



ORDINANCE O-19-2021

AN ORDINANCE TO CREATE CHAPTER 137 "SUSTAINABILITY ADVISORY BOARD" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, the Council of the City of New Albany finds that the codified ordinances need to updated on occasion, and

WHEREAS, a Sustainability Advisory Board will advise City Council regarding sustainability and environmental matters; and

WHEREAS, City Council now finds it advisable to create Chapter 137 of the Codified Ordinances of the City of New Albany "Sustainability Advisory Board."

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1: That portions of Codified Ordinance Chapter 137 "Sustainability Advisory Board" be created as set forth in Exhibit A.

Section 2. 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 the council, and that all deliberations of the council and or 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately.

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

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Mitchell H. Banchevsky  
Law Director

**Legislation dates:**

Prepared: 05/19/2021

Introduced: 06/01/2021

Revised:

Adopted:

Effective:

PROPOSED

**EXHIBIT A – O-19-2021**

**CHAPTER 137 - SUSTAINABILITY ADVISORY BOARD**

**137.01 – SUSTAINABILITY ADVISORY BOARD ESTABLISHED; MEMBERSHIP, TERM AND VACANCY.**

- (a) There is hereby created and established a Sustainability Advisory Board to be composed of ~~XXX (X)~~ ~~(1)~~ members, which shall be appointed by Council. The New Albany Council Member who is chair of the Council Service Committee shall hold ex officio membership on the Advisory Board ~~(1)~~. The term of this ex officio member shall depend upon the discretion of Council. The remaining ~~XXX (X)~~ Advisory Board members shall be appointed for three (3) year terms commencing on ~~XXXX X~~, with the exception of those initially appointed, whose terms shall be staggered as follows:

One year term	XXX members
Two year term	XXX members
Three year term	XXX member.

- (b) In the event of a vacancy on the Sustainability Advisory Board, Council shall appoint a replacement to fill the un-expired term.

**137.02 – PURPOSE OF THE SUSTAINABILITY ADVISORY BOARD**

- (a) The purpose of the Sustainability Advisory Board is to assist the City of New Albany in defining and achieving its sustainability goals and to empower the community to live in a way that assures a high quality of life for current and future generations.

The Board shall not become an advocacy forum for any one environmental group or organization. The Board's role shall be that of facilitator for all environmental groups and organizations, in order to assist Council and Administration in efforts to create policies and programs that support sustainability.

**137.03 - COMPENSATION.**

Members of the Sustainability Advisory Board shall serve without compensation.

**137.04 - MEETINGS; REPORTING; ABSENCES.**

- (a) The Sustainability Advisory Board shall meet not less than once each month, or as needed. Minutes of all meetings shall be kept. The City Manager shall assign a department and staff to facilitate the Board's activities.
- (b) Any member of the Board who has been absent from four (4) consecutive regular meetings during any 12-month period, whether excused or not, is removed from membership.

**137.05 - ADVISORY CAPACITY ONLY.**

The Sustainability Advisory Board shall act solely in an advisory capacity, making recommendations to Council and the City Manager.

#### 137.06 - POWERS AND DUTIES.

To achieve the stated purpose, the Sustainability Advisory Board shall have the following powers and duties:

- (a) Provide advice and recommendations to City Council for advancing the city's sustainability goals and effective implementation of the city's strategic plan.
- (b) Promote and communicate the principles of sustainability broadly among the community and stakeholders.
- (c) Advise and assist Council and the City Manager in efforts to make City operations more sustainable.
- (d) Provide liaison to Council by attendance at a Council meeting as required by Council or deemed appropriate by the chairman or the chairman's designate, who shall report on Board activities.
- (e) Undertake such other assignments or studies on sustainability issues as may be requested by the Council and/or the City Manager.

#### 137.07 - DEPARTMENTAL ASSISTANCE.

The Sustainability Advisory Board may call upon the City Manager, and, through the City Manager, any department of the Municipality to render such assistance to the Board as may reasonably be required.



**ORDINANCE O-20-2021**

**AN ORDINANCE TO ACCEPT A RIGHT-OF-WAY DEDICATION OF 0.462 ACRES ON HARRISON ROAD AS REQUESTED BY MBJ HOLDINGS, LLC.**

**WHEREAS**, the land parcels currently extend to the centerline of Harrison Road and have historically been served by a highway easement. The property owner requests to dedicate the highway easement area to the city as public right-of-way; and

**WHEREAS**, the city will be the recipient (grantee) of the right-of-way dedication of 0.462 acres; and

**WHEREAS**, the city engineer has reviewed the right-of-way dedication and has commented this dedication is appropriate; and

**WHEREAS**, the city will benefit from this dedication of right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** The city manager is hereby authorized to accept a right-of-way dedication of 0.462 acres as depicted on Exhibit A.

**Section 2.** It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

**Section 3.** Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

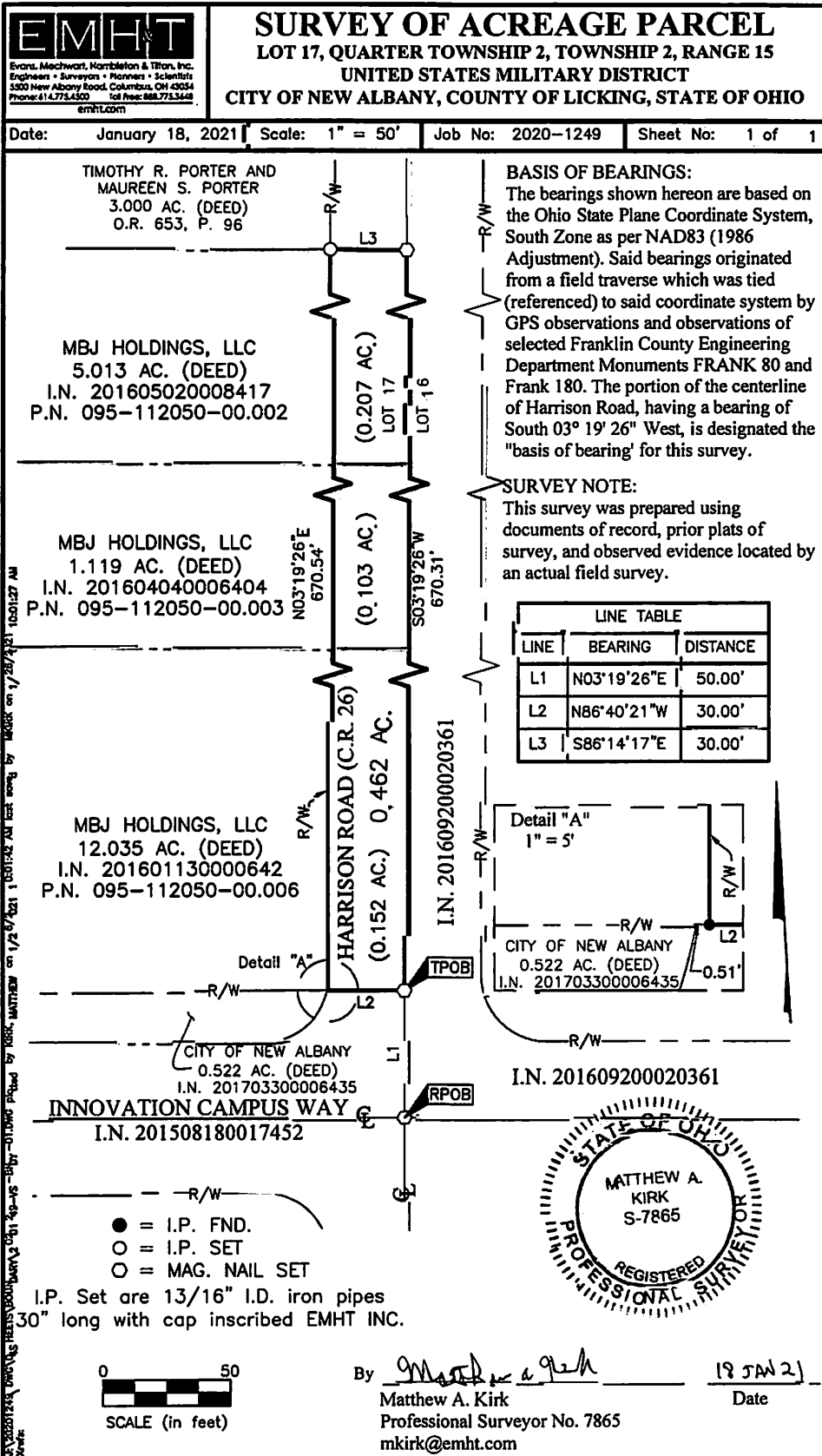
<b>Legislation dates:</b>	
Prepared:	05/21/2021
Introduced:	06/01/2021
Revised:	
Adopted:	
Effective:	

\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

CITY OF NEW ALBANY  
 PLAT REQUIRED  
 APPROVED

Signature \_\_\_\_\_ Date 2-11-21  
 LA 2021 0014

**Exhibit A - O-20-2021**





## RESOLUTION R-27-2021

### A RESOLUTION TO AUTHORIZE A THEN AND NOW CERTIFICATE WITHIN THE CAPITAL IMPROVEMENTS FUND RELATED TO THE HARLEM ROAD LEISURE TRAIL PROJECT

**WHEREAS**, the Ohio Revised Code §5705.41(D) and the City Charter require a fiscal officer certificate to be issued for certain types of expenditures certifying funds are available and appropriated by Council; and

**WHEREAS**, in the event a fiscal officer certificate is not obtained prior to incurring an expenditure, the Ohio Revised Code §5705.41(D)(2) allows for the issuance of a “Then & Now” certificate; and

**WHEREAS**, a “Then & Now” certificate indicates that both at the time of the contract, purchase or order was made and at the time of certification, sufficient funds were available or in the process of collection and were properly appropriated and free from any previous encumbrance; and

**WHEREAS**, it is necessary to obtain council approval of each “Then & Now” certificate in excess of \$3,000; and

**WHEREAS**, a design fee of \$3,539.51 was charged by AT&T for the utility burial; and

**WHEREAS**, an invoice was issued for this design effort and was received prior to creating a specific fiscal officer certificate for AT&T related to the project; and

**WHEREAS**, the finance director has confirmed that \$3,539.51 was and is available in the Capital Improvements Fund to compensate AT&T.

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1:** Council hereby authorizes a “Then and Now” certificate pursuant to Ohio Revised Code §5705.41(D)(2) to authorize payment in the amount of \$3,539.51 to AT&T.

**Section 2:** 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 the council, and that all deliberations of the council and or 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.



**Section 3.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 05/20/2021

Introduced: 06/01/2021

Adopted:

Effective:



**RESOLUTION R-28-2021**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO UTILIZE A REQUEST FOR QUALIFICATIONS PROCESS TO BID, AWARD AND EXECUTE ALL CONTRACTS RELATED TO DESIGN, SUPPLY AND INSTALLATION OF PLAYGROUND IMPROVEMENTS AT PLANTERS GROVE, LAMBTON AND NORTH OF WOODS PARKS AND TO WAIVE FORMAL COMPETITIVE BIDDING**

**WHEREAS**, the city has completed the Parks Framework Plan, a comprehensive evaluation of its park system and a strategy for the future park and recreational improvements and in accordance with the plan's recommendations, council desires to upgrade playgrounds within the city's neighborhoods; and

**WHEREAS**, the city owns the real property and has assumed maintenance responsibilities at Planters Grove, Lambton and North of Woods Parks where existing playground equipment is located; and

**WHEREAS**, the existing playground equipment located in those parks is over twenty years old and is at the end of its serviceable life; and

**WHEREAS**, the city desires to issue a Request for Qualifications to seek a qualified vendor to design and furnish the city with new playground equipment and site furnishings at the three parks; and

**WHEREAS**, services are to include playground design, removal of existing equipment, installation, site furnishings, surfacing and associated site work; and

**WHEREAS**, the funding for playground improvements in various city playgrounds was provided for in the Annual Appropriations Ordinance (O-26-2020); and

**WHEREAS**, Article 9.04(c) of the New Albany Charter permits the waiver of competitive bidding if council determines that the waiver of the competitive bidding requirement is in the best interest of the city.

**WHEREAS**, the Request for Qualifications process allows for a competitive, qualifications-based selection that will ensure the materials and design will meet city standards.

**NOW, THEREFORE**, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

**Section 1.** Council authorizes the city manager to utilize a Request for Qualifications Process, as attached or substantially similar to Exhibit A, to bid, award and execute all contracts related to the playground improvements at Planters Grove, Lambton and North of Woods Parks.

**Section 2.** Per section 9.04(C) of the New Albany Charter, and for the reasons set forth herein, council finds that it is in the best interest of the city to waive the competitive bidding requirement.

**Section 3.** It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

**Section 4.** Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 05/17/2021

Introduced: 06/01/2021

Revised:

Adopted:

Effective:



**Request for Qualifications  
Design, Supply, and Installation of  
Playground Equipment at  
Planters Grove Park, Lambton Park and North of  
Woods Park**

**May 21, 2021**

**Response Due Date and Time:  
*Friday, June 25<sup>th</sup>, 2021  
3:00 p.m., E.S.T.***

**Deliver to:  
City of New Albany  
99 West Main Street  
New Albany, OH 43054**

## **REQUEST FOR QUALIFICATIONS**

### **1. Project Information**

- 1.1 Project Name: Planter's Grove Park, Lambton Park and North of Woods Park Playground Replacement 2021-2022**
- 1.2 Project Overview: The City of New Albany is seeking a qualified Vendor to design and furnish the City with new playground equipment and site furnishings at three (3) playgrounds located throughout the city. Services shall include design, equipment removal, supply of new equipment, installation, site furnishings, surfacing, and associated site work.**
- 1.3 Project Budget: \$1,000,000**
  - 1.3.1 Project budget shall be inclusive of the total costs of all materials, labor, equipment, warranty, and other supplies/service furnished to fulfill this contract.**
- 1.4 Project Locations: The City of New Albany owns and maintains several playgrounds within its residential neighborhoods. The primary users of the playgrounds are residents that live in the adjacent neighborhoods. The playgrounds were originally constructed by the developer who built the neighborhoods, however maintenance responsibilities transfer to the city after 20 years. Two playgrounds transferred to the city in 2021. One will transfer in 2022. Please see Exhibit A for a map of locations.**
- 1.5 Project Site: Typically, the available area for each playground is approximately 50'x50' and in the shape of a square. Most have existing mature trees that are to remain. In general, the grade is relatively flat across the project area. See attached Conceptual Site Plan (Exhibits B, C & D).**
- 1.6 The City of New Albany General Conditions shall apply to this project. A copy of the General Conditions is attached.**
- 1.7 The successful Vendor, upon award of the Contract, shall furnish a performance bond in a sum equal to one hundred percent (100%) of the contract price covering the faithful performance of the Contract and the payment of all obligations arising thereunder.**
- 1.8 Prevailing Wage: This contract will be subject to Ohio Prevailing Wage Laws, Chapter 4115 of the Ohio Revised Code. The Vendor and all subcontractors shall comply with all provisions therein, particularly those of Section 4115.05 which provides that the wages paid to all employees shall not be less at any time during the life of the contract than the current prevailing wage rate relating to the trade or occupation as determined by the Ohio Department of Commerce for the county in which the work is being performed. It is the responsibility of the**

Vendor to ensure that all laws relating to prevailing wages in Chapter 4115 of the Ohio Revised Code are adhered to by all subcontractors. If the Vendor or any subcontractor fails to comply with any of the provisions therein, the City may withhold payments of any estimate until the Vendor or subcontractor has complied.

## 2. Scope of Services

- 2.1 The selected Vendor shall provide all plans, samples, materials, and installation services for the construction of the playground and associated site work. This work is of a highly specialize nature and shall be performed by a company which derives a significant portion of its annual income from play structure design and installation. The City may require work performance reference and history. Vendor shall provide the location of a nearby example of his/her product upon request. The Playground Installation Supervisor shall be a Certified Playground Safety Inspector by the National Recreation and Parks Association. A copy of the Supervisor's current, valid certificate must be included as part of the Statement of Qualifications. Copies of certificates will not be counted toward the page limit maximum.
- 2.2 Design Criteria: The following information is included for reference only. Vendors should **not** include design proposals as part of their Statement of Qualifications. The selected Vendor will be required to provide a minimum of **three** different design proposals, including three dimensional renderings.
  - 2.2.1 All playground equipment, site layout, and surfacing shall conform to CPSC (Consumer Products Safety Commission) guidelines (publication #325 – Handbook for Public Playground Safety) for lead paint, use zones, spacing, entanglement, protrusion and entrapment hazards, etc.
  - 2.2.2 All equipment shall be certified by IPEMA (International Play Equipment Manufacturer's Association) as conforming to ASTM (American Society for Testing and Materials) Publication #F1487-95 (Standard Consumer Safety Performance Specification for Playground Equipment for Public Use).
  - 2.2.3 Playground equipment and design shall meet ADA (Americans with Disabilities Act) current requirements and shall incorporate multiple accessible features.
  - 2.2.4 Design shall be age appropriate for children 2 – 12 years old. Specific equipment shall be identified as age appropriate for 2 – 12, 2 – 5, or 5 – 12.
  - 2.2.5 Final colors will be determined at award of contract, however dark or natural stained colors are preferred
  - 2.2.6 Natural materials, such as wood and metal are the preference for the playground equipment, however the city will consider equipment made from a composite materials if they are deemed to be significantly similar to the color and finish of natural materials.

- 2.3 Existing Structures and Landscape: Nearby existing asphalt surfaces, curbs, other surfacing, lawn areas, trees, etc. shall be retained and protected during all work unless otherwise specified herein. Critical root zones of mature trees as identified by the City shall be fenced off with protective fencing prior to commencement of all work and remain undisturbed.
- 2.4 Demolition: the selected Vendor shall remove all existing play equipment, plastic curbing, benches, wood fiber surfacing, and poured in place rubber surfacing in the playground area except for any small items salvaged by City. Dispose of all debris properly.
- 2.5 Curbing: the selected Vendor shall provide and install vertical concrete curbing around new playground area per Detail 1 as needed. Curbs shall be 6" wide x 18" deep.
- 2.6 Surfacing: The City requires poured-in-place (PIP) resilient surfacing of EPDM rubber with aromatic polyurethane binder (or approved equivalent) installed on a compacted aggregate base per manufacturer's directions. Depth of surfacing shall be based on design specifications of installed equipment. Color shall be a 70/30 blend with black, color to be determined by City. Dimensions of curbed area and PIP rubber shall be per equipment manufacturer's specifications and PIP Detail 1.
- 2.7 Trees: Tree pruning, removal or transplant as needed will be by Owner.
- 2.8 Sign: the selected Vendor shall provide one or more playground safety signs that include age appropriate warnings. Vendor shall install sign(s) on concrete foundation (surface mount style) outside safety surfacing, or via direct bury style if within safety surfacing. Foundation shall be 20" deep, with finish to match nearest existing concrete.
- 2.9 Benches & Furnishings: the selected Vendor shall remove four (4) existing thermoplastic coated benches near the playground.
- 2.10 Walkway: the concrete sidewalk north of the playground shall be removed and replaced as shown on the attached Conceptual Site Plan, Exhibit A. A concrete path shall be provide between the upper and lower portions of the playground. Slope of all walks shall not exceed 1:25.
- 2.11 Other concrete pads: the selected Vendor shall install one (1) additional concrete pad for a trash can. Pads shall be rectangular in shape: 88" x 52" x 4". Final locations and shapes to be determined by the City following evaluation of statements of qualifications and award of contract. Finish to match nearest existing concrete surface. Trash cans by others.

2.12 Installation: the selected Vendor shall be responsible for all installation and associated site work. All equipment shall be installed to conform to manufacturer's guidelines. Site damage caused by installation shall be repaired to the City's satisfaction upon completion of work. Concrete curbs shall be installed as per Detail #1. All concrete installed for this project shall be minimum 4,000 psi, treated with curing compound, and protected from vandalism until fully cured. Control joints shall be saw cut; expansion joints shall be included as needed per design. Vendor shall cut and fill as needed to create level grades and gradual transitions to lawn. Excess soil shall be disposed of offsite by Vendor. Vendor shall secure site and all equipment from use by protective fencing until playground is ready for public use.

2.13 Schedule: The selected Vendor shall prepare and maintain a project schedule. Installation and site restoration dates will be negotiated along with Scope and Fee for the work. Key project dates are as follows:

Statement of Qualifications Due.....	June 25, 2021
City Manager Approval of Selected Vendor.....	June 28, 2021
Equipment Ordered.....	TBD
<b>Construction Complete.....</b>	<b>TBD</b>

### 3. Submittal Requirements

3.1 Statement of Qualifications will be received by the City until **3:00 PM E.S.T. on June 25<sup>th</sup>, 2021.**

**Submit Statement of Qualifications Package to:**

**City of New Albany**

**99 West Main Street  
PO Box 188  
New Albany, OH 43054**

**Attention: Adrienne Joly  
Director of Administrative Services**

Please be advised that failure to comply with the following criteria will be grounds for disqualification:

- 3.1.1 Receipt of submittal by the specified date and time
- 3.1.2 Three hard copies and one electronic PDF of the Statement of Qualifications submitted as specified



- 3.1.3 Adherence to maximum page limits (this includes the proposal and cover letter)
- 3.1.4 Deposit of submittal in correct location (the City is not responsible for responses that are not received to Village Hall at 99 West Main Street)
- 3.1.5 Prohibition against contact or communication with any elected official, representative, or employee of the City of New Albany regarding this solicitation or the type of work contemplated therein, unless otherwise provided for within subsequent instructions.

Submittals are not returnable and will become the property of the City of New Albany. Please be advised that once submitted, they become “public record” and are available to all for inspection and copying, upon request.

- 3.2 Statement of Qualifications Format (only the following format will be accepted):
  - 3.2.1 Submit statement of qualifications in a sealed envelope. The firm name and project title shall be displayed on the front of the envelope. Three copies and one electronic PDF copy shall be provided.
  - 3.2.2 Required contract terms are provided in the RFQ. Any contract terms the proposer disagrees with shall be noted clearly in submittal.
  - 3.2.3 Do not submit a fee proposal.
  - 3.2.4 Consultant shall limit the proposal to no more than ten (10) total pages. The 10 pages does not include a statement of qualifications cover, table of contents, sections dividers, or copies of CPSI certification. A ‘page’ is one side of a sheet of paper with text, graphics, etc. If both sides of a sheet of paper have text, that is two pages.
  - 3.2.5 The proposal shall be accompanied by a one-page cover letter that shall be bound with the proposal as the first page inside of the front cover.
  - 3.2.6 All pages shall be 8-1/2” by 11”, with 1-inch margins (headers and footers may encroach with the margins).
  - 3.2.7 The minimum font size shall be 11 point, Times New Roman or Arial.
- 3.3 The City is not liable for any costs associated with the preparation of the Statement of Qualifications or any other costs incurred by the Vendor prior to the execution of the contract. The rejection of any Statement of Qualifications in whole or in part, at the City’s discretion, will not render the City liable for incurring any costs or damage.
- 3.4 Questions shall be submitted in writing and will be answered to all participants. Questions shall be submitted to Adrienne Joly via email to [ajoly@newalbanyohio.org](mailto:ajoly@newalbanyohio.org). Interested participants shall notify Adrienne Joly of their interest in receiving questions and responses. All questions must be submitted by Friday, June 18th at 3:00 pm E.S.T. unless it is determined in the best interest of the City to extend this deadline.

#### 4. Evaluation Criteria

- 4.1 Project Team (based on training, experience, and availability of the individuals assigned to the project) (20 points)
- 4.2 Past Performance (past performance on similar projects based on quality of work, ability to meet deadlines, previous communication history, and ability to maintain the project budget) (30 points)
- 4.3 Understanding of the Project / Project Approach (understanding of scope, site observations, description of experience with similar projects, and ability to maintain the project budget) (35 points)
- 4.4 Quality of the proposal in terms of research, accuracy, graphics, and following instructions (15 points)

**5. Selection Process**

- 5.1 The Vendor ranked highest in the SOQ will be deemed the most-qualified and will be selected to negotiate Scope, Timeline and Fee for the work.

**6. Attachments**

- 6.2 Exhibit A – Location Map
- 6.3 Exhibit B Conceptual Site Plan – Planter’s Grove
- 6.4 Exhibit C Conceptual Site Plan – Lambton park
- 6.5 Exhibit D\_Conceptual Site Plan – North of Woods
- 6.6 Detail 1 – Poured in Place Safety Surfacing with Flush Concrete Curb
- 6.7 Required Contract Terms