413 linear feet of 8-inch pipe, 579 linear feet of 12-inch pipe, 663 linear feet of 15-inch pipe, and 156 linear feet of 18-inch pipe, and point repair work for four locations; and
- WHEREAS,** the proposed work has been prioritized based on recommendations from the Public Works Division from conditions found while performing periodic video inspection of the lines; and
- WHEREAS,** on Friday, May 24, 2024, the City received bids for the project from four contractors, with results summarized below; and

<u>Contractor</u>	<u>Bid Price</u>
Visu-Sewer of Ohio, LLC	\$418,110.55
Inliner Solutions, LLC	\$422,861.75
Insight Pipe Contracting, LLC	\$506,247.50
Performance Pipelining, Inc.	\$336,220.50
Engineer's Estimate	\$427,065.10
Budget	\$430,000.00

- WHEREAS,** Performance Pipelining, Inc. had the lowest and best bid of \$336,220.50, including a 10% contingency, which comes in below budget; and
- WHEREAS,** it is recommended that the City Manager be authorized to enter into contract with Performance Pipelining, Inc. for the 2023-2024 Sanitary Sewer Repairs Construction Project.

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

- SECTION 1.** The City Manager is hereby authorized to enter into contract with Performance Pipelining, Inc. for an amount not to exceed \$336,220.50, which includes a 10% contingency, for the 2023-2024 Sanitary Sewer Repairs Construction Project.
- SECTION 2.** The City Manager, Finance Director, and the City Attorney are hereby

authorized to take all actions, including the execution of all documents or amendments necessary to enter into, implement, and administer the contract, that are not substantially inconsistent with this ordinance.

SECTION 3.

This ordinance shall take effect immediately upon passage.

Authors:	Brent Lewis, Finance Department Director
Council Meeting Date:	June 10, 2024
Subject/Legislative Item:	Resolution No. 6-2024 - A resolution adopting the tax budget for the Upper Arlington Public Library for the fiscal year beginning January 1, 2025 and submitting the same to the Franklin County Budget Commission (<i>Lynch</i>)
Purpose:	Per the Ohio Revised Code, City Council is required to approve the Upper Arlington Public Library's annual tax budget prior to submittal to the Franklin County Budget Commission.
Executive Summary:	Staff requests passage of the resolution to adopt the tax budget for the Upper Arlington Public Library for the fiscal year beginning January 1, 2025 and submitting the same to the Franklin County Budget Commission.

Purpose and Impact

Franklin County is responsible for establishing the property tax rates for all taxing entities within the county. The Ohio Revised Code requires a tax budget to be prepared and submitted to the County Budget Commission, unless waived (Franklin County does not waive this provision), by July 20th of each year.

Since the City is the designated taxing authority for the Upper Arlington Public Library, the Ohio Revised Code requires the tax budget to be authorized by the City, as well as the Upper Arlington Public Library. Once approved, the tax budget is submitted to the Franklin County Budget Commission to help establish the tax rates for the upcoming year.

History

As the designated tax authority for the Upper Arlington Public Library, the City has always been required to approve the Library's tax budget.

Alternatives

There are no alternatives at this time. Any entity that does not have their tax budget submitted by the required date is subject to losing its apportionment of the local government fund for the ensuing calendar year.



Attachments

1.	Resolution No. 6-2024
2.	Resolution No. 6-2024 Exhibit A - to Approve 2025 UA Public Library Tax Budget



RECORD OF RESOLUTIONS

CITY OF UPPER ARLINGTON
STATE OF OHIO

RESOLUTION NO. 6-2024

TO ADOPT THE TAX BUDGET FOR THE UPPER ARLINGTON PUBLIC LIBRARY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025 AND SUBMITTING THE SAME TO THE FRANKLIN COUNTY BUDGET COMMISSION

WHEREAS, the City of Upper Arlington is the taxing authority for the Upper Arlington Public Library; and

WHEREAS, the Upper Arlington Public Library must prepare and submit a tax budget to the City of Upper Arlington for the Franklin County Budget Commission; and

WHEREAS, said budget is on file with the Finance Director and is available for public inspection as required by Ohio Revised Code § 5705.30.

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

SECTION 1. The Tax Budget for the Upper Arlington Public Library, Upper Arlington, Ohio, for the fiscal year beginning January 1, 2025 (attached hereto and incorporated herein as Exhibit A), be and is hereby adopted by the Council of the City of Upper Arlington.

SECTION 2. The City Clerk is hereby authorized and directed to certify a copy of said budget and a copy of this Resolution and to transmit the same to the Budget Commission of Franklin County, Ohio, on or before July 20, 2024.

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

2025 PRELIMINARY TAX BUDGET

	GENERAL FUND - 100	UAPL FRIENDS FUND - 201	RESTRICTED FUND - 250	BUILDING FUND - 402
INCOME				
Taxes	\$5,675,871			
Public Library Funding	\$3,100,500			
Other Income	\$250,000	\$80,000	\$10,000	
Transfer- In				\$1,000,000
TOTAL REVENUE	\$9,026,371	\$80,000	\$10,000	\$1,000,000
UNENCUMBERED BALANCE AT 1/1/2025*	\$5,728,675	\$8,400	\$208,742	\$3,230,785
AVAILABLE FOR APPROPRIATIONS (CASH BALANCE)	\$14,755,046	\$88,400	\$218,742	\$4,230,785
EXPENDITURES				
SALARIES & BENEFITS	\$5,816,788	\$0	\$0	\$0
LIBRARY MATERIALS	\$1,043,701			
OTHER EXPENSES	\$1,808,874	\$80,400	\$10,200	\$0
CAPITAL OUTLAY				\$2,180,300
TRANSFERS TO BUILDING FUND 402	\$1,000,000	\$0	\$0	\$0
GRAND TOTAL	\$9,669,363	\$80,400	\$10,200	\$2,180,300
ENDING BALANCE	\$5,085,683	\$8,000	\$208,542	\$2,050,485

*Unencumbered balance at 1/1/2025 is an estimate. The library will not plan to spend more than the projected cash balance in any fund.

Authors: Suzanne Beach, Executive Assistant

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 47-2024 - An ordinance authorizing the City Manager to enter into contract with Mr. B's Cleaning Service for custodial and cleaning services for city buildings

Purpose: To provide custodial services to City Buildings

Executive Summary: To authorize the City Manager to enter into a one-year contract with an option to extend for an additional year with Mr. B's Cleaning Service for custodial services for City Buildings.

Purpose and Impact

To authorize the City Manager to enter into a one-year contract with an option to extend for an additional year with Mr. B's Cleaning Service (Minority-Owned Business) for custodial services for the Municipal Services Center, Public Services Center, Senior Center and Firehouse 72. The contract amount for one year is \$108,000, with an option to renew for a second year for \$108,000.

A Request for Proposals for custodial Services for City Buildings was issued on March 29, 2024. Responses were received on May 3, 2024. The breakdown of cost per is as follows:

Mr. B's Cleaning Services

Building	Year 1 Cost per Month	Annual Total	Year 2 Cost per Month
Municipal Services Center	\$5,250.00	\$63,000.00	\$5,250.00
Public Services Center	\$1,750.00	\$21,000.00	\$1,750.00
Senior Center	\$1,500.00	\$18,000.00	\$1,500.00
Fire Station Reed Road	\$500.00	\$6,000.00	\$500.00
Totals		\$108,000.00	

Other Bidders

Vendor	Year 1 Annual Total	Year 2 Annual Total
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Cleaning Unlimited	\$272,469.72	\$426,992.17
Elite National Building	\$125,061.15	\$129,558.36
GDI Integrated	\$186,557.16	\$198,216.96
Jonco	\$110,940.00	\$116,100.00
JSI Janitorial	\$119,695.68	\$122,089.68
ServiceMaster Elite	\$120,667.32	\$123,080.66
Square Janitorial	\$156,416.04	\$156,416.04

History

The current custodial contract with Servicemaster Elite expires August 31, 2024. The contract amount for the first year was \$108,219 and the second year was \$108,219. While ServiceMaster Elite did submit a bid this year, it was higher than Mr. B's Cleaning Services who we have a positive experience using through park shelter restroom custodial services.

In 2025, custodial services for the Bob Crane Community Center will be bid as a separate contract. After review of the first year of operation, we will have the opportunity to see if all city custodial services should be bid as one contract.

Alternatives

In the future, if costs of custodial services increase, the city could research cost/benefit ratio of providing these services in house vs. continuing to contract for custodial services.

Attachments

1.	Ordinance No. 47-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 47-2024

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

WHEREAS, the City's current contract for custodial and cleaning services will expire on August 31, 2024; and

WHEREAS, the City issued a Request for Proposals (RFP) on March 29, 2024, and received the responses below on May 3, 2024; and

Vendor	Year 1 Total	Year 2 Total
Mr. B's Cleaning Services	\$108,000.000	\$108,000.000
Cleaning Unlimited	\$272,469.72	\$426,992.17
Elite National Building	\$125,061.15	\$129,558.36
GDI Integrated	\$186,557.16	\$198,216.96
Jonco	\$110,940.00	\$116,100.00
JSI Janitorial	\$119,695.68	\$122,089.68
ServiceMaster Elite	\$120,667.32	\$123,080.66
Square Janitorial	\$156,416.04	\$156,416.04

WHEREAS, staff recommend awarding the contract to Mr. B's Cleaning Services as the lowest and best bid for a one-year contract, with an option to extend for an additional year.

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 one-year contract with Mr. B's Cleaning Services for custodial and cleaning services for the Municipal Services Center, Public Services Center, Senior Center, and Reed Road Fire Station, for an annual amount not to exceed \$108,000.00, with an option to extend for an additional year.

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

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

Authors: Gary Wilfong, P.E., Public Service Director
Carla Odebralski, P.E., City Engineer

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 48-2024 - An ordinance authorizing the City Manager to enter into contract with Performance Pipeline, Inc. for the 2024 Sustainable Sewer Solutions Project

Purpose: To Maintain and Improve the Wastewater System

Executive Summary: Legislation authorizes the City Manager to enter into contract with Performance Pipeline, Inc. for construction related services for the 2024 Sustainable Sewer Solutions Project

Purpose and Impact

This is an ordinance authorizing the City Manager to enter into contract with Performance Pipeline, Inc. in the amount of \$1,522,182.22 for the 2024 Sustainable Sewer Solutions (SSS) Project. On Friday, May 31, 2024, the City received bids from two contractors. The results are summarized below:

Contractor	2024 SSS Bid Prices
Performance Pipeline, Inc.	\$1,383,802.02
BDL Services, LLC	\$1,619,957.40
Engineer's Estimate	\$1,167,671.00

Performance Pipeline, Inc. had the lowest and best bid of \$1,383,802.02. With the standard 10% contingency, the contract totals \$1,522,182.22. The amount included in the 2024 budget for this project is \$1,650,800, split between the Local Fiscal Recovery (remainder of the federal ARPA dollars - \$1.05M), Bonded Improvement, and Sewer Funds.

Under the requirements of the Ohio Environmental Protection Agency (OEPA) Director's Final Findings and Orders, the Engineering Division studied the sewer systems and developed a remediation plan to reduce excessive inflow and infiltration (I/I) of ground water into the sanitary sewer system. The OEPA has approved the remediation plan which we call the Sustainable Sewer Solutions projects. This program also updates and improves the overall sanitary sewer system, which will reduce water-in-basement events.





EXHIBIT A: 2024 Sustainable Sewers Solution Project Locations (bordered by: Fishinger Road to the north, Nottingham Road to the south, Kioka Avenue to the east, and Riverside Drive to the west)

History

This project is part of the Ohio EPA approved 17-year plan to address inflow and infiltration with the sanitary sewer system. The total program cost over the 17-year plan is estimated at \$18,150,000. Construction of the program began in 2017 and must be completed by 2028 to meet EPA requirements. With this project we continue to be on schedule to meet those requirements.

A map of the overall SSS plan can be found on the city's website at: <https://upperarlingtonoh.gov/wp-content/uploads/2018/07/Sustainable-Sewer-Solutions-Map.pdf>

A video overview of the program can be found at: <https://www.youtube.com/watch?v=j3okYViZVPQ>

More information on the overall 2024 CIP can be found on the city's GIS system at: <https://storymaps.arcgis.com/stories/5fc9e0f24e86409abf0c5fcf200e4068>

Alternatives

Council could choose to not authorize the City Manager to enter into contract with Performance Pipeline, Inc. for the project. Upper Arlington would still be required to complete this project prior to the 2028 deadline.

Attachments

1.	Ordinance No. 48-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 48-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH PERFORMANCE PIPELINE, INC. FOR THE 2024 SUSTAINABLE SEWER SOLUTIONS PROJECT

WHEREAS, under the requirements of the Ohio Environmental Protections Agency (OEPA) Director's Final Findings and Orders, the Engineering Division studied the City's sewer systems and developed a remediation plan to reduce excessive inflow and infiltration (I/I) of rain water into the sanitary sewer system; and

WHEREAS, this investment supports both the OEPA and City's objectives to reduce water entering the sanitary sewer system, which will reduce water-in-basement events; and

WHEREAS, on May 31, 2024, the City received the following bids for the project; and

Contractor	Bid Price
Performance Pipeline, Inc.	\$1,383,802.02
BDL Services, LLC	\$1,619,957.40
Engineer's Estimate	\$1,167,671.00

WHEREAS, Performance Pipeline, Inc. had the lowest and best bid of \$1,383,802.02; and

WHEREAS, it is therefore recommended that the City Manager be authorized to enter into contract with Performance Pipeline, Inc. for an amount not to exceed \$1,522,182.22, which includes a 10-percent contingency for construction related services.

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 Performance Pipeline, Inc. for an amount not to exceed \$1,522,182.22, which includes a 10-percent contingency, for the 2024 Sustainable Sewer Solutions Project.

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

SECTION 3.

This ordinance shall take effect immediately upon passage.

Authors: Gary Wilfong, P.E., Public Service Director
Carla Odebralski, P.E., City Engineer

Council Meeting Date: June 10, 2024

Subject/Legislative Item: Ordinance No. 49-2024 - An ordinance authorizing the City Manager to enter into contract with Newcomer Concrete for the 2024 Sidewalk Maintenance Program

Purpose: To Maintain and Improve the Sidewalk System

Executive Summary: Legislation authorizes the City Manager to enter into a contract with Newcomer Concrete for construction related services for the 2024 Sidewalk Maintenance Program Construction Project.

Purpose and Impact

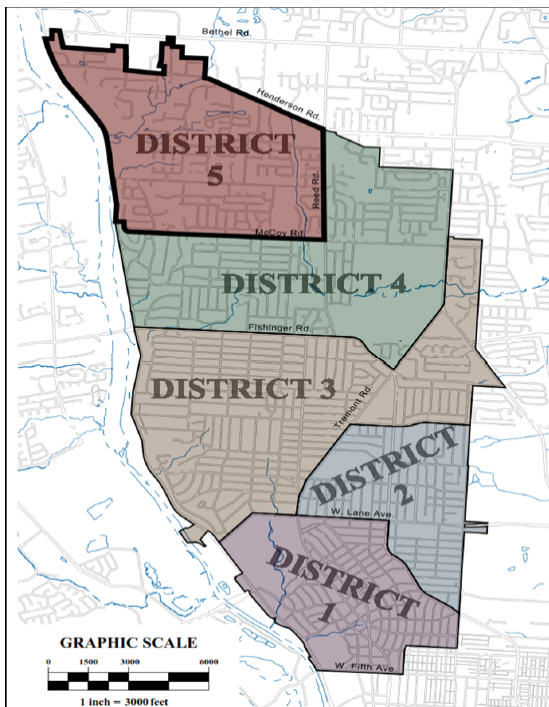
This is an ordinance authorizing the City Manager to enter into contract with Newcomer Concrete in the amount of \$238,975.00 for the 2024 Sidewalk Maintenance Program. On Friday, May 31, 2024, the City received bids for the project from two contractors. The results are summarized below:

Contractor	Base Bid	Alternate 1
Newcomer Concrete	\$210,750.00	\$6,500
Decker Construction	\$297,543.25	\$14,700.00
Engineer's Estimate	\$216,725.00	\$10,000.00

Staff recommends awarding both the base bid and alternate 1. Newcomer Concrete had the lowest and best bid of \$210,750 for the base bid and \$6,500 for alternate 1. Including 10% for contingency, the total contract amount for the base bid and alternate 1 is \$238,975.00. The 2024 budget for this project is \$273,000, therefore the project came in \$34,025 below budget.

The 2024 Sidewalk Maintenance Program addresses sidewalk in need of maintenance and repair in District 5. District 5 is the northern portion of the city north of McCoy Road and west of Reed Road, as shown in the exhibit below.





In March 2024, residents within this district received notices from the City if sidewalks adjacent to their property were in need of repair or replacement (see attached notification letter). An aerial view of their property was provided, indicating the location of the damage and whether the responsibility was of the property owner or of the City to make necessary repairs. Where repairs or replacements are the responsibility of the property owner, the City asks for the repairs to be made by July 1st, 2024. If the property owner does not make the repairs, the City will proceed by sending a follow-up notification with costs for the City to make the repairs based on the actual bid. The cost is \$245 per 4" depth sidewalk panel and \$270 per 6" depth sidewalk panel (note: 6" depth sidewalk panels are used on driveway approaches). Upon completion of the project, the property owner will be billed for the completed work, around January 2025. (Note: per code section 901.03, if the owner fails to pay the bill within thirty (30) days of the date on the City's bill, the rate shall be charged against the real estate upon which the sidewalk is located and shall be a lien upon such real estate).

Following the City's process and to save resources from re-inspecting the entire sidewalk after July 1st, the City bid out all of the resident responsibility portions of sidewalk, which is approximately \$175,710 of the total contract cost. The remaining portion of the contract, \$41,540, are sidewalks that are the City's responsibility to repair.

History

The City of Upper Arlington's public right-of-way Sidewalk Inspection Program 1st round began in 2018 with zone 5 and was completed with zone 1 in 2022. The 2024 Sidewalk Maintenance Program marks the second round of the 5-year program cycle. During the original 5-year cycle the program's annual budget was approximately \$700,000. Original projections assumed that, after completing the entire 5-year cycle, future budget needs would be reduced due to less sidewalk needing to be replaced. Past projections estimated budget needs to be approximately \$200,000 in 2024 and



beyond. Subsequent inspections have identified that budget needs are higher than anticipated with full replacement of all panels estimated to cost approximately \$330,000.

In an effort to reduce costs, staff has worked to identify sidewalk panels whose defects can be fixed by alternate methods to replacement. Staff originally put this program out to bid in early May, including alternate repair methods, and received bids that were over budget. In an effort to produce a project within the established budget, the project scope was reduced to only sidewalk panels that needed to be completely replaced. Sidewalk panels which can be remedied via sidewalk leveling or grinding have been removed from this program to be bid out at a later date or upon re-inspection.

Alternatives

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

Attachments

1.	Ordinance No. 49-2024
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RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 49-2024

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT WITH NEWCOMER CONCRETE FOR THE 2024 SIDEWALK MAINTENANCE PROGRAM

WHEREAS, the 2024 Sidewalk Maintenance Program addresses sidewalks in need of maintenance and repair in District 5, which is the northern portion of the City, north of McCoy Rd. and west of Reed Rd.; and

WHEREAS, on May 31, 2024, the City received bids for the project, with results summarized below; and

Contractor	Base Bid	Alternate 1
Newcomer Concrete	\$210,750.00	\$6,500.00
Decker Construction	\$297,543.25	\$14,700.00
Engineer's Estimate	\$216,725.00	\$10,000.00

WHEREAS, Newcomer Concrete had the lowest and best bid of \$210,750.00 and Alternate 1 option of \$6,500.00; and

WHEREAS, it is therefore recommended that the City Manager be authorized to enter into contract with Newcomer Concrete for the 2024 Sidewalk Maintenance Program, for an amount not to exceed \$238,975.00, which includes 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 Newcomer Concrete for the 2024 Sidewalk Maintenance Program, for an amount not to exceed \$238,975.00, which includes a 10-percent contingency.

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

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