

ORDINANCE NO. 37-2020

AN ORDINANCE REQUESTING COUNCIL APPROPRIATE \$450,000.00 FROM THE UNAPPROPRIATED CAPITAL IMPROVEMENT PROJECT (CIP) FUND FOR THE REYNOLDSBURG COMMUNITY CENTER, AND DECLARING AN EMERGENCY

WHEREAS, On December 16, 2016, the Reynoldsburg City Council passed Resolution No. 136-16 declaring the necessity of an election on the question of approving passage of an ordinance to amend Sections 190.01, 190.03, and 190.04 of the Codified Ordinances of the City of Reynoldsburg, Ohio in order to increase the City Income Tax by one percent (1.0%) from the then-rate of one and one-half percent (1.5%) to a rate of two and one-half percent (2.5%) beginning on July 1, 2017; and

WHEREAS, the Municipal Government of the City of Reynoldsburg promised the citizens of this City that a portion of the funds raised from the increase of the City Income Tax would be used to fund the construction of a Community Center, in partnership with the YMCA, which City Officials reported would cost between \$20-\$25 million dollars; and

WHEREAS, on May 2, 2017, the voters of the City of Reynoldsburg approved the proposed increase in the City Income Tax by a relatively large margin of approximately sixty-five percent (65%) of voters in favor of the increase and thirty-five percent (35%) of voters opposed to the increase; and

WHEREAS, on June 12, 2017, the Reynoldsburg City Council passed Ordinance No. 59-17, which amended Section 190.01, 190.03, and 190.04 of the Codified Ordinances of the City of Reynoldsburg to reflect the approved increase in the City Income Tax; and

WHEREAS, on July 24, 2017, the Reynoldsburg City Council passed Ordinance No. 88-17, which authorized the Mayor to enter into a contract with CT Consultants and Moody Nolan to provide professional architectural design services for the Community Center Project, and appropriated \$100,000.00 from the CIP Fund for such purpose; and

WHEREAS, the Contract with CT Consultants provided for a Lump Sum Fee of \$2,200,000.00 with provisions for additional services, pre-construction services, and other optional services that could increase the Lump Sum Fee and/or could be billed at hourly rate fees; and

WHEREAS, on September 25, 2017, the Reynoldsburg City Council passed Ordinance No. 97-17, which appropriated \$650,000.00 from the general CIP Fund for design and demolition services associated with the Community Center Project; and

WHEREAS, on October 9, 2017, the Reynoldsburg City Council passed Ordinance No. 110-17, which authorized the Mayor to enter into a Guaranteed Maximum Price (GMP) contract with the Gilbane Building Company for professional construction management services on the

Community Center Project and, at the time of passage, no GMP had yet been identified for the project; and

WHEREAS, on May 14, 2018, the Reynoldsburg City Council passed Ordinance No. 57-18, which appropriated \$1,000,000.00 from the general CIP Fund for the Community Center Project to maintain site work and facility design, and said appropriation was intended to be a loan from the CIP Fund until bond money became available; and

WHEREAS, on May 14, 2018, the Reynoldsburg City Council passed Ordinance No. 62-18, which authorized the issuance of bonds in the maximum amount of \$28,000,000.00 “for the purpose of paying the costs of improving the City’s health and recreational facilities” and appropriating the proceeds from the sale of the bonds for such purpose; and

WHEREAS, upon receipt of the proceeds from the sale of bonds, the amounts previously appropriated by Ordinance Nos. 88-17, 99-17, and 57-18 were transferred back into the general CIP Fund from the proceeds and from the balance of the unused funds; and

WHEREAS, on May 30, 2018, the Mayor signed Amendment #1 to the Contract with CT Consultants to increase their Lump Sum Fee by \$130,500.00; and

WHEREAS, on June 26, 2018, the Mayor signed a GMP contract with Gilbane Construction Company for \$8,157,255.00, which was later reduced to \$7,940,070.00; and

WHEREAS, on September 26, 2018, the Mayor signed Amendment #1 to the GMP contract with Gilbane Construction Company for \$3,166,309.00; and

WHEREAS, on November 5, 2018, the Mayor signed Amendment #2 to the contract with CT Consultants to increase their Lump Sum Fee by \$98,500.00; and

WHEREAS, on February 6, 2019, the Mayor signed Amendment #2 to the Guaranteed Maximum Price contract with Gilbane Construction Company for \$14,140,417.00, which brought the total amount of the GMP contract with Gilbane to \$25,246,796.00; and

WHEREAS, on June 6, 2019, the Mayor signed Amendment #3 to the contract with CT Consultants to increase their Lump Sum Fee by \$74,300.00; and

WHEREAS, between the dates of September 12, 2018 and May 28, 2019, the Mayor signed six (6) change orders, which increased the cost of the GMP contracts by \$371,399.00; and

WHEREAS, on or before May 28, 2019, City Officials became aware that certain items that had been promised to the public as part of the Community Center Project had been removed from the architectural design to accommodate other cost increases associated with the design and construction of the Reynoldsburg Community Center; and

WHEREAS, on July 22, 2019, the Reynoldsburg City Council passed Ordinance No. 85-19, which appropriated \$1,300,000.00 from the CIP Fund for the Reynoldsburg Community Center for the purpose of addressing additional costs and to add certain items back into the project that had been promised to the public; and

WHEREAS, on August 26, 2019, the Mayor signed Change Order #7 in the amount of \$515,552.00, which accounted for certain design changes that occurred before May 28, 2019 and the addition of some promised items added back into the Community Center Project; and

WHEREAS, between August 7, 2019 and December 10, 2019, there were several items approved verbally and in writing that were added into the Community Center Project, many of which were certain items that had previously been removed, said changes resulting in Change Order #8, which was signed by the Mayor on February 10, 2020, and said changes increasing the cost of the GMP in the amount of \$330,696.00; and

WHEREAS, between November 27, 2019 and January 31, 2020, there were several items approved verbally and in writing that were added into the Community Center Project, said changes resulting in Change Order #9, which has not been signed by the Mayor, but which would increase the cost of the GMP by \$111,276.00; and

WHEREAS, between January 28, 2020 and February 25, 2020, there was several changes to the Community Center Project that were approved verbally, but not in writing, said changes resulting in the submission of Change Order #10, which has not been signed by the Mayor, but which would increase the cost of the GMP by \$136,195.00; and

WHEREAS, on March 27, 2020, the City gave verbal authorization for a radio repeater system needed to provide required assistance for first responders, said repeater system previously removed from the project prior to May 28, 2019, and said authorization resulting in Change Order #11, which has not been signed by the Mayor, but which would increase the cost of the GMP by \$65,429.00; and

WHEREAS, before the Mayor may sign Change Orders #9, #10, and #11, City Council would need to appropriate sufficient funding to cover the costs associated with those changes; and

WHEREAS, Council has determined that it has a moral obligation to pay the aforementioned amount because the designated agent for the City of Reynoldsburg approved the work performed and the benefit derived was equal to or greater than the amount to be expended;

WHEREAS, City Officials have implemented policies and procedures consistent with Section 8.04 of the Reynoldsburg City Charter and Chapter 175 of the Codified Ordinances that require all written contracts, amendments, and change orders to be submitted to the City Attorney for legal review and the City Auditor to certify the availability of funding and appropriation by Council before any such documents may be submitted to the Mayor for signature.

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

SECTION 1. That an amount of four hundred, fifty thousand dollars (\$450,000.00) be appropriated from the unappropriated Capital Improvement Project fund (410) to account 410.000.0148.5611 Buildings.

SECTION 2: That, for the reasons set forth in the preamble, the Mayor is authorized to sign Change Orders #9, #10, and #11 and the City Auditor is authorized to certify the availability of funds for payment in accordance with the terms of those Change Orders.

SECTION 3. Any remaining funds from this appropriation shall be returned to the CIP Fund.

SECTION 4. For the reasons stated in the preamble, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the financial needs of the City and, wherefore, this Ordinance shall take effect immediately upon its passage and the Mayor's signature.

Passed this 27th day of April, 2020.

Leanora Jenkins

Leanora Jenkins, Council President

ATTEST: _____
Mollie Prasher, Clerk of Council

APPROVED: *Joe Begeny* _____
Joe Begeny, Mayor

DATE 4-27-2020