City of Upper Arlington

AGENDA

CITY COUNCIL MEETING

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

1/13/2025 | 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/879 9990 9201
Or Telephone: 1 929 205 6099
Webinar ID:879 9990 9201

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

2. **Pledge of Allegiance Led by Council Member Jim Lynch**

3. **Consent Agenda**

   a. Approve December 16, 2024 City Council Meeting Minutes

4. **Reports/Presentations**

   a. Presentation of Auditor of State Award, Presented by Scott Brown, Regional Liaison for the Ohio Auditor of State

   b. Public Works, Fleet, and Electrical Operations Update

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

   a. Resolution No. 1-2025 - A resolution supporting the Ohio Commission for the United States Semiquincentennial (AMERICA250-OH) *(Kulewicz)*

   b. Resolution No. 2-2025 - A resolution supporting Ohio Municipal League's challenge of AT&T's Tariff Application at the Public Utilities Commission of Ohio *(Lynch)*

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

   a. Ordinance No. 1-2025 - An ordinance authorizing the City Manager to enter into a three-year contract with Indiana Printing for print publication services

   b. Ordinance No. 2-2025 - An ordinance authorizing the issuance of not to exceed $20,000,000 of general obligation limited tax bonds, or notes in anticipation of bonds, in one or more series, for the purpose of acquiring, constructing, installing, and equipping capital projects and public infrastructure with related equipment, acquiring land and interests in land, and all necessary appurtenances thereto; and authorizing and approving related matters

c. Ordinance No. 3-2025 - An ordinance amending Chapter 171 - Mayor's Court of the Upper Arlington Code of Ordinances

7. City Manager Update

8. Adjournment

December 16, 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: President Ukeme Awakessien Jeter, Vice President Brian Close, Kathy Adams, John Kulewicz, Jim Lynch, Heidi Munc, and Todd Walter

Staff Present: City Attorney Darren Shulman, City Manager Steven Schoeny, Assistant City Manager Jackie Thiel, City Clerk Krystal Gonchar, IT Director Jeff Kasson, Finance Director Brent Lewis, Fire Chief Chris Zimmer, Public Service Director Gary Wilfong, City Engineer Aaron Scott, Parks & Recreation Director Debbie McLaughlin, Assistant Finance Director Ryan Schneider, Police Chief Keith Hall, Community Affairs Director Emma Speight, Community Development Director Chad Gibson, and Human Resources Director Don Essex.

Pledge of Allegiance

The Pledge of Allegiance was led by Council Member John Kulewicz.

Consent Agenda

a. Approve City Council Meeting Minutes for December 9, 2024

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

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

Reports & Presentations

a. Finance Director's Report - November 2024

The Finance Director presented a summary of the November Finance Report (attached as Exhibit A).

Legislative Items for Second Reading/Public Hearing/Council Action

a. Ordinance No. 67-2024 - An ordinance adopting 2024 final appropriations, transfers, and advances

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 67-2024.

Mr. Kulewicz moved, seconded by Ms. Adams, to adopt Ordinance No. 67-2024. The motion carried with the following vote:

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

Legislative Items for First Reading/Public Hearing/Council Action

a. Ordinance No. 68-2024 - An ordinance adopting 2025 annual appropriations

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Ordinance No. 68-2024.

Mr. Lynch moved, seconded by Vice President Close, to adopt Ordinance No. 68-2024. The motion carried with the following vote:

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

b. Ordinance No. 69-2024 - An ordinance adopting the 2025-2026 Municipal Program of Services (Draft) and approving the Master Schedule of Fees

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

Mike Freitas and DeAnne Mannion spoke regarding critical infrastructure issues impacting their neighborhood on Lear Road. They described experiencing multiple water main breaks in front of their home over the past three years, causing property damage and safety concerns. They requested that the City prioritize replacing the water main on their street in the 2025 Capital Improvement Plan rather than continuing with patch repairs.

Vice President Close asked the City Engineer about plans for a water main replacement on Lear Road. The City Engineer explained that while Lear Road was not currently in the 10-year CIP, they were scheduled to meet with the City of Columbus to discuss prioritization of water lines. He noted that the water line study from 2012, updated in 2016, was proposed to be updated again in 2029.

Council members asked several follow-up questions about the water line prioritization process, frequency of updates to the study, and communication efforts with residents during water main breaks. The City Engineer and City Manager provided additional details on these topics.

Council members expressed interest in having staff report back after meeting with Columbus and encouraged consideration of recent events in evaluating capital improvement spending priorities. They also discussed potentially updating the process for prioritizing water line replacements more frequently.

Mr. Kulewicz stated that he would like to withdraw his budget amendment request from the previous Council meeting. His proposed budget amendment included an additional code enforcement officer, but after having a productive conversation with staff following the December 9, 2024 meeting, decided not to move forward with the amendment. The City Attorney advised that the amendment from last meeting would not be considered tonight.

Ms. Munc moved, seconded by Ms. Adams, to adopt Ordinance No. 69-2024. The motion carried with the following vote:

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

c. **Ordinance No. 70-2024 - An ordinance authorizing salary amendments for the City Manager, City Attorney, and City Clerk**

In response to President Awakessien Jeter’s invitation to speak, there were no questions or comments from the public relative to Ordinance No. 70-2024.

Mr. Walter moved, seconded by Ms. Adams, to adopt Ordinance No. 70-2024. The motion carried with the following vote:

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

d. **Ordinance No. 71-2024 - An ordinance amending §171.01 - Duties and Compensation of Public Officials Serving in Mayor's Court of Chapter 171 - Mayor's Court, of the Upper Arlington Code of Ordinances, and declaring an emergency**

In response to President Awakessien Jeter’s invitation to speak, there were no questions or comments from the public relative to Ordinance No. 71-2024.

The City Attorney explained that this ordinance typically requires three readings because it amends the City’s codified ordinances. He outlined options for passing it as an emergency measure or going through the normal three-reading process.

Council members discussed their preference to avoid emergency legislation whenever possible.

Ms. Adams moved, to suspend Council Rules to waive the second and third readings of Ordinance No. 71-2024, seconded by Ms. Munc. The motion failed with the following vote:

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

Upon recommendation by the City Attorney, Council requested the legislation be brought back as a new ordinance in January 2025. This new ordinance would remove the salary details from the City Code and allow for retroactive pay adjustments.

e. **Resolution No. 12-2024 - A resolution setting the 2025 City Council schedule of meetings**

In response to President Awakessien Jeter's invitation to speak, there were no questions or comments from the public relative to Resolution No. 12-2024.

Vice President Close moved, seconded by Ms. Adams, to adopt Resolution No. 12-2024. The motion carried with the following vote:

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

City Manager Update

The City Manager thanked Council for their support throughout the year and noted the accomplishments achieved.

Council Liaison Report

Ms. Munc reported on a presentation at the MORPC "Money Mondays" event with President Awakessien Jeter. They discussed infrastructure updates and leveraging alternate funding sources. She also shared highlights from a recent transportation meeting regarding plans related to the passage of Issue 47, including improvements to walkability, biking infrastructure, and public transportation.

* * *

There being no further business to come before City Council, President Awakessien Jeter called for a motion to adjourn the meeting. Mr. Kulewicz moved, seconded by Mr. Walter, to adjourn. The motion carried unanimously and the meeting adjourned at 7:41 p.m.

Exhibit A

Monthly Financial Report
As of November 2024

General Fund (101)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Income Tax	$ 32,096,900	$ 33,317,200	$ 31,363,848	$ 32,370,098	$ 1,006,250	3.21%
Real & Personal Property Tax	8,863,000	9,977,100	9,977,100	10,052,817	75,717	0.00%
All Other Operating Revenues	9,238,970	11,394,070	10,512,367	11,460,579	948,212	9.02%
Transfers/Advances In	3,235,500	8,235,500	2,142,141	2,142,141	-	0.00%
Total Revenues and Other Sources	53,434,370	62,923,870	53,995,456	56,025,635	2,030,179	**3.76%**
Obligations:						
Police Division	11,714,300	11,714,300	10,777,108	10,312,476	464,632	4.31%
Fire Division	11,669,300	11,669,300	10,281,238	10,031,893	249,345	2.43%
Board of Health	388,600	388,600	388,600	386,579	2,021	0.00%
Parks and Recreation	5,834,500	5,877,800	5,395,075	5,119,365	275,710	5.11%
Community Development	1,531,000	1,547,000	1,488,396	1,314,506	173,890	11.68%
Public Service Administration	1,260,600	1,260,600	1,215,875	1,193,690	22,185	1.82%
Public Works	1,483,200	1,498,200	1,190,875	1,125,208	65,667	5.51%
City Manager	1,917,600	2,017,600	1,822,267	1,656,445	165,822	9.10%
City Attorney	934,200	934,200	767,113	697,909	69,204	9.02%
City Clerk	304,000	304,000	253,333	226,718	26,615	10.51%
City Council	150,800	174,700	160,142	155,167	4,975	3.11%
Finance	1,490,600	1,490,600	1,318,221	1,233,541	84,680	6.42%
Facilities Maintenance	3,068,400	3,068,400	2,339,900	2,149,920	189,980	8.12%
Information Technology	1,931,200	1,931,200	1,927,267	1,729,832	197,435	10.24%
General Administration	3,490,000	3,490,000	3,354,167	2,985,336	368,831	11.00%
Transfers/Advances Out	4,174,200	12,408,300	10,850,000	10,850,000	-	0.00%
Total Obligations	51,342,500	59,774,800	53,529,577	51,168,585	2,360,992	**4.41%**
Excess of Revenue and Other Sources over Obligations:	2,091,870	3,149,070	465,879	4,857,050		
Total Beginning Fund Balance	34,761,336	34,761,336	34,761,336	34,761,336		
Prior Year Lapsed Encumbrances	-	-	-	279,976		
Anticipated Appropriation Lapses	1,415,000	1,415,000	-	-		
Total Ending Fund Balance	**$ 38,268,206**	**$ 39,325,406**	**$ 35,227,215**	**$ 39,898,362**	**$ 4,671,147**	**13.26%**

Capital Asset Management Fund (102)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Income Tax	$ 12,482,200	$ 12,956,700	$ 12,197,052	$ 12,586,478	$ 389,426	3.19%
Total Revenues and Other Sources	**12,482,200**	**12,956,700**	**12,197,052**	**12,586,478**	**389,426**	**3.19%**
Obligations						
Transfers/Advances Out	9,776,200	9,776,200	1,421,491	1,421,491	-	0.00%
Total Obligations	**9,776,200**	**9,776,200**	**1,421,491**	**1,421,491**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	2,706,000	3,180,500	10,775,561	11,164,987		
Beginning Fund Balance	20,368,117	20,368,117	20,368,117	20,368,117		
Ending Fund Balance	**$ 23,074,117**	**$ 23,548,617**	**$ 31,143,678**	**$ 31,533,104**	**$ 389,426**	**1.25%**

Monthly Financial Report
As of November 2024

Capital Equipment Fund (106)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Real & Personal Property Tax	$ 1,127,730	$ 1,279,960	$ 1,279,960	$ 1,280,431	$ 471	0.00%
Homestead & Rollbacks	150,270	170,140	170,140	169,812	(328)	0.00%
All Other Operating Revenues	-	10,000	10,000	10,000	-	0.00%
Transfers In	240,000	240,000	-	-	-	0.00%
Total Revenues and Other Sources	**1,518,000**	**1,700,100**	**1,460,100**	**1,460,243**	**143**	**0.00%**
Obligations						
Capital Equipment	1,311,900	1,385,600	1,345,962	1,345,962	-	0.00%
Total Obligations	**1,311,900**	**1,385,600**	**1,345,962**	**1,345,962**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	206,100	314,500	114,138	114,281		
Beginning Fund Balance	867,861	867,861	867,861	867,861		
Prior Year Lapsed Encumbrances	-	-	-	170		
Ending Fund Balance	**$ 1,073,961**	**$ 1,182,361**	**$ 981,999**	**$ 982,312**	**$ 313**	**0.03%**

Street Maintenance and Repair Fund (207)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Gasoline Taxes	$ 1,800,000	$ 1,800,000	$ 1,625,608	$ 1,686,945	$ 61,337	3.77%
Motor Vehicle License Taxes	450,000	450,000	408,210	408,593	383	0.09%
All Other Operating Revenues	23,000	23,000	17,403	60,894	43,491	249.91%
Total Revenues and Other Sources	**2,273,000**	**2,273,000**	**2,051,221**	**2,156,432**	**105,211**	**5.13%**
Obligations						
Public Service Administration	883,000	883,000	773,825	731,936	41,889	5.41%
Public Works	1,463,700	1,553,600	1,399,400	1,292,233	107,167	7.66%
Total Obligations	**2,346,700**	**2,436,600**	**2,173,225**	**2,024,169**	**149,056**	**6.86%**
Excess of Revenue and Other Sources over Obligations:	(73,700)	(163,600)	(122,004)	132,263		
Beginning Fund Balance	1,654,072	1,654,072	1,654,072	1,654,072		
Prior Year Lapsed Encumbrances	-	-	-	11,358		
Ending Fund Balance	**$ 1,580,372**	**$ 1,490,472**	**$ 1,532,068**	**$ 1,797,693**	**$ 265,625**	**17.34%**

Bonded Improvement Fund (402)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
All Other Operating Revenues	$ 600,000	$ 2,600,000	$ 2,600,000	$ 2,776,461	$ 176,461	6.79%
Total Revenues and Other Sources	**600,000**	**2,600,000**	**2,600,000**	**2,776,461**	**176,461**	**6.79%**
Obligations						
Capital Improvements - CIP	13,605,700	13,605,700	13,509,914	13,509,914	-	0.00%
Capital Improvements - Community Center/Office	-	500,000	138,933	138,933	-	0.00%
Total Obligations	**13,605,700**	**14,105,700**	**13,648,847**	**13,648,847**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	(13,005,700)	(11,505,700)	(11,048,847)	(10,872,386)		
Beginning Fund Balance	18,241,845	18,241,845	18,241,845	18,241,845		
Prior Year Lapsed Encumbrances	-	-	-	135,687		
Ending Fund Balance	**$ 5,236,145**	**$ 6,736,145**	**$ 7,192,998**	**$ 7,505,146**	**$ 312,148**	**4.34%**

Monthly Financial Report
As of November 2024

Infrastructure Improvement Fund (404)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
All Other Operating Revenues	$ 7,937,000	$ 7,937,000	$ 1,422,046	$ 3,007,394	$ 1,585,348	111.48%
Transfers/Advances In	3,250,000	11,350,000	9,350,000	9,350,000	-	0.00%
Total Revenues and Other Sources	11,187,000	19,287,000	10,772,046	12,357,394	1,585,348	**14.72%**
Obligations						
Capital Improvements - CIP	12,308,400	20,409,400	18,487,576	18,487,576	-	0.00%
Capital Improvements - Community Center/Office	2,800,000	2,800,000	2,800,000	2,800,000	-	0.00%
Transfers/Advances Out	-	5,000,000	-	-	-	
Total Obligations	**15,108,400**	**23,209,400**	**21,287,576**	**21,287,576**	**-**	**0.00%**
Excess of Revenue and Other Sources over Obligations:	(3,921,400)	(3,922,400)	(10,515,530)	(8,930,182)		
Beginning Fund Balance	11,601,775	11,601,775	11,601,775	11,601,775		
Prior Year Lapsed Encumbrances	-	-	-	150,513		
Ending Fund Balance	**$ 7,680,375**	**$ 7,679,375**	**$ 1,086,245**	**$ 2,822,106**	**$ 1,735,861**	**159.80%**

Solid Waste Management Fund (710)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 3,800,000	$ 3,800,000	$ 3,798,931	$ 3,916,488	$ 117,557	3.09%
All Other Operating Revenues	151,250	151,250	86,783	137,798	51,015	58.78%
Total Revenues and other sources	**3,951,250**	**3,951,250**	**3,885,714**	**4,054,286**	**168,572**	**4.34%**
Obligations						
Public Works	4,112,200	4,112,200	4,071,078	3,984,300	86,778	2.13%
Total Obligations	**4,112,200**	**4,112,200**	**4,071,078**	**3,984,300**	**86,778**	**2.13%**
Excess of Revenue and Other Sources over Obligations:	(160,950)	(160,950)	(185,364)	69,986		
Beginning Fund Balance	1,449,715	1,449,715	1,449,715	1,449,715		
Lapsed encumbrances	-	-	-	13,025		
Ending Fund Balance	**$ 1,288,765**	**$ 1,288,765**	**$ 1,264,351**	**$ 1,532,726**	**$ 268,375**	**21.23%**

Water Surcharge Fund (720)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 792,000	$ 792,000	$ 745,661	$ 866,152	$ 120,491	16.16%
Total Revenues and other sources	**792,000**	**792,000**	**745,661**	**866,152**	**120,491**	**16.16%**
Obligations						
Public Works	442,300	469,400	377,050	339,839	37,211	9.87%
Capital Improvements	452,000	498,000	497,805	497,805	-	0.00%
Transfers Out (including intra-city services)	100,000	100,000	23,644	23,644	-	0.00%
Total Obligations	**994,300**	**1,067,400**	**898,499**	**861,288**	**37,211**	**4.14%**
Excess of Revenue and Other Sources over Obligations:	(202,300)	(275,400)	(152,838)	4,864		
Beginning Fund Balance	1,771,114	1,771,114	1,771,114	1,771,114	-	
Prior Year Lapsed Encumbrances	-	-	-	9,756		
Ending Fund Balance	**$ 1,568,814**	**$ 1,495,714**	**$ 1,618,276**	**$ 1,785,734**	**$ 167,458**	**10.35%**

Monthly Financial Report
As of November 2024

Sanitary Sewer Surcharge Fund (730)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 1,175,000	$ 1,175,000	$ 1,115,055	$ 1,350,384	$ 235,329	21.10%
All Other Operating Revenues	1,500	1,500	1,500	1,820	320	21.33%
Total Revenue	**1,176,500**	**1,176,500**	**1,116,555**	**1,352,204**	**235,649**	**21.11%**
Obligations						
Public Works	934,700	966,900	919,175	851,052	68,123	7.41%
Capital Improvements	630,000	630,000	407,603	407,603	-	0.00%
Capital Equipment	347,500	347,500	324,365	324,365	-	0.00%
Transfers Out (including intra-city services)	27,600	27,600	18,886	18,886	-	0.00%
Total Obligations	**1,939,800**	**1,972,000**	**1,670,029**	**1,601,906**	**68,123**	**4.08%**
Excess of Revenue and Other Sources over Obligations:	(763,300)	(795,500)	(553,474)	(249,702)		
Beginning Fund Balance	3,007,693	3,007,693	3,007,693	3,007,693		
Prior Year Lapsed Encumbrances	-	-	-	18,304		
Ending Fund Balance	**$ 2,244,393**	**$ 2,212,193**	**$ 2,454,219**	**$ 2,776,295**	**$ 322,076**	**13.12%**

Stormwater Management Fund (740)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 753,000	$ 753,000	$ 752,625	$ 762,534	$ 9,909	1.32%
Investment Earnings	40,000	40,000	40,000	100,205	60,205	150.51%
Miscellaneous income	-	-	-	7,861	7,861	100.00%
Total Revenues and other sources	**793,000**	**793,000**	**792,625**	**870,600**	**77,975**	**9.84%**
Obligations						
Public Works	719,400	732,800	640,133	552,617	87,516	13.67%
Capital Equipment	287,500	287,500	267,709	267,709	-	0.00%
Transfers Out (including intra-city services)	77,700	77,700	21,814	21,814	-	0.00%
Total Obligations	**1,084,600**	**1,098,000**	**929,656**	**842,140**	**87,516**	**9.41%**
Excess of Revenue and Other Sources over Obligations:	(291,600)	(305,000)	(137,031)	28,460		
Beginning Fund Balance	2,565,637	2,565,637	2,565,637	2,565,637		
Prior Year Lapsed Encumbrances	-	-	-	458,896		
Ending Fund Balance	**$ 2,274,037**	**$ 2,260,637**	**$ 2,428,606**	**$ 3,052,993**	**$ 624,387**	**25.71%**

Swimming Pool Fund (750)

	Original Budget	Amended Budget	Projected To Date	Actual	Dollar Variance	Percentage Variance
Revenues and Other Sources						
Charges for Services	$ 1,013,800	$ 1,013,800	$ 1,008,252	$ 994,936	$ (13,316)	-1.32%
Total Revenues and other sources	**1,013,800**	**1,013,800**	**1,008,252**	**994,936**	**(13,316)**	**-1.32%**
Obligations						
Parks and Recreation	1,054,700	1,074,700	1,000,000	951,330	48,670	4.87%
Total Obligations	**1,054,700**	**1,074,700**	**1,000,000**	**951,330**	**48,670**	**4.87%**
Excess of Revenue and Other Sources over Obligations:	(40,900)	(60,900)	8,252	43,606		
Beginning Fund Balance	344,087	344,087	344,087	344,087		
Prior Year Lapsed Encumbrances	-	-	-	18,706		
Ending Fund Balance	**$ 303,187**	**$ 283,187**	**$ 352,339**	**$ 406,399**	**$ 54,060**	**15.34%**

Monthly Financial Report
As of November 2024

Statement of Receipts and Disbursements (cash basis rounding)

Fund	Beginning Balance	Year to Date & Transfer In	Year to Date & Transfer Out	Ending Balance	Percentage Change
General	$ 37,085,663	$ 56,025,635	$ 50,787,290	$ 42,324,008	14.1%
Capital Asset Management	20,368,117	12,586,478	1,421,491	31,533,104	54.8%
Police Pension	1,167,500	870,145	402,080	1,635,565	40.1%
Fire Pension	1,167,500	870,145	402,080	1,635,565	40.1%
Self Insurance	1,003,601	120,841	41,469	1,082,973	7.9%
Capital Equipment	2,129,559	1,460,243	1,807,557	1,782,245	-16.3%
Police & Fire Pension	1,736,091	1,476,458	1,337,982	1,874,567	8.0%
Technology Fund	530,105	140,100	324,201	346,004	-34.7%
Tax Incentive Review Fund	1,270	-	-	1,270	0.0%
Street Maintenance and Repair Fund	1,795,847	2,156,432	2,088,815	1,863,464	3.8%
EMS Billing Fund	701,619	1,634,538	540,592	1,795,565	155.9%
Law Enforcement	453,163	259,033	217,705	494,491	9.1%
Tree Planting Fund	49,640	57,650	15,000	92,290	85.9%
Enforcement Education	20,849	570	738	20,681	-0.8%
Mayor's Court Computer	40,010	5,306	-	45,316	13.3%
Mayor's Court Special Project	156,791	17,670	4,336	170,125	8.5%
Local Fiscal Recovery Fund	2,450,228	-	258,166	2,192,062	-10.5%
OneOhio Opioid Fund	53,506	91,064	7,251	137,319	156.6%
Economic Development	1,860,151	-	31,370	1,828,781	-1.7%
Arlington Centre TIF Fund	142,294	24,924	242	166,976	17.3%
Tremont Road TIF Fund	15,415	41,182	337	56,260	265.0%
Lane Avenue Mixed Use TIF Fund	638,001	1,240,616	623,762	1,254,855	96.7%
Lane Avenue TIF Fund	443,876	111,364	254	554,986	25.0%
Arlington Crossing TIF Fund	1,359,099	116,400	1,975	1,473,524	8.4%
Horizon TIF Fund	1,331,468	480,384	7,940	1,803,912	35.5%
Kingsdale West TIF Fund	439,920	56,049	583	495,386	12.6%
Kingsdale CORE TIF Fund	823,957	819,424	498,887	1,144,494	38.9%
Civil Service	72,800	-	11,840	60,960	-16.3%
Riverside North TIF Fund	18,976	2,798	28	21,746	14.6%
Riverside South TIF Fund	281,445	43,407	422	324,430	15.3%
W. Lane Northwest TIF Fund	17,157	17,528	143	34,542	101.3%
Lane II TIF Fund	1,188,865	1,290,670	577,122	1,902,413	60.0%
Kingsdale Center TIF Fund	756,632	914,447	1,206,476	464,603	-38.6%
Gateway TIF Fund	21,561	443,325	47,777	417,109	1834.6%
Neighborhood Lighting Utility	282,103	72,392	34,465	320,030	13.4%
Clerk of Courts Fund	20,135	5,307	4,510	20,932	4.0%
UA Visitor's Bureau Fund	531,953	120,908	-	652,861	22.7%
General Bond Retirement	2,605,287	2,442,316	4,411,350	636,253	-75.6%
Bonded Improvements	65,561,099	2,776,462	54,713,995	13,623,566	-79.2%
Infrastructure Improvement Fund	24,655,170	12,357,394	12,345,892	24,666,672	0.0%
Estate Tax Fund	25,373	-	24,775	598	-97.6%
Community Fiber Optic Fund	345,281	195,516	96,442	444,355	28.7%
Employee Benefit	1,434,410	4,977,282	4,435,325	1,976,367	37.8%
BWC Administration Fund	1,216,593	310,778	183,275	1,344,096	10.5%
Solid Waste Management	1,793,773	4,054,286	3,590,961	2,257,098	25.8%
Water Surcharge	1,896,891	866,152	779,221	1,983,822	4.6%
Sanitary Sewer Surcharge	3,065,235	1,352,204	922,344	3,495,095	14.0%
Stormwater Management	3,295,610	870,600	783,281	3,382,929	2.6%
UA Swimming Pools	363,048	994,936	948,286	409,698	12.8%
Unclaimed Funds	7,814	677	-	8,491	8.7%
Revolving Fund	39,331	1,201,115	1,125,531	114,915	192.2%
Construction Withholding	2,091,712	2,827,264	1,810,122	3,108,854	48.6%
Payroll Clearing Fund	557,720	29,697,919	29,646,339	609,300	9.2%
Totals (ROUNDED)	**$ 190,111,214**	**$ 148,589,399**	**$ 178,613,090**	**$ 160,087,523**	***ROUNDED TOTALS***

Monthly Financial Report
As of November 2024

Income Tax Comparisons

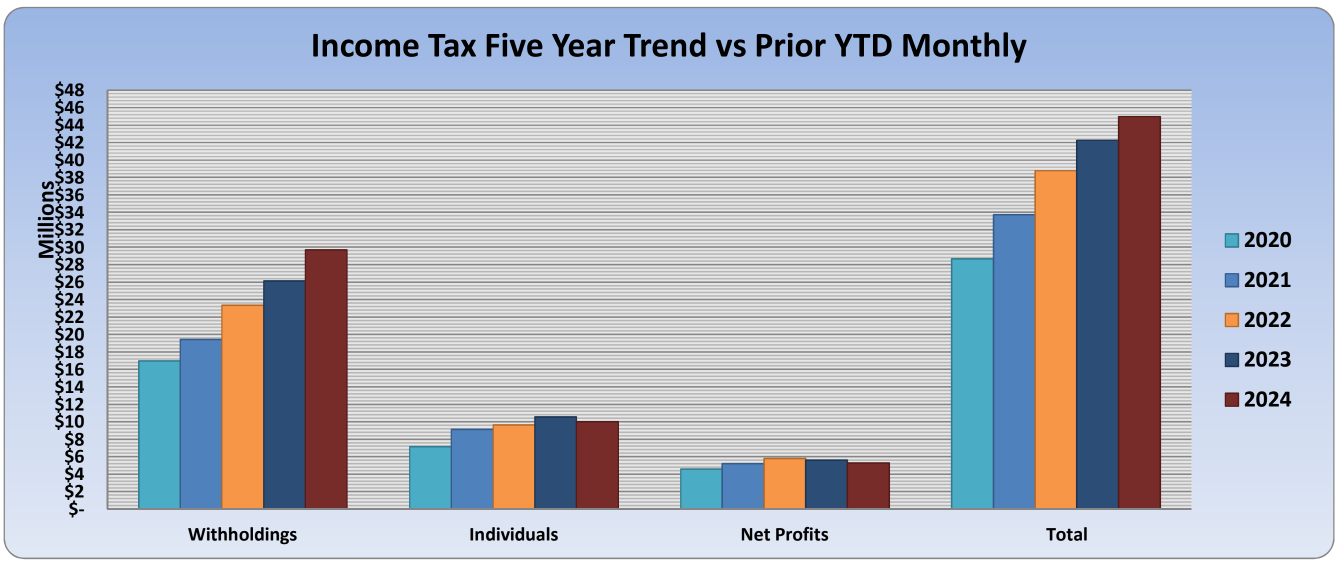
	Projections	Year to date	Difference	% Difference
Withholdings	$ 26,171,403	$ 29,673,555	$ 3,502,152	13.38%
Individuals	11,107,003	10,006,083	(1,100,920)	-9.91%
Net Profits	6,282,494	5,276,938	(1,005,556)	-16.01%
Total	$ 43,560,900	$ 44,956,576	$ 1,395,676	3.20%

Income Tax Five Year Comparison

	2020	2021	2022	2023	2024
Withholdings	$ 16,976,129	$ 19,409,869	$ 23,363,689	$ 26,131,583	$ 29,673,555
Individuals	7,128,219	9,113,234	9,638,748	10,554,124	10,006,083
Net Profits	4,572,720	5,187,108	5,774,326	5,590,013	5,276,938
Total	$ 28,677,068	$ 33,710,211	$ 38,776,763	$ 42,275,720	$ 44,956,576

Percentage Increase (Decrease) From Prior Year

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Withholdings	4.15%	14.34%	20.37%	11.85%	13.55%
Individuals	-7.79%	27.85%	5.77%	9.50%	-5.19%
Net Profits	19.70%	13.44%	11.32%	-3.19%	-5.60%
Total	2.97%	17.55%	15.03%	9.02%	**6.34%**



Interest & Investment Income
Nov-24

General Investments	Beginning Balance	Purchased	Matured/Sold	Deposited/Withdrawn	Investment Acct.	Ending Balance
Municipal Securities	4,102,786.00					$ 4,102,786.00
Corporate / General Investments	11,764,306.18					$ 11,764,306.18
Federal Agency	52,002,968.02	2,996,856.00				$ 54,999,824.02
United States Treas NTS	14,623,202.39	6,457,871.11				$ 21,081,073.50
Total Bonds	$ 82,493,262.59	$ 9,454,727.11	$ -	$ -	$ -	$ 91,947,989.70
Short Term Fixed Maturity Commercial Paper	-					$ -
Other Assets (Savings Cert - Market Traded)	$ 3,439,988.55					$ 3,439,988.55
Bond and Investments:						
2022						
Federal Agency	1,043,798.25		(472,886.25)			$ 570,912.00
Corporate / General Investments	-					$ -
Short Term Fixed Maturity Commercial Paper	-					$ -
United States Treas NTS	225,787.50					$ 225,787.50
Community Center						
Federal Agency	3,524,987.40		(340,566.84)			$ 3,184,420.56
US Government Bonds	1,121,728.13		(609,648.05)			$ 512,080.08
Total Bonds & Investments	$ 91,849,552.42	$ 9,454,727.11	$ (1,423,101.14)	$ -	$ -	$ 99,881,178.39
Money Markets: General	81,203.06	(9,454,727.11)		9,955,252.10	137,723.35	$ 719,451.40
Community Center	3,470.78		990,000.00	(1,000,000.00)	17,935.90	$ 11,406.68
Bond 2020 & 2022	2,679.49		475,000.00	(485,000.00)	12,324.34	$ 5,003.83
Total Money Markets	$ 87,353.33	$ (9,454,727.11)	$ 1,465,000.00	$ 8,470,252.10	$ 167,983.59	$ 735,861.91
Star Ohio: General Investment	50,693,764.25			(20,924,689.91)	169,030.33	$ 29,938,104.67
Bond Proceeds	9,737,899.41			(1,237,306.87)	36,050.65	$ 8,536,643.19
Federal ARPA (Gen. Inv.)	2,305,864.50			(9,831.82)	9,176.85	$ 2,305,209.53
Gateway	974,830.86			(8,500.00)	3,870.49	$ 970,201.35
Kingsdale	228,050.59				909.64	$ 228,960.23
Community Center	2,654,126.37			(930,587.50)	8,236.39	$ 1,731,775.26
Office (Comm. Center)	3,473,351.22			(404,083.90)	13,005.26	$ 3,082,272.58
Total STAR Ohio	$ 70,067,887.20	$ -	$ -	$ (23,515,000.00)	$ 240,279.61	$ 46,793,166.81
Total Investments	$ 162,004,792.95	$ -	$ 41,898.86	$ (15,044,747.90)	$ 408,263.20	$ 147,410,207.11
NW Huntington Bank	$ 1,975,108.24					$ 12,677,320.46
Total Cash & Investments	$ 163,979,901.19					$ 160,087,527.57

ITEMS PURCHASED BETWEEN $25,000 & $150,000 NOVEMBER 2024

DATE	VENDOR	DESCRIPTION	AMOUNT
11/8/24	Redd Public Safety Equipment	Turnout Gear	$40,533.00
11/26/24	Darrell Fawcett	Building Maintenance Contractor	$30,000.00
11/27/24	CommunityScale	Housing Market Detailed Analysis	$92,781.00

QUALITY BASED SELECTION CONSULTANTS – NOVEMBER 2024

DATE	VENDOR	DESCRIPTION	AMOUNT
None			

NOTIFICATION OF CHANGE ORDERS: NON-CONSTRUCTION, CITY MANAGER APPROVAL NOVEMBER 2024

DATE	VENDOR	DESCRIPTION	CHANGE ORDER AMOUNT	New Total
None				

GRANTS NOVEMBER 2024

DATE	ORGANIZATION	DESCRIPTION	AMOUNT
None			

Authors:	Emma Speight, Community Affairs Director
Council Meeting Date:	January 13, 2025
Subject/Legislative Item:	Resolution No. 1-2025 - A resolution supporting the Ohio Commission for the United States Semiquincentennial (AMERICA250-OH) *(Kulewicz)*
Purpose:	To pass a resolution in support of the Ohio Commission for the United States Semiquincentennial.
Executive Summary:	This resolution supports the Ohio Commission for the United States Semiquincentennial and allows Upper Arlington to be considered an America 250-Ohio community in the countdown to 2026 and America's Semiquincentennial celebrations.

Purpose and Impact

This resolution is required for Upper Arlington to be considered an America 250-Ohio community and once we are registered, allows Upper Arlington to apply for a $5,000 grant to help wiith a program or activity as we embark upon the celebration. The deadline to be an official community and to submit a grant application for the current grant cycle is January 31, 2025.

History

The Ohio legislature and the Governor created AMERICA250-OH in 2021 to plan, encourage, develop and coordinate the commemoration of the 250th anniversary of the United States and Ohio's integral role in that event and the role of its people on the nation's past, present and future. AMERICA250-OH hopes to engage ALL Ohioans and ALL 88 counties through their many signature and officially recognized programs, projects and events over the next several years by inspiring future leaders and celebrating all Ohioans contributions to the nation over the last 250 years.

Alternatives

Council could not pass this resolution which would result in Upper Arlington not being included the AMERICA250-OH program.

Attachments

1.	Resolution No. 1-2025

RECORD OF RESOLUTIONS

CITY OF UPPER ARLINGTON
STATE OF OHIO

RESOLUTION NO. 1-2025

A RESOLUTION SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMIQUINCENTENNIAL (AMERICA250-OH)

WHEREAS, the Ohio legislature and the Governor created AMERICA250-OH in 2021 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the United States, Ohio's integral role in that event, and the role of its people on the nation's past, present, and future; and

WHEREAS, AMERICA250-OH hopes to engage all Ohioans and all 88 counties through their many signature and officially-recognized programs, projects, and events over the next several years by inspiring future leaders and celebrating all Ohioans’ contributions to the nation over the last 250 years; and

WHEREAS, by adoption of this AMERICA250-OH Resolution we hope to educate, preserve, innovate, and celebrate the United States semiquincentennial.

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

SECTION 1. The City Council of the City of Upper Arlington, of Franklin County, Ohio, hereby endorses AMERICA250-OH and their mission to educate, preserve, innovate, and celebrate every Ohioan in every county.

SECTION 2. The City Manager is hereby directed to submit a certified copy of this resolution to the Municipal Legislative Delegation and AMERICA250-OH Commission.

SECTION 3. This resolution is to take effect immediately upon passage.

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

STAFF REPORT

Authors:	Darren Shulman, City Attorney
Council Meeting Date:	January 13, 2025
Subject/Legislative Item:	Resolution No. 2-2025 - A resolution supporting Ohio Municipal League's challenge of AT&T's Tariff Application at the Public Utilities Commission of Ohio *(Lynch)*
Purpose:	To support OML's challenge of AT&T's Tariff Application at the Public Utilities Commission of Ohio.
Executive Summary:	The Ohio Municipal Attorneys Association is asking for cities to join in a PUCO challenge of a proposed tariff request filed by AT&T that would shift the cost of moving utility lines to municipalities.

Purpose and Impact

The Ohio Municipal League has engaged counsel to challenge AT&T’s Tariff Application. AT&T’s Tariff Application proposes tariff changes which will require any municipalities in which AT&T is located in the municipality’s public right-of-way to pay the full cost of any relocation or undergrounding of AT&T’s facilities, regardless of the reason for the relocation. This is in direct contradiction of current Ohio law.

AT&T’s Tariff Application is subject to a thirty-day auto approval process, meaning that if the PUCO does not rule on the application, then the application is automatically approved, and the tariff change becomes effective on the thirty-first day after the filing of the application. If AT&T’s Tariff Application goes unchallenged and becomes automatically effective, municipalities throughout Ohio (and, subsequently, constituents who may or may not be AT&T customers) would be required to pay for any relocation of AT&T facilities in the public rights-of-way, even if the relocation or undergrounding is required for health, safety, or public welfare purposes.

Any challenges to AT&T’s application must be filed prior to the January 17, 2025, to allow the PUCO to pause the automatic approval process, allow challengers to be heard through an evidentiary hearing, and consider legal arguments. To challenge AT&T’s Tariff Application, an interested stakeholder must file a motion to intervene with the PUCO showing that it has a real and substantial interest in AT&T’s Tariff Application and the intervener is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest.

History

On December 18, 2024, the Ohio Bell Telephone Company dba AT&T Ohio ("AT&T") filed a Telecommunications Form related to a change in its tariff for "Construction Charges, Relocation of Facilities" with the Public Utilities Commission of Ohio (the "PUCO") in PUCO Case Nos. 24-1123-TP-ATA and 90-5032-TP-TRF (collectively referred to as "AT&T's Tariff Application").

Alternatives

City Council may choose not to participate in and to intervene in the proceeding at the PUCO in order to challenge AT&T's Tariff Application and any subsequent and/or necessary legal, administrative, legislative efforts.

Attachments

1.	Resolution No. 2-2025

RECORD OF RESOLUTIONS

CITY OF UPPER ARLINGTON
STATE OF OHIO

RESOLUTION NO. 2-2025

A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T's TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO

WHEREAS, on December 18, 2024, the Ohio Bell Telephone Company dba AT&T Ohio ("AT&T") filed a Telecommunications Form related to a change in its tariff for "Construction Charges, Relocation of Facilities" with the Public Utilities Commission of Ohio (the "PUCO") in PUCO Case Nos. 24-1123-TP-ATA and 90-5032-TP-TRF (collectively referred to as "AT&T's Tariff Application"); and

WHEREAS, AT&T's Tariff Application proposes tariff changes, which will require any municipalities in which AT&T is located in the municipality's public right-of-way to pay the full cost of any relocation or undergrounding of AT&T's facilities, regardless of the reason for the relocation, which is in direct contradiction of current Ohio law; and

WHEREAS, AT&T's Tariff Application is subject to a thirty-day auto approval process, meaning that if the PUCO does not rule on the application, then the application is automatically approved, and the tariff change becomes effective on the thirty-first day after the filing of the application; and

WHEREAS, if AT&T's Tariff Application goes unchallenged and becomes automatically effective, municipalities throughout Ohio (and, subsequently, constituents who may or may not be AT&T customers) would be required to pay for any relocation of AT&T facilities in the public rights-of-way, even if the relocation or undergrounding is required for health, safety, or public welfare purposes; and

WHEREAS, any challenges to AT&T's application must be filed prior to January 17, 2025, to allow the PUCO to pause the automatic approval process, allow challengers to be heard through an evidentiary hearing, and consider legal arguments; and

WHEREAS, to challenge AT&T's Tariff Application, an interested stakeholder must file a motion to intervene with the PUCO showing that it has a real and substantial interest in AT&T's Tariff Application and the intervener is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest; and

WHEREAS, the Ohio Municipal League has engaged counsel to challenge AT&T's Tariff Application.

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

SECTION 1. The City Council of the City of Upper Arlington, Franklin County, Ohio, finds that AT&T's Tariff Application directly changes and significantly impacts the City of Upper Arlington, to its detriment, and affects how the City manages and administers its public rights-of-way.

SECTION 2. The City Council hereby authorizes and agrees to participate in and to intervene in the PUCO proceeding in order to challenge AT&T's Tariff Application and any subsequent and/or necessary legal, administrative, and/or legislative efforts.

SECTION 3. The City Council has been advised by the Ohio Municipal League that future financial and/or other support from the City may be necessary to the success of a challenge to AT&T's Tariff Application and any related legal, administrative, or legislative efforts, the City may take under consideration the specific amount or form of such financial and/or other support from the City at a subsequent meeting of this governing body.

SECTION 4. This resolution is to take effect immediately upon passage.

Authors:	Emma Speight, Community Affairs Director
Council Meeting Date:	January 13, 2025
Subject/Legislative Item:	Ordinance No. 1-2025 - An ordinance authorizing the City Manager to enter into a three-year contract with Indiana Printing for print publication services
Purpose:	To secure a stable and cost-effective approach for producing the City's annual print publications – ***UA Insight*** Resident Newsletter, ***Popular Annual Financial Report***, and the Parks & Recreation ***Activity Guide.***
Executive Summary:	The proposed legislation authorizes the City Manager to enter into a three-year contract with Indiana Printing for the production of the City's primary publications – the *UA Insight* resident newsletter; the *Popular Annual Financial Repor*t (PAFR); and the Parks & Recreation Department's *Activity Guide*. Annual "not to exceed" amounts have been set forth for each publication so that adjustments can be made to page counts and quantities, with year-end totals not to exceed \$97,953.77 in 2025; \$101,386.19 in 2026; and \$104,934.51 in 2027. Staff believes that we have secured exceptional, stable pricing for a product that can be subject to market volatility, and we therefore respectfully request authorization to enter into a three-year contract at a total not to exceed amount of \$304,274.47.

Purpose and Impact

Each year, the City Manager's Office and Parks & Recreation Department produce a series of print publications, as part of the City's robust communications and outreach strategy:

1. The *UA Insight* resident newsletter – mailed six times per year to all UA residences (apartment buildings included) – is produced as a shared-cost partnership with the Upper Arlington Schools and Upper Arlington Library, with each entity reimbursing the City for their portion of the publication and postage costs.
2. The *Popular Annual Financial Report (PAFR)* – 500 copies made available at various public locations – provides a reader-friendly overview of the City's financial standing and policies.

3. The *Activity Guide* – mailed three times per year to UA households and recent customers – serves as the primary marketing tool for the Parks & Recreation Department's programs and events.

On September 16, 2024 the city released a solicitation for bids for the 2025-2027 Print Publications. On October 10, 2024 bids were opened for the four bidders that submitted. Indiana Printing was found to be the lowest and best overall. Since the City's print needs can fluctuate in any given year, the proposed contract with Indiana Printing sets forth a "not to exceed" amount for each publication and year, providing flexibility to adjust page counts and quantities, per the following:

	Year 1	Year 2	Year 3	Grand Total
UA Insight	$36,677.20	$37,962.91	$39,291.39	
PAFR	$1,988.00	$2,057.58	$2,129.60	
Activity Guide	$59,289.25	$61,365.70	$63,513.52	
Not to Exceed Fixed Price	$97,953.77	$101,386.19	$104,934.51	**$304,274.47**

The pricing reflected here represents an increase of approximately $20,000 per year from the 2022-2024 contract. This includes expected cost of business and paper cost increases each year, AND 10% contingency planning for the Activity Guide, recognizing that the opening of the Bob Crane Community Center may generate additional programming content.

History

The previous three-year contract for these print services was $241,650.20 provided by Indiana Printing.

Alternatives

While it would be possible to solely produce electronic versions of these publications, their reach and value would be significantly reduced. For the *Activity Guide*, anecdotal evidence indicates that registrations for recreation programs declines in the absence of a physical "coffee table" reminder for residents. Additionally, a portion of the production costs are factored into the pricing levels set for classes or programs to help recoup costs.

For *UA Insight*, the City's out-of-pocket costs are just over one third of the pricing shown here, since the UA Schools and UA Library reimburse us for their pages within the newsletter. Combined, we believe the City's publication portfolio greatly enhances our overall communications and outreach programming – supporting and enhancing the information that reaches our engaged residents.

Attachments

1.	Ordinance No. 1-2025

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 1-2025

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A THREE-YEAR CONTRACT WITH INDIANA PRINTING FOR PRINT PUBLICATION SERVICES

WHEREAS, each year, the City Manager's Office and Parks & Recreation Department produce a series of print publications, as part of the City's robust communications and outreach strategy; and

WHEREAS, the City released a solicitation for bids for 2025-2027 print publication services on September 16, 2024, four bids were opened on October 10, 2024, and Indiana Printing was found to be the lowest and best overall; and

WHEREAS, Indiana Printing sets forth a "not to exceed" amount for each publication and year, providing flexibility to adjust page counts and quantities for the *UA Insight*, *Activity Guide*, and the *Popular Annual Financial Report (PAFR)*; and

WHEREAS, Staff recommends awarding the three-year contract with Indiana Printing for print publication services, for a total amount not to exceed $304,274.47.

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 Indiana Printing for print publication services, for a total amount not to exceed $304,274.47.

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 agreement, that are not substantially inconsistent with this ordinance.

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

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

Authors:	Brent Lewis, Finance Department Director Darren Shulman, City Attorney
Council Meeting Date:	January 13, 2025
Subject/Legislative Item:	Ordinance No. 2-2025 - An ordinance authorizing the issuance of not to exceed $20,000,000 of general obligation limited tax bonds, or notes in anticipation of bonds, in one or more series, for the purpose of acquiring, constructing, installing, and equipping capital projects and public infrastructure with related equipment, acquiring land and interests in land, and all necessary appurtenances thereto; and authorizing and approving related matters
Purpose:	Council is required to authorize the issuance of bonds or notes prior to the sale. These bonds/notes are related to the 2025-2026 Capital Improvement Plan (CIP).
Executive Summary:	Staff is requesting authorization of the issuance of general obligation bonds, or notes in anticipation of bonds to finance certain infrastructure improvements as adopted in the 2025 and 2026 capital improvement budget.

Purpose and Impact

Staff respectively requests passage of the ordinance authorizing the issuance of not to exceed $20 million in general obligation bonds, or notes in anticipation of bonds, to fund a portion of the 2025 and 2026 CIP. Within the 2025-2026 adopted budget, the CIP included a combined budget of $34.5M for 2025 and 2026. Of that $34.5 million, approximately $19.7 million was scheduled to be funded through the issuance of bonds. As with other bond authorization ordinances, a little flexibility has been included in the authorization amount to ensure the most effective sale. Additionally, an option to issue bond anticipation notes has been added to the ordinance in the case that the can take advantage of some short-term borrowing rates.

Note: This an authorization of a maximum issuance amount. The amount may be less based on final analysis of remaining proceeds available from previous issuances.

History

Since the passage of Issue 23 (income tax increase) in 2014, the City has adopted a practice of issuing bonds to fund two years of the CIP at a time. This methodology has proven to be successful because we have been able to take advantage of the low interest environment, maintained flexibility in what projects are funded, and had the funds available to be able to bid projects at certain times to receive the best pricing. Additionally, this methodology has allowed the City to maintain compliance with various bond requirements, including spend down requirements.

It is important to note that the authorization for the issuance of these general obligation bonds, or notes in anticipation of bonds, does not mean that there will be an additional tax on the residents and does not require a vote of the people. The debt service on the bonds will be paid with income tax receipts from our current 2.5% rate. Issuing bonds (at low rates) for projects with long useful lives (street reconstructions, utility lines, etc.) allows the payments to be spread out over a period of time so essentially the users of the assets are paying for them (if we pay in cash, current residents are paying for assets that will continue to benefit future generations). Additionally, issuing bonds versus using cash for capital improvements helps preserve healthy cash reserves during a time of unusual economic volatility.

Per our Charter, the City is allowed to have general obligation debt payments up to 5 mills of our assessed property valuation (capacity). So as property values fluctuate, and debt issuances mature and are added, so does our debt capacity. Based upon the maximum debt service schedule required for outstanding general obligation debt (but excluding therefrom debt service requirements for voted debt), the highest annual debt service requirement in any year for all City debt subject to the five-mill limitation is estimated to be approximately $8,533,472. The payment of that annual debt service would require a levy of approximately 2.91 mills per $1.00 of assessed valuation based on current (tax collection year 2024) assessed valuation of $2,931,714,250. Thus, approximately 2.09 mills remain free within the City's five-mill Charter limitation to support, based upon the current assessed valuation of the City, the issuance of approximately $75,000,000 of additional 20-year bonds of the City assuming an interest rate of 5.5% (and subject to the 5.5% direct debt limitation heretofore described).

The City's Debt policy helps provide guidance on how various capital projects should be financed. For example, cash funding should be used for assets whose useful life are five years or less, recurring maintenance expenditures (e.g., street repair vs. street reconstruction), or when market conditions are unstable or offer only historically high interest rates. While debt financing is recommended for projects with useful lives of ten years or longer and for amounts of $5 million or greater. Additionally, general obligation (or tax supported) debt funding is acceptable as long as the ratio of available capital fund dollars to all similarly funded debt payments, projected forward seven years, does not fall below two to one. City staff has performed this analysis and has determined with the addition of this issuance that the ratio is projected to remain above two to one for the next seven years. In fact, projections indicate that this ratio will be maintained for all projected issuances within the proposed 2025-2034 CIP.

As mentioned above, the debt payments would be repaid with income tax receipts. The majority of "cash funded" projects are also paid with income tax receipts transferred from the General and Capital Asset Management Funds. Though unlikely, if we were to see a drastic reduction in our income tax receipts, our financial policies still ensure that debt payments can be made. As mentioned previously, our reserve polices help ensure monies are available for

debt payments. Additionally, using a combination of debt and cash funding of CIP projects allows us to delay cash funded projects if we hit dire straits.
3
Below is a brief summary of the currently adopted CIP for 2025 and 2026.

2025 and 2026 CIP

Project Type	Debt	Cash/Grants	Total
Streets	$8,287,200	$7,846,900	$16,134,100
Traffic signal, street light projects	0	226,000	226,000
Water projects	3,333,100	505,600	3,838,700
Stormwater projects	177,300	644,500	821,800
Sewer projects	3,626,200	442,000	4,068,200
Sidewalk projects	0	2,957,600	2,957,600
Parks projects	4,099,900	1,659,700	5,759,600
Other projects	150,000	575,000	725,000
Total	**$19,673,700**	**$14,857,300**	**$34,531,000**

**Note: The outside members of our bond team consists of: Bradley Payne Advisors (Municipal Advisor), Bricker Graydon (Bond Council), and Stifel Nicolaus (Underwriter)

Alternatives
In order to move forward with the current CIP, the City Council will need to authorize the issuance of bond/notes. Alternatively, the City Council could elect to use excess cash reserves and reduce the issuance amount. If this would be elected, this ordinance would not require any changes at this time.

Attachments

1.	Ordinance No. 2-2025

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 2-2025

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $20,000,000 OF GENERAL OBLIGATION LIMITED TAX BONDS, OR NOTES IN ANTICIPATION OF BONDS, IN ONE OR MORE SERIES, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, INSTALLING, AND EQUIPPING CAPITAL PROJECTS AND PUBLIC INFRASTRUCTURE WITH RELATED EQUIPMENT, ACQUIRING LAND AND INTERESTS IN LAND, AND ALL NECESSARY APPURTENANCES THERETO; AND AUTHORIZING AND APPROVING RELATED MATTERS

WHEREAS, the City of Upper Arlington, Ohio (the "City") has determined to acquire, construct, install, and equip capital projects and public infrastructure with related equipment, to acquire land and interests in land, and all necessary appurtenances thereto (collectively, the "Project"); and

WHEREAS, the Finance Director of the City (the "Finance Director") has certified to this City Council (the "Council") that the estimated life of the improvements comprising the Project, which are to be financed with the proceeds of the bonds herein described exceeds five (5) years and the maximum maturity of said bonds is thirty (30) years; provided that if notes are issued in anticipation of said bonds, the maximum maturity of such notes is twenty (20) years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed $20,000,000 of such bonds or notes in anticipation of bonds, or a combination thereof, under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.23 thereof, and the Charter of the City (the "Charter") for the purpose stated in the title of this Ordinance.

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

<u>SECTION 1.</u> It is hereby declared necessary to issue bonds of the City, in one or more series, in the aggregate principal sum of not to exceed $20,000,000, or such lesser amount as shall be determined by the Finance Director and certified to this Council, which bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2025," or as otherwise designated by the Finance Director (the "Bonds"), for the purpose described in the title of this Ordinance. In anticipation of the issuance of all or a portion of the Bonds, this Council hereby authorizes the issuance of notes in anticipation of the Bonds, in one or more series, which notes shall be designated "Various Purpose Limited Tax Notes, Series 2025," or as otherwise designated by the Finance Director (the "Notes" and, together with the Bonds, the "Securities"), upon the determination of the Finance Director that it is in the best interest of the City to issue such Notes. The aggregate principal amount of the Securities issued pursuant to this Ordinance shall not exceed $20,000,000.

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

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

In the event the Finance Director determines it to be in the best interest of the City to issue the Securities in the form of the Notes, the Notes shall be issued as fully registered securities in denominations as determined by the Finance Director and set forth in the Certificate of Fiscal Officer, but not exceeding the principal amount of the Notes, shall be numbered as determined by the Finance Director and shall bear interest at the rate, payable on such dates and on such basis as shall be set forth in the Certificate of Fiscal Officer.

SECTION 4. The sale and award of the Securities shall be evidenced by a Certificate of Fiscal Officer (the "Certificate of Fiscal Officer") signed by the Finance Director. The Certificate of Fiscal Officer shall set forth (a) the aggregate principal amount and the final terms of the

Securities, which aggregate principal amount and terms shall be subject to the limitations set forth in this Ordinance, (b) the dated date for the Securities, (c) the dates on which interest on the Securities is to be paid (each, an “Interest Payment Date”), (d) the purchase price for the Securities (which shall be not less than 97% of the face value thereof), (e) the maturity schedule for the Securities, (f) the interest rates for the Securities (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum and the true costs for all Notes in the aggregate shall not exceed 7.00% per annum), (g) the optional and mandatory redemption provisions, if any, and (h) such other terms not inconsistent with this Ordinance as the Finance Director shall deem appropriate.

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

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

When partial redemption is authorized, the Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner and in such denominations as the Registrar may determine, provided, however, that the portion of any Current Interest

Bond so selected will be in the amount of $5,000 or any integral multiple thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

All or any portion of the Securities may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Security of each maturity; (ii) those Securities shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Securities in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Securities in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the

Depository and by book entry; and (v) the Securities as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Debt service charges on Securities in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Securities as provided in this Ordinance.

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

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

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

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

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

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

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

The proceeds of the Securities, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Securities, or other obligations of the City, as permitted by law. Any premium from the sale of the Securities shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

SECTION 15. The City hereby covenants that it shall comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Securities is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Securities so that the Securities will not constitute “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the ”Code”). The City further covenants that it shall restrict the use of the proceeds of the Securities in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Securities are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the “Regulations”).

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

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Securities sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Securities which limits the amount of proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Finance Director is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Securities requires any such reports or rebates.

SECTION 16. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Securities is hereby authorized if the Finance Director determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Securities (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds authorized by separate ordinances of this Council). If the Finance Director so determines, then the Finance Director and City Manager are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Securities, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Securities as they deem necessary or appropriate to protect the interests of the City. The Finance Director, City Manager, and City Attorney for the City (the "City Attorney") are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

SECTION 17. The obtaining or updating of a rating or ratings on the Securities and the City is hereby authorized if the Finance Director determines that it is necessary or advisable in connection with the original issuance of the Securities. If the Finance Director so determines, then the Finance Director and City Manager are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 18. Bradley Payne, LLC is hereby appointed to serve as financial advisor to the City for the Securities. The Finance Director is hereby authorized to enter into any agreements necessary to memorialize this relationship. The fees to be paid to such firm shall be subject to review and approval of the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from the proceeds of the Securities or as otherwise determined by the Finance Director.

SECTION 19. The City Attorney and the Finance Director are hereby authorized to approve the fee to be paid to Bricker Graydon LLP to serve as bond counsel to the City for the Securities. Such fees shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from the proceeds of the Securities or as otherwise determined by the City Attorney and the Finance Director.

SECTION 20. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Securities and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Securities and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Finance Director and a no-litigation certificate of the City Manager and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

SECTION 21. This Council further hereby authorizes and directs the City Manager, the City Attorney, the Finance Director, the City Clerk, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions, including the appointment of bond counsel, as may be appropriate to implement this Ordinance.

SECTION 22. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Securities in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, pursuant to statutory, constitutional or Charter limitations, has been exceeded in issuing the Securities.

SECTION 23. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 24. The City Clerk is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Franklin County, Ohio.

SECTION 25. In accordance with the Charter of the City and the Rules of Council approved in accordance therewith, this Ordinance shall take effect and be in force from and immediately after its adoption so that the Securities can be sold as soon as possible to take advantage of favorable interest rates and so that work on the Project can proceed.

Authors:	Darren Shulman, City Attorney
Council Meeting Date:	January 13, 2025
Subject/Legislative Item:	Ordinance No. 3-2025 - An ordinance amending Chapter 171 - Mayor's Court of the Upper Arlington Code of Ordinances
Purpose:	Increase the pay for magistrates in Mayor's Court and adjusts fees.
Executive Summary:	This legislation is a companion to the budget, which reflects an increase in pay for Mayor's Court magistrates. The increase is recommended based on a survey of area mayor's courts and the recommendation is consistent with the findings of that survey. In addition, based on case volume, the Mayor's Court sessions have been going longer. Magistrates are paid per session, so the longer court times support additional pay. The legislation also allows for adjustments to court fees, which have not been updated in several years.

Purpose and Impact

Per Council's direction during the budget process, this legislation removes the magistrate pay amount from the City's Codified ordinances. If passed, going forward, the contracts would be treated like any other professional services contract under the City's procurement code. As part of the legal department's code review project, this ordinance also makes the following additional changes:

- Aligns with current practice of appointing magistrates by removing language indicating the mayor and vice mayor preside over mayor's court. In recognition that there could be an emergency situation, the revised language does permit the clerk to request the mayor or vice mayor preside if the clerk is unable to schedule a magistrate. The City does not anticipate ever needing to do this as we currently use a rotation of magistrates.
- Aligns code with current practice of having mayor review and approve mayor's court rules instead of creating them, as most of the rules are driven by recommendations by the Mayor's Court Clerk.
- Adds language to Mayor's Court Computer Fund and Clerk of Courts Fund to align with how the funds are named in state code.

- Raises the maximum Clerk of Court Computerization Fund fee to $20 to reflect the increased limit permitted by state law. However, the fee will currently be set at $12.
- Removes $2.50 fee that is not being collected.

While they do not require Council approval, the following changes are being made to the Fee and Bond schedules:

Fee Changes (last reviewed in 2019)

- Computer Funds: This fee will increase by $9, which will allow the City to implement technology programs that will make court more efficient and provide better service to users. Examples of planned and/or potential uses include transitioning to e-tickets, establishing a text system to remind people of their court dates, and an easier system for individuals to request continuances.
- Trials: Every defendant has a right to trial, so this change removes the charge for people exercising their rights.
- Request to change in limited driving privileges: The City wants to encourage people to obtain privileges and keep them up to date, and is therefore removing this charge.

Bond Schedule changes (last revised in 2021)
The City prefers to use methods such as license forfeitures or registration blocks to obtain attendance in court. However, recent legislative proposals may change what the City is able to do. The following changes provide the City with options should it no longer be able to use license forfeitures:

- Unclassified Misdemeanor: Reducing the bond from $200 to $150 places less of a burden on defendants and is aimed at making it easier for them to post bond while still covering the City's court costs should they fail to appear in court. A typical unclassified misdemeanor is driving without a license.
- Minor misdemeanor: The preference is not to use a warrant in these cases. However, should a warrant be necessary, the City believes a $100 bond captures most of court costs and reflects the low severity of the charge. A typical minor misdemeanor is a speeding ticket.
- Minor misdemeanor out of state: The bond for minor misdemeanors for people who live outside of Ohio reflects the greater chance that they will not appear in court as well as the fact that Ohio is limited in what it can do to secure their attendance.

History
While some parts of Chapter 171 - Mayor's Court have been updated more recently, state code has changed last reviewed. Magistrate's pay has not been reviewed since 2011.

Alternatives

City Council may choose not to make adjustments to Chapter 171 - Mayor's Court, which would make it challenging to find magistrates to cover court sessions.

Attachments

1.	Ordinance No. 3-2025
2.	Exhibit A - CHAPTER_171.___MAYOR_S_COURT REVISION DRAFT (1-6-25)
3.	Exhibit B - Mayor's Court Fees and Bond Schedule

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 3-2025

TO AMEND CHAPTER 171 – MAYOR'S COURT OF THE UPPER ARLINGTON CODE OF ORDINANCES

WHEREAS, the City Manager, in conjunction with the Finance Director and the City Attorney, has recommended increases to the Mayor's Court magistrates' pay per Mayor's Court session; and

WHEREAS, it is the recommendation of staff that the magistrates' pay, which is currently set at $400/session worked per §171.01, be increased to $500/session worked to remain competitive with other local Mayor's Courts; and

WHEREAS, to increase efficiency, it is recommended to remove the magistrates' pay from the codified ordinance; and

WHEREAS, the proposed amounts were included in the 2025-2026 Municipal Program of Services (Draft), adopted by City Council on December 16, 2024; and

WHEREAS, the Mayor's Court magistrate salary adjustments will go into effect 30 days after passage, but pay shall be retroactive to January 1, 2025; and

WHEREAS, staff recommend other changes to the Mayor's Court chapter, including fee adjustments; and

WHEREAS, a proposed revised fee and bond schedule, which are contained in the Mayor's Court rules is attached for reference as Exhibit B.

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

<u>SECTION 1.</u> Chapter 171 of the Upper Arlington Codified Ordinances is hereby amended as contained in the attached Exhibit A.

<u>SECTION 2.</u> The magistrate per session pay of $500 shall be retroactive to January 1, 2025.

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

CHAPTER 171. MAYOR'S COURT

§ 171.01 DUTIES AND COMPENSATION OF PUBLIC OFFICIALS SERVING IN MAYOR'S COURT.

~~The mayor and vice-mayor shall be paid eighty-four dollars ($84.00) per court session worked. If the mayor is unavailable to preside on a scheduled date(s), the mayor shall appoint either the vice mayor or magistrate to preside on that particular date(s).~~

The mayor shall appoint magistrates to preside over mayor's court. A person appointed as a mayor's court magistrate, other than the mayor or vice-mayor, shall be paid ~~four hundred dollars ($400.00)~~ per mayor's court session worked at a rate established by contract. ~~not to exceed an annual salary of fifteen thousand dollars ($15,000.00)~~. Upon request by the Clerk of Court, the mayor or vice mayor preside over mayor's court in the event the City is unable to schedule a magistrate.

The mayor ~~has the authority to create~~ shall review and approve the rules and procedures to govern the court. These rules prescribe the conduct and procedures to be followed in mayor's court and sets forth the fines, fees and court costs to be imposed by the court.

~~The mayor and vice-mayor shall be paid a total fixed annual salary of four thousand two hundred dollars ($4,200.00) for performance of their duties as judges of the mayor's court in accordance with ORC §1905.21. This fixed annual salary for the mayor and vice-mayor shall be distributed between the mayor and vice-mayor on a proportionate basis, such proportions to be based on the number of sessions at which each presides during the annual period.~~

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

§ 171.02 CLERK OF COURT.

The city manager shall appoint a clerk of court who shall maintain the records of the mayor's court in accordance with applicable state law and rules of court. The clerk of court shall be part of the finance department and supervised by the finance director unless otherwise determined by the city manager.

(Ord. No. 5-2019, § 1, 2-11-2019)

§ 171.03 DEPUTY CLERKS.

The city manager may appoint, such deputy clerks of court as are necessary to fulfill his/her duties in accordance with applicable state law and rules of court.

(Ord. No. 5-2019, § 1, 2-11-2019)

§ 171.04 VIOLATIONS BUREAU.

(A) A traffic violations bureau is hereby established in accordance with Rule 13, Ohio Traffic Rules. It shall have authority to process and dispose of those traffic offenses for which no court appearance is required by law or by the arresting officer in reasonable exercise of his discretion. The traffic violations bureau shall be administered by the clerk of court for the mayor's court in accordance with the applicable law and the fine and bail schedules established by the rules of mayor's court.

(B) A minor misdemeanor violations bureau is hereby established in accordance with Rule 4.1, Ohio Rules of Criminal Procedure. It shall have authority to process and dispose of those minor misdemeanor offenses for which no court appearance is required by law or by the arresting officer in the reasonable exercise of his discretion. The minor misdemeanor violations bureau shall be administered by the clerk of court for the mayor's court in accordance with the applicable law and the fine and bail schedules established by the rules of the mayor's court.

(C) The violations bureau shall keep accurate records of all of their activities and submit summarized reports, no less than quarterly to the mayor, of all notices issued and arrests made for violations of city ordinances and of fines collected by the bureau of the court, and of the final disposition and present status of every case of violation of city ordinances.

§ 171.05 MAYOR'S COURT COMPUTER AND LEGAL RESEARCH FUND.

A fee, not to exceed three dollars ($3.00), shall be collected on each case and deposited into the mayor's court computer fund, which is hereby established. Such fee shall be established as a cost pursuant to the rules of court. Said fund shall be used to pay the cost of computerization of the mayor's court and for computerized legal research services.

Expenditures from said fund are subject to appropriation by city council and shall be made only for the furtherance of maintaining and replacing the computer software and hardware of the mayor's court and for computerized legal research or as set out in ORC § 1901.261(A)(1).

§ 171.06 CLERK OF COURTS' COMPUTERIZATON FUND.

A fee, not to exceed ten dollars ($~~10.00~~ 20.00), shall be collected on each case and deposited into the clerk of courts fund, which is hereby established. Such fee shall be established as a cost pursuant to the rules of court. Said fund shall be used to pay the cost of computerization of the clerk of courts' office.

Expenditures from said fund are subject to appropriation by city council and shall be made only for the furtherance of maintaining and replacing the computer software and hardware of the clerk of courts' office or as set out in ORC § 1901.261(B)(1).

§ 171.07 PROBATION FEE.

A fee, not to exceed sixty dollars ($60.00) shall be collected on each case where a person is placed on probation. A fee not to exceed thirty dollars ($30.00) shall be collected on each case where a person is placed on provided no convictions (P.N.C.) status. Such fee shall be established as cost pursuant to the rules of court and deposited into the general fund.

(Ord. No. 5-2019, § 1, 2-11-2019)

§ 171.08 MAYOR'S COURT SPECIAL PROJECT FUND.

(A) A fee, not to exceed ten dollars ($10.00), shall be collected on each case and is to be deposited into the mayor's court special project fund.

(B) ~~A fee, not to exceed two dollars and fifty cents ($2.50), shall be collected from each first-time OVI offender who is the subject of an order issued under ORC § 4510.022. This fee shall be deposited into the mayor's court special project fund. For purposes of this provision, a first-time OVI offender is a person whose driver's~~

~~license or commercial driver's license or nonresident operating privilege has been suspended for being convicted of, or pleading guilty to, an OVI offense under C.O. § 353.01.~~

(C) Expenditures from this fund are to be used to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, which includes purchasing of bus passes for Pilot Drug Court participants, mediation or dispute resolution services, the employment of magistrates, the training and education of magistrates, and other related services.

(D) Expenditures from said fund are subject to appropriation by city council and shall be made only for the furtherance of special projects for the operation of the court or as set out in ORC § 1901.26(B)(1).

(Ord. No. 32-2013; Ord. No. 14-2017, § 1, 2-27-2017; Ord. No. 74-2018, § 1, 10-22-2018)

EXHIBIT A FEES CHARGED IN UPPER ARLINGTON MAYOR'S COURT (Effective March 13, 2019)

UA MAYOR'S COURT COSTS $25.00

STATE OF OHIO COSTS

TRAFFIC CASES$39.00

CRIMINAL CASES$29.00

COMPUTER FUNDS $~~6.00~~ $15 (Mayor's Court Computer Fund $3, Clerk of Courts Computerization Fund $12

MAYOR'S COURT SPECIAL PROJECT FUND$10.00

CONTINUANCES$5.00

~~TRIALS$10.00~~

PRE-TRIAL/MISC. HEARING$5.00

FAIL TO APPEAR NOTICE/LATE FEE$20.00

SUBPOENA'S/PRECIPE'S$10.00

WITNESS FEES AND MILEAGE$6.00 + mileage

SUMMONS$15.00

ORDER IN OR BFOI$40.00

BAD CHECK OR RETURN PAYMENT CHARGE$30.00

REQUEST TO DROP CHARGES$30.00

CRIMINAL DIVERSION PROGRAM$100.00

ENFORCEMENT DATE OF FINE ($15.00 for any additional enforcement) $15.00

TIME PAYMENT PROGRAM$20.00

DUI EDUCATION FUND$25.00

JURY DEMAND'S FILED$15.00

APPEALS FILED$15.00

~~REQUEST CHANGE IN LIMITED DRIVING PRIVILEGES$10.00~~

PROBATION FEE$60.00

PROVIDED NO CONVICTIONS FEE$30.00

TRAFFIC DIVERSION FEE$225.00

INTERPRETING SERVICES No cost

BOND SURCHARGE$25.00

IMMOBILIZING/DISABLING DEVICE REQUIRED$5.00

O.V.I. OFFENDER FEE/SPECIAL PROJECT FEE$5.00

(Order No. 92 , 2-25-2019; Order No. 97 , 7-18-2021)

EXHIBIT D BAIL/BOND SCHEDULE
(Revised July 1, 2021)

Non-Recognizance Schedule; Residents and Non-Residents

(A) **Residents.** When the defendant is a resident of the State of Ohio and the Magistrate has ordered bail to be set pursuant to Exhibit D, the bail schedule is as follows:

Classification or Offense	Bench Warrant	Type
Misdemeanor of the first degree	$500.00	Cash or Surety
Misdemeanor of the second degree	400.00	Cash or Surety
Misdemeanor of the third degree	300.00	Cash or Surety
Misdemeanor of the fourth degree	200.00	Cash or Surety
Unclassified Misdemeanor	~~200.00~~ 150	Cash or Surety
Minor Misdemeanor	~~N/A~~ 100	License Forfeiture / Registration Block/Cash or Surety

(B) **Non-Residents.** When the defendant is not a resident of the State of Ohio and the Magistrate has ordered bail to be set pursuant to Exhibit D, the bail schedule is as follows:

Classification or Offense	Bench Warrant	Type
Misdemeanor of the First Degree	$2,000.00	Cash or Surety
Misdemeanor of the Second Degree	1,500.00	Cash or Surety
Misdemeanor of the Third Degree	1,000.00	Cash or Surety
Misdemeanor of the Fourth degree	500.00	Cash or Surety
Unclassified Misdemeanor	200.00	Cash or Surety
Minor Misdemeanor	~~N/A~~ 200	License Forfeiture (NRVC)/cash or surety

D.01

If the non-resident defendant can establish to the satisfaction of the Clerk of Courts that the defendant is a student or gainfully employed in this State, the defendant shall be released on the same bail as residents of this State.

D.02

When bail is required to be set pursuant to Exhibit D, bail will be required for only one of two charges of OVI if both charges arise out of the same incident.

D.03

When bail is required to be set pursuant to Exhibit D, and when a defendant is charged with two or more charges, in any combination, under City of Upper Arlington Ordinance(s) 355.01, 355.05, 355.06, 355.13, 355.14, 355.15, 355.16, 355.18, 355.20 or under any same or similar ordinance, bail will be required for only one [of] the charges. When this schedule applies, bail shall be set in the amount required for the highest-level offense charged.

(Order No. 97 , 7-18-2021)