

Columbus City Bulletin



Bulletin #29
July 16, 2011

Proceedings of City Council

Saturday July 16, 2011



SIGNING OF LEGISLATION

(Legislation was signed by Council President Andrew J. Ginther on the night of the Council meeting, *Monday, July 11, 2011*; by Mayor, Michael B. Coleman on *Tuesday, July 12, 2011*; and attested by the City Clerk, prior to Bulletin publishing.)

The City Bulletin Official Publication of the City of Columbus

Published weekly under authority of the City Charter and direction of the City Clerk. The Office of Publication is the City Clerk's Office, 90 W. Broad Street, Columbus, Ohio 43215, 614-645-7380. The City Bulletin contains the official report of the proceedings of Council. The Bulletin also contains all ordinances and resolutions acted upon by council, civil service notices and announcements of examinations, advertisements for bids and requests for professional services, public notices; and details pertaining to official actions of all city departments. If noted within ordinance text, supplemental and support documents are available upon request to the City Clerk's Office.

Council Journal (minutes)



City of Columbus

Journal - Final

Columbus City Council

Office of City Clerk
90 West Broad Street
Columbus OH
43215-9015
columbuscitycouncil.org

ELECTRONIC READING OF MEETING DOCUMENTS AVAILABLE DURING COUNCIL OFFICE HOURS. CLOSED CAPTIONING IS AVAILABLE IN COUNCIL CHAMBERS. ANY OTHER SPECIAL NEEDS REQUESTS SHOULD BE DIRECTED TO THE CITY CLERK'S OFFICE AT 645-7380 BY FRIDAY PRIOR TO THE COUNCIL MEETING.

Monday, July 11, 2011

5:00 PM

Columbus City Council

Columbus City Council

Journal

July 11, 2011

REGULAR MEETING NO. #32 OF COLUMBUS CITY COUNCIL, JULY 11, 2011 at 5:00 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

Present: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

READING AND DISPOSAL OF THE JOURNAL

A motion was made by President Pro-Tem Craig, seconded by Tyson, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

C0021-2011

THE CITY CLERK'S OFFICE RECEIVED THE FOLLOWING COMMUNICATIONS AS OF WEDNESDAY July 6, 2011.

New Type: D5A
To: Checo OSU Holding LLC
DBA OSU Springhill Suites
1421 Olentangy River Rd
Columbus OH 43212
Permit #1405700

New Type: D2
To: Jujubinx LLC
DBA Rjays Bar & Grill
1521 Frebis Ave
Columbus OH 43206
Permit #4408765

New Type: D5
To: Frostielock Inc
1351 Lockbourne Rd E/Bldg Unit Only
Columbus OH 43206
Permit #29493150015

New Type: C1, C2
To: Ramiz Inc
DBA Hall Market
5526 Hall Rd
Columbus OH 43228
Permit #4171361

Transfer Type: D1, D2
To: JJY LLC
878 Bethel Rd
Columbus OH 43214
From: William T Wentzel
DBA R & R Sports Headquarters 781 S Front St
Columbus OH 43206
Permit #4198638

Transfer Type: D5, D6
To: Chatterbox LLC
DBA Chatterbox Bar
1st Fl & Bsmt
554 E Whittier St
Columbus OH 43206
From: Thomas A Snow LLC
DBA Chatterbox Bar
554 E Whittier St 1st Fl & Bsmt
Columbus OH 43206
Permit #1406205

Transfer Type: D5
To: Mondell & Barabara Jean LLC
DBA Blue Gill Bar & Grill
4998 Lindora Dr
Columbus OH 43232
From: Sandy & Loretta LLC
DBA Grown Folks Café
4998 Lindora Dr
Columbus OH 43232
Permit #60883600005

Transfer Type: D5, D6
To: Venkys Spice House Inc
DBA Dakshin
6642 Sawmill Rd
Columbus OH 43235
From: Dublin Hospitality Ltd
DBA Inchins Bamboo Garden
6642 Sawmill Rd
Columbus OH 43235
Permit #92465580005

Transfer Type: D2, D2X, D3, D3A, D6
To: Chuck and Gersch Entertainment LLC

& Patio
 1532 Bethel Rd
 Columbus OH 43220
 From: 5019 Olentangy River Road Inc
 DBA Hal Time Tavern
 1532 Bethel Rd & Patio
 Columbus OH 43220
 Permit # 1466695

Transfer Type: D5A, D6
 To: Raoh Associates LLC
 Bldg A B C & Patios
 4900 Sinclair Rd
 Columbus OH 43229
 From: Bermar LLC
 4900 Sinclair Rd Bldg A B C & Patios
 Columbus OH 43229
 Permit #7203051

Stock Type: D2, D2X, D3, D3A, D6
 To: Suebo Inc
 DBA Lobby
 2390 S Hamilton Rd
 Columbus OH 43232
 Permit #8678762

Advertise: 07/16/11
 Return : 07/25/11

Read and Filed

RESOLUTIONS OF EXPRESSION

KLEIN

0123X-2011

To honor, recognize and celebrate the life of Karen Eve Whitman and to extend our sincerest condolences to her family and friends on the occasion of her passing on Wednesday, June 29, 2011.

Sponsors: Zachary M. Klein, Hearcel Craig, A. Troy Miller, Michelle M. Mills, Eileen Y. Paley, Priscilla Tyson and Andrew Ginther

FROM THE FLOOR

A motion was made by Klein, seconded by President Pro-Tem Craig, that this matter be Adopted. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

MILLS

0120X-2011

To honor and congratulate Sandi Smith on her retirement from the Columbus Foundation after 11 years of dedicated service.

Sponsors: Michelle M. Mills, Hearcel Craig, Zachary M. Klein, A. Troy Miller, Eileen Y. Paley, Priscilla Tyson and Andrew Ginther

A motion was made by Mills, seconded by Tyson, that this matter be Adopted. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0121X-2011

To recognize and congratulate Rachel Muha for receiving the 2011 Jefferson Award and the 2011 Jacqueline Kennedy Onassis Award for Outstanding Public Service Benefiting Local Communities.

Sponsors: Michelle M. Mills, Hearcel Craig, Zachary M. Klein, A. Troy Miller, Eileen Y. Paley, Priscilla Tyson and Andrew Ginther

A motion was made by Mills, seconded by President Pro-Tem Craig, that this matter be Adopted. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

ADDITIONS OR CORRECTIONS TO THE AGENDA

THE FOLLOWING RESOLUTION WAS REMOVED FROM THE CONSENT PORTION OF THE AGENDA AND VOTED ON LATER IN THE MEETING.

UTLITITIES: RESOLUTION #0103X-2011

FIRST READING OF 30-DAY LEGISLATION

A MOTION WAS MADE BY PRESIDENT PRO TEM CRAIG, SECONDED BY COUNCILMEMBER TYSON TO WAIVE THE READING OF THE TITLES OF FIRST READING LEGISLATION. THE MOTION CARRIED THE FOLLOWING VOTE:

AFFIRMATIVE: 7 NEGATIVE: 0

DEVELOPMENT: KLEIN, CHR. MILLER TYSON GINTHER

1092-2011 FR To authorize the Director of the Department of Development to enter into a Jobs Growth Incentive Agreement with ExpressPoint equal to twenty-five percent (25%) of the amount of new income tax withheld on employees for a term of five (5) years in consideration of the company's proposed investment of \$125,000.00 and the creation of 30 new full-time permanent positions within the City of Columbus.

Read for the First Time

1095-2011 FR To authorize the Director of the Department of Development to enter into a Job Creation Tax Credit Agreement of sixty percent (60%) for six (6) years and a Jobs Growth Incentive Agreement with Manta Media, Inc., to pay annually an amount equal to twenty-five percent (25%) of the personal income tax withheld on new employees for a term of 5 years, in consideration of a proposed investment of \$1 million and the creation of 130 permanent full-time jobs.

Read for the First Time

1096-2011 FR To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Agreement with Turner Construction Company as provided in Columbus City Council Resolution Number 0088X-2007, adopted June 4, 2007.

Read for the First Time

1117-2011 FR To accept the application AN11-002 of William H. & Rebecca J. Campbell for the annexation of certain territory containing .93 ± acres in Sharon Township.

Read for the First Time

- 1118-2011 FR To accept the application (AN11-003) of David R. & Diana L. Clarey for the annexation of certain territory containing .717 ± acres in Prairie Township.

Read for the First Time

ADMINISTRATION: MILLER, CHR. PALEY TYSON GINTHER

- 0820-2011 FR To authorize the Director of the Department of Technology and the Director of Public Utilities to renew an existing contract with VESOFT Inc. for software maintenance and support services; in accordance with the sole source provisions of the Columbus City Codes; and to authorize the expenditure of \$1,850.00 from the Department of Technology, Internal Services Fund. (\$1,850.00)

Read for the First Time

PUBLIC SAFETY & JUDICIARY: MILLS, CHR. CRAIG PALEY GINTHER

- 0877-2011 FR To authorize and direct the Finance and Management Director to sell an aluminum boat, motor, and trailer equipment that is of no further value to the Division of Fire to the Central Ohio Fire Museum for the sum of \$1.00; and to waive the provisions of the City Code relating to the sale of City-owned property. (\$1.00)

Read for the First Time

PUBLIC SERVICE & TRANSPORTATION: PALEY, CHR. CRAIG MILLER GINTHER

- 1003-2011 FR To authorize the Director of the Department of Public Service to execute those documents necessary to allow the City to grant the aerial encroachment easement to 504 South Front Street LP which will allow the installation of the proposed awning located at 503 South Front Street.

Read for the First Time

- 1047-2011 FR To authorize the Director of the Department of Public Service to execute the document that is needed to grant an easement for a portion of the Huntington Park baseball facility foundation that encroaches into Nationwide Boulevard.

Read for the First Time

PUBLIC UTILITIES: PALEY, CHR. CRAIG KLEIN GINTHER

- 0783-2011 FR To authorize the Director of Public Utilities to enter into a planned contract modification with 360water, Inc. for Facilities and Safety Training Management and Documentation Services; to authorize the expenditure of \$222,650.00 from the Sewer System Operating Fund; and \$68,125.00 from the Water Systems Operating Fund. (\$290,775.00)

Read for the First Time

- 0864-2011 FR To authorize the Director of Finance and Management to establish a Blanket Purchase Order for the purchase of U.S. Filter/Envirex Parts from an established Universal Term Contract with Siemens Industry, Inc., for the Division of Sewerage and Drainage; and to authorize the expenditure of \$100,000.00 from the Sewerage System Operating Fund. (\$100,000.00)

Read for the First Time

- 0873-2011 FR To authorize the Director of Public Utilities to enter into an engineering agreement with Chester Engineers for the Upper Scioto West Air Quality Improvements Project; and to authorize the transfer within and expenditure

of \$404,599.33 from the Sanitary Sewer Build America Bond Fund; and to amend the 2011 Capital Improvements Budget. (\$404,599.33)

Read for the First Time

- 0879-2011** FR To authorize the Director of Public Utilities to enter into a planned modification of the Janitorial Services contract with AA Programmed Janitorial and Building Maintenance, Inc., for the Division of Sewerage and Drainage, and to authorize the expenditure of \$168,492.00 from the Sewerage System Operating Fund. (\$168,492.00)
- Read for the First Time**
- 0892-2011** FR To authorize the Director of Public Utilities to enter into an engineering agreement modification with RW Armstrong for the CSO Regulator Sluice Gate Modifications project; to authorize the transfer within and expend \$96,235.11 from the Sanitary Sewer General Obligation Bond Fund, and to amend the 2011 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$96,235.11).
- Read for the First Time**
- 0912-2011** FR To authorize the Director of Public Utilities to enter into a contract with J. F. Electric Inc. for Emergency Overhead Electric Repairs for the Division of Power and Water and to authorize the expenditure not to exceed \$60,000.00 from the Electricity Operating Fund. (\$60,000.00)
- Read for the First Time**
- 0927-2011** FR To authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement, located in the vicinity of Chatterton Road and Falcon Bridge Drive, at the request of Chatterton Square LLC, an Ohio limited liability company, in exchange for a replacement easement previously granted to the City of Columbus, Ohio.
- Read for the First Time**
- 0956-2011** FR To authorize the Director of Public Utilities to enter into contract with The Shelly Company for Asphalt Paving, Sealing and Repair Services, for the Division of Sewerage and Drainage, and to authorize the transfer and expenditure of \$175,000.00 from the Sewerage System Operating Fund. (\$175,000.00)
- Read for the First Time**
- 0975-2011** FR To authorize the Director of Public Utilities to modify and increase the agreement with URS Corporation - Ohio for Professional Construction Management Services; for the Division of Power and Water; to authorize a transfer within the Water Super Build America Bonds Fund; to authorize an expenditure of \$15,750,000.00 within the Water Super Build America Bonds Fund; and to authorize an amendment to the 2011 Capital Improvements Budget. (\$15,750,000.00)
- Read for the First Time**
- 0980-2011** FR To authorize the Director of Finance and Management to establish a Blanket Purchase Order with Moyno, Inc. from an established Universal Term Contract for the purchase of Moyno Pump Parts for the Division of Sewerage and Drainage, and to authorize the expenditure of \$100,000.00 from the Sewerage System Operating Fund. (\$100,000.00)
- Read for the First Time**

- 0981-2011** FR To authorize the Director of Finance and Management to establish a blanket purchase order for Laboratory Supplies from an established Universal Term Contract with VWR International, LLC for the Division of Sewerage and Drainage, and to authorize the expenditure of \$35,000.00 from the Sewerage System Operating Fund. (\$35,000.00)
Read for the First Time
- 0985-2011** FR To authorize the Director of Finance and Management to establish a Blanket Purchase Order from an established Universal Term Contract for the Rental of Construction Equipment with Operator with Travco Construction Inc., for the Division of Sewerage and Drainage, and to authorize the expenditure of \$10,000.00 from the Sewerage System Operating Fund. (\$10,000.00)
Read for the First Time
- 0995-2011** FR To authorize the Director of Finance and Management to establish a Blanket Purchase Order with Andritz Separation, Inc. from an established Universal Term Contract for the purchase of Andritz D7LL Centrifuge Parts & Services for the Division of Sewerage and Drainage, and to authorize the expenditure of \$75,000.00 from the Sewerage System Operating Fund. (\$75,000.00)
Read for the First Time
- 1013-2011** FR To authorize the Director of Public Utilities to execute a construction contract with Storts Excavation, Inc. for the Fire Hydrant Replacements - 2011 Project; to authorize a transfer and expenditure of \$623,975.00 within the Water Build America Bonds Fund; and to amend the 2011 Capital Improvements Budget. (\$623,975.00)
Read for the First Time
- 1030-2011** FR To authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with CH2M Hill, Inc. for the Parsons Avenue Water Plant Surface Water Treatment Upgrade Project; to authorize a transfer and expenditure of \$275,000.00 within the Water Super Build America Bonds Fund; and to authorize an amendment to the 2011 Capital Improvements Budget. (\$275,000.00)
Read for the First Time
- 1041-2011** FR To authorize the Director of Public Utilities to enter into contract with Rama Consulting Group for Employee Mentoring Program Design and Services for the Department of Public Utilities, to authorize the expenditure of \$12,200.00 from the Electricity Operating Fund, \$77,600.00 from the Water Operating Fund, \$87,000.00 from the Sewer System Operating Fund and \$23,200.00 from the Stormwater Operating Fund (\$200,000.00)
Read for the First Time
- 1043-2011** FR To authorize the Director of Public Utilities to enter into an agreement with the Mid-Ohio Regional Planning Commission (MORPC) for the purposes of providing funding and support for the Central Ohio Green Pact for Fiscal Year 2011, and to authorize the expenditure of \$50,000.00 from the Sewerage System Operating Fund, and \$50,000.00 from the Water Operating Fund. (\$100,000.00)
Read for the First Time

RULES & REFERENCE: GINTHER, CHR. KLEIN PALEY MILLS

- 0791-2011** FR To supplement and amend Chapter 3303, Definitions, and Chapter 3321,

General Site Development Standards, of the Columbus Zoning Code, Title 33, to add and delete definitions, revise the lighting standards, and create new landscaping and screening requirements; and to make other needed changes in various code sections of Title 33 in order to accommodate the new and updated general site development standards and requirements.

Sponsors: A. Troy Miller

Read for the First Time

- 1145-2011 FR To amend existing Section 2311.21 of the Columbus City Codes, 1959, to increase the penalties relative to criminal trespassing.

Sponsors: Michelle M. Mills

Read for the First Time

- 1065-2011 FR To amend Chapter 919 of the Columbus City Codes, 1959, to limit offshore and shorebound fishing and associated trailering activities between the hours of 11:00pm and 7:00am to reservoirs, creeks, and rivers, clarify that written permission by the director is necessary before engaging in sales activities associated with the parks, and to prohibit the use of nets, buckets, or methods other than pole fishing to harvest fish from ponds.

Sponsors: Zachary M. Klein

Read for the First Time

ZONING: MILLER, CHR. CRAIG KLEIN MILLS PALEY TYSON GINTHER

- 0473-2011 FR To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at 4148 EASTON COMMONS (43035), to permit an apartment complex, with a decreased parking ratio in the CPD, Commercial Planned Development District (CV10-005).

Read for the First Time

- 1010-2011 FR To grant a variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3363.01, M-Manufacturing districts; 3309.14, Height districts; 3312.49 Minimum numbers of parking spaces required; 3372.406 (B), (C), and (H), Design standards; 3372.407 (A), Parking and circulation; 3372.604 (B), Setback requirements; 3372.607, Landscaping and screening; and 3372.609(A), Parking and circulation, of the Columbus City codes, for the property located at 540 WEST BROAD STREET (43215), to permit a 100-unit apartment building with up to 4,089 square feet of commercial space with reduced development standards in the C-4, Commercial, and M, Manufacturing Districts (Council Variance # CV11-002).

Read for the First Time

- 1017-2011 FR To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.21(A), Landscaping and Screening; 3312.25 Maneuvering area; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City codes, for the property located at 2555 INDIANOLA AVENUE (43202), to conform nine dwelling units in an existing building with reduced parking standards. (CV11-004)

Read for the First Time

- 1037-2011 FR To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted

Uses; 3312.25, Maneuvering; 3312.29, Parking space; and 3312.49, Minimum number of parking spaces required, of the Columbus City codes; for the property located at 1733 WEST THIRD AVENUE (43212), to permit a dwelling on the ground floor with reduced parking requirements in the C-4, Commercial District (Council Variance # CV11-006).

Read for the First Time

- 1038-2011** FR To rezone 700 CHILDRENS DRIVE (43205), being 53.28± acres located west of Parsons Avenue and north of Kennedy Drive and generally extending from the southeast corner of Parsons Avenue and Mooberry Street, east to the southwest corner of Mooberry Street and the first alley east of and parallel with Eighteenth Street, south to the northwest corner of the first alley east of and parallel with Eighteenth Street and Livingston Avenue, south to the southeast corner of Livingston Avenue and Heyl Avenue, west to the southeast corner of Jackson Street and Putnam Street, west to the southwest corner of Jackson Street and Parsons Avenue, and north to the northwest corner of Parsons Avenue and Denton Alley, north and west to the southwest corner of Livingston and Parsons Avenues, north to the northwest corner of Parsons Avenue and Mooberry Street, From: AR-1, Apartment Residential and CPD, Commercial Planned Development Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z11-006)

Read for the First Time

- 1046-2011** FR To rezone 156 DERING AVENUE (43207), being 5.8± acres located at the northwest corner of Dering Avenue and South Fifth Street, From: L-M, Limited Manufacturing and R-2, Residential Districts, To: CPD, Commercial Planned Development District (Rezoning # Z08-035).

Read for the First Time

- 1056-2011** FR To grant a Variance from the provisions of Sections 3332.029, SR, Suburban Residential District; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1187-1189 NEWBURY DRIVE (43229), to conform an existing two-unit dwelling with reduced development standards in the SR, Suburban Residential District (Council Variance # CV11-014).

Read for the First Time

- 1058-2011** FR To rezone 2400 PERFORMANCE WAY (43207), being 4.6± acres located north side of Performance Way, 665± feet west of Alum Creek Drive, From: C-4, Commercial District, To: L-M, Limited Manufacturing District. (Rezoning # Z11-012).

Read for the First Time

- 1119-2011** FR To rezone 4514 WINCHESTER PIKE (43232), being 2.6± acres located at the northwest corner of Hamilton Road and Winchester Pike, From: L-C-4, Limited Commercial and R, Rural Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z11-005)

Read for the First Time

CONSENT ACTIONS

FINANCE: TYSON, CHR. MILLER PALEY GINTHER

- 1006-2011** CA To authorize the Finance and Management Director to modify and extend a contract with Flooring Foundations, LLC to pay for flooring renovations

performed at various City buildings; to authorize the expenditure of \$7,455.10 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$7,455.10)

This Matter was Approved on the Consent Agenda.

HEALTH, HOUSING & HUMAN SERVICES: CRAIG, CHR. MILLS TYSON GINTHER

0941-2011 CA To authorize and direct the Board of Health to accept funds from the Foundation of Active Living through the Columbus Foundation in the amount of \$20,000.00; to authorize the appropriation of \$20,000.00 to the Health Department in the City's Private Grants Fund; and to declare an emergency. (\$20,000.00)

A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Abstained: 1 - Mills

Affirmative: 6 - President Pro-Tem Craig, Klein, Miller, Paley, Tyson and President Ginther

1015-2011 CA To authorize and direct the Board of Health to accept a grant from the Public Utilities Commission of Ohio in the amount of \$23,200.00; to authorize the appropriation of \$23,200.00 to the Health Department in the Health Department Grants Fund; and to declare an emergency. (\$23,200.00)

This Matter was Approved on the Consent Agenda.

1032-2011 CA To authorize the appropriation of \$268,105.00 from the unappropriated balance of the General Government Grants Fund to the Health Department for the 2011 HOPWA Program, and to declare an emergency. (\$268,105.00)

This Matter was Approved on the Consent Agenda.

1052-2011 CA To authorize the Director of the Department of Development to enter into a contract with the Community Development Collaborative of Greater Columbus to provide CHDO operating support; to authorize the expenditure of \$230,255.50 from the HOME Fund; and to declare an emergency. (\$230,255.50)

This Matter was Approved on the Consent Agenda.

DEVELOPMENT: KLEIN, CHR. MILLER TYSON GINTHER

0942-2011 CA To authorize the Director of the Department of Development to enter into a grant agreement with WSA Studio in order to foster sustainable reconstruction through LEED-CI certification of the interior of the first floor of 982 South Front St., pursuant to the Green Columbus Fund Program; and to authorize the expenditure of up to \$15,840.00 from the Northland and Other Acquisitions Fund. (\$15,840.00)

This Matter was Approved on the Consent Agenda.

1036-2011 CA To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of two parcels of real property (00000 Merrimac Street) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

- 1066-2011** CA To authorize the expenditure of \$323,682.36 pursuant to the Capital Improvement Project Development and Reimbursement Agreement for the Nationwide Arena District previously authorized by Ordinance No. 2202-98; and to declare an emergency. (\$323,682.36)
- A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:**
- Abstained: 1 - Klein
Affirmative: 6 - President Pro-Tem Craig, Miller, Mills, Paley, Tyson and President Ginther
- 1081-2011** CA To authorize the Director of the Department of Development to enter into a grant agreement with Faradonia Investment LLC for Brownfield assessment and redevelopment of the site located at 875 Summit Street, pursuant to the Green Columbus Fund Program; to authorize the expenditure of up to \$39,490.00 from the Northland and Other Acquisitions Fund; and to declare an emergency. (\$39,490.00)
- This Matter was Approved on the Consent Agenda.**
- 1088-2011** CA To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN11-007) of .6 + acres in Clinton Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.
- This Matter was Approved on the Consent Agenda.**

RECREATION & PARKS: KLEIN, CHR. MILLS TYSON GINTHER

- 0996-2011** CA To authorize and direct the Director of Recreation and Parks to enter into contract with Pavement Protectors, Inc., dba M&D Blacktop Sealing, for the Sharon Meadows Park Project; to authorize the expenditure of \$131,400.00 and a contingency of \$13,600.00 for a total of \$145,000.00 from the Recreation and Parks Bond Fund and a grant from the Ohio Department of Natural Resources; and to declare an emergency. (\$145,000.00)
- This Matter was Approved on the Consent Agenda.**
- 0997-2011** CA To authorize and direct the Director of Recreation and Parks to enter into contract with Moody Nolan, Inc. for professional services related to Milo Grogan Recreation Center Improvements Design; to authorize the expenditure of a base fee of \$187,000.00 and a contingency of \$18,700.00 for a total of \$205,700.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$205,700.00)
- This Matter was Approved on the Consent Agenda.**
- 1019-2011** CA To authorize a supplemental appropriation in the amount of \$976,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for the operation of various grant programs administered by the Central Ohio Area Agency on Aging; and to declare an emergency. (\$976,000.00)
- This Matter was Approved on the Consent Agenda.**
- 1031-2011** CA To authorize and direct the Director of Recreation and Parks to enter into contract with General Maintenance & Engineering Company for the Roof Renovations for Various Facilities 2011 - Item #1 Project, to authorize the

expenditure of \$327,193.00 and a contingency of \$19,307.00 for a total of \$346,500.00 from the Voted Recreation and Parks Bond Fund and to declare an emergency. (\$346,500.00)

This Matter was Approved on the Consent Agenda.

- 1069-2011 CA To authorize the appropriation and transfer of \$81,199.85 from the Special Income Tax Fund to the Voted Recreation and Parks Bond Fund; to authorize the Director of Recreation and Parks to enter into contract with Kalkrueth Roofing for the Roof Renovations for Various Facilities 2011 - Item #1 Project; to authorize the expenditure of \$544,500.00 and a contingency of \$30,200.00 for a total of \$574,700.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$574,700.00)

This Matter was Approved on the Consent Agenda.

- 1070-2011 CA To authorize the appropriation and transfer of \$106,000.00 from the Special Income Tax Fund to the Voted Recreation and Parks Bond Fund; to authorize the Director of Recreation and Parks to enter into contract with ProCon Professional Construction Service, Inc. for the Concrete Improvements 2011 Project; to authorize the expenditure of \$106,000.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$106,000.00)

This Matter was Approved on the Consent Agenda.

- 1072-2011 CA To authorize the appropriation and transfer of \$180,400.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Schorr Architects, Inc. for professional services related to the McDonald Athletic Complex Improvements Design; to authorize the expenditure of \$164,000.00 and a contingency of \$16,400.00 for a total of \$180,400.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$180,400.00)

This Matter was Approved on the Consent Agenda.

- 1075-2011 CA To authorize the appropriation and transfer of \$753,600.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Pavement Protectors, Inc., dba M&D Blacktop Sealing, for the Asphalt Improvements 2011 Project; to authorize the expenditure of \$753,600.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$753,600.00)

This Matter was Approved on the Consent Agenda.

- 1085-2011 CA To authorize and direct the Director of Recreation and Parks to modify the contract with RW Setterlin Building Co. for the Wolfe Park Shelter House Improvements Project; to authorize the transfer of \$65,675.00 within the Governmental Build America Bond Fund; to authorize the expenditure of \$65,675.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$65,675.00)

This Matter was Approved on the Consent Agenda.

- 1086-2011 CA To authorize and direct the Director of Recreation and Parks to modify the contract with Builderscape, Inc. for the Linden Park Shelter Project; to authorize the expenditure of \$2,399.00 from the Voted Recreation and

Parks Bond Fund; and to declare an emergency. (\$2,399.00)

This Matter was Approved on the Consent Agenda.

- 1090-2011 CA To authorize the transfer of \$80,700.00 within the Governmental Build America Bond Fund; to amend the 2011 Capital Improvements Budget; to authorize and direct the Director of Recreation and Parks to enter into contract with Abbot Studios Architects, LLC for professional services related to the Doors, Windows and Floors Improvements 2011 Design; to authorize the expenditure of \$74,800.00 and \$5,900.00 in contingency for a total of \$80,700.00 from the Voted Parks and Recreation Bond Fund; and to declare an emergency. (\$80,700.00)

This Matter was Approved on the Consent Agenda.

- 1091-2011 CA To authorize and direct the Director of Recreation and Parks to enter into contract with Greenscapes Landscape Co., Inc. for the Street Tree Installation Fall 2011 Project; to authorize the expenditure of \$194,530.00, and a contingency of \$5,470.00 for a total of \$200,000.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$200,000.00)

This Matter was Approved on the Consent Agenda.

ADMINISTRATION: MILLER, CHR. PALEY TYSON GINTHER

- 0855-2011 CA To authorize the Director of the Department of Technology, to modify, renew and consolidate two contracts with Bowe Bell & Howell for annual maintenance and support services for the Enduro Mail Inserter and JetVision system in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$25,661.00 from the Department of Technology, Information Services Division, internal services fund; and to declare an emergency. (\$25,661.00)

This Matter was Approved on the Consent Agenda.

PUBLIC SAFETY & JUDICIARY: MILLS, CHR. CRAIG PALEY GINTHER

- 0951-2011 CA To authorize and direct the Finance and Management Director to issue a purchase order for the Division of Fire for turnout gear from an existing Universal Term Contract with Morning Pride Manufacturing, Inc., to authorize the City Auditor to transfer funds within the Division of Fire's General Fund Budget, to authorize the expenditure of \$200,000.00 from the General Fund; and to declare an emergency. (\$200,000.00)

This Matter was Approved on the Consent Agenda.

- 0963-2011 CA To authorize the Director of Finance and Management to enter into a contract for the purchase of replacement tasers, taser cartridges, taser holsters, and taser warranties with Vance's Outdoors Inc. for the Division of Police in accordance with the provisions of sole source procurement, to authorize the expenditure of \$108,145.70 from the Law Enforcement Drug Seizure Fund; and to declare an emergency. (\$108,145.70)

This Matter was Approved on the Consent Agenda.

- 0982-2011 CA To authorize and direct the Finance and Management Director to issue a purchase order to Kiesler Police Supply, Inc. from an existing universal term contract for the purchase of training ammunition for the Division of Police, to

authorize the expenditure of \$51,570.00 from the General Fund; and to declare an emergency. (\$51,570.00)

This Matter was Approved on the Consent Agenda.

- 1000-2011 CA To authorize and direct the Municipal Court Clerk to enter into a contract with Capital Recovery Systems, Inc. for the provision of collection services; to authorize an expenditure up to \$105,000.00 from the Municipal Court Clerk Collection Fund; and to declare an emergency. (\$105,000.00)

This Matter was Approved on the Consent Agenda.

- 1022-2011 CA To authorize and direct the Finance and Management Director to issue a purchase order to Finley Fire Equipment in the amount of \$60,000.00 for the purchase of Self Contained Breathing Apparatus equipment and supplies for the Fire Division in accordance with the Universal Term Contract established for such purpose; to amend the 2011 Capital Improvement Budget; to authorize the City Auditor to transfer funds between various projects within the Safety Voted Bond Fund; to authorize the expenditure of \$60,000.00 from the Safety Bond Fund, and to declare an emergency. (\$60,000.00)

This Matter was Approved on the Consent Agenda.

- 1027-2011 CA To authorize an amendment to the 2011 Capital Improvement Budget; to authorize the Finance and Management Director to issue a purchase order to Parr Public Safety Equipment for the purchase of emergency response equipment to be up fitted to a first responder vehicle for the Department of Public Safety, Division of Fire; to authorize the expenditure of \$8,994.50 from the General Permanent Improvement Fund; to authorize the expenditure of \$1,636.20 from the General Fund; and to declare an emergency. (\$10,630.70)

This Matter was Approved on the Consent Agenda.

- 1057-2011 CA To authorize and direct the Finance and Management Director to establish a purchase order with Arrow Energy, Inc. for the purchase of jet fuel for the Division of Police from an existing universal term contract, to authorize the expenditure of \$148,000.00 from the General Fund; and to declare an emergency. (\$148,000.00)

This Matter was Approved on the Consent Agenda.

PUBLIC SERVICE & TRANSPORTATION: PALEY, CHR. CRAIG MILLER GINTHER

- 0937-2011 CA To authorize the Director of Public Service to reimburse various utilities for utility relocation costs incurred in conjunction with Public Service capital improvement projects; to amend the 2011 C.I.B; to authorize and direct the City Auditor to appropriate and transfer \$100,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$100,000.00 within the Streets and Highways G.O. Bonds Fund; and to authorize the expenditure of \$100,000.00 from the Streets and Highways G.O. Bonds Fund. (\$100,000.00)

This Matter was Approved on the Consent Agenda.

- 0986-2011 CA To accept the plat titled "Upper Albany West Section 6", from M/I Homes of Central Ohio, LLC, an Ohio limited liability company, by Lloyd T. Simpson, Senior Vice President of Operations; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

- 1001-2011 CA To authorize the Finance and Management Director to enter into one contract for the option to purchase Street Names Sign Brackets with J. O. Herbert, Company, Inc.; to authorize the expenditure of one dollar to establish the contract from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$1.00)

This Matter was Approved on the Consent Agenda.

- 1005-2011 CA To accept the plat titled "Big Run Ridge Section 2 Part 1", from Dominion Homes, Inc., an Ohio corporation; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

- 1007-2011 CA To accept the plat titled "Grant Avenue Homes", from Weinland Park Development, LLC, an Ohio limited liability company, by Brian R. Barrett, Member; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

- 1014-2011 CA To authorize the Director of the Department of Public Service to execute those documents required to transfer a portion of the north-south alley known as May Alley, between Livingston Avenue and Denton Street to Nationwide Children's Hospital; and to declare an emergency.

A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Abstained: 1 - Miller

Affirmative: 6 - President Pro-Tem Craig, Klein, Mills, Paley, Tyson and President Ginther

- 1024-2011 CA To authorize the Director of Public Service to enter into contract with Newcomer Concrete Services, Inc. and to provide for the payment of construction administration and inspection services, in connection with the Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$363,131.74 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$363,131.74 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$363,131.74 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$363,131.74)

This Matter was Approved on the Consent Agenda.

- 1025-2011 CA To authorize the Director of Public Service to enter into contract with G&G Cement Contractors, LLC and to provide for the payment of construction administration and inspection services, in connection with the Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$564,048.54 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$564,048.54 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$564,048.54 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$564,048.54)

This Matter was Approved on the Consent Agenda.

- 1035-2011** CA To authorize the Director of Public Service to enter into a professional service engineering contract with M-E Companies for the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Project; to authorize and direct the City Auditor to appropriate and transfer \$350,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$350,000.00 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$350,000.00 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$350,000.00)
- This Matter was Approved on the Consent Agenda.**
- 1040-2011** CA To authorize the Director of Public Service to enter into contract with Nickolas Savko & Sons, Inc. ; to provide for the payment of construction administration and inspection services; to provide for utility relocation expenses, in connection with the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$754,558.70 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$754,558.70 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$754,558.70 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$754,558.70)
- This Matter was Approved on the Consent Agenda.**
- 1042-2011** CA To authorize the Finance and Management Director to enter into a contract for the option to purchase High Skid Preformed Thermoplastic Pavement Marking Materials with Flint Trading, Inc. to authorize the expenditure of one dollar to establish the contract from the Mail, Print Services, and UTC Fund; and to declare an emergency. (\$1.00)
- This Matter was Approved on the Consent Agenda.**
- 1045-2011** CA To authorize the Director of the Department of Public Service to execute those documents needed to grant encroachment easements for retaining walls that will be removed and reconstructed within the public rights-of-way as a part of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project and to declare an emergency.
- This Matter was Approved on the Consent Agenda.**
- 1049-2011** CA To authorize the Director of Public Service to modify and increase the contract for the construction of the Pedestrian Safety Improvements - Linden Area Traffic Management Plan with Decker Construction Company for the Division of Mobility Options; to authorize and direct the City Auditor to appropriate and transfer \$56,002.25 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and authorize the expenditure of \$56,002.25 within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$56,002.25).
- A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:**

Abstained: 1 - Mills

Affirmative: 6 - President Pro-Tem Craig, Klein, Miller, Paley, Tyson and President Ginther

- 1061-2011** CA To authorize the Director of Public Service to enter into contract with Strawser Paving Co. and to provide for the payment of construction administration and inspection services, in connection with the Resurfacing - Preventive Surface Treatments (Crack Seal) contract; to authorize and direct the City Auditor to transfer \$588,180.78 from the Special Income Tax Fund and appropriate to the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$588,180.78 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$588,180.78)

This Matter was Approved on the Consent Agenda.

- 1062-2011** CA To authorize the Director of Public Service to enter into a professional service engineering contract with Transystems Corporation for the Pedestrian Safety Improvements - Moler Road, Southgate Drive., Ferris Road, and Parsons Avenue Sidewalk project; to authorize and direct the City Auditor to appropriate and transfer \$690,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and to authorize the expenditure of \$690,000.00 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$690,000.00)

This Matter was Approved on the Consent Agenda.

PUBLIC UTILITIES: PALEY, CHR. CRAIG KLEIN GINTHER

- 0871-2011** CA To authorize the Director of Public Utilities to enter into a joint funding agreement with the US Geological Survey, United States Department of the Interior for a study to provide Microbial Source Tracking host-associated marker data of select sources of contamination, to authorize the expenditure of \$139,295.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$139,295.00)

This Matter was Approved on the Consent Agenda.

- 0904-2011** CA To authorize the Director of Public Utilities to enter into a contract with the Paul Peterson Company to obtain traffic control services for the Division of Power and Water and to authorize the expenditure of \$71,600.00 from the Electricity Operating Fund. (\$71,600.00)

This Matter was Approved on the Consent Agenda.

- 0926-2011** CA To authorize and direct the Director of Public Utilities to enter into a modification of the Electric Motor Maintenance Services contract for the Division of Sewerage and Drainage, to modify all contracts and agreements with Marion Electric Motor Services, Inc. by assigning past, present and future contracts and agreements to Marion Electric Motor LLC, to authorize the expenditure of \$25,000.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$25,000.00)

This Matter was Approved on the Consent Agenda.

- 0938-2011** CA To authorize the Director of Public Utilities to enter into an agreement with AEP Retail Energy for electric power costs; and to declare an emergency.

A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Abstained: 1 - Mills

Affirmative: 6 - President Pro-Tem Craig, Klein, Miller, Paley, Tyson and President Ginther

Passed The Consent Agenda

A motion was made by President Pro-Tem Craig, seconded by Tyson, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

EMERGENCY, TABLED AND 2ND READING OF 30-DAY LEGISLATION

FINANCE: TYSON, CHR. MILLER PALEY GINTHER

0989-2011

To authorize the Director of Finance and Management to expend funds for the contract with Arthur J. Gallagher Risk Management Services, Inc. for the second of four (4) automatic one (1) year renewals; to bind the City's insurance for the term commencing August 1, 2011 and terminating July 31, 2012; to authorize the expenditure of up to \$416,008 for the City's 2011-2012 insurance program from the Employee Benefits Fund and the General Fund; and to declare an emergency. (\$416,008)

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0998-2011

To authorize and direct the Finance and Management Director to issue purchase orders with Beem's BP Distribution and Voyager Fleet Systems for the provision of automobile fuel; to authorize the expenditure of \$2,203,907.00 from the Fleet Management Services Fund; to waive the competitive bidding provisions of the Columbus City Codes, 1959; and to declare an emergency. (\$2,203,907.00)

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1053-2011

To amend the 2011 Capital Improvements Budget to be in line with the upcoming bond sale; and declare an emergency.

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1097-2011

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$222,260,000.00 for the purpose of providing funds to refund, in advance,

certain outstanding unlimited tax general obligation bonds of the City (\$222,260,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1098-2011

To authorize the issuance of limited tax bonds in an amount not to exceed \$73,165,000.00 for the purpose of providing funds to refund, in advance, certain outstanding general obligation bonds of the City (\$73,165,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1099-2011

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$17,240,000.00 for safety and health projects (\$17,240,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1100-2011

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$29,975,000.00 for recreation and parks projects (\$29,975,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Paley, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1101-2011

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$90,935,000.00 for transportation improvements (\$90,935,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Paley, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1102-2011

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$19,460,000.00 for refuse collection projects (\$19,460,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1103-2011

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$1,430,000.00 for electricity projects (\$1,430,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Paley, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1104-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$510,000.00 for Municipal Court Clerk projects (\$510,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1105-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$8,825,000.00 for construction management projects (\$8,825,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1106-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,040,000.00 for fleet management projects (\$2,040,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1107-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$4,685,000.00 for information services projects (\$4,685,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1108-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,250,000.00 for electricity projects (\$1,250,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Paley, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1109-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$5,970,000.00 for economic and community development projects (\$5,970,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1110-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$510,000.00 for economic and community development projects (\$510,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Paley, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1111-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$255,000.00 for Lincoln Theater projects (\$255,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1112-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$70,000.00 for public art (\$70,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1113-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$15,300,000.00 for economic development projects (\$15,300,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1114-2011

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,625,000.00 for Fleet Management Bonds (\$1,625,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Mills, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Tyson, seconded by Mills, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

HEALTH, HOUSING & HUMAN SERVICES: CRAIG, CHR. MILLS TYSON GINTHER

0829-2011

To authorize the expenditure of \$219,440.37 from the HOME Fund to provide funding for various approved programs; and to declare an emergency. (\$219,440.37)

A motion was made by President Pro-Tem Craig, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1023-2011

To authorize and direct the Board of Health to accept a grant from the U.S. Department of Health and Human Services in the amount of \$750,000.00; to authorize the appropriation of \$750,000.00 to the Health Department in the Health Department Grants Fund; and to declare an emergency. (\$750,000.00)

A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1050-2011

To authorize the appropriation of \$283,037.00 from the General Government Grant Fund to the Department of Development; to authorize the Director of the Department of Development to enter into contract with the Community Shelter Board for the purpose of continuing the city's support for homeless emergency shelters; to authorize the expenditure of \$283,037.00 from the General Government Grant Fund; and to declare an emergency (\$283,037.00)

A motion was made by President Pro-Tem Craig, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1064-2011

To authorize the Director of the Department of Development to enter into a grant agreement with the Franklinton Development Association to provide funding for the acquisition of a warehouse located at 421-435 W. State St. as part of the redevelopment efforts for the Franklinton Creative Community District; to authorize and direct the City Auditor to transfer \$900,000.00 from the Special Income Tax fund to the Northland and Other Acquisitions Fund; to authorize the City Auditor to appropriate \$900,000.00 within the Northland and Other Acquisitions Fund; to authorize the Director of Development to expend \$900,000.00 from the Northland and Other Acquisitions Fund; and to declare an emergency. (\$900,000.00)

A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1073-2011

To authorize and direct the City Auditor to transfer \$7,735.00 of appropriation authority within the Health Department Grants Fund; to authorize the Director of Finance and Management to enter into a contract for the Health Department with KNS Services, Inc., for the purchase, installation, and programming of a card access control system for the 240 Parsons Avenue facility; to authorize the expenditure of \$7,735.00 from the Health Departments Grants Fund; to waive competitive bidding provisions; and to declare an emergency. (\$7,735.00)

A motion was made by President Pro-Tem Craig, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

DEVELOPMENT: KLEIN, CHR. MILLER TYSON GINTHER

0988-2011

To authorize the Director of Development to enter into a Jobs Growth Incentive Agreement with Progressive Casualty Insurance Company to pay annually an amount equal to twenty-five percent (25%) of the personal income tax withheld on new employees for a term of 5 years, in

consideration of a proposed investment of \$4.7 million and the creation of 75 permanent full-time jobs which will be new to Columbus.

A motion was made by Klein, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0991-2011

To authorize the Director of Development to enter into a Columbus Downtown Office Incentive Agreement with Manpower Professional, as provided in Columbus City Council Resolution Number 0088X-2007, adopted June 4, 2007.

A motion was made by Klein, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1002-2011

To authorize and direct the Director of the Columbus Department of Development to enter into an agreement of understanding with Wagenbrenner Development, Inc. in conjunction with a Clean Ohio Revitalization Fund Round 11 grant application of up to \$3 million, and to authorize the Columbus Department of Development to submit the application to the Ohio Department of Development for site clean up at the former Timken site at 1025 Cleveland Avenue in the Milo-Grogan Neighborhood of Columbus; and to declare an emergency.

A motion was made by Klein, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1055-2011

To authorize and direct the Director of the Department of Development enter into an agreement of understanding with 8 East Long Holdings, LLC in conjunction with a Clean Ohio Assistance Fund grant application for environmental clean up at the Atlas Building at 8 East Long Street in Downtown Columbus and to authorize the application to the Ohio Department of Development for a Clean Ohio Assistance Fund grant of up to \$750,000.00 for environmental clean up at the Atlas Building site; and to declare an emergency. (\$750,000.00)

A motion was made by Klein, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

RECESSED 6:29 PM

A motion was made by President Pro-Tem Craig, seconded by Tyson, to Motion to Recess the Regular Meeting. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

RECONVENED AT 6:39 PM

A motion was made by President Pro-Tem Craig, seconded by Tyson, to Motion to Reconvene the Regular Meeting. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

RECREATION & PARKS: KLEIN, CHR. MILLS TYSON GINTHER

1076-2011

To authorize the appropriation and transfer of \$97,399.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Strawser Paving Company, Inc. for the Hard Road Park Development Project; to authorize the expenditure of \$287,500.00 from the Voted Recreation and Parks Bond Fund, and \$217,100.00 from the Recreation and Parks Permanent Improvement Fund 747 for a total of \$504,600.00; and to declare an emergency. (\$504,600.00)

A motion was made by Klein, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1077-2011

To authorize the appropriation and transfer of \$4,836,231.75 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Gutknecht Construction Company for the Columbus Pools Improvements 2011 Project; to authorize the expenditure of \$6,200,000.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$6,200,600.00)

A motion was made by Klein, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Abstained: 1 - Mills

Affirmative: 6 - President Pro-Tem Craig, Klein, Miller, Paley, Tyson and President Ginther

ADMINISTRATION: MILLER, CHR. PALEY TYSON GINTHER

0909-2011

To authorize the Director of the Department of Technology to modify a contract with eProximiti LLC for mobile applications professional services; to authorize the transfer of appropriations and cash between projects in the Information Services Bonds Fund; to amend the 2011 Capital Improvements Budget; to waive the competitive bidding provisions of Columbus City Code; to authorize the expenditure of \$146,400.00 from the Information Services Division, Capital Improvement Bonds Fund; and to declare an emergency. (\$146,400.00)

A motion was made by Miller, seconded by President Pro-Tem Craig, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Miller, seconded by Tyson, that this matter be Approved as Amended. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0955-2011

To authorize the Director of the Department of Technology to enter into a contract and establish a purchase order with Manpower Professional Services (formerly known as COMSYS, dba Experis), for web professional services to augment existing staff resources to enhance the city's internet sites; to authorize the transfer of appropriations and cash between projects in the Information Services Bonds Fund; to amend the 2011 Capital Improvement Budget; to authorize the expenditure of \$100,000.00 from the Department of Technology Information Services Capital Improvement Bonds Fund; and to declare an emergency. (\$100,000.00)

A motion was made by Miller, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0990-2011

To accept the proposed collective bargaining agreement between the City of Columbus and Columbus Municipal Association of Government Employees/Communications Workers of America Local 4502, August 24, 2011 -April 23, 2014, to provide for wages, hours and other terms and conditions of employment for employees in the bargaining unit as provided in the attachment hereto; and to declare an emergency.

A motion was made by Miller, seconded by President Pro-Tem Craig, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Miller, seconded by President Pro-Tem Craig, that this matter be Approved as Amended. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

PUBLIC SAFETY & JUDICIARY: MILLS, CHR. CRAIG PALEY GINTHER

0952-2011

To authorize and direct the Director of Public Safety to modify and increase the towing contract with Metropolitan Towing and Storage, Inc. for the Division of Police; to authorize the expenditure of \$1,200,000.00 from the General Fund; and to declare an emergency. (\$1,200,000.00)

A motion was made by Mills, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0960-2011

To appropriate \$125,000.00 and authorize and direct the Administrating and

Presiding Judge of the Franklin County Municipal Court to enter into contract with Fairfield Information Services for monitoring services associated with the alcohol monitoring devices to authorize the expenditure of up to \$125,000.00 for monitoring services; to waive the competitive bidding provisions of the Columbus City Code; and to declare an emergency. (\$125,000.00)

A motion was made by Mills, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0961-2011

To authorize and direct the Administrative and Presiding Judge of the Franklin County Municipal Court to enter into contract with Richland County Community Alternative Center; to authorize the expenditure of up to \$200,000 with RCCAC for in-patient chemical dependency treatment for OVI and NON-OVI offenders; and to declare an emergency. (\$200,000.00)

A motion was made by Mills, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1008-2011

To authorize the Finance and Management Director to accept a service credit in the amount of \$73,000.00 from Sutphen Corporation in exchange for three Arial Ladders that are no longer of use by the Division of Fire; to waive the competitive bidding provisions of the Columbus City Codes, 1959; and to declare an emergency. (\$0)

A motion was made by Mills, seconded by Paley, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

PUBLIC SERVICE & TRANSPORTATION: PALEY, CHR. CRAIG MILLER GINTHER

1060-2011

To authorize the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc.; to provide for the payment of construction administration and inspection services; in connection with the Pedestrian Safety Improvements - Refugee Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$545,728.50 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$545,728.50 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$545,728.50 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$545,728.50)

A motion was made by Paley, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1071-2011

To authorize the Director of Public Service to enter into contract with The Shelly Company and to provide for the payment of construction administration and inspection services, in connection with the Resurfacing -

Zone 5 contract; to amend the 2011 C.I.B.; to authorize the transfer of \$19,364.95 within the Governmental Build America Recreation and Parks Bond Fund ; to authorize and direct the City Auditor to transfer \$7,330,427.63 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$7,330,427.63 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$7,330,427.63 from the Streets and Highways G.O. Bonds Fund for the Department of Public Service and Department of Development, \$516,389.41 from the Water Super Build America Bonds Fund for the Department of Public Utilities, \$19,364.95 from the Governmental Build America Recreation and Parks Bond Fund for the Recreation and Parks Department; and to declare an emergency. (\$7,866,181.99)

A motion was made by Paley, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1083-2011

To authorize the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc. for the Bikeway Development - Bike Hitches-Racks-Parking Shelters-Pavement Markings and Signage project; to provide for the payment of construction administration and inspection services; to authorize and direct the City Auditor to appropriate and transfer \$786,688.44 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and to authorize the expenditure of \$786,688.44 within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$786,688.44)

A motion was made by Paley, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

PUBLIC UTILITIES: PALEY, CHR. CRAIG KLEIN GINTHER

0959-2011

To authorize the Director of Public Utilities to execute a construction contract with Kokosing Construction Company, Inc. for the Columbus Upground Reservoirs, Raw Water Pump Station Project; for the Division of Power and Water; to authorize a transfer and expenditure of \$23,485,000.00 within the Water Build America Bonds Fund; to amend the 2011 Capital Improvements Budget; and to declare an emergency. (\$23,485,000.00)

A motion was made by Paley, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0965-2011

To authorize the Director of Public Utilities to execute a construction contract with Utilicon Corporation for the Sullivant Avenue Water Line Cleaning and Lining Project; to authorize a transfer and expenditure of \$2,431,549.65 within the Water Build America Bonds Fund; to amend the 2011 Capital Improvements Budget; and to declare an emergency. (\$2,431,549.65)

A motion was made by Paley, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

1054-2011

To authorize the Director of Public Utilities to enter into a contract for the emergency repair of the Hamilton Road 48-inch water main for the Division of Power and Water; to waive the provisions of competitive bidding; to authorize a transfer and expenditure up to \$300,000.00 within the Water Super Build America Bonds Fund; to amend the 2011 Capital Improvements Budget; and to declare an emergency. (\$300,000.00)

A motion was made by Paley, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

0103X-2011

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Dublin Road Capacity Increase Detail Design Project, and to declare an emergency.

A motion was made by Paley, seconded by President Pro-Tem Craig, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

A motion was made by Paley, seconded by President Pro-Tem Craig, that this matter be Adopted as Amended. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

RULES & REFERENCE: GINTHER, CHR. KLEIN PALEY MILLS

0935-2011

To amend Section 2331.01 and various sections of Title 39 of the Columbus City Codes, 1959, to clarify the additional protected classes of individuals that are intended to be protected from discriminatory practices.

Sponsors: Zachary M. Klein

A motion was made by Klein, seconded by President Pro-Tem Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson and President Ginther

ADJOURNMENT

ADJOURNED AT 7:19 PM

A motion was made by President Pro-Tem Craig, seconded by Mills, to adjourn this Regular Meeting. The motion carried by the following vote:

Affirmative: 7 - President Pro-Tem Craig, Klein, Miller, Mills, Paley, Tyson
and President Ginther



City of Columbus

Journal - Final

Zoning Committee

Office of City Clerk
90 West Broad Street
Columbus OH
43215-9015
columbuscitycouncil.org

A. Troy Miller, Chair
All Members

Monday, July 11, 2011

6:30 PM

Zoning Committee

Zoning Committee

Journal

July 11, 2011

REGULAR MEETING NO. 33 OF CITY COUNCIL (ZONING), JULY 11, 2011 AT 6:30 P.M. IN COUNCIL CHAMBERS
ROLL CALL

Present: Miller: Craig: Klein: Mills: Paley: Tyson and Ginther

READING AND DISPOSAL OF THE JOURNAL

A motion was made by Craig, seconded by Tyson, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: MILLER, CHR. CRAIG KLEIN MILLS PALEY TYSON GINTHER

0930-2011

To rezone 2002 SPINDLER ROAD (43026), being 1.1± acres located on the east side of Spindler Road, 165± feet south of Saucony Drive. From: R, Rural District, To: RR, Rural Residential District. (Rezoning # Z11-014)

A motion was made by Miller, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

A motion was made by Miller, seconded by Craig, that this matter be Approved. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

0970-2011

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.11, Drive-in stacking area; 3312.49, Minimum numbers of parking spaces required; and 3372.705(F) and (G) Building design standards, of the Columbus City codes, for the property located at 3163 EAST MAIN STREET (43213), to permit a drive-thru/carry-out business with reduced development standards in the C-4, Commercial District (CV11-009).

A motion was made by Miller, seconded by Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

A motion was made by Miller, seconded by Craig, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

1011-2011

To rezone 813 KINNEAR ROAD (43212), being 5.77± acres located on the south side of Kinnear Road, 120± feet east of Rhonda Avenue, From: L-M, Limited Manufacturing and R, Rural Districts, To: L-M, Limited Manufacturing, and AR-2, Apartment Residential Districts (Rezoning # Z11-010).

A motion was made by Miller, seconded by Klein, that this matter be Amended to Emergency. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

A motion was made by Miller, seconded by Tyson, that this matter be Approved as Amended. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

1012-2011

To grant a variance from the provisions of Sections 3333.025, AR-2, apartment residential district use; 3309.14(A), Height districts; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum number of parking spaces required; 3333.18, Building lines, and 3333.255, Perimeter yard, of the Columbus City codes, for the property located at 813 KINNEAR ROAD (43212), to permit non-residential access, maneuvering, parking, and a dumpster located in residentially zoned property, differing dwelling unit sizes, and reduced development standards for development in the L-M, Limited Manufacturing District, and an apartment complex in the AR-2, Apartment Residential District (Council Variance # CV11-008).

A motion was made by Miller, seconded by Craig, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

A motion was made by Miller, seconded by Craig, that this matter be Amended to Emergency. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

A motion was made by Miller, seconded by Craig, that this matter be Approved as Amended. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

ADJOURNMENT

ADJOURNED AT 6:39 PM

A motion was made by Craig, seconded by Tyson, to adjourn this Regular Meeting. The motion carried by the following vote:

Affirmative: Miller, Craig, Klein, Mills, Paley, Tyson and Ginther

Ordinances and Resolutions

**City of Columbus
City Bulletin Report**

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Number: 0103X-2011

Drafting Date: 06/06/2011

Current Status: Passed

Version: 2

Matter Type: Resolution

ExplanationBackground:

The following is a resolution to declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Dublin Road Capacity Increase Detail Design Project.

Fiscal Impact:

N/A

Emergency Justification:

Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to meet the Department of Public Utilities acquisition schedule.

Title

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Dublin Road Capacity Increase Detail Design Project, and to declare an emergency.

Body

WHEREAS, the City of Columbus is engaged in the Dublin Road Capacity Increase Detail Design Project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Power and Water, in that it is immediately necessary to declare the necessity and intent to appropriate fee simple title and lesser interests in and to the hereinbefore described real estate necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That this Council hereby declares the necessity and intent to appropriate fee simple title and lesser interests in and to the following described real estate necessary for the Dublin Road Capacity Increase Detail Design Project, Project # 690428-10001, pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

DESCRIPTION OF 30 FOOT DITCH EASEMENT #1

~~Situated in the State of Ohio, County of Franklin, City of Columbus, Section 2, Township 11, Range 21, Congress Lands, being a 30 foot strip of land located within that 187.590 acre tract as described in a deed to Affordable Housing Associates, Inc., of record in Official Record Volume 34203, Page 119, all references herein being to the records of the Recorder's Office, Franklin County, Ohio, said 30 foot strip of land being more particularly described as follows:~~

~~Beginning FOR REFERENCE at the southeasterly corner of that 3.675 acre tract of land as described in a deed to the City of Columbus, of record in Official Record Volume 34957, Page B19, and in the easterly line of said 187.590 acre tract thence North 81°46'26" West, along the southerly line of said 3.675 acre tract a~~

distance of 1167.12 feet to the TRUE PLACE OF BEGINNING;

Thence through said 187.590 acre tract the following courses:

1. South 03°17'18" East, a distance of 401.57 feet to a point;
2. South 08°13'34" West, a distance of 31.51 feet to a point;
3. North 81°46'26" West, a distance of 30.00 feet to a point;
4. North 08°13'34" East, a distance of 28.49 feet to a point;
5. North 03°17'18" West, a distance of 404.66 feet to a point in the southerly line of said 3.675 acre tract;

Thence South 81°46'26" East, along said southerly line, a distance of 30.62 feet to the TRUE PLACE OF BEGINNING.

Bearings herein are based on a bearing of South 81°46'26" East for the southerly line of that 3.675 acre tract of land as described in a deed to the City of Columbus, of record in Official Record Volume 34957, Page B19.

This description was prepared by M-E Companies, Inc.

**.785 ACRE PROPERTY ACQUISITION PARCEL
NORTH OF DUBLIN ROAD AND
BETWEEN GRANDVIEW AVE. AND S.R. 315**

Situated in the State of Ohio, County of Franklin, City of Columbus and in Half Section 7, Township 5, Range 22, Refugee Lands, being part of land conveyed to Pennsylvania Lines, LLC of record in Instrument Number 200212180325195 (all references to the Recorders office, Franklin County, Ohio) and being part of Lot 34 of Gill's U.S. Court Subdivision of record in Plat Book 3, Page 150 and being more particularly described as follows:

Commencing for reference at the centerline intersection of Dublin Road and Twin Rivers Drive Connector;

Thence N 19°18'34" W a distance of 2098.71 feet to the an iron pin to be set at the westerly most corner of a parcel conveyed to WBNS TV Inc. of record in Deed Book 2658, Page 380, being the northerly most corner of a parcel conveyed to the City of Columbus of record in Deed Book 2969, Page 260, and also being in the southerly right of way of the said Pennsylvania Lines, LLC parcel and being the True Point of Beginning;

Thence along the northerly line of the said City of Columbus parcel, the southerly right of way of the said Pennsylvania Lines, LLC parcel, and the northerly line of a parcel conveyed to the City of Columbus of record in Deed Book 770, Page 197, S 70°12'15" W a distance of 308.44 feet to an iron pin to be set at the northwesterly corner of the said City of Columbus parcel of record in Deed Book 770, Page 197 and in the easterly line of a tract conveyed to the City of Columbus of record in Deed Book 401, Page 55;

Thence along the easterly line of a tract conveyed to the City of Columbus of record in Deed Book 401, Page 55, and the southerly right of way of the said Pennsylvania Lines, LLC parcel, N 3°38'39" E a distance of 120.00 feet to an iron pin set at the southerly most corner of a parcel conveyed to the City of Columbus of record in Deed Book 401, Page 46;

Thence along the easterly line of the parcel conveyed to the City of Columbus of record in Deed Book 401, Page 46, and the southerly right of way of the said Pennsylvania Lines, LLC parcel, N 52°15'19" E a distance of 185.83 feet to an iron pin set at an angle point in the said Pennsylvania Lanes, LLC parcel;

Thence crossing thru the said Pennsylvania Lines, LLC parcel, S 46°25'33" E a distance of 187.24 feet to True Point of Beginning.

The above described area is contained within the Franklin County Auditor's Parcel Number 010-100751. Within said boundary is 0.785 acres, more or less;

This description and survey was prepared and reviewed on March 28, 2011, by Robert A. Bosworth, Registered Surveyor #7750.

The basis of bearings in this description are based on the State Plane Coordinate System, Ohio South Zone, as per NAD83 (NSRS 2007), established by Stantec, Inc., using GPS Procedures and Equipment, and holding the coordinates of City of Columbus monument COC 4-83.

Section 2. That the City Attorney be and hereby is authorized to cause a written notice of the adoption of this resolution to be served upon the owners, persons in possession of or persons having a real or possible interest of record in the above described premises in the manner provided by law.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.

Legislation Number: 0120X-2011

Drafting Date: 07/06/2011

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To honor and congratulate Sandi Smith on her retirement from the Columbus Foundation after 11 years of dedicated service.

Body

WHEREAS, Sandi Smith has served as the Senior Community Research and Grants Management Officer for The Columbus Foundation for the past 11 years; and

WHEREAS, Ms. Smith has made significant local and national leadership contributions to advance the arts and humanities; and

WHEREAS, Ms. Smith has been recognized both locally and nationally for her leadership on behalf strengthening

immigrant and refugee communities; and

WHEREAS, Ms. Smith received The King Arts Complex's highest honor, the Dream Award, recognizing her dedication and service to the community and the Complex; and

WHEREAS, Ms. Smith has devoted 35 years of service to the nonprofit sector; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBUS:

That this Council does hereby honor and congratulate Sandi Smith upon her retirement from the Columbus Foundation and thanks her for her service and dedication to the Columbus community.

Legislation Number: 0121X-2011

Drafting Date: 07/06/2011

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To recognize and congratulate Rachel Muha for receiving the 2011 Jefferson Award and the 2011 Jacqueline Kennedy Onassis Award for Outstanding Public Service Benefiting Local Communities.

Body

WHEREAS, Rachel Muha established the Brian Muha Foundation and the Run the Race Club in honor of her 18-year-old son who was murdered while in college in 1999; and

WHEREAS, the Brian Muha Foundation and the Run the Race Club are designed to help west side inner city children have a brighter future by promoting the personal and educational achievements of children in the area; and

WHEREAS, Ms. Muha has developed many programs through the Brian Muha Foundation including kindergarten preparation for pre-schoolers, school supply distribution, a food pantry, and various scholarship programs; and

WHEREAS, Ms. Muha conducts classes for children at local recreation centers, exposing them to sports, music, and the arts; and

WHEREAS, Ms. Muha received the 2011 Jefferson Award for Columbus; the award is presented annually by WBNS 10TV and the Nationwide On Your Side Volunteer Network to recognize local individuals for doing extraordinary things in their communities without expecting a reward; and

WHEREAS, the national Jefferson Awards were created in 1972 by the late Jacqueline Kennedy Onassis and Senator Robert Taft, Jr., of Ohio to highlight the works of unsung heroes; and

WHEREAS, on June 28th, Ms. Muha was awarded the 2011 Jacqueline Kennedy Onassis Award for Outstanding Public Service Benefiting Local Communities in Washington D.C.; the award is presented to only five people selected from among more than 50 local Jefferson Award winners from cities all across the country; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBUS:

That this Council does hereby recognize and congratulate Rachel Muha for receiving the 2011 Jefferson Award and the 2011 Jacqueline Kennedy Onassis Award for Outstanding Public Service Benefiting Local Communities and thank her for

her continued service and dedication to the Columbus community.

Legislation Number: 0123X-2011

Drafting Date: 07/11/2011

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To honor, recognize and celebrate the life of Karen Eve Whitman and to extend our sincerest condolences to her family and friends on the occasion of her passing on Wednesday, June 29, 2011.

Body

WHEREAS, Karen Eve Whitman was born January 25, 1944 in Lakewood, Ohio to Gordon and Eva Rankin; and

WHEREAS, Karen was a devoted mother to two wonderful children, daughter Michelle and son Philip, Jr. She was blessed with four grandchildren; and

WHEREAS, Karen was synonymous with "Hilltop U.S.A." She lived on the Hilltop for more than 50 years and attended Westgate Elementary and West High School. She was one of the first female real estate agents on the Westside; and

WHEREAS, Karen was an energetic champion of community business. She loved, served, and treasured the Hilltop. She was a longtime member of the Greater Hilltop Area Commission, the Hilltop Business Association. Friends of the Hilltop and staff member of the Greater Hilltop Resource Center; and

WHEREAS, for the past ten years, Karen was actively involved with National Night Out and served as Chair of the Greater Hilltop Area Commission Safety Committee. She helped organize the Hilltop Safety Symposium held at West High School; and

WHEREAS, Karen was an honest, decent, caring and thoughtful person. She loved her family and was a great friend to all. She had no patience for neighborhood politics and believed in working together for the common good. She will always be remembered for spirit and her unshakeable belief in the community. She was truly an inspiration and will be sorely missed by all who knew and loved her; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

That this council does hereby honor, recognize and celebrate the long and fulfilling life of Karen Eve Whitman and extend our sincerest condolences to her family and friends on the occasion of her passing.

Legislation Number: 0829-2011

Drafting Date: 05/23/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This ordinance authorizes the expenditure of \$219,440.37 of HOME funds within the HOME Investment Partnerships Program for the Department of Development. The funds will assist first-time homebuyers, for-profit and non-profit organizations with grants and no or low interest loans for projects designed to increase and preserve the local supply of decent, safe, sanitary, and affordable housing for low and moderate income families. This ordinance is in accordance with the 2010-2014 Consolidated Plan and application to the U.S. Department of Housing and Urban Development (HUD). The funds will be allocated as follows: \$123,017 to the Affordable Housing Opportunity Fund and \$96,423.37 for the HUD required 15% set aside for projects developed by Community Housing Development Organizations (CHDO).

These funds are available due to canceled housing projects.

Emergency action is requested to allow for continuation of services without interruption.

FISCAL IMPACT: \$219,440.37 will be expended from the HOME Fund.

Title

To authorize the expenditure of \$219,440.37 from the HOME Fund to provide funding for various approved programs; and to declare an emergency. (\$219,440.37)

Body

WHEREAS, this ordinance authorizes the expenditure of \$219,440.37 of HOME funds within the HOME Investment Partnerships Program for the Department of Development; and

WHEREAS, HOME funds will be used to assist first-time homebuyers, for-profit and non-profit organizations with grants and no or low interest loans for projects designed to increase and preserve the local supply of decent, safe, sanitary, and affordable housing for low income families; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development, Housing Division, in that it is immediately necessary to expend said funds to allow for continuation of vital program services without interruption, thereby preserving the public health, peace, property, safety, and welfare; and **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to assist first time homebuyers, for-profit and non-profit developers with grants or no or low interest loans through programs and projects designed to increase, preserve and provide access to the local supply of decent, safe, sanitary, and affordable housing for low and moderate income households.

Section 2. That for the purpose as stated in Section 1, the expenditure of \$219,440.37 or so much thereof as may be necessary, is hereby authorized from the Department of Development, Division 44-10, Fund 201, Grant 458001, Object Level One 05, Object Level Three 5528, and as follows:

<u>OCA Code</u>	<u>Amount</u>
441133	\$27,000.00
444131	\$30,000.00
444133	\$9,000.00
446133	\$16,000.00
448131	\$25,714.22

448133	\$41,385.62
449131	\$16,706.78
449133	\$0.75
440131	\$50,596.00
440133	\$37.00
440535	<u>\$3,000.00</u>
TOTAL	\$219,440.37

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0855-2011

Drafting Date: 05/26/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND:

This legislation authorizes the Director of the Department of Technology (DoT) to modify, renew and consolidate two contracts with Bowe Bell & Howell Company for annual maintenance and support for the Enduro Mail Inserter and JetVision envelope transport equipment and software. The first year of maintenance and support (purchase order FL003943) was authorized by ordinance 0079-2008 with the second year agreement (EL011317) authorized by ordinance 1488-2010, passed December 6, 2010, providing mail inserter maintenance and support for the period August 1, 2010 through July 31, 2011. This renewal will provide the same service for the period August 1, 2011 through July 31, 2012, at a cost of \$19,900.00. The modification requested in this ordinance will also incorporate JetVision equipment, software and maintenance and support for the period August 1, 2011 to July 31, 2012, at a cost of \$5,761.00. The combined total cost of the maintenance and support renewal and modification is \$25,661.00.

The purchase of JetVision equipment, software, and first year of maintenance and support from Bowe Bell & Howell was authorized by ordinance 0789-2010, passed June 28, 2010 (purchase order FL004676). This modification is needed to renew and incorporate the annual maintenance and support for the JetVision envelope transport system with the Enduro Mail Inserter. The need for annual maintenance was foreseen at the time of the original JetVision purchase, and it is in the City's best interests to incorporate this annual maintenance into a single contract with Bowe Bell & Howell to cover all equipment and software maintenance and support. Bowe Bell & Howell is the only provider of Enduro and JetVision maintenance and support, so it is manifestly impractical for the City to award a contract through other procurement processes. The price of the modification was negotiated between Bowe Bell & Howell and DoT, and reflects the same price from the previous year maintenance and support provided in the original agreement.

The equipment and software are located at the Jerry Hammond Center, 1111 East Broad Street, and is used to process mailings for DoT's city department customers, including the Department of Public Utilities and Income Tax Division. Bowe Bell & Howell is the only factory trained and authorized service provider for the Enduro and JetVision systems. There are no third party companies approved by Bowe Bell & Howell for equipment sales, installation, software or maintenance services, or upgrades on the Enduro Mail Inserter or JetVision systems, as it is proprietary equipment. Accordingly, Bowe Bell & Howell is the sole source of supply for upgrades, maintenance and support services for this equipment and software. For this reason, this ordinance is being submitted in accordance with the provisions of Sole Source procurement of the City of Columbus Code, Section 329.07.

FISCAL IMPACT:

In 2008, DOT legislated \$249,390.10 for the purchase of the Bowe Bell & Howell Enduro Mail Inserter with maintenance and support. During 2010, the cost for the annual maintenance and support, totaled \$19,900.00 (Ord. # 1488-2010). Also the department legislated \$67,426.00 for the JetVision hardware, software, and maintenance and support. This year the cost for the 2011 annual renewal maintenance and support for both (the Enduro Mail Inserter and JetVision system) is

\$25,661.00. Funds were budgeted and are available within the Department of Technology, Information Services Division, internal service fund. The total cost of this renewal and modification is \$25,661.00, bringing the consolidated aggregate maintenance and support contract amount to \$71,586.38, and the aggregate total contract amount to \$362,377.10.

EMERGENCY:

Emergency action is requested to expedite authorization of this contract in order to initiate services from the supplier at the negotiated prices.

CONTRACT COMPLIANCE:

Vendor Name: Bowe Bell and Howell Company FID#/CC#: 36-3580100 Expiration Date: 11/20/2012

TitleTo authorize the Director of the Department of Technology, to modify, renew and consolidate two contracts with Bowe Bell & Howell for annual maintenance and support services for the Enduro Mail Inserter and JetVision system in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$25,661.00 from the Department of Technology, Information Services Division, internal services fund; and to declare an emergency. (\$25,661.00)

Body

WHEREAS, the Department of Technology has a need to modify, renew and consolidate two contracts with Bowe Bell & Howell for annual maintenance and support services for the Enduro Mail Inserter and JetVision system, located at the Jerry Hammond Center, with a coverage period of August 1, 2011 through July 31, 2012; and

WHEREAS, Bowe Bell & Howell is the manufacturer of both the Enduro Mail Inserter and JetVision system and is the only factory trained and authorized service upgrade provider; and

WHEREAS, this contract is in accordance with the provisions of the sole source procurement of the Columbus City Code, Section 329.07; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Technology, in that it is immediately necessary to authorize the Director of the Department of Technology (DoT), to modify, renew and consolidate two contracts with Bowe Bell & Howell for annual maintenance and support services for the Enduro Mail Inserter and JetVision system, to continue with services that support daily operation activities, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1: That the Director of the Department of Technology, now and is hereby authorized to modify, renew and consolidate two contracts with Bowe Bell & Howell for annual maintenance and support services for the Enduro Mail Inserter and JetVision system, in the amount of \$25,661.00, with a coverage period of August 1, 2011 through July 31, 2012.

SECTION 2: That the expenditure of \$25,661.00 or so much thereof as may be necessary be expended from:

Div.: 47-02|**Fund:** 514|**Subfund:** 001| **OCA:** 470202| **Obj. Level 1:** 03|**Obj. Level 3:** 3372|**Amount:** \$23,661.00

Div.: 47-02|**Fund:** 514|**Subfund:** 001| **OCA:** 470202| **Obj. Level 1:** 03|**Obj. Level 3:** 3369|**Amount:** \$2,000.00

SECTION 3: That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 4: That this contract is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

SECTION 5: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approved nor vetoes the same.

Legislation Number: 0871-2011

Drafting Date: 05/31/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance requests authority for the Director of Public Utilities to enter into a joint funding agreement with the U.S. Geological Survey, United States Department of the Interior, for the Division Sewerage and Drainage. This agreement is to maintain cooperation for a study to provide Microbial Source Tracking (MST) host-associated marker data to help understand background levels of select sources of contamination and to characterize the temporal and spatial trends in MST marker data during dry and wet weather events.

The amount to be contributed by the Department of Public Utilities, Division of Sewerage and Drainage shall be for a total amount of \$155,336.00 and covers all the cost of the necessary field and analytical work directly related to this program for the period of May 1, 2011 to September 30, 2013. This amount will be billed quarterly and must be paid within 60 days after the billing date to avoid any interest charges at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed. The total for each billing cycle will be \$29,946.00 for work from the date of execution to 9/30/11; \$109,349.00 for 10/1/11 - 9/30/12 and \$16,041.00 for 10/1/12 to 9/30/13.

SUPPLIER: U.S. Geological Survey, United States Department of the Interior. The FID # is 53-0196950 (003), Federal Agency.

This legislation is being submitted as an emergency so as not to delay the start of the agreement or the processing of the quarterly payments so as to avoid any interest fees. This work is in conjunction with the City's Consent order with the State of Ohio and must proceed on schedule.

FISCAL IMPACT: \$139,295.00 is needed for this agreement to cover the payments for work from the date of execution to 9/30/11 in the amount of \$29,946.00 and 10/1/11 - 9/30/12 in the amount of \$109,349.00. Funds are being re-prioritized to make the necessary funding available. No additional budget appropriation will be needed.

Title

To authorize the Director of Public Utilities to enter into a joint funding agreement with the US Geological Survey, United States Department of the Interior for a study to provide Microbial Source Tracking host-associated marker data of select sources of contamination, to authorize the expenditure of \$139,295.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$139,295.00)

WHEREAS, it is in the best interest of the City of Columbus, Department of Public Utilities to enter into a joint funding agreement with the U.S. Geological Survey, United States Department of Interior, and

WHEREAS, this agreement is to maintain cooperation for a study to provide Microbial Source Tracking (MST) host-associated marker data to help understand background levels of select sources of contamination and to characterize the temporal and spatial trends in MST marker data during dry and wet weather events, and

WHEREAS, the total amount to be contributed by the Department of Public Utilities, Division of Sewerage and Drainage shall cover all the cost of the necessary field and analytical work directly related to this program for work from the date of execution to September 30, 2013, and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Utilities, in that it is immediately necessary to enter into the joint funding agreement with the U.S. Geological Survey, United States Department of Interior, so as not to delay the start of the agreement or the processing of the quarterly payments so as to avoid any interest fees for the preservation of the public health, peace, property and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Public Utilities be and is hereby authorized to enter into a joint funding agreement between the U.S. Geological Survey, United States Department of Interior, and the City of Columbus, Department of Public Utilities, to maintain cooperation for a study to provide MST host-associated marker data to help understand background levels of select sources of contamination and to characterize the temporal and spatial trends in MST marker data during dry and wet weather events.

Section 2. That the expenditure of \$139,295.00 or so much thereof as may be necessary, be and is hereby authorized from the Sewerage System Operating Fund, Fund No. 650, OCA: 605113, Object Level One: 03, Object Level Three: 3407.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure, and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0904-2011

Drafting Date: 06/03/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: The Department of Public Utilities, Division of Power and Water (Power) maintains the freeway lighting within the City of Columbus and requires traffic control services to provide single lane closures on the median lanes in both directions on the freeway system to allow for City employees to replace lighting equipment. Formal bids for traffic control services were solicited in the City Bulletin, SA003936, and one bid was received and opened by the Director of Public Utilities on May 18, 2011.

The bid has been evaluated and a recommendation has been made to award a contract to Paul Peterson Company, 950 Dublin Road, Columbus, Ohio, based upon their responsive and responsible bid. The bid was based upon the cost per occurrence for weekday and weekend closures. It is requested that an amount of \$71,600.00 be awarded for the first year of this contract beginning June 2011 through May 2012. Upon approval of Columbus City Council, the contract may be extended and increased in 2012.

Paul Peterson Company is a majority-owned business and their contract compliance number is 310868875. (Expires 8/12/11)

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

FISCAL IMPACT: There is sufficient budget authority in Object Level One 03 within the Electricity Operating Fund for this expenditure. Approximately \$53,168 was spent in 2009 and \$35,760 was spent in 2010 for traffic control services.

Title

To authorize the Director of Public Utilities to enter into a contract with the Paul Peterson Company to obtain traffic control services for the Division of Power and Water and to authorize the expenditure of \$71,600.00 from the Electricity Operating Fund. (\$71,600.00)

BodyWHEREAS, the Division of Power and Water (Power) maintains freeway lighting within the City of Columbus and requires traffic control services for lane closures on the freeway system while City employees replace lighting equipment; and

WHEREAS, one bid was received and opened by the Director of Public Utilities on May 18, 2011, SA003936; and

WHEREAS, the bid received from Paul Peterson Company has been determined to be responsive and responsible and a contract award is recommended; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and is hereby authorized to enter into a contract with Paul Peterson Company, in the amount of \$71,600.00, to obtain traffic control services for the Division of Power and Water.

SECTION 2. That to pay the cost of the aforesaid contract, the expenditure of \$71,600.00, or so much thereof as may be needed is hereby authorized from the Division of Power and Water, Division No. 60-07, Electricity Operating Fund No. 550, OCA Code 606723, Object Level One 03, Object Level Three 3336.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0909-2011

Drafting Date: 06/06/2011

Version: 2

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND:

This ordinance authorizes the Director of the Department of Technology to modify an agreement with eProximiti LLC, for mobile applications professional services. DoT recently entered into a six (6) month fixed price agreement with eProximiti through purchase order ED044023 to assist in the development of the City's first mobile application, ~~iColumbus~~ **MyColumbus**, at a cost of \$19,750. This modification will extend the agreement to provide ongoing enhancements to ~~iColumbus~~ **MyColumbus** and develop new mobile applications. These services will enable the City to better communicate with residents and visitors, who increasingly access information using mobile devices. The modified agreement will be for a one year term, from the date of a purchase order certified by the Columbus City Auditor's Office, and will provide an additional \$146,400 for professional services to support the City's mobile applications initiatives.

To procure these services, an Invitation to Bid (SA003913) was published in March 2011. The solicitation received three offers to provide mobile applications professional services for one year term. Only one of the offers was from a vendor who currently had staff with the necessary skills and experience, but their proposed hourly rates were not affordable. As a result, DoT sought recommendations from TechColumbus for a qualified local vendor, and eProximiti came highly recommended to meet the City's needs. After further discussions, eProximiti did demonstrate that they are able to satisfy all requirements in the formal bid, at a substantially lower price than the only responsive offer received from the formal bid. After negotiations, eProximiti will provide these services payable at the agreed upon hourly rates: mobile applications development at \$79.00 per hour, mobile applications project management at \$89.00 per hour, mobile applications business analysis at \$57.00 per hour, and mobile applications graphic design at \$55.00 per hour.

This modification adds an additional \$146,400 to the existing agreement for an aggregate contract total of \$166,150.00. These professional service needs were anticipated when the original agreement was established, but could not be incorporated into the original agreement in time to meet immediate needs for developing the ~~iColumbus~~ **MyColumbus** mobile application. DoT attempted to procure these services through a formal bid, but responses to the formal bid did not meet requirements at an affordable price. The Department of Technology is able to obtain the needed services at less than half the cost of the only qualified vendor responding to the formal bid.

Given the unsuccessful attempt to obtain services through a formal bid, this ordinance requests a waiver of competitive bidding requirements of Columbus City Code, in accordance with section 329.27.

This ordinance also authorize the appropriation and transfer of cash from another project within the Information Services Bonds Fund, and will amend the 2011 Capital Improvement Budget (CIB), passed by Columbus City Council March 7, 2011 via ordinance 0266-2011, to accommodate for the additional expenditure authorized by this ordinance.

FISCAL IMPACT:

Earlier this year, the Department of Technology established a purchase order for \$19,750.00 with eProximiti LLC for enhancements to ~~iColumbus~~ **MyColumbus** and mobile applications professional services. The funds for this contract modification in the amount of \$146,400.00 are available within the Department of Technology, Information Services Division, Capital Improvement Bonds Fund as a result of transferring appropriation authority and funds from the DoT Accela Upgrade Capital Project #470042-100000 no longer needed to the E-Gov Initiatives - Mobile Application Project #470050-100001. Including this modification, the aggregate contract total amount is \$166,150.00.

EMERGENCY:

Emergency action is requested to expedite authorization of this contract modification in order to continue mobile applications professional services from the vendor at the negotiated prices.

CONTRACT COMPLIANCE:

Vendor Name: eProximiti LLC

CC#:/FID#: 26-3819117

Expiration Date: 5/17/2013

To authorize the Director of the Department of Technology to modify a contract with eProximiti LLC for mobile applications professional services; to authorize the transfer of appropriations and cash between projects in the Information Services Bonds Fund; to amend the 2011 Capital Improvements Budget; to waive the competitive bidding provisions of Columbus City Code; to authorize the expenditure of \$146,400.00 from the Information Services Division, Capital Improvement Bonds Fund; and to declare an emergency. (\$146,400.00)

Body

WHEREAS, this legislation authorizes the Director of the Department of Technology to modify a contract with eProximiti LLC, for mobile applications professional services; and

WHEREAS, the contracted services coverage period is twelve months from the date of a certified purchase order issued from the City Auditor's Office, in the total amount of \$146,400.00; and

WHEREAS, this ordinance requests approval of the services provided by eProximiti LLC, and to waive the competitive bidding provisions of Columbus City Code, under Section 329.; as it has been determined that eProximiti LLC will modify a contract with the Department of Technology; and

WHEREAS, this ordinance authorizes the appropriation and transfer of cash between capital projects within the Department of Technology Information Services Bonds Fund and will amend the 2011 Capital Improvement Budget (CIB), passed by Columbus City Council March 7, 2011, ordinance 0266-2011, to accommodate for the additional expenditure authorized by this ordinance, and

WHEREAS, an emergency exists in the usual daily operation of the Department of Technology in that it is immediately necessary for the Director of the Department of Technology to modify a contract with eProximiti LLC for mobile applications professional services and to authorize this expenditure or so much thereof as required, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1: That the Director of the Department of Technology be and is hereby authorized to modify a contract with eProximiti LLC for mobile applications professional services, with a coverage period of twelve months from the date of a certified purchase order issued from the City Auditor's Office, in the total amount of \$146,400.00.

SECTION 2: That the 2011 Capital Improvement Budget is hereby amended as follows to account for appropriations and transfer of funds between projects:

Department of Technology, Information Services Dept./Div. 47-02

Project Name/Number/Sub-fund	Current CIB Amount	Revised	Amount Change
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Accela Upgrade/Replacement:				
470042-100000 (carryover)	02	\$160,456	\$14,056	(\$146,400)
eGov Mobile Application				
470050-100001	02	\$0	\$146,400	+\$146,400

SECTION 3: That the City Auditor is hereby authorized and directed to transfer funds and appropriations within the Information Services Bonds Fund as follows:

Transfer from:

Dept./Div.:47-02| Fund: 514| Sub-fund: 002| OCA Code: 470042| Project Number: 470042-100000| Project Name: Accela Upgrade/Replacement| Obj. Level 1: 06| Obj. Level 3: 6655| Amount: \$146,400 Information Services Bonds Fund

Transfer To:

Dept./Div.:47-02| Fund: 514| Sub-fund: 002| OCA Code: 470950| Project Number: 470050-100001| Project Name: eGov Mobile Application| Obj. Level 1: 06| Obj. Level 3: 6655| Amount: \$146,400 Information Services Bonds Fund

SECTION 4: That the expenditure of \$146,400.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Dept./Div.:47-02| Fund: 514| Sub-fund: 002| OCA Code: 470950| Project Number: 470050-100001| Project Name: eGov Mobile Application| Obj. Level 1: 06| Obj. Level 3: 6655| Amount: \$146,400.00 Information Services Bonds Fund

SECTION 3: That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 4: That this ordinance authorizes a contract modification between eProximiti LLC and the Department of Technology, on behalf of the City of Columbus, and to waive the competitive bidding provisions of Columbus City Code, Section 329.06.

SECTION 5: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0926-2011

Drafting Date: 06/07/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

The Department of Public Utilities entered into a contract with Marion Electric Motor Services, Inc. for Electric Motor Maintenance Services for the Division of Sewerage and Drainage. This contract was the result of a Director's bid received on December 19, 2007. Marion Electric Motor Services, Inc. was the lowest, responsive, responsible bidder and met all requirements of the specifications. The original contract was for a period of one year with two (2) one year renewal options on a year to year basis. The final extension has been exercised and the contract expired on April 30, 2011. With passage by the Columbus City Council of Ordinance #0530-2011 on April 25, 2011 the Division was given authority to modify the original contract to extend the contract completion date to October 31, 2011. There is a need to modify and increase the contract to add more funding for the Southerly Waste Water Treatment Plant. The Division is preparing the documents for a new advertisement and bidding documents for these services.

The Department of Public Utilities is currently under contract with Marion Electric Motor Services, Inc. Marion Electric Motor LLC has purchased many of the assets of Marion Electric Motor Services, Inc., and continues to provide the same products and services as Marion Electric Motor Service, Inc. Therefore, this Ordinance authorizes the assignment of all past, present and future business done by the City of Columbus with Marion Electric Motor Services, Inc. FID 31-4363726, to be reassigned as Marion Electric Motor LLC, FID 27-3248514.

SUPPLIER: Marion Electric Motor LLC (27-3248514) Expires 4/28/2013.

Marion Electric Motor LLC does not hold MBE/FBE status.

1. Amount of additional funds: Total amount of additional funds needed for this contract modification No. 4 is \$25,000.00. Total contract amount including this modification is \$285,000.00.
2. Reason additional funds were not foreseen: Due to the fact that the new bid has not been completed and since the current contract has been extended until October 31, 2011 it has now been determined that additional funding is necessary.
3. Reason other procurement processes not used: Work under this modification of a continuation of services included in the scope of the original bid contract. No lower pricing/more attractive terms and conditions are anticipated at this time.
4. How cost was determined: The cost, terms and conditions are in accordance with the original agreement.

FISCAL IMPACT: Additional monies in the amount of \$25,000.00 are budgeted and needed for this modification to the contract.

The following amounts were encumbered as follows:

2010 - \$75,000.00

2009 - \$75,000.00

2008 - \$110,000.00

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

EMERGENCY DESIGNATION: In order to maintain uninterrupted service to City agencies contracted with this firm, and to provide the necessary funding this Ordinance is being submitted as an emergency. Furthermore to allow for name change to be effective immediately to allow for current invoices to be paid without delay.

To authorize and direct the Director of Public Utilities to enter into a modification of the Electric Motor Maintenance Services contract for the Division of Sewerage and Drainage, to modify all contracts and agreements with Marion Electric Motor Services, Inc. by assigning past, present and future contracts and agreements to Marion Electric Motor LLC, to authorize the expenditure of \$25,000.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$25,000.00)

Body

WHEREAS, the two (2) wastewater treatment plants within the Division of Sewerage and Drainage operate a variety of electric motors that control various equipment in the plant, and

WHEREAS, this equipment needs to be serviced by a company when maintenance staff cannot provide the service, and

WHEREAS, the Department of Public Utilities opened formal bids on December 19, 2007. Three (3) bids were received. After review of the bids, the Division of Sewerage and Drainage awarded the contract to the lowest, responsive and responsible bidder Marion Electric Motor Services Inc., and

WHEREAS, the final extension has been exercised and the contract expired on April 30, 2011. With passage by the Columbus City Council of Ordinance #0530-2011 on April 25, 2011 the Division was given authority to modify the original contract to extend the contract completion date to October 31, 2011, and

WHEREAS, there is a need to modify and increase the contract to add more funding for the Southerly Waste Water Treatment Plant while the Division is preparing the documents for a new advertisement and bidding documents for these services, and

WHEREAS, the Department of Public Utilities has established various contracts and agreements with Marion Electric Motor Services, Inc., and

WHEREAS, Marion Electric Motor LLC has purchased many of the assets of Marion Electric Motor Services, Inc., and continues to provide the same products and services as Marion Electric Motor Service, Inc., and

WHEREAS, in addition to notifying the City of this change, Marion Electric Motor LLC has agreed to honor the past, present and future contracts and agreements established, and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to modify all contracts and agreements established under Marion Electric Motor Services, Inc. to Marion Electric Motor LLC, thereby immediately preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Public Utilities be and is hereby authorized to modify all past, present and future contracts and agreements pursuant to those contracts to reflect the change of company name and FID number from Marion Electric Motor Services, Inc. FID 31-4363726, to Marion Electric Motor LLC, FID 27-3248514.

Section 2. That this modification is in accordance with Section 329.16 of the Columbus City Code.

Section 3. That the Director of Public Utilities be and is hereby authorized to modify and increase the service agreement with Marion Electric Motor LLC in accordance with the specifications on file in the Division of Sewerage and Drainage. Total amount of modification No. 4 is ADD \$25,000.00. Total contract amount including this modification is \$285,000.00

Section 4. That the expenditure of \$25,000.00 or so much thereof as may be necessary, be and is hereby authorized from the Sewerage System Operating Fund, Fund No. 650 as follows, to pay the cost thereof:

Southerly Wastewater Treatment Plant

OCA: 605063
Object Level 1: 03
Object Level 3: 3374
Amount: \$25,000.00

Section 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0930-2011

Drafting Date: 06/07/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Legislation Number: 0935-2011

Drafting Date: 06/07/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

The purpose of this legislation is to ensure consistency between Chapter 2331 of the Columbus City Codes, 1959, which prohibits discrimination and discriminatory practices against various protected classes of individuals and Title 39 of the Columbus City Codes, 1959, which promotes equal opportunity in contracting in the City. Title 39 contains a older definition of discrimination that omits the categories of age, disability, sex, gender identity or expression, familial status, and military status. Because it is the intention of the City to protect the categories of individuals that were added to Chapter 2331 in 2008, it is necessary to amend Title 39 to reflect this policy. Furthermore, it was discovered that that two definitions contained in Section 2331.01 were inadvertently missed in the 2008 revision to Chapter 2331. This ordinance will correct these errors.

Fiscal Impact: None.

Title

To amend Section 2331.01 and various sections of Title 39 of the Columbus City Codes, 1959, to clarify the additional protected classes of individuals that are intended to be protected from discriminatory practices.

Body

WHEREAS, Columbus City Council passed Ordinance No. 1865-2008 in order to expand the categories of protected classes of individuals intended to be covered under Chapter 2331 of the Columbus City Codes, 1959, which prohibits discrimination and discriminatory practices; and

WHEREAS, Title 39 of the Columbus City Codes, 1959, which promotes equal opportunity in the area of contracting in the City of Columbus contains an outdated definition of discrimination in that it does not include the additional protected classes covered by the 2008 legislation; and

WHEREAS, in the course of reconciling these definitions of discrimination, it was discovered that there were some unintentional omissions contained in the newer version of Chapter 2331 that should be addressed; and

WHEREAS, this ordinance will reconcile these inconsistencies and demonstrate the intention of the City to protect all categories of individuals identified in Chapter 2331 from discrimination and discriminatory practices through the enforcement of Chapter 2331 as well as Title 39; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

Section 1. That Section 2331.01 of the Columbus City Codes, 1959, be amended to read as follows:

2331.01 - Definitions.

(A)As used in Chapter 2331 of the Columbus City Codes:

- (1)"Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the city of Columbus, and all political subdivisions, authorities, agencies, boards and commissions thereof.
- (2)"Employer" means any person who employs four (4) or more persons, within the city of Columbus, including the city of Columbus, its departments, boards, commissions, and authorities.
- (3)"Employee" does not include any individual employed in the domestic service of any person.
- (4)"Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (5)"Employment agency" means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.
- (6)"Discriminate and discrimination" includes segregate or separate and any difference in treatment based on ~~race, sex, sexual orientation, color, religion, ancestry, national origin or place of birth.~~ race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (7)"Unlawful discriminatory practice" means any act prohibited by Title 23, Chapter 2331 of the Columbus City Codes.
- (8)"Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities, or privileges thereof are available to the public, or a private club which has more than two hundred (200) members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business. "Place of public accommodation" does not mean a benevolent corporation incorporated as such or a religious corporation incorporated as such under the laws of Ohio.
- (9)"Housing accommodations" includes any building or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence or sleeping place of one or more individuals, groups or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.
- (10)"Restrictive covenant" means any specification in a deed, land contract or lease limiting the use of any housing because of ~~race, sex, sexual orientation, color, religion, national origin, or ancestry.~~ race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing ~~race, sex, sexual orientation, color, religion, national origin, or ancestry.~~ race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status as a condition of affiliation or approval.
- (11)"Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including but not limited to, cemeteries owned and operated by the city of Columbus or companies or associations incorporated for cemetery purposes.
- (12)"Sexual orientation" means a person's actual or perceived homosexuality; bisexuality; or heterosexuality, by

orientation or practice, by and between consenting adults.

(13)"Racial profiling" means to stop, detain, investigate, search, seize or arrest an individual based on the racial or ethnic status of such individual except when based upon a physical description of a suspect in a criminal or traffic offense. The use of race or ethnicity as a factor for determining the existence of reasonable suspicion and/or probable cause in the absence of actual physical evidence or observations linking that individual to a crime constitutes a violation of Section 2331.07 of this chapter.

(14)"Age" means at least forty (40) years old.

(15)"Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(16)

(a)"Except as provided in division (b) of this subsection, "physical or mental impairment" includes any of the following:

(i)Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;

(ii)Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii)Diseases, blood disorders and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.

(b)"Physical or mental impairment" does not include any of the following:

(i)Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;

(ii)Compulsive gambling, kleptomania, or pyromania;

(iii)Psychoactive substance use disorders resulting from current illegal use of a controlled substance.

(17)"Sex" means male or female. The terms "because of sex" and "on the basis of sex" include pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions.

(18)"Gender identity or expression" means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person's actual or perceived sex.

(19)"Familial status" means either of the following:

(i)One or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(ii)Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.

(iii)"Family" includes a single individual.

(20)"Military status" means a person's status in "service in the uniformed services" as defined in Section 5923.05 of the Ohio Revised Code.

(21)"Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(22)"Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

Section 2. That Section 3909.01 of the Columbus City Codes, 1959, be amended to read as follows:

3909.01 - Equal Opportunity Clause.

(A)The contracting agencies of the city are directed to include the following equal opportunity clause in all contracts, as defined in C.C. 3901.01. The inclusion of this clause may be waived by the EBO Commission Office Executive Director where it is appropriate due to a similar clause requirement by state or federal law. The requirements contained in this clause will be considered by the Executive Director in determining whether a contractor is in compliance with this Article.

(B)Equal Opportunity Clause:

(1)The contractor will not discriminate against any employee or applicant for employment because of ~~race, color, religion, sex or national origin~~ race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their ~~race, color, religion, sex, or national origin~~ race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status. Such action shall include, but not be limited to, the following: employment up-grading, demotion, or termination; rates of pay or other forms of compensation; and selection for training. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices summarizing the provisions of this Equal Opportunity Clause.

(2)The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that the contractor is an equal opportunity employer.

(3)It is the policy of the city of Columbus that business concerns owned and operated by minority and female persons shall have the maximum practicable opportunity to participate in the performance of contracts awarded by the city.

(4)The contractor shall permit access to any relevant and pertinent reports and documents by the Executive Director for the sole purpose of verifying compliance with this Article, and with the regulations of the Contract Compliance Office. All such materials provided to the Executive Director by the contractor shall be considered confidential.

(5)The contractor will not obstruct or hinder the Executive Director or his deputies, staff and assistants in the fulfillment of the duties and responsibilities imposed by Article I, Title 39

(6)The contractor and each subcontractor will include a summary of this Equal Opportunity Clause in every subcontract. The contractor will take such action with respect to any subcontractor as is necessary as a means of enforcing the provisions of the Equal Opportunity Clause.

(7)The contractor agrees to refrain from subcontracting any part of this contract or contract modification thereto to a contractor not holding a valid certification number as provided for in Article I, Title 39

(8)Failure or refusal of a contractor or subcontractor to comply with the provisions of Article I, Title 39, may result in cancellation of this contract.

Section 3. That Section 3953.01 of the Columbus City Codes, 1959, be amended to read as follows:

3953.01 - Equal employment policy.

It shall be the policy of the city of Columbus to provide equal opportunity without regard to ~~race, color, religion, sex, national origin or ancestry~~ race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status in hiring, tenure, training, terms, conditions or privileges of employment.

Section 4. That existing Sections 2331.01, 3909.01, and 3953.01 are hereby repealed.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0937-2011

Drafting Date: 06/07/2011

Current Status: Passed

Explanation1. BACKGROUND:

In the course of effecting roadway improvements, it is sometimes necessary to force the relocation of utilities from privately held easements. These relocations are in areas where the City has previously allowed utilities, but due to this project there is a need to relocate them at the City's expense. Utility relocation estimates are normally included in the budget for each project, but occasionally estimates are insufficient and not always in the city's control. This legislation provides a source of funding for utility relocations yet to be named in order to provide for quick turnaround of these relocations once the utility and project are determined.

City Council recognizes that this ordinance does not identify the contractor(s) to whom the contract(s) will be awarded and understands that its passage will give the Public Service Director the final decision in determination for such contract(s). This Council is satisfied it is in the best interests of the City to delegate this contracting decision.

2. FISCAL IMPACT:

This project is budgeted within the 2011 Capital Improvement Budget. A C.I.B. amendment is necessary to establish authority in the correct project. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$100,000.00 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$100,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

TitleTo authorize the Director of Public Service to reimburse various utilities for utility relocation costs incurred in conjunction with Public Service capital improvement projects; to amend the 2011 C.I.B; to authorize and direct the City Auditor to appropriate and transfer \$100,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$100,000.00 within the Streets and Highways G.O. Bonds Fund; and to authorize the expenditure of \$100,000.00 from the Streets and Highways G.O. Bonds Fund. (\$100,000.00)

Body**WHEREAS**, the City of Columbus is vitally concerned with the use of the various rights-of-way areas in the City as such rights-of-way areas represent a valuable and limited resource that must be utilized to promote the public health, safety and welfare including the economic development of the City; and

WHEREAS, the Department of Public Service requires funding to be available for utility relocation expenses for yet to be determined projects in order to provide for quick turnaround of utility relocation work; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$100,000.00; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, this ordinance authorizes funding in the amount of \$100,000.00 for that purpose; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and hereby is authorized to pay utility relocation costs to various utilities for Capital Improvement projects to be determined.

SECTION 2. That the 2011 Capital Improvement Budget authorized by ordinance 0266-2011 be amended as follows to establish sufficient authority for this project:

Fund/Project / Project Name / Current / Change / Amended

704 / 530161-100070 / Roadway Improvements - Utility Relocation Reimbursements(Voted 2008) / \$100,000.00 (Carryover) / (\$100,000.00) (Carryover) / \$0.00 (Carryover)

704 / 530161-100000 / Roadway Improvements (Voted 2008) / \$75,997.00 / \$100,000.00 / \$175,997.00

SECTION 3. The sum of \$100,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 4. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 5. That \$100,000.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-12, for The Division of Design and Construction as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530161-100000 / Roadway Improvements / 06-6600 / 590046 / \$100,000.00

SECTION 6. That the monies appropriated in the foregoing Section 5 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 7. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 4 above.

SECTION 8. That the City Auditor is authorized to establish proper accounting project numbers and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 4, above.

SECTION 9. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$100,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 10. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 11. That for the purpose of paying the cost of utility relocation expenses the sum of \$100,000.00 or so much thereof as may be needed, is hereby authorized to be expended for the Division of Design and Construction as follows Dept./Div. 59-12:

Fund / Fund Name / Project Number / Grant / Object Level 01/03 Codes / OCA Code / Amount

704 / 530161-100000 / Roadway Improvements - Miscellaneous Right of Way Acquisition / 06-6631 / 590046 / \$100,000.00

SECTION 12. City Council recognizes that this ordinance does not identify the contractor(s) to whom the contract(s) will

be awarded and understands that its passage will give the Director of Public Service the final decision in determination for such contract(s). This Council is satisfied it is in the best interests of the City to delegate this contracting decision.

SECTION 13. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 14. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0938-2011

Drafting Date: 06/07/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

The purpose of this legislation is to authorize the Director of Public Utilities to enter into an agreement with AEP Retail Energy for electric power costs services associated with the water treatment process.

The City of Columbus, Division of Power and Water (Water) is a retail customer with AEP Ohio and owns a water treatment infrastructure that is metered and billed by AEP Ohio. AEP Retail Energy is a competitive retail electric service provider and affiliate of AEP Ohio. The Division of Power and Water (Water) has coordinated with AEP Retail Energy to reduce the power cost associated with the water facilities on the AEP Ohio system.

By switching the generation and transmission of the associated with the water treatment infrastructure currently on the AEP Ohio system to AEP Retail Energy, the Department of Public Utilities would reduce the cost of the mega watt hours (MWh) from \$81.52/MWh to \$62.75/MWh for an approximate 39 month savings of \$925,000.00. AEP Ohio would continue to charge the Division of Power and Water (Water) for distribution and customer charges. All contractual information has been reviewed and approved by the City Attorney's Office.

The Department of Public Utilities feels it is in the best interest of the City of Columbus to enter into this agreement with AEP Retail Energy to take advantage of the power cost savings. This ordinance is being submitted as an emergency so that the department can enter into the agreement at the earliest time possible to take advantage of the cost savings to the Division of Power and Water (Water) and to lock into rates.

FISCAL IMPACT: No funding required for this contract

SUPPLIER: AEP Retail Energy 13-4922640, Expires 4-13-13

Title

To authorize the Director of Public Utilities to enter into an agreement with AEP Retail Energy for electric power costs; and to declare an emergency.

Body

WHEREAS, The City of Columbus, Division of Power and Water (Water) is a retail customer with AEP Ohio and electric power costs are metered and billed by AEP Ohio, and

WHEREAS, AEP Retail Energy, is a competitive retail electric service provider and affiliate of AEP Ohio and the Division of Power and Water (Water) has coordinated with AEP Retail Energy to reduce the power cost of the associated

with the water treatment process on the AEP Ohio system.

WHEREAS, By switching the electric power costs currently on the AEP Ohio system to AEP Retail Energy, the Department of Public Utilities would reduce the cost of the mega watt hours (MWh) from \$81.52/MWh to \$62.75/MWh for an approximate annual savings of \$925,000.00, and

WHEREAS, AEP Ohio would continue to charge the Division of Power and Water (Water) for electric power costs, and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately necessary to enter into the agreement with AEP Retail Energy for electric power costs so that the Department of Public Utilities can take advantage of the cost savings to the Division of Power and Water (Water) for the immediate preservation of the public health, peace, property and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of Public Utilities be and is hereby authorized to enter into an agreement with AEP Retail Energy for electric power costs associated with the water treatment process for the Division of Power and Water (Water).

Section 2. The Department of Public Utilities feels it is in the best interest of the City of Columbus to enter into this agreement with AEP Retail Energy to take advantage of the power cost savings.

Section 3. That for the reasons stated in the preamble hereto, where is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure, which shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0941-2011

Drafting Date: 06/08/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Columbus Health Department has been awarded funds from The Foundation for Active Living through The Columbus Foundation. This ordinance is needed to accept and appropriate \$20,000.00 in grant money to fund this program.

The Institute for Active Living program objective is to promote active lifestyles and improve the health of all citizens of the City of Columbus.

This ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management.

FISCAL IMPACT: The program is funded primarily by the Foundation of Active Living. The program does require a full-time Administrator from the City, which is budgeted and available.

Title

To authorize and direct the Board of Health to accept funds from the Foundation of Active Living through the Columbus Foundation in the amount of \$20,000.00; to authorize the appropriation of \$20,000.00 to the Health Department in the City's Private Grants Fund; and to declare an emergency. (\$20,000.00)

Body

WHEREAS, \$20,000.00 in grant funds have been made available to the Health Department through the Foundation of Active Living; and,

WHEREAS, this ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management; and,

WHEREAS, an emergency exists in the usual daily operation of the Columbus Health Department in that it is immediately necessary to accept this grant from the Foundation of Active Living through The Columbus Foundation, and to appropriate these funds to the Health Department for the immediate preservation of the public health, peace, property, safety, and welfare; Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Board of Health is hereby authorized and directed to accept a grant award of \$20,000.00 from the Foundation of Active Living.

SECTION 2. That from the unappropriated monies in the City's Private Grant, Fund No. 291, and from all monies estimated to come into said Fund for the twelve months ending December 31, 2011, the sum of \$20,000.00 is hereby appropriated to the Health Department, Division No. 50-01, as follows:

Institute of Active Living:

OCA: **508252** Grant No.: **508252** Obj. Level 01: 01 Amount \$ 8,000.00

OCA: **508252** Grant No.: **508252** Obj. Level 01: 02 Amount \$ 7,000.00

OCA: **508252** Grant No.: **508252** Obj. Level 01: 03 Amount \$ 5,000.00

SECTION 3. That the monies appropriated in the foregoing Section 2 shall be paid upon the order of the Health Commissioner, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0942-2011

Drafting Date: 06/08/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND:

This legislation authorizes the expenditure of \$15,840.00 for a LEED grant award pursuant to the Green Columbus Fund, which was established in October 2010 by Ordinance 1462-2010.

The Green Columbus Fund represents the City's commitment to foster sustainable building through LEED certification and to foster sustainable Brownfield assessment and redevelopment. The program will produce economic, environmental and social benefits for Columbus and its residents.

This legislation authorizes the Director of Development to enter into a grant agreement with WSA Studio for the sustainable reconstruction of the interior of the first floor of 982 South Front Street, Columbus, OH 43206, to become their new corporate office, subject to the project attaining LEED-CI certification and meeting the other terms and conditions of the agreement. It also authorizes the expenditure of up to \$15,840.00 for this purpose.

FISCAL IMPACT:

Funding is from the Green Columbus Fund - 2010 Capital Improvements Budget.

Title

To authorize the Director of the Department of Development to enter into a grant agreement with WSA Studio in order to foster sustainable reconstruction through LEED-CI certification of the interior of the first floor of 982 South Front St., pursuant to the Green Columbus Fund Program; and to authorize the expenditure of up to \$15,840.00 from the Northland and Other Acquisitions Fund. (\$15,840.00)

Body

WHEREAS, the Department of Development administers the Green Columbus Fund (established by Ordinance 1462-2010) from city bond proceeds; and

WHEREAS, the Green Columbus Fund represents the City's commitment to foster sustainable building through LEED certification and to foster sustainable Brownfield assessment and redevelopment; and

WHEREAS, the program will produce economic, environmental and social benefits for Columbus and its residents; and

WHEREAS, the applicant has applied under the LEED certification component of this program, the purpose of which is to encourage sustainable buildings, and the application has been approved by the Director of the Department of Development; and

WHEREAS, this legislation authorizes the Director of Development to enter into a grant agreement with WSA Studio for the sustainable reconstruction of the first floor of 982 South Front St., subject to the project attaining LEED-CI certification and meeting the other terms and conditions of the agreement; and **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to enter into a grant agreement with WSA Studio for the reconstruction of the first floor of 982 South Front St., in order to foster sustainable building through LEED certification.

Section 2. That for the purpose as stated in Section 1, the expenditure of \$15,840 or so much thereof as may be necessary, is hereby authorized from the Department of Development, Division 44-01, Northland and Other Acquisitions Fund, Fund 735, Project No. 441749-100001, Object Level One 06, Object Level Three 6617, OCA Code 754151.

Section 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contacts or contract modifications associated with this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0951-2011

Drafting Date: 06/09/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

ExplanationBACKGROUND: This legislation authorizes the Finance and Management Director to issue a purchase order for turnout gear for the Division of Fire from the existing Universal Term Contract established by the Purchasing Office with Morning Pride Manufacturing, LLC. This purchase includes replacement sets of gear for current Fire Division

personnel and also for fire recruits who will start training in 2011. This legislation also authorizes the transfer of funds within the Division of Fire's General Fund Budget, from the Transfer line item to Material and Supplies.

Bid Information: A Universal Term Contract exists for these purchases; FL004632 expires 3/31/13.

Contract Compliance: 311608763 - exp. 6/10/13

Emergency Designation: Emergency action is requested as funds are needed immediately to purchase said fire gear for firefighters and for recruits who start training in 2011.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$200,000.00 from the Fire Division's 2011 General Fund operating budget for the purchase of turnout gear. The Division of Fire budgeted \$460,000.00 for turnout gear, boots, gloves, and helmets for existing sworn personnel and \$331,360.00 in uniforms/turnout gear for two recruit classes. Year to date \$479,594.00 has been encumbered and/or spent thus far in 2011 for turnout gear purchases. This ordinance also transfers \$231,360.00 from the recruit uniform/turnout gear set aside to supplement the remaining need of funding in Materials and Supplies. The Fire Division expended \$489,505.00 in 2010 and \$275,418.00 in 2009 for turnout gear and related items.

TitleTo authorize and direct the Finance and Management Director to issue a purchase order for the Division of Fire for turnout gear from an existing Universal Term Contract with Morning Pride Manufacturing, Inc., to authorize the City Auditor to transfer funds within the Division of Fire's General Fund Budget, to authorize the expenditure of \$200,000.00 from the General Fund; and to declare an emergency. (\$200,000.00)

BodyWHEREAS, there is a need to purchase turnout gear for the Division of Fire; and

WHEREAS, a Universal Term Contract established by the Purchasing Office exists for these purchases; and

WHEREAS, it is necessary to transfer funds within the Division of Fire's General Fund Budget, from Transfers to Material and Supplies, to properly align appropriation with projected expenditures; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety, Division of Fire, in that it is immediately necessary to purchase turnout gear for use by Firefighters for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to issue a purchase order for the purchase of turnout gear for the Division of Fire in accordance with the existing Universal Term Contract established with Morning Pride Manufacturing LLC by the Purchasing Office for such purpose.

SECTION 2. That the City Auditor is hereby authorized to transfer \$231,360.00 between Object Levels within the Division of Fire's General Fund (Fund 10) budget as follows:

FROM: Dept/Div 30-04|Fund 010|OCA Code 903005|Object Level One 10|Object Level Three 5501

To: Dept/Div 30-04|Fund 010|OCA Code 301531|Object Level One 02|Object Level Three 2222

SECTION 3. That the expenditure of \$200,000.00, or so much thereof as may be necessary, be and is hereby authorized from the General Fund 010, Division of Fire No. 30-04, Object Level One 02, Object Level Three Code 2222, OCA Code 301531.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0952-2011

Drafting Date: 06/09/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The purpose of this legislation is to modify and increase the contract with Metropolitan Towing and Storage (MTS) for the fourth year of the towing contract EL008209, effective June 1, 2011 through May 31, 2012. MTS tows most of the vehicles from city streets as requested by the Division of Police, including city vehicles as well.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$1,200,000.00 in the 2011 General Fund operating budget for towing services for the Division of Police. The Division of Police encumbered or spent approximately \$2,141,809.00 in the 2010 General Fund operating budget for towing services. Police spent over \$2 million for towing services in 2009.

CONTRACT COMPLIANCE: 31-1035297, expires 11/17/2011.

Emergency Designation: Emergency legislation is necessary so that towing services can continue without interruption.

Title

To authorize and direct the Director of Public Safety to modify and increase the towing contract with Metropolitan Towing and Storage, Inc. for the Division of Police; to authorize the expenditure of \$1,200,000.00 from the General Fund; and to declare an emergency. (\$1,200,000.00)

Body

WHEREAS, the Division of Police needs to modify and extend the towing contract with Metropolitan Towing and Storage, Inc. for the fourth year of the contract, effective June 1, 2011; and

WHEREAS, MTS tows vehicles from city streets as requested by the Division of Police, including city vehicles; and

WHEREAS, funds are budgeted in the Division's 2011 General Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to modify and extend the contract for towing of vehicles from the city streets, thereby preserving the public peace, property, health, safety and welfare: Now, Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Safety be and is hereby authorized and directed to modify and extend the contract with Metropolitan Towing and Storage, Inc. for the purpose of towing vehicles from the city streets for the Division of Police, effective June 1, 2011.

SECTION 2. That the expenditure of \$1,200,000.00, or so much thereof as may be needed, be and the same is hereby authorized as follows:

DIV 30-03 | FUND 010 | OBJECT LEV (1) 03 | OBJECT LEV (3) 3355 | OCA# 300368

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0955-2011

Drafting Date: 06/09/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND:

This ordinance authorizes the Director of the Department of Technology (DoT) to enter into a contract and establish a purchase order with Manpower Professional Services (formerly known as COMSYS, d/b/a Experis), for web professional services to enhance the city's internet sites. DoT requires these professional services to augment existing staff resources devoted to web projects and initiatives. Manpower Professional Services will provide qualified staff in the areas of web project management, web development, web business analysis, and web usability and graphic design.

To procure these services, an Invitation to Bid (SA003912) was published in April 2011. The solicitation received three (3) offers to provide web professional services. After reviewing the bids, the award was made to Manpower Professional Services, the lowest, responsive and responsible, and best bidder, offering the needed web professional services at the following fixed hourly rates: web development @ \$95.00, web project management @ \$100.00, web business analysis @ \$90.00, and web usability and graphics @ \$80.00; with a three (3) year term period through June 30, 2014, with the option to extend for an additional one (1) year term under the same terms and conditions.

Three (3) bid responses:

Bidder Name	Web Dev Est. hrs/1200 <u>Line 1</u>	Web Proj. Mnmt. Est. hrs/200 <u>Line 2</u>	Web Bus. Anal. Est. hrs/400 <u>Line 3</u>	Web usability & Graphics Est. hrs/200 <u>Line 4</u>	<u>Total Dollars</u>
AGILYSYS	\$185.00	\$175.00	\$185.00	\$185.00	\$368,000.00
FUSEIDEAS LLC	\$85.00	\$110.00	\$125.00	\$85.00	\$191,000.00
MANPOWER PROFESSIONAL SERVICES d/b/a EXPERIS	\$95.00	\$100.00	\$90.00	\$80.00	\$186,000.00

This ordinance also authorizes the appropriation and transfer of cash from other projects within the Information Services Bonds Fund, and will amend the 2011 Capital Improvement Budget (CIB), passed by Columbus City Council March 7, 2011 via ordinance 0266-2011, to accommodate for the additional expenditure authorized by this ordinance.

Experis IT has been providing IT solutions to private and public sector clients since 1972, as COMSYS. In April 2010, ManpowerGroup announced the successful completion of its acquisition of COMSYS, to augment the substantial existing professional staffing and solutions capabilities of Manpower Professional Services. This combined organization recently rebranded as Experis.

FISCAL IMPACT: Funds have been identified for this purchase in the amount of \$100,000.00 and are available in the Department of Technology, Information Services Capital Improvement Bonds Fund.

Funding needed for this ordinance and the E-Gov. project-Ektron (470050-100000) will come from the existing \$50,000.00 within the project and the remaining \$50,000.00 being transferred from the CTV Media Services Project (470054-100006) \$29,547.23, the Whittier Peninsula Project (510041-100000) \$750.09 and from the ESP Security Project (470047-100002) \$19,702.67.

EMERGENCY: Emergency action is requested to expedite authorization of this contract in order to initiate services from the vendor in support of web site enhancement projects scheduled to begin in the third quarter of 2011.

CONTRACT COMPLIANCE: Manpower Professional Services dba/Experis: 39-1929719, Expiration: 6/13/13

To authorize the Director of the Department of Technology to enter into a contract and establish a purchase order with Manpower Professional Services (formerly known as COMSYS, dba Experis), for web professional services to augment existing staff resources to enhance the city's internet sites; to authorize the transfer of appropriations and cash between projects in the Information Services Bonds Fund; to amend the 2011 Capital Improvement Budget; to authorize the expenditure of \$100,000.00 from the Department of Technology Information Services Capital Improvement Bonds Fund; and to declare an emergency. (\$100,000.00)

Body

WHEREAS, the Department of Technology has a need to continue the ongoing E-Gov.- Ektron project (470050-100000) to augment existing staff resources devoted to web projects and initiatives, and

WHEREAS, the Department of Technology received three (3) bid responses for solicitation SA003912, to acquire web professional services to enhance the city's internet sites, and the lowest, responsive, responsible and best bidder is Manpower Professional Services (formerly known as COMSYS, dba Experis), and

WHEREAS, the needed web professional services were offered at the following fixed hourly rates: web development @ \$95.00/hr.; web project management @ \$100.00/hr.; web business analysis @ \$90.00/hr.; and web usability and graphics @ \$80.00/hr., and

WHEREAS, the web professional services shall be provided for a three (3) year term period through June 30, 2014, with the option to extend for an additional one (1) year term under the same terms and conditions, and

WHEREAS, this ordinance authorizes the appropriation and transfer of cash from other projects within the Department of Technology Information Services Bonds Fund and will amend the 2011 Capital Improvement Budget (CIB), passed by Columbus City Council March 7, 2011, ordinance 0266-2011, to accommodate for the additional expenditure authorized by this ordinance, and

WHEREAS, an emergency exist in the daily operation of the city in that it is immediately necessary for the Director of the Department of Technology to enter into a contract and establish a purchase order with Manpower Professional Services (formerly known as COMSYS, dba Experis), to enhance the city's internet sites, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1: That the Director of the Department of Technology is hereby authorized to enter into a contract and establish a purchase order with Manpower Professional Services (formerly known as COMSYS, dba Experis) in the amount of \$100,000.00; to acquire web professional services to enhance the city's internet sites for a three (3) year term through June 30, 2014, with the option to extend for an additional one (1) year term under the same terms and conditions. The funds associated with this ordinance are available within the Department of Technology Information Services Capital Improvement Fund.

SECTION 2: That the 2011 Capital Improvement Budget is hereby amended as follows to account for appropriations and transfer of funds between projects:

Department of Technology, Information Services Dept./Div. 47-02

Information Services Bonds/Build America Bonds (B.A.B.s) Fund #514 (carryover):

<u>Project Name/Number/Sub-fund</u>	<u>Current CIB Amount</u>	<u>Revised</u>	<u>Amount Change</u>
<u>CTV/Media Services- Equipment:</u>			
470054-100006 02	\$130,000	\$101,453	(\$29,547)
<u>Whittier Peninsula</u>			
510041-100000 02	\$751	\$0	(\$751)

Enterprise System Security Program

470047-100002	03	\$19,703	\$0		(\$19,703)
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E-GOV-Initiative

470050-100000	02	\$50,000	\$80,297		+\$30,297
470050-100000	03	\$0	\$19,703		+\$19,703

SECTION 3: That the City Auditor is hereby authorized and directed to transfer funds and appropriations within the Information Services Bonds Fund (**carryover**) as follows:

Transfer from:

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 002| **OCA Code:** 475406| **Project Number:** 470054-100006| **Project Name:** CTV Media Services-Equipment| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$29,547.23 Information Services Bonds Fund

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 002| **OCA Code:** 514052| **Project Number:** 510041-100000| **Project Name:** Whittier Peninsula| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$750.09 Information Services Bonds Fund

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 003| **OCA Code:** 514247| **Project Number:** 470047-100002| **Project Name:** Enterprise System Security Program| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$19,702.68 Information Services Bonds Fund (B.A.B.)

Transfer To:

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 002| **OCA Code:** 470050| **Project Number:** 470050-100000| **Project Name:** E-Gov.| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$30,297.32 Information Services Bonds Fund

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 003| **OCA Code:** 514050| **Project Number:** 470050-100000| **Project Name:** E-Gov.| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$19,702.68 Information Services Bonds Fund (B.A.B.)

SECTION 4: That the expenditure of \$100,000.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 002| **OCA Code:** 470050| **Project Number:** 470050-100000| **Project Name:** E-Gov. Initiative| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$80,297.32 Information Services Bonds Fund

Dept./Div.:47-02| **Fund:** 514| **Sub-fund:** 003| **OCA Code:** 514050| **Project Number:** 470050-100000| **Project Name:** E-Gov. Initiative| **Obj. Level 1:** 06| **Obj. Level 3:** 6655| **Amount:** \$19,702.68 Information Services Bonds Fund (B.A.B.)

SECTION 5: That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 6: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure, and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0959-2011

Drafting Date: 06/10/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kokosing Construction Company, Inc., in the amount of \$23,485,000.00, for the Columbus Upground Reservoirs, Raw Water Pump Station Project, Division of Power and Water Contract Number 1032-Part II.

Part I of this project is for the construction of an upground reservoir in northwest Delaware County. The overall project is a result of the Water Beyond 2000 Feasibility Study. It is estimated that with continued growth the demand for water is expected to reach 185 millions gallons per day (MGD). The reservoir is needed to meet the long range water supply needs of the communities in served by the Columbus Division of Power and Water and Del-Co Water Company and to ensure the continued growth of teh central Ohio region. This partnership allows both service areas to benefit from the reservoir while sharing construction costs. This is the first of three upground reservoirs planned and will have a capacity of 9 billion gallons of water. This

Part II consists of constructing a pump station that will pump water from the Scioto River to the newly constructed reservoir, as well as two future planned upground reservoirs in northwest Delaware County. The following includes a full description of the work to be performed for this part of the contract:

1. Construction of a raw water pumping station including an inflatable weir in the Scioto River, a river intake structure, intake piping and channel, screening equipment, pumping equipment, piping and appurtenances, and all associated sitework and utilities at the pump station site.
2. Electrical work at pump station site, including:
 - a. Extension of underground 12,470-volt primary electrical power from Electrical Utility Company's metering point to medium voltage fuse switches and primary transformers for the pump station site.
 - b. 4,160-volt secondary from transformers to main switchgear; and on to assorted electrical equipment including soft start starters and power factor correcting capacitors and electrical distribution equipment.
3. Furnish and install complete telemetry system including:
 - a. Antenna, radio, cable, conduit and associated appurtenances.
 - b. PLC Type Remote Telemetry Units (RTUs) at multiple locations
 - c. Signal Repeater Stations at multiple locations
 - d. Furnish and install ultrasonic open channel flow transmitters, ultrasonic level transmitters, water quality sonde, nitrate analyzer and vertical profiler.
4. Removal of the existing lowhead dam on the Scioto River, located at the Marion and Delaware County line and south of the Village of Prospect, and all associated sitework. Removal of debris within the 1.5 mile segment of the Scioto River from the existing lowhead dam upstream to the northern corporation limit of the Village of Prospect.
5. Construction of a public canoe access to the Scioto River near the confluence of Ottawa Creek, including access drive, parking area, and all associated sitework.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened nine bids on June 1, 2011. Bids were received from (alternates not included): Kokosing Construction Company, Inc. - \$23,485,000; Mosser Construction, Inc. - \$25,504,600; Shook (Heavy & Environmental) - \$25,528,800; Dugan & Meyers Construction - \$26,164,490; Kenmore Construction Co. - \$27,368,000; Walsh Construction Co. - \$27,592,120.60; Reynolds, Inc. - \$28,082,116.70; Beaver Excavating Co. - \$28,585,700 and Ric-Man Construction, Inc. - \$29,551,500.

The lowest and best bid was from Kokosing Construction Company, Inc. in the amount of \$23,485,000.00 Their Contract Compliance Number is 31-1023518 (expires 3/3/12, Majority). Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Kokosing Construction Company, Inc.

3. EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner in order for the contractor to take advantage of the prime construction season.

4. FISCAL IMPACT: A transfer of funds within the Water Build America Bonds Fund will be necessary, as well as an amendment to the 2011 Capital Improvements Budget.

Title

To authorize the Director of Public Utilities to execute a construction contract with Kokosing Construction Company, Inc. for the Columbus Upground Reservoirs, Raw Water Pump Station Project; for the Division of Power and Water; to authorize a transfer and expenditure of \$23,485,000.00 within the Water Build America Bonds Fund; to amend the 2011 Capital Improvements Budget; and to declare an emergency. (\$23,485,000.00)

Body

WHEREAS, nine bids for the Columbus Upground Reservoirs, Raw Water Pump Station Project were received and publicly opened in the offices of the Director of Public Utilities on June 1, 2011; and

WHEREAS, the lowest and best bid was from Kokosing Construction Company, Inc. in the amount of \$23,485,000.00; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Columbus Upground Reservoirs, Raw Water Pump Station Project; and

WHEREAS, it is necessary for this Council to authorize the transfer and expenditure of funds within the Water Build America Bonds Fund, for the Division of Power and Water; and

WHEREAS, it is necessary to authorize an amendment to the 2011 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with Kokosing Construction Company, Inc., for the Columbus Upground Reservoirs, Raw Water Pump Station Project, in an emergency manner in order for the contractor to take advantage of the prime construction season; for the immediate preservation of the public health, peace, property and safety; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and hereby is authorized to award and execute a construction contract for the Columbus Upground Reservoirs, Raw Water Pump Station Project with the lowest and best bidder, Kokosing Construction Company, Inc., 6235 Westerville Rd., Ste. 200, Westerville, Ohio 43081; in the amount of \$23,485,000.00; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water.

SECTION 2. That the City Auditor is hereby authorized to transfer \$23,485,000.00 within the Department of Public Utilities, Division of Power and Water, Water Build America Bonds Fund, Fund No. 609, Dept/Div. No. 60-09, Object Level Three 6621, as follows:

Fund No. | Project No. | Project Name | OCA Code | Change

609 | 690370-100000 (carryover) | Upground Reservoir | 609370 | -\$23,485,000
609 | 690370-100001 (carryover) | Upground Reservoir Pump Station | 693701 | +\$23,485,000

SECTION 3. That the 2011 Capital Improvements Budget is hereby amended as follows:

Fund No. | Proj. No. | Proj. Name | Current Authority | Revised Authority | Change

609 | 690370-100000 (carryover) | Upground Reservoir | \$114,801,288 | \$91,316,288 | -\$23,485,000
609 | 690370-100001 (carryover) | Upground Reservoir Pump Station | \$447,000 | \$23,932,000 | +\$23,485,000

SECTION 4. That the expenditure of \$23,485,000.00 is hereby authorized for the Columbus Upground Reservoirs, Raw

Water Pump Station Project within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690370-100001 (carryover), Object Level Three 6621, OCA Code 693701.

SECTION 5. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

SECTION 6. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 8. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 9. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0960-2011

Drafting Date: 06/10/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND:

This ordinance appropriates \$125,000.00 and authorizes the Administrating and Presiding Judge of the Franklin County Municipal Court to enter into contract with Fairfield Information Services for monitoring services associated with the use of secure continuous remote alcohol monitor (SCRAM) devices. The SCRAM unit is a non-invasive, tamper-resistant, transdermal monitoring device that measures blood alcohol concentration automatically, 24 hours a day, regardless of the individual's location. Alcohol Monitoring Systems holds many patents on the continuous alcohol monitoring device and Fairfield Information Services is the only local vendor authorized to providing monitoring services.

The Franklin County Municipal Court Judges purchased 40 SCRAM devices with monies from its indigent driver alcohol treatment fund for the purpose of monitoring offenders with alcohol dependency issues that are sentenced to use a SCRAM unit as a condition of probation. The continued use of the SCRAM devices necessitates monitoring services, which is provided by Fairfield Information Services. As a consequence, the Court asks that the competitive bidding provisions of the Columbus City Code be waived so that the Court can enter into contract with Fairfield Information Services for alcohol monitoring services.

Fairfield Information Services DBA American Court Services contract compliance number is 31-1751856 and expires on 9/30/12.

FISCAL IMPACT: Funds are available within the 2011 indigent driver alcohol treatment fund and the electronic alcohol monitoring fund for this purpose.

Emergency legislation is requested to authorize the court to enter into contract and the expenditure to permit monitoring services.

Title

To appropriate \$125,000.00 and authorize and direct the Administrating and Presiding Judge of the Franklin County Municipal Court to enter into contract with Fairfield Information Services for monitoring services associated with the

alcohol monitoring devices to authorize the expenditure of up to \$125,000.00 for monitoring services; to waive the competitive bidding provisions of the Columbus City Code; and to declare an emergency. (\$125,000.00)

Body

WHEREAS, ordinance # 1568-2007 was passed by Columbus City Council on November 5, 2007 authorizing the contract and expenditure for acquisition of continuous alcohol monitoring devices and related monitoring services for the Franklin County Municipal Court, Department of Probation Services; and

WHEREAS, the Franklin County Municipal Court is in need of additional monitoring services from Fairfield Information Services.; and

WHEREAS, this ordinance is requested as an emergency to permit the timely procurement of needed services; and

WHEREAS, an emergency exists in the usual daily operation of the city, in that it is immediately necessary to waive competitive bidding, authorize contract and expenditure for continuous alcohol monitoring services with Fairfield Information Services thereby preserving the public health, peace, property, safety and welfare; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in special revenue fund known as the indigent driver alcohol treatment fund, fund number 225, subfund number 001, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 the sum of \$125,000.00 is appropriated to the Franklin County Municipal Court Judges, department 25 as follows: oca 250266 (indigent driver alcohol treatment fund), object level 1 - 03, object level 3 - 3336, \$75,000 and 250213 (non-OVI offender), object level 1 - 03, object level 3 - 3336, \$50,000.

SECTION 2. That the Administrating and Presiding Judge of the Franklin County Municipal Court be and is hereby authorized to enter into contract with Fairfield Information Services for monitoring services associated with the Court's continuous alcohol monitoring equipment through the period ending June 30, 2012

SECTION 3. That the expenditure of \$125,000 or as much thereof as may be necessary is hereby authorized from the Franklin County Municipal Court Judges, department number 2501, indigent driver alcohol treatment fund, fund number 225, subfund 001 as follows: \$75,000 from oca 250266, object level 1 - 03, object level 3 - 3431; \$50,000 from oca 250213, object level 1 - 03, object level 3 - 3431.

SECTION 4. That for the reasons stated, the Columbus City Council finds it is in the best interest of the Franklin County Municipal Court Judges to waive all provisions of the Columbus City Codes related to competitive bidding.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0961-2011

Drafting Date: 06/10/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND

This ordinance authorizes the Franklin County Municipal Court Administrative and Presiding Judge to enter into contract with Richland County Community Alternative Center (RCCAC), a government agency, and authorizes the expenditure of up to \$200,000 from the Municipal Court indigent driver alcohol treatment fund for in-patient chemical dependency treatment for indigent OVI and NON-OVI offenders.

RCCAC is a government program and is licensed by the Ohio Department of Alcohol and Drug Addiction Services (ODADAS), and possesses the necessary level of expertise to provide the treatment services and the Court has a need for an ODADAS certified treatment program. RCCAC has no post control felons at their location which increase the safety of the Municipal Court probationers. The facility is a renovated hospital and the sheriff's office therefore providing better security. This program can accommodate women probationers and they will transport all probationers to and from the program and the court.

Richland County CAC contract compliance is 34-6002296

FISCAL IMPACT: The 2011 budget for the indigent driver alcohol treatment fund appropriated funds for the purpose of in-patient chemical dependency treatment for OVI and NON-OVI offenders.

This legislation is considered an emergency measure to ensure the proper and timely treatment of probationers.

Title

To authorize and direct the Administrative and Presiding Judge of the Franklin County Municipal Court to enter into contract with Richland County Community Alternative Center; to authorize the expenditure of up to \$200,000 with RCCAC for in-patient chemical dependency treatment for OVI and NON-OVI offenders; and to declare an emergency. (\$200,000.00)

Body

WHEREAS, the Court has determined that it is in its best interest to enter into contract with RCCAC; and

WHEREAS, \$200,000 is needed to provide for services during the period through June 30, 2012; and

WHEREAS, this ordinance is requested as an emergency to permit the timely procurement of needed services; and

WHEREAS, an emergency exists in the usual daily operation of the city, in that it is immediately necessary to enter into contract and authorize the expenditure for in-patient chemical dependency treatment with RCCAC thereby preserving the public health, peace, property, safety and welfare; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Administrative and Presiding Judge of the Franklin County Municipal Court be and is hereby authorized to enter into contract with Richland County Community Alternative Center. for long-term, in-patient residential chemical dependency treatment for the period ending June 30, 2012.

SECTION 2. That to pay the cost of the aforesaid contract, the expenditure of \$200,000 or as much thereof as may be necessary, is hereby authorized from the Franklin County Municipal Court, department number 2501, indigent driver alcohol treatment fund, fund number 225, sub fund 001, \$140,000 from oca 250266, object level 1 - 03, object level 3 - 3336; \$60,000 from oca 250213, object level 1 -03, object level 3 - 3336.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is

declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0963-2011

Drafting Date: 06/10/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Department of Public Safety, Division of Police needs to establish a contract for the purchase of replacement tasers, taser cartridges, taser holsters and taser warranties. The Division of Police asserts that only the taser manufactured by Taser International Inc., is acceptable due to street use, training, certification, and re-certification required for all police officers. The Division of Police negotiated with Vance's Outdoors Inc. for this contract under the provision of sole source procurement. There is only one supplier in the Ohio area authorized to sell tasers, cartridges, warranty and accessories. Taser International Inc. has stated the only authorized dealer is Vance's Outdoors Inc.

The Division of Police is requesting that the Director of Finance and Management enter into contract for the purchase of replacement tasers, taser cartridges, taser holsters, and taser warranties in the amount of \$108,145.70 from Vance's Outdoors Inc. based upon the provisions of sole source procurement.

This company is not debarred according to the Federal excluded parties listing or prohibited from being awarded a contract according to the Auditor of State unresolved findings for recovery certified search.

Emergency Designation: Emergency legislation is requested to replenish current taser training cartridges as soon as possible.

Contract Compliance Number: 54-2072038, expires 01/06/2012

FISCAL IMPACT: This ordinance authorizes an expenditure of \$108,145.70 from the Law Enforcement Drug Seizure fund for the purchase of replacement tasers, taser supplies, and warranties from Vance Outdoors Inc. The Division of Police spent \$98,528.85 for taser supplies in 2010 and \$114,745.00 in 2009. Since funding is from the Drug Seizure Fund for this expenditure, there is no financial impact on the General Fund.

Title

To authorize the Director of Finance and Management to enter into a contract for the purchase of replacement tasers, taser cartridges, taser holsters, and taser warranties with Vance's Outdoors Inc. for the Division of Police in accordance with the provisions of sole source procurement, to authorize the expenditure of \$108,145.70 from the Law Enforcement Drug Seizure Fund; and to declare an emergency. (\$108,145.70)

Body

WHEREAS, the Division of Police negotiated a bid price in accordance with sole source provisions of the Columbus City Codes; and

WHEREAS, Vance's Outdoors Inc. is the only authorized dealer in Ohio for Taser International Inc.; and

WHEREAS, it is necessary to enter into this contract in accordance to Section 329.07e (Sole Source) of the Columbus City Codes; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to enter into contract for the purchase of replacement tasers, taser cartridges, taser

holsters, and taser warranties to maintain the supply, thereby preserving the public peace, property, health, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to enter into a contract for the option to purchase replacement tasers, taser cartridges, taser holsters, and taser warranties in accordance with the negotiated pricing of all items specified in the amount of \$108,145.70.

SECTION 2. That the expenditure of \$108,145.70, or so much thereof as may be needed, be and the same is hereby authorized as follows:

DIV 30-03 | FUND 219 | OBJ LEVEL (1) 02 | OBJECT LEVEL (3) 2215 | OCA # 300988 | SUBFUND 016

SECTION 3. That Council finds it is in the best interest of the City of Columbus to procure these items in accordance with Section 329.07e (Sole Source) of the Columbus City Codes.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part thereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0965-2011

Drafting Date: 06/13/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Utilicon Corporation, in the amount of \$2,431,549.65; for the Sullivant Avenue Water Line Cleaning and Lining Project, Division of Power and Water Contract Number 942.

This contract provides for general rehabilitation of approximately 20,000 linear feet of 20-inch water main in Sullivant Avenue, Ryan Street, and Mound Street. The water will be mechanically cleaned and a cement mortar lining will be applied to the interior of the pipe. The purpose of the project is to improve flow and water quality conditions as well as to extend the useful life of the main.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened three bids on June 8, 2011. Bids were received from: Utilicon Corporation - \$2,431,549.65; J. Fletcher Creamer & Son, Inc. and Spiniello Companies, a Joint Venture - \$3,119,791.88; and Terrace Construction Co., Inc. - \$3,256,481.45.

The lowest bid was from Utilicon Corporation in the amount of \$2,431,549.65. Their Contract Compliance Number is 34-1263338 (expires 9/15/11, Majority). Additional information regarding each bidder, description of work, contract time frame and detailed amounts can be found on the attached Information form.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Utilicon Corporation.

3. EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner in order to construct the water line improvements before the Department of Public Service repaves Mound Street, which is scheduled for 2012. The section of water main to be cleaned and lined on Mound Street can only be completed in the spring and fall months due to high customer demand during the summer months and during more idea temperatur

Title

To authorize the Director of Public Utilities to execute a construction contract with Utilicon Corporation for the Sullivant Avenue Water Line Cleaning and Lining Project; to authorize a transfer and expenditure of \$2,431,549.65 within the Water Build America Bonds Fund; to amend the 2011 Capital Improvements Budget; and to declare an emergency.

(\$2,431,549.65)

Body

WHEREAS, three bids for the Sullivant Avenue Water Line Cleaning and Lining Project were received and publicly opened in the offices of the Director of Public Utilities on June 8, 2011; and

WHEREAS, the lowest and best bid was from Utilicon Corporation in the amount of \$2,431,549.65; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract with Utilicon Corporation for the Sullivant Avenue Water Line Cleaning and Lining Project; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Water Build America Bonds Fund; and

WHEREAS, it is necessary to authorize an amendment to the 2011 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with Utilicon Corporation for the Sullivant Avenue Water Line Cleaning and Lining Project, in an emergency manner in order to construct the water line improvements before the Department of Public Services paves the area roadways; for the immediate preservation of the public health, peace, property and safety; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and hereby is authorized to award and execute a construction contract for the Sullivant Avenue Water Line Cleaning and Lining Project with the lowest and best bidder, Utilicon Corporation, 888 E. 70th St., Cleveland, Oh 44103; in the amount of \$2,431,549.65; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water.

SECTION 2. That the City Auditor is hereby authorized and directed to appropriate the following funds:

Division: Power and Water
Fund Name: Water Build America Bonds Fund
Fund No.: 609
Dept./Div. No.: 60-09
OL3: 6629

<u>Project No.</u>	<u>Project Name</u>	<u>OCA</u>	<u>Amount</u>
609999-100000 (carryover)	Unallocated Balance	609999	\$120,060.35

SECTION 3. That the City Auditor is hereby authorized to transfer \$2,431,549.65 within the Division of Power and Water, Dept/Div. No. 60-09, Water Build America Bonds Fund, Fund No. 609, Object Level One 06, Object Level Three 6629, as follows:

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>OCA Code</u>	<u>change</u>
609	609999-100000 (carryover)	Unallocated Balance	609999	-\$120,060.35
609	690359-100002 (carryover)	S. Wellfield Pump House	693592	-\$709,246.24
609	690370-100000 (carryover)	Upground Reservoir	609370	-\$1,602,243.06
609	690365-100000 (carryover)	Sullivant Ave. W.L.	693650	+\$2,431,549.65

SECTION 4. That the 2011 Capital Improvements Budget is hereby amended as follows:

Fund No. | Project No. | Project Name | Current Authority | Revised Authority | change

609 | 609999-100000 (carryover) | Unallocated Balance | \$0 | \$120,061 | +\$120,061 (establish authority to match cash)
609 | 609999-100000 (carryover) | Unallocated Balance | \$120,061 | \$0 | -\$120,061
609 | 690359-100002 (carryover) | S. Wellfield Pump House | \$709,246 | \$709,247 | +\$1 (increase authority to match cash)
609 | 690359-100002 (carryover) | S. Wellfield Pump House | \$709,247 | \$0 | -\$709,247
609 | 690370-100000 (carryover) | Upground Reservoir | \$91,316,288 | \$89,714,044 | -\$1,602,244
609 | 690365-100000 (carryover) | Sullivant Ave. W.L. | \$350,000 | \$2,781,552 | +\$2,431,552

SECTION 5. That the expenditure of \$2,431,549.65 is hereby authorized for the Sullivant Avenue Water Line Cleaning and Lining Project within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690365-100000 (carryover), Object Level Three 6629, OCA Code 693650.

SECTION 6. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

SECTION 7. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 8. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 9. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 10. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0970-2011

Drafting Date: 06/13/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Council Variance Application: CV11-009

APPLICANT: Azeb Hussein; 1071 Ross Road; Columbus, Ohio 43227.

PROPOSED USE: Drive-thru and carry-out.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of two separate parcels zoned in the C-4, Commercial District, one of which is developed with a former transmission shop now being used as a carry-out, and the other used as a parking lot. The applicant requests a Council variance to allow a drive-thru business. The C-4, Commercial District allows accessory pick-up units, but does not permit a stand-alone drive-thru business which is a C-5, Commercial District use. Automotive uses are prevalent along this portion of East Main Street, but rezoning to the C-5 District would not alleviate the need for other variances because of the site's existing conditions. The site is also located within the Community Commercial Overlay (CCO). Variances for drive-in stacking, minimum number of parking spaces and CCO design standards are included in the request. The site is located within the planning area of the *Eastmoor: Main and Broad Corridor Revitalization Plan* (2007), which recommends development in accordance with the Community Commercial Overlay. The Planning Division does not support the variances to the CCO that are required for the building

alterations. However, since the building had previously been used for automotive uses and already has a rear bay door, Zoning Staff is supportive of the requested variances to permit adaptive reuse of the building as a drive-thru. Approval of this request will not add a new or incompatible use to the neighborhood.

Title

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.11, Drive-in stacking area; 3312.49, Minimum numbers of parking spaces required; and 3372.705(F) and (G) Building design standards, of the Columbus City codes, for the property located at **3163 EAST MAIN STREET (43213)**, to permit a drive-thru/carry-out business with reduced development standards in the C-4, Commercial District (CV11-009).

Body

WHEREAS, by application No. CV11-009, the owner of property at **3163 EAST MAIN STREET (43213)**, is requesting a Council Variance to permit a drive-thru/carry-out business with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4, Permitted uses, allows accessory pick-up units, but does not permit stand-alone drive-thru/carry-outs, while the applicant proposes to convert a former automotive repair facility into a drive-in/carry-out.; and

WHEREAS, Section 3312.11, Drive-in stacking area, requires eight (8) stacking spaces for the drive-in/carry-out with a minimum ten (10) foot wide by-pass lane, while the applicant proposes zero (0) stacking spaces and no by-pass lane while using the adjacent parking lot for circulation for the drive-thru instead; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires one (1) parking space per 250 square feet of retail space, a total of thirteen (13) spaces, while the applicant proposes zero (0) on-site parking spaces on the same parcel as the drive-in business, but has a minimum of four parking spaces available on the parcel immediately to the west (010-088752) which is part of the subject site; and

WHEREAS, Section 3372.705(F) (G) Building design standards, requires that for each primary building frontage, at least forty (40) percent of the area between the height of two (2) feet and ten (10) feet above grade shall be clear window glass that permits a full unobstructed view of the interior to a minimum depth of four (4) feet, and that pick-up units be located at the side or behind the primary building, while the applicant proposes a bay door that is not comprised of window glass along approximately half of the primary frontage, with vehicles exiting the front of the building for the drive-thru business; and

WHEREAS, City Departments recommend approval for the requested drive-thru business because the building had previously been used for automotive uses and already has a rear bay door. The C-4, Commercial District allows accessory pick-up units, but does not permit a stand-alone drive-thru business which is a C-5, Commercial District use. Automotive uses are prevalent along this portion of East Main Street, but rezoning to the C-5 District would not alleviate the need for other variances because of the site's existing conditions. Approval of this request will not add a new or incompatible use to the neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **3163 EAST MAIN STREET (43213)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3356.03, C-4 Permitted uses, 3312.11, Drive-in stacking area; 3312.49, Minimum numbers of parking spaces required; and 3372.705(F) and (G) Building design standards, of the Columbus City Codes, for the property located at **3163 EAST MAIN STREET (43213)**, insofar as said sections prohibit a drive-thru/carry-out business in the C-4, Commercial District, with no stacking spaces where eight (8) are required, no by-pass lane, no on-site parking spaces where thirteen (13) spaces are required, but with a minimum of four (4) spaces provided on the adjacent in the parking lot to the west, a solid bay door where window glass is required, and a pick-up unit that traverses through the front of the primary building, said property being more particularly described as follows;

3163 EAST MAIN STREET (43213), being 0.22± acres located on the south side of East Main Street, 40± feet west of Ashburton Road, being more particularly described as follows:

Situated in the City of Columbus, in the County of Franklin, and in the State of Ohio:

Being Lot Numbers One (1) and Two (2) of Caldwell Main Street Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, page 1B, Recorder's Office, Franklin County, Ohio

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a drive-thru/carry-out, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the applicant removing the parking spaces that are located in front of the building located at 3163 East Main Street along the East Main Street frontage as requested by the Department of Public Service, Planning and Operations Division.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0982-2011

Drafting Date: 06/14/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: This ordinance authorizes the purchase of 40-caliber ammunition for the Division of Police for in-service training, qualification of police officers, and practice. Approximately 270,000 rounds of ammunition are needed for practice and training. Approximately 130,000 rounds of .40 caliber ammunition have already been ordered from UT 041386. There is a significant lead time for ammunition orders. Therefore, orders need to be placed now to ensure that Police will have ammunition for practice and training.

Bid Information: The Purchasing Office has set up universal term contract FL004769 with Kiesler Police Supply for this type of ammunition.

Kiesler Police Supply is not debarred according to the excluded party listing system of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

Contract Compliance No.: 35-1361847-Kiesler Police Supply, Inc., expires 12/14/2012.

Emergency Designation: Emergency legislation is requested so as to receive ammunition in a timely manner.

FISCAL IMPACT: This legislation authorizes a total expenditure of \$51,570.00 from the General Fund for the purchase of ammunition for the Division of Police from a universal term contract. The Police Division budgeted \$252,107.00 in the 2011 General Fund budget for the purchase of ammunition, of which \$164,679 has already been spent or encumbered. Approximately \$288,729.00 was spent in 2010 for ammunition.

Title

To authorize and direct the Finance and Management Director to issue a purchase order to Kiesler Police Supply, Inc. from an existing universal term contract for the purchase of training ammunition for the Division of Police, to authorize the expenditure of \$51,570.00 from the General Fund; and to declare an emergency. (\$51,570.00)

Body

WHEREAS, the Purchasing Office has set up universal term contract FL004769 with Kiesler Police Supply, Inc. for the purchase of ammunition; and

WHEREAS, the Division of Police needs to purchase ammunition for the in-service training and for the qualification of officers; and

WHEREAS, the lead time for delivery of this type of ammunition is four months from the date of order, so there is an immediate need to ensure ammunition for training will be at acceptable levels; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to purchase training ammunition in accordance with the terms and conditions of the current universal term contract for the preservation of public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to issue a purchase order for the purchase of ammunition to Kiesler Police Supply, Inc. for the Division of Police on the basis of UTC FL004769.

SECTION 2. That the expenditure of \$51,570.00, or so much thereof as may be needed, be and same is hereby authorized as follows:

[DIV 30-03 | FUND 010 | OBJ LEVEL (1) 02 | OBJ LEVEL (3) 2235 | OCA 301572]

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0986-2011

Drafting Date: 06/15/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation1. BACKGROUND

M/I Homes of Central Ohio, LLC, an Ohio limited liability company, by Lloyd T. Simpson, Senior Vice President of Operations, has submitted the plat titled "Upper Albany West Section 6" to the City Engineer's Office for review and approval. This plat has been reviewed and approved by the City Engineer. The following legislation allows the City to accept said plat for property located north of Central College Road and east of Lee Road.

2. FISCAL IMPACT

None

3. EMERGENCY DESIGNATION

Emergency action is requested to allow development of this subdivision to proceed as currently scheduled.

TitleTo accept the plat titled "Upper Albany West Section 6", from M/I Homes of Central Ohio, LLC, an Ohio limited liability company, by Lloyd T. Simpson, Senior Vice President of Operations; and to declare an emergency.

Body**WHEREAS**, the plat titled "Upper Albany West Section 6" (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, M/I Homes of Central Ohio, LLC, an Ohio limited liability company, by Lloyd T. Simpson, Senior Vice President of Operations, owner of the platted land, desires to dedicate to the public use all or such parts of the Avenue, Drives, Streets and easements shown on said plat and not heretofore so dedicated; and

WHEREAS, after examination, it has been found to be in the best interest of the City to accept said plat; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that it is immediately necessary to authorize the acceptance of this plat so development of this subdivision can proceed as currently scheduled thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the plat titled "Upper Albany West Section 6" on file in the office of the City Engineer, Division of Planning and Operations, be and the same is hereby accepted.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0988-2011

Drafting Date: 06/15/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: The Department of Development is proposing to enter into a Jobs Growth Incentive Agreement with Progressive Casualty Insurance Company, equal to twenty-five percent (25%) of the amount of new income tax withheld on employees for a term of 5 years, in consideration of Progressive Casualty Insurance Company's proposed investment of \$4.7 million and the relocation of 75 full-time permanent positions which will be new to Columbus.

Progressive Casualty Insurance Company began in 1937 with the first drive-in claims office and became the first to introduce reduced rates for low-risk drivers. After several years Progressive Casualty Insurance Company then changed the insurance shopping experience by offering comparison rates on the Web. Progressive Casualty Insurance Company, is now one of the nation's largest auto insurance groups, and is the largest writer of private passenger auto insurance through independent agents in the country.

Progressive Casualty Insurance Company is requesting a Jobs Growth Incentive.

Fiscal Impact: No funding is required for this legislation.

Title

To authorize the Director of Development to enter into a Jobs Growth Incentive Agreement with Progressive Casualty Insurance Company to pay annually an amount equal to twenty-five percent (25%) of the personal income tax withheld on new employees for a term of 5 years, in consideration of a proposed investment of \$4.7 million and the creation of 75 permanent full-time jobs which will be new to Columbus.

Body

WHEREAS, the City desires to increase employment opportunities and encourage the creation of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

WHEREAS, the Department of Development has received a completed Jobs Growth Incentive application from Progressive Casualty Insurance Company; and

WHEREAS, the Progressive Casualty Insurance Company is proposing to invest \$4.7 million to accommodate the construction at the project site; and

WHEREAS, the Progressive Casualty Insurance Company will retain 75 jobs which will be new to Columbus, with an approximate annual payroll of \$4.7 million; and

WHEREAS, the City of Columbus desires to facilitate Progressive Casualty Insurance Company's future growth at the project site by the creation of new jobs; and

WHEREAS, the Progressive Casualty Insurance Company has indicated that a Jobs Growth Incentive is crucial to its decision to go forward with the project in Columbus; and **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to enter into a Jobs Growth Incentive Agreement with Progressive Casualty Insurance Company to pay annually an amount equal to twenty-five percent (25%) of the personal income tax withheld on new employees for a term of 5 years, in consideration of Progressive Casualty Insurance Company's proposed investment of \$4.7 million and the retention of 75 full-time permanent positions which will be new to the City of Columbus.

Section 2. Each year of the term of the agreement with Progressive Casualty Insurance Company, the obligation to pay the incentive is expressly contingent upon the passage of an ordinance appropriating and authorizing the expenditure of monies sufficient to make such payment and the certification of the City Auditor pursuant to Section 159 of the Columbus City Charter.

Section 3. That the City of Columbus Jobs Growth Incentive Agreement is signed by Progressive Casualty Insurance Company, within 90 days of passage of this ordinance, or this ordinance and the credit herein shall be null and void.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0989-2011

Drafting Date: 06/15/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: The Department of Finance and Management Real Estate Management Office (REMO) solicited Request for Proposals (RFP) in April 2009, RFP No. SA00324, to provide insurance brokerage and risk management services for the City's property (casualty), boiler and machinery, and aviation insurance programs. The City selected Arthur J. Gallagher Risk Management Services, Inc. to administer the City's insurance programs for a five (5) year period, consisting of an initial one-year term and four automatic consecutive one-year terms, each subject to appropriation of necessary funds by City Council and certification of availability of funds by the City Auditor.

Pursuant to Ordinance No. 0943-2009, passed on 07/8/09, the City entered into a contract with Arthur J. Gallagher Risk Management Services, Inc. for insurance brokerage and engineering services, and funded the initial one (1) year term, August 1, 2009 through July 31, 2010 for the insurance brokerage and engineering services contract, and the property (casualty), boiler and machinery, and aviation insurance premiums. The funding for the first of four (4) one year renewals of the insurance brokerage and engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. and the premiums for property (casualty), boiler and machinery, and aviation insurance coverage for the first renewal term (August 1, 2010 through July 31, 2011) was authorized by Ordinance No. 0912-2010.

Per the City's requirements to annually solicit underwriting quotes, Arthur J. Gallagher Risk Management Services, Inc. solicited underwriting for the City's insurance coverage for the second of four (4) one year renewal terms commencing August 1, 2011 and terminating July 31, 2012. After review of the quotations, the City has chosen to remain with its existing insurance carriers thereby providing the broadest and best coverage meeting the City's requirements and at the best price. All coverage remains the same, except the property damage loss limit for the boiler and machinery insurance which has been increased from \$30,000,000 to \$100,000,000 at no additional cost to the City. The selected insurance carriers are: Affiliated FM Insurance Company for property (casualty) insurance; Zurich American Insurance Company for boiler and machinery insurance; and Phoenix Aviation (Old Republic Insurance Company) for aviation insurance. The policies include the following deductibles: \$250,000 for property (casualty) insurance excluding those properties in flood areas; a \$25,000 deductible for boiler & machinery insurance; a \$100,000 deductible for aviation insurance for loss events with "rotors in motion" and a \$500 deductible for loss events with "rotors not in motion". In addition, the aviation policy provides the City with liability coverage at \$15,000,000 per loss occurrence. The combined cost of the premiums for the selected insurance coverage for the 2011-2012 term is \$331,008. This amount is approximately four (4) percent lower than last year's total premium. The new insurance policies are effective from August 1, 2011 through July 31, 2012.

The fee for brokerage and risk engineering services provided by Arthur J. Gallagher Risk Management Services, Inc. remains unchanged at \$30,000. The total annual cost of the City's risk management and insurance program for the 2011-2012 term is \$361,008 for the insurance premiums for the current selected property locations, contents, scheduled aircraft and liability (\$331,008) on the attached lists and for brokerage and risk management services (\$30,000).

This ordinance authorizes the Director of Finance and Management to pay the cost of the second of four (4) one year renewals of the insurance brokerage and engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for the term August 1, 2011 through July 31, 2012, to bind coverage for all City 2011-2012 insurance programs, and to expend \$239,998 from the Department of Finance and Management Employee Benefit Fund Budget 2011 and \$121,010 from the Department of Public Safety General Revenue Fund Budget 2011.

This ordinance also authorizes the Director of Finance and Management to expend up to \$55,000 from the Department of Finance and Management Employee Benefit Fund Budget 2011 for additional insurance premiums required due to the City's addition of buildings or changes to coverage limits as may be necessary during the 2011-2012 policy term.

The Contract Compliance Number for Arthur J. Gallagher Risk Management Services, Inc. is 36-2102482 and with an expiration date of 03/10/2012.

Fiscal Impact: The funding for this contract renewal and all insurance premiums was budgeted and the funds are available within the Department of Finance and Management Employee Benefit Fund Budget 2011 and the Department of Public Safety General Revenue Fund Budget 2011. The financial obligation for this one year renewal and all insurance premiums is \$416,008.

Emergency action is requested to allow the City's insurance coverage for property , boiler & machinery, and aviation to continue without interruption.

Title

To authorize the Director of Finance and Management to expend funds for the contract with Arthur J. Gallagher Risk Management Services, Inc. for the second of four (4) automatic one (1) year renewals; to bind the City's insurance for the term commencing August 1, 2011 and terminating July 31, 2012; to authorize the expenditure of up to \$416,008 for the City's 2011-2012 insurance program from the Employee Benefits Fund and the General Fund; and to declare an emergency. (\$416,008)

Body

WHEREAS, pursuant to Ordinance No. 0943-2009, the City of Columbus entered into an insurance brokerage and risk engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for a five year period with an initial one (1) year term and four (4) automatic consecutive one-year renewal terms, each subject to agreement by both parties and appropriation of necessary funds by the Columbus City Council and certification of availability of funds by the City Auditor, commencing on August 1, 2009 and terminating on July 31, 2010; and

WHEREAS, pursuant to Ordinance No. 0912-2010, the City of Columbus approved funding for the first of four (4) one year renewals of the insurance brokerage and engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for the term commencing August 1, 2010 and terminating July 31, 2011; and

WHEREAS, it is necessary to authorize the expenditure of funds for insurance brokerage and risk engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for the second of four (4) consecutive one (1) year terms commencing August 1, 2011 and terminating July 31, 2012; and

WHEREAS, due to the City's addition of buildings or changes to coverage limits to its property and boiler coverage during the 2011-2012 policy term, it may be necessary to pay associated premium costs; and

WHEREAS, it is necessary to authorize the expenditure of \$416,008, or as much as may be necessary, for payment of costs for insurance brokerage and engineering services, and property (casualty), boiler and machinery, and aviation insurance premiums; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Finance and Management in that it is immediately necessary to authorize the expenditure of funds for insurance brokerage and risk engineering services for the City's property, boiler & machinery, and aircraft insurance programs including the underwriting cost of the City's selected insurance policies for property, boiler & machinery, and aircraft coverage to ensure that coverage continues without interruption thereby preserving the public health, peace, property, safety and welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Finance and Management be and is hereby authorized and directed to pay contract costs for the renewal of the contract with Arthur J. Gallagher Risk Management Services, Inc. to provide insurance brokerage and risk engineering services, for select City properties, property (casualty), boiler and machinery, and aviation insurance premiums and to pay contract costs caused by additional insurance premiums due to addition of coverage during the 2011-2012 term.

SECTION 2. That the expenditure of \$416,008, or so much thereof that may be necessary in regard to the action authorized in Section 1, be and is hereby authorized and approved as follows:

Department/Division: 45-51
Fund: 502
OCA Code: 450052

Object Level 1: 03
Object Level 3: 3392
Amount: \$294,998

Department/Division: 30-03
Fund: 010
OCA Code: 300707
Object Level 1: 03
Object Level 3: 3392
Amount: \$121,010.00

SECTION 3. That the City Auditor is authorized to make any accounting changes necessary to ensure that this contract is properly accounted for and recorded accurately on the City's financial record. That the City Auditor is authorized to make any changes to revise the funding source for any contract or contract modification associated with this ordinance.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0990-2011

Drafting Date: 06/15/2011

Current Status: Passed

Version: 2

Matter Type: Ordinance

Explanation

This ordinance accepts the collective bargaining agreement between the City of Columbus and Columbus Municipal Association of Government Employees/Communications Workers of America (CMAGE/CWA) Local 4502, covering the period August 24, 2011 through April 23, 2014.

All Articles of this agreement and attachments thereto have been approved by the City and the Union. A signed agreement will be on file in the Department of Human Resources.

Emergency action is recommended because certain provisions of the collective bargaining agreement are effective on a retroactive basis.

The fiscal impact was summarized in a memorandum to City Council, dated June 20, 2011.

Title

To accept the proposed collective bargaining agreement between the City of Columbus and Columbus Municipal Association of Government Employees/Communications Workers of America Local 4502, August 24, 2011 -April 23, 2014, to provide for wages, hours and other terms and conditions of employment for employees in the bargaining unit as provided in the attachment hereto; and to declare an emergency.

Body

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to accept the collective bargaining agreement negotiated between the City and Columbus Municipal Association of Government Employees/ Communications Workers of America Local 4502, August 24, 2011 -April 23, 2014, to provide for wages, hours and other terms and conditions of employment for employees in the bargaining unit, thereby preserving the public peace, property, health, safety, and welfare; Now, Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. The Council of the City of Columbus hereby accepts the proposed collective bargaining agreement between the City and the Columbus Municipal Association of Government Employees/Communications Workers of America Local 4502, attached hereto and incorporated herein in its entirety as if fully rewritten herein, to establish the wages, hours and other terms and conditions of employment for employees in the bargaining units, as specified and stated in the attachment hereto. A copy of the attachment will be kept on file in the Office of the City Clerk and the Department of Human Resources and will not be printed in the City Bulletin as a part thereof.

Section 2. If any section of this Ordinance, including any article, section, subsection, paragraph, sentence, clause or phrase of the attachment hereto, for any reason, is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions or sections of this ordinance. The City Council hereby declares that it would have passed the ordinance, and each section hereof, including any article, section, subsection, paragraph, sentence, clause or phrase of the attachment hereto, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure, and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0991-2011

Drafting Date: 06/15/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Department of Development is proposing to enter into a Columbus Downtown Office Incentive with Manpower Professional.

Manpower Professional is a world leader in the employment services industry. Their global network of nearly 4,000 offices in 82 countries and territories allows them to meet the needs of their clients in all industry segments, whether they are global, multinational or local companies. Their main office is located in downtown Columbus at 175 S. Third Street. Manpower Professional is expanding the Columbus location for a total of 4,250 square feet. The 17 new positions will create approximately \$1.55 million in additional payroll and approximately \$38,875 annually in City income tax revenue. Based on this estimate, Manpower Professional would qualify for the Columbus Downtown Office Incentive of an amount equal to fifty percent (50%) of the payroll taxes paid on the new positions or \$58,311 for three (3) years.

FISCAL IMPACT: No funding is required for this legislation.

Title

To authorize the Director of Development to enter into a Columbus Downtown Office Incentive Agreement with Manpower Professional, as provided in Columbus City Council Resolution Number 0088X-2007, adopted June 4, 2007.

Body

WHEREAS, the City desires to increase employment opportunities and encourage establishment of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

WHEREAS, the Department of Development has received a completed application for the Columbus Downtown Office Incentive program from Manpower Professional; and

WHEREAS, Manpower Professional is proposing to consolidate their Ohio offices by entering into a 5-year lease agreement and create 17 new positions at 175 S. Third Street, Columbus, Ohio, with a projected additional payroll of \$1.55 million generating estimated City of Columbus income tax revenue of \$38,375 annually; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

- Section 1.** That the Director of the Department of Development is hereby authorized to enter into a Columbus Downtown Office Incentive Agreement with Manpower Professional, pursuant to Columbus City Council Resolution 0088X-2007, for an annual cash payment equal to fifty percent (50%) of the amount of City withholding tax withheld on new employees for a term of three (3) year on the estimated addition of 17 new positions at 175 S. Third Street, Columbus, Ohio.
- Section 2.** As provided in the program guidelines leasing of the project site qualifies Manpower Professional for a three (3) year incentive term. The term beginning in calendar year 2011, with the incentive payment made in the second quarter of the following year based on actual City of Columbus income tax withholding paid by the new positions for the preceding year.
- Section 3.** Each year of the term of the agreement with Manpower Professional that a payment is due, the City's obligation to pay the incentive is expressly contingent upon the passing of an ordinance appropriating and authorizing the expenditure of monies sufficient to make such payment and the certification of the City Auditor pursuant to Section 159 of the Columbus City Charter.
- Section 4.** That the City of Columbus Downtown Office Incentive Agreement is signed by Manpower Professional within 90 days of passage of this ordinance, or this ordinance and the credit herein shall be null and void.
- Section 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 0996-2011

Drafting Date: 06/16/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background:

Recreation and Parks accepted a grant from the Ohio Department of Natural Resources (ODNR), ordinance 1264-2010, which will be used to fund this project. Bids were received by the Recreation and Parks Department on June 14, 2011 for the Sharon Meadows Park Project as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
M&D Blacktop	MAJ	\$131,400
Builderscape	MAJ	\$182,213
McDaniels Construction	MBE	\$193,387
Jess Construction	MAJ	\$233,600
Ansol Icee, Inc.	MAJ	\$162,400 (they did not include ALT #1)

Project work consists of:

Base Bid - Demolition of a portion of existing parking lot, removal of existing debris on site, shrub removal, clearing and seeding an area of the former parking lot, and preparing and striping of the remaining portion of the parking lot. It also includes construction of asphalt loop walk, installation of trees, site furnishings, parking blocks, a playground with a 14' x 17' safety surfaced area, and other such work as may be necessary to complete the contract in accordance with the plans and specifications. All allowances are to be included in the above base bid.

Alternate #1 - A 48' x 28' safety surfaced area underneath the swingset as part of the playground plan.

Principal Parties:

Pavement Protectors, Inc. dba M&D Blacktop Sealing
Chad Bernsdorf (Contact)
2020 Longwood Ave
Grove City, OH 43123
614-875-9989 (Phone)
311131599 Contract compliant through: 6/24/2012
10+ (Columbus Employees)

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work may proceed as quickly as possible to be constructed during the fall construction season.

Fiscal Impact:

Recreation and Parks Grant Fund #286 \$112,500
Recreation and Parks Voted Bond Fund #746 \$32,500

TitleTo authorize and direct the Director of Recreation and Parks to enter into contract with Pavement Protectors, Inc., dba M&D Blacktop Sealing, for the Sharon Meadows Park Project; to authorize the expenditure of \$131,400.00 and a contingency of \$13,600.00 for a total of \$145,000.00 from the Recreation and Parks Bond Fund and a grant from the Ohio Department of Natural Resources; and to declare an emergency. (\$145,000.00)

BodyWHEREAS, bids were received by the Recreation and Parks Department on June 14, 2011 and the contract for the Sharon Meadows Park Project 2011 will be awarded to Pavement Protectors, Inc., dba M&D Blacktop Sealing, on the basis of the lowest and best responsive and responsible bidder; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Pavement Protectors, Inc., dba M&D Blacktop Sealing, for the Sharon Meadows Park Project 2011 so that that work may proceed as quickly as possible to be constructed during the fall construction season; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to enter into contract with Pavement Protectors, Inc., dba M&D Blacktop Sealing, for the Sharon Meadows Park Project in accordance with the plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of \$145,000.00, or so much thereof as may be necessary, be and is hereby authorized to pay the cost thereof as follows:

Recreation and Parks Grant Fund #286 \$112,500
OCA#511057, Grant # 511057, Object Level 3# 6621

Recreation and Parks Voted Bond Fund#746 \$32,500
OCA#761704, Project #510017-100004, Object Level 3# 6621

SECTION 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0997-2011

Drafting Date: 06/16/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBackground

Proposals were received by the Recreation and Parks Department on May 19, 2011 for the Milo Grogan Recreation Center Improvements Design as follows:

	<u>Status</u>
Moody Nolan	MBE
Abbot Studios	MAJ
DLZ	MBE
Rogers Krajnak	MAJ
Schorr Architects	MAJ
MA Architects	MAJ
Renouveau Design	MAJ
Hardlines Design	MAJ
Braun & Steidl	MAJ
MSA Sport	MAJ
SHP Leading Design	MAJ
Phillip Markwood Architects	MAJ
JL Bender	MAJ
Jerome Scott Architects	MAJ
GPD Group	MAJ
Meyers + Associates	MAJ
HKI	MBE
Design Group	MAJ

Consultant shall provide architectural & engineering services to prepare plans and specifications for bidding for renovations to Milo Grogan Recreation Center, 862 E. 2nd Ave., Columbus, OH (43201). Work is to include general building improvements and renovations such as replacing exterior/interior doors and windows, HVAC renovations, lighting and electrical improvements, ceilings and flooring repairs/ replacement, painting, plumbing improvements, a room addition and other renovation items. Services shall include the necessary field surveys, program development in conjunction with department staff, reports, proposals, cost estimates, bid documents and construction administration services.

Principal Parties:

Moody Nolan, Inc.
Katie Zook (contact)
300 Spruce Street, Suite 300
Columbus, OH 43215
Phone: (614) 461-4664
Contract Compliance #31-1256984
Contract Compliant through 6/30/2012
45+ Columbus Employees

Subcontractors Listed in Proposal:

Korda/ Nemeth Engineering, Inc (MAJ)
Kinzelman Kline Gossman (MAJ)
John A Forgos (MAJ)

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that design work may proceed as quickly as possible to enable the project to be built during the 2012 construction season.

Fiscal Impact:

\$205,700.00 Recreation and Parks Voted bond fund #746
Project # 510035-100006, OCA#763506, Obj Level 3 # 6620

TitleTo authorize and direct the Director of Recreation and Parks to enter into contract with Moody Nolan, Inc. for professional services related to Milo Grogan Recreation Center Improvements Design; to authorize the expenditure of a base fee of \$187,000.00 and a contingency of \$18,700.00 for a total of \$205,700.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$205,700.00)

Body**WHEREAS**, bids were received by the Recreation and Parks Department on May 19, 2011 for professional services related to the Milo Grogan Recreation Center Improvements Design Project and will be awarded to Moody Nolan, Inc.; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Moody Nolan, Inc. as quickly as possible to enable the project to be built during the 2012 construction season; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to enter into contract with Moody Nolan, Inc. for professional services related to Milo Grogan Recreation Center Improvements Design in accordance with the plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of \$205,700.00, or so much thereof as may be necessary, be and is hereby authorized to pay the cost thereof as follows:

\$205,700.00 Recreation and Parks Voted bond fund #746
Project # 510035-100006, OCA#763506, Obj Level 3 # 6620

SECTION 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0998-2011

Drafting Date: 06/16/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background: This legislation authorizes the Finance and Management Director to issue purchase orders for credit card fuels purchased through the Voyager Fleet Systems and unleaded bulk fuel with Beem's BP Distribution for the Fleet Management Division. The current contract with Voyager expires 07/31/2011 and Ordinance No. 0865-2011 authorizes a one-year extension. A purchase order with Beem's BP Distribution for unleaded bulk fuel deliveries was authorized by Ordinance 0180-2010, through a formal bid conducted by Franklin County.

This ordinance also waives the competitive bidding process of the Columbus City Codes, in order to allow the continued

use of the Beem's BP Distribution contract bid by Franklin County. To continue uninterrupted unleaded fuel deliveries at the lowest possible price and in comparing the State of Ohio contract with Franklin County contract, Beem's Distribution Inc. provides a lower delivery price of \$0.059 per gallon. The City does not have a formal cooperative purchasing agreement with Franklin County as it does with the State of Ohio Department of Administrative Services. Accordingly, the competitive bidding provisions of the City Codes must be waived in order to participate in this Franklin County contract.

Voyager Fleet Systems Inc. Contract compliance number is 76-0476053. Beem's BP Distribution Contract compliance number is 31-0941823.

Fiscal Impact: There is currently \$2,203,907.00 in available appropriation in the Fleet Management Fund 513 for unleaded fuel and credit card fuel purchases services.

Emergency action is requested to ensure an uninterrupted supply of bulk unleaded and credit card fuel purchases. The fuel is used by all City vehicles, including Police, Fire and Refuse Collection vehicles. Fuel needs for the year will be assessed with the completion of the Second Quarter Financial Review - given price increases this year, additional appropriation and expenditure authority is likely.

Title

To authorize and direct the Finance and Management Director to issue purchase orders with Beem's BP Distribution and Voyager Fleet Systems for the provision of automobile fuel; to authorize the expenditure of \$2,203,907.00 from the Fleet Management Services Fund; to waive the competitive bidding provisions of the Columbus City Codes, 1959; and to declare an emergency. (\$2,203,907.00)

Body

WHEREAS, the Finance and Management Department, Fleet Management Division, has a need to purchase unleaded bulk fuel and universal credit card purchases for use by various City department vehicles; and

WHEREAS, a Universal Term contract (UTC) has been extended one year with Ordinance No. 0865-2011 for credit card purchases; and

WHEREAS, a contract has been established through the formal competitive bid process of Franklin County for bulk unleaded fuel purchases with Beem's BP Distribution Inc.; and

WHEREAS, the Fleet Management Division has a need to purchase unleaded bulk fuel and it is in the City's best interests to waive the competitive bidding requirements of the Columbus City Codes; and

WHEREAS, an emergency exists in the usual daily operation of the Finance and Management Department, Fleet Management Division in that it is immediately necessary to issue a purchase order for various fuel purchases, to ensure an uninterrupted fuel supply for City vehicles, including Police, Fire, and Refuse Collection Division vehicles, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Finance and Management Director is hereby authorized to issue a purchase order for the Fleet Management Division per the terms and conditions of the Franklin County Distribution contract as follows:

Beem's BP Distribution Inc
CC# 341906729 expires 08/04/2011
Unleaded gasoline
Object Level Three: 2280
Contract expires: 11/30/2011

Section 2. That the Finance and Management Director is hereby authorized to issue a purchase order for the Fleet

Management Division contingent on the passage of Ordinance No. 0865-2011 with Voyager Fleet Systems contract as follows:

Voyager Fleet Systems Inc.
CC# 760476053 expires 11/11/2012
Credit card fuel services
Object Level Three: 2280
Contract expires: 07/31/2012

Section 3. That the expenditure of \$2,203,907.00, or so much thereof that may be necessary in regard to the action authorized in Section 1 and 2, be and is hereby authorized and approved as follows:

Division: 45-05
Fund: 513
OCA Code: 451347
Object Level One: 02
Object Level Three: 2280
Amount: \$2,203,907.00

Section 4. That in accordance with the Columbus City Codes, City Council has determined it is in the best interest of the competitive bidding requirements be and are hereby are waived for the action authorized in Section 1 of this ordinance.

Section 5. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, nor ten days after passage, if the Mayor neither approves nor vetoes the same.

Legislation Number: 1000-2011

Drafting Date: 06/16/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background:

This ordinance authorizes the Franklin County Municipal Court, Clerk of Court (hereinafter "Municipal Court Clerk") to enter into the first year of a three year contract, with three consecutive one year renewal options with Capital Recovery Systems, Inc. for collection services for the Clerk's Office.

The contract is self-funding in that the percentage charged for collecting the receivables is added to the total debt collected, pursuant to ORC 2335.24 and ORC 2335.19; thereby, negating any costs to the City of Columbus for this service.

Bid Information:

A formal bid process for collection services was conducted through SA003933, in accordance with Columbus City Codes, Chapter 329. The Municipal Court Clerk awarded the contract to the most responsible and best bidder.

Contract Compliance Number: 31-1570459

Expiration: 1/12/2012

The company is not debarred according to the excluded party listing system of the Federal Government or prohibited from being awarded a contract according to the Auditor of State unresolved finding for recovery certified search.

Emergency: Emergency declaration is requested for the continuity of the collection services.

Fiscal Impact: Funds totaling \$105,000.00 are available in the Municipal Court Clerk collection fund budget.

To authorize and direct the Municipal Court Clerk to enter into a contract with Capital Recovery Systems, Inc. for the provision of collection services; to authorize an expenditure up to \$105,000.00 from the Municipal Court Clerk Collection Fund; and to declare an emergency. (\$105,000.00)

Body

Whereas, it is necessary to enter into a contract with Capital Recovery Systems, Inc. to collect the accounts receivables for the Municipal Court Clerk; and

Whereas, an emergency exists in the daily operations of the Municipal Court Clerk, in that it is immediately necessary to authorize said contract for the collection services without interruption, for the immediate preservation of the public peace, health, safety and welfare, now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Franklin County Municipal Court is hereby authorized and directed to enter into a contract with Capital Recovery Systems, Inc. for the provision of the collection services for Municipal Court Clerk's Office.

Section 2. That the expenditure of \$105,000.00 or so much thereof as may be necessary is hereby authorized to be expended from the Municipal Court Clerk Collection Fund, fund 295, subfund 02, department 2601, oca 261295, object level one 03, object level three - 3336 to contract with Capital Recovery Systems, Inc.

Section 3. That for reasons stated in the preamble hereto, where is hereby made a part hereof, this ordinance is hereby declared an emergency measure, which shall take effect and be in force from and after its passage and approved by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1001-2011

Drafting Date: 06/16/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This ordinance authorizes the option to purchase Street Name Sign Brackets for the Department of Public Service, Division of Planning and Operation. The term of the proposed option contract will be through September 30, 2013 with the option to extend two additional one-year periods, subject to mutual agreement by both parties, in accordance with formal bid SA003926. The Purchasing Office opened formal bids on May 5, 2011. These items will be used to frame and support street name signs and assorted equipment along roadways throughout the City of Columbus.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA003926). Seventy- seven bids were solicited (MAJ: 72 , M1A: 2, F1: 3); One (MAJ: 1) bid was received.

This company is not debarred according to the Excluded Parties listing of the Federal Government and is not listed in the Auditor of States database for Findings for Recovery.

The Purchasing Office is recommending award of one contract to the lowest, responsive, responsible and best bidder:

J. O. Herbert Company, Inc., CC#540938754, exp. 2/9/2013
Total Estimated Annual Expenditure: \$110,000.00

This ordinance is being submitted as an emergency because without emergency action these items for the installation of street name signs and other equipment along City of Columbus roadways will be delayed and the efficient delivery of valuable public services meant to increase safety on the streets will be slowed.

FISCAL IMPACT: Funding to establish this option contract is budgeted in the Mail, Print Services, and UTC Fund. City

agencies will be required to obtain approval to expend from their own appropriations.

Title

To authorize the Finance and Management Director to enter into one contract for the option to purchase Street Names Sign Brackets with J. O. Herbert, Company, Inc.; to authorize the expenditure of one dollar to establish the contract from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$1.00)

Body

WHEREAS, the Purchasing Office advertised and solicited formal bids on May 5, 2011 and selected the lowest, responsive, responsible and best bid; and

WHEREAS, this ordinance addresses the Purchasing objective of 1) maximizing the use of City resources by obtaining optimal products/services at low prices 2) encouraging economic development by improving access to City bid opportunities and 3) providing an effective option contract for the Department of Public Service to efficiently maintain their supply chain and service to the public; and

WHEREAS, in order to ensure Street Name Sign Brackets are supplied without interruption to support the installation of street signs and other equipment along roadways throughout the city, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service/ Division of Planning and Operations in that it is immediately necessary to enter into a contract for the option to purchase Street Name Sign Brackets in order not to delay the installation of material meant to improve street safety, thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance and Management Director be and is hereby authorized to enter into the following contract for the option to purchase Street Name Sign Brackets to frame and support street name signs and associated equipment for the term ending September 30, 2013 with the option to extend for two additional one year periods in accordance with Solicitation No. SA003926 as follows:

J. O. Herbert Company, Inc. All Items: 1-17, Amount: \$1.00

SECTION 2. That the expenditure of \$1.00 is hereby authorized from the Mail, Print Services, and UTC Fund, Organization Level 1: 45-01, Fund: 05-517, Object Level 3: 2270, OCA: 451130, to pay the cost thereof.

SECTION 3. That for the reason stated in the preamble here to, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1002-2011

Drafting Date: 06/16/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The purpose of this ordinance is to authorize the Director of the Columbus Department of Development to enter into an agreement of understanding with Wagenbrenner Development, Inc. in conjunction with a Clean Ohio Revitalization Fund (CORF) Round 11 grant application of up to \$3 million, and to authorize the Columbus Department of Development to submit the application to the Ohio Department of Development for site cleanup at the former Timken site at 1025 Cleveland Avenue in the Milo-Grogan neighborhood of Columbus. An agreement of understanding, along with this ordinance, is required for the application of Clean Ohio grant funds.

The former Timken site is approximately 30 acres and was used for manufacturing rail car wheel bearings for nearly 100 years when operations closed in 2001. Shortly after closing, the Timken Company razed the site where it has since

remained vacant and has been a blighting influence in the Milo-Grogan neighborhood of Columbus.

The site was recently acquired by Wagenbrenner Development, Inc. who plans to invest approximately \$12 million to clean the site and construct a mixed use development consisting of approximately 25,000 square feet of retail/restaurant space and 125,000 square feet of flex office/warehouse space with a projected minimum employment potential of approximately 100 jobs. The Milo-Grogan community has and will continue to have extensive input into this project as it moves forward.

Environmental remediation activities will include excavation of contaminated soil and engineering controls such as clean fill capping with vapor barriers and venting systems where appropriate.

The agreement of understanding sets forth the essential roles of both the developer and the Columbus Department of Development in undertaking site cleanup and subsequent redevelopment. The agreement of understanding does not subject the City to liability for any site contamination which may exist at or near the redevelopment site.

This legislation is submitted as an emergency to meet the Clean Ohio Program Round 11 grant application deadline of July 18, 2011.

FISCAL IMPACT: There are no costs to the City of Columbus associated with applying for Clean Ohio Round 11 grant funding. If the application is approved by the State, the City of Columbus will receive up to \$3 million in grant funding for environmental clean up at this site.

Title

To authorize and direct the Director of the Columbus Department of Development to enter into an agreement of understanding with Wagenbrenner Development, Inc. in conjunction with a Clean Ohio Revitalization Fund Round 11 grant application of up to \$3 million, and to authorize the Columbus Department of Development to submit the application to the Ohio Department of Development for site clean up at the former Timken site at 1025 Cleveland Avenue in the Milo-Grogan Neighborhood of Columbus; and to declare an emergency.

Body

WHEREAS, the State of Ohio, Clean Ohio Program will award up to \$3 million per project to communities throughout Ohio for the purpose of clean up and redevelopment of contaminated or abandoned properties known as "brownfields"; and

WHEREAS, the City of Columbus contains brownfield properties which may qualify for Clean Ohio cleanup and redevelopment grant funding; and

WHEREAS, the Columbus Department of Development has been involved with brownfield redevelopment since 1999 through its administration of the Columbus Brownfields Redevelopment Program; and

WHEREAS, Clean Ohio grant funding will greatly complement the efforts of the Columbus Department of Development in helping to clean up and redevelop brownfield properties in Columbus; and

WHEREAS, the Columbus Department of Development has identified a brownfield property which may be eligible for Clean Ohio Program Round 11 grant funding at the site formerly known as the Timken site in the Milo-Grogan neighborhood of Columbus and Wagenbrenner Development, Inc. has agreed to partner with the City to clean up and redevelop the site for commercial and light industrial use; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to submit said application described herein in order to meet the Clean Ohio Program Round 11 grant application deadline of July 18, 2011, all for the preservation of public health, peace, property, safety and welfare; **Now, Therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Columbus Department of Development is hereby authorized and directed to enter into an agreement of understanding with Wagenbrenner Development, Inc. for the redevelopment of the former Timken site at 1025 Cleveland Avenue in the Milo-Grogan Neighborhood of Columbus and is authorized to submit an associated application for Round 11 grant funding, of up to \$3 million, to the Ohio Department of Development for cleanup at the site under the Clean Ohio Revitalization Fund Program.

Section 2. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.

Legislation Number: 1005-2011

Drafting Date: 06/17/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

Dominion Homes, Inc., an Ohio corporation has submitted the plat titled "Big Run Ridge Section 2 Part 1" to the City Engineer's Office for review and approval. This plat has been reviewed and approved by the City Engineer. The following legislation allows the City to accept said plat for property located south of Interstate 270 and east of Demorest Road.

2. EMERGENCY DESIGNATION

Emergency action is requested to allow development of this subdivision to proceed as currently scheduled.

3. FISCAL IMPACT

N/A

TitleTo accept the plat titled "Big Run Ridge Section 2 Part 1", from Dominion Homes, Inc., an Ohio corporation; and to declare an emergency.

BodyWHEREAS, the plat titled "Big Run Ridge Section 2 Part 1" (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, Dominion Homes, Inc., an Ohio corporation, owner of the platted land, desires to dedicate to the public use all or such parts of the Drives, Road, Avenue and easements shown on said plat and not heretofore so dedicated; and

WHEREAS, after examination, it has been found to be in the best interest of the City to accept said plat; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that it is immediately necessary to authorize the acceptance of this plat so development of this subdivision can proceed as currently scheduled thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the plat titled "Big Run Ridge Section 2 Part 1" on file in the office of the City Engineer, Division of Planning and Operations, be and the same is hereby accepted.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1006-2011

Drafting Date: 06/17/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Finance and Management Director to modify and extend a contract with Flooring Foundations, LLC for flooring renovations performed at various City buildings. The original contract was authorized by Ordinance No. 0086-2007, passed January 25, 2007, in the amount of \$213,127.00, and then modified by Ordinance No. 1016-2007, in the amount of \$55,000.00. The basis of this modification is for unanticipated carpet and flooring installation and for which the invoice was misplaced.

Emergency action is requested so the contract can be closed out and final payment issued to the vendor.

Flooring Foundations, LLC Contract Compliance No. 80-0083697, expiration date November 30, 2012.

Fiscal Impact: The cost of this contract is \$7,455.10. The current unencumbered cash balance in the Construction Management Capital Improvement Fund 733, Project 570031-100000, City Hall Renovations, is \$19,980.33.

Title

To authorize the Finance and Management Director to modify and extend a contract with Flooring Foundations, LLC to pay for flooring renovations performed at various City buildings; to authorize the expenditure of \$7,455.10 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$7,455.10)

Body

WHEREAS, Ordinance No. 0086-2007, passed January 7, 2007, in the amount of \$213,127.00 authorized the original contract; and

WHEREAS, Ordinance No. 1016-2007, passed August 13, 2007, in the amount of \$55,000.00 modified the contract; and

WHEREAS, this final modification was a result of unanticipated carpet and flooring installation and for which the invoice was misplaced; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management, Facilities Management Division, in that it is immediately necessary to modify the contract with Flooring Foundations, LLC for flooring renovations performed at City buildings, thereby preserving the public health, peace, property, safety, and welfare; now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. To authorize the Director of Finance and Management to modify and extend a contract for flooring renovations with Flooring Foundations, LLC for flooring renovations performed at various City buildings in 2009. Due to a miscommunication, there were several purchases made after the contract was exhausted. Flooring Foundations, LLC performed flooring renovations after the depletion of allocated funding.

SECTION 2. That the expenditure of \$7,455.10 or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 45-27
Fund: 733
Project: 570031-100000
OCA Code: 733000
Object Level 1: 06
Object Level 3: 6620
Amount: \$7,445.10

SECTION 3. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1007-2011

Drafting Date: 06/17/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

Weinland Park Development, LLC, an Ohio limited liability company, by Brian R. Barrett, Member, has submitted the plat titled "Grant Avenue Homes" to the City Engineer's Office for review and approval. This plat has been reviewed and approved by the City Engineer. The following legislation allows the City to accept said plat for property located south of Eighth Avenue and west of Grant Avenue.

2. EMERGENCY DESIGNATION

Emergency action is requested to allow development of this subdivision to proceed as currently scheduled.

3. FISCAL IMPACT

N/A

TitleTo accept the plat titled "Grant Avenue Homes", from Weinland Park Development, LLC, an Ohio limited liability company, by Brian R. Barrett, Member; and to declare an emergency.

Body**WHEREAS**, the plat titled "Grant Avenue Homes" (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, Weinland Park Development, LLC, an Ohio limited liability company, by Brian R. Barrett, Member, owner of the platted land, desires to dedicate to the public use all or such parts of the Alleys shown on said plat and not heretofore so dedicated; and

WHEREAS, after examination, it has been found to be in the best interest of the City to accept said plat; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that it is immediately necessary to authorize the acceptance of this plat so development of this subdivision can proceed as currently scheduled thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the plat titled "Grant Avenue Homes" on file in the office of the City Engineer, Division of Planning and Operations, be and the same is hereby accepted.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1008-2011

Drafting Date: 06/17/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background:

The Finance and Management Department, Fleet Management Division, has been approved to purchase three (3) new Fire Aerial Ladders which will be in service July 2011. Generally, when a new vehicle or apparatus is purchased there is a unit removed from service that is sold or disposed. The typical process of disposal for a vehicle is that it be advertised for sale via on-line auction.

Sutphen Corporation has offered to take these three ladders and in exchange will give the City of Columbus a service credit of \$73,000 (or an average of \$24,333.00 per ladder). The ladders that will be removed from Fleet are: Brass Tag # 17011, Ladder 34 & Brass Tag # 17010, Ladder 33 which are both model years 1993 and Brass Tag # 9793 Ladder 14 which is model year 1990.

Over the past five years Fleet Management has sold similar ladders through the auction and received from \$2,177.00 to \$15,805.00 per unit, with the average unit selling for \$7,326.00. Based on this average sale the offer by Sutphen is in the best interests of the City - no better results are expected by advertising the assets for sale.

Contract compliance number is 31-0671786 expires 02/22/2012.

In 2010, the Division of Fleet Management has spent \$237,620.00 in repair services for Fire apparatus with Sutphen Corporation.

Emergency action is requested so that this service credit will be available for use as soon as possible in the Fleet Management Division.

Title

To authorize the Finance and Management Director to accept a service credit in the amount of \$73,000.00 from Sutphen Corporation in exchange for three Aerial Ladders that are no longer of use by the Division of Fire; to waive the competitive bidding provisions of the Columbus City Codes, 1959; and to declare an emergency. (\$0)

Body

WHEREAS, the Fleet Management Division purchases services from the Sutphen Corporation for Fire apparatus; and

WHEREAS, the Fire units which are to be removed from the City's fleet will receive a higher value amount in the form of a credit from Sutphen than we would have received from an on-line auction; and

WHEREAS, the City will put in place by the end of July 2011 three new Fire ladders; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Finance and Management, Fleet Management Division in that this ordinance should be authorized to provide for the credit from Sutphen, thereby preserving the public health, peace, property, safety and welfare; now, therefore:

BE IT ORDAINED BY THE CITY OF COLUMBUS:

Section 1. That the Director of Finance and Management is authorized to accept the service credit from Sutphen Corporation for three Fire ladders totaling \$73, 000.00.

Section 2. The amount of service credit is \$19,000.00 each for Ladders 33 & 34 and \$35,000.00 for Ladder 14.

Section 3. That the provisions of Chapter 329.30 are hereby waived.

Section 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1011-2011

Drafting Date: 06/20/2011

Current Status: Passed

Version: 2

Matter Type: Ordinance

Explanation

Rezoning Application Z11-010

APPLICANT: Kinnear Road Redevelopment LLC; c/o David B. Perry, The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215 and Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Limited industrial and multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on May 12, 2011.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 5.77± acre site is developed with an office building zoned L-M, Limited Manufacturing District, and a vacant industrial complex recently annexed from Clinton Township. The applicant requests the L-M, Limited Manufacturing District to remove buffering requirements for the existing L-M District which will be reduced in size from 3.38 acres to 1.19 acres. The remainder of the site is proposed for multi-unit residential development in the AR-2, Apartment Residential District. The limitation text carries over current use restrictions, and the buffering changes are supported because the L-M District will no longer border the single-unit dwellings in Clinton Township. The requested L-M, Limited Manufacturing and AR-2, Apartment Residential Districts provide a transition from the commercial uses to the east and the single-unit residential development to the west. The request is compatible with development in the area.

Title

To rezone **813 KINNEAR ROAD (43212)**, being 5.77± acres located on the south side of Kinnear Road, 120± feet east of Rhonda Avenue, **From:** L-M, Limited Manufacturing and R, Rural Districts, **To:** L-M, Limited Manufacturing, and AR-2, Apartment Residential Districts **and to declare an emergency** (Rezoning # Z11-010).

Body

WHEREAS, application #Z11-010 is on file with the Department of Building and Zoning Services requesting rezoning of 5.77± acres from L-M, Limited Commercial District, to L-M, Limited Manufacturing, and AR-2, Apartment Residential Districts; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-M, Limited Manufacturing and AR-2, Apartment Residential Districts provide a transition from the commercial uses to the east and the single-unit residential development to the west. The request is compatible with development in the area, and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

813 KINNEAR ROAD (43212), being 5.77± acres located on the south side of Kinneare Road, 120± feet east of Rhonda Avenue, and being more particularly described as follows:

Subarea A

L-M

1.19 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1, Township 1, Range 18 of the United States Military Lands, being part of the 3.749 acre tract conveyed to Nittany Lions, Ltd. by deed of record in Instrument Number 200109280223365 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at the intersection of the centerline of Kinneare Road (width varies) with the westerly right-of-way line of CSX Transportation, Inc. railroad (100 feet wide)(formerly the Chesapeake and Ohio Railroad);
thence North 86° 14' 46" West, with the centerline of Kinneare Road, a distance of 342.03 feet, to a point;
thence South 11° 28' 43" East, across the right of way of Kinneare Road, a distance of 31.09 feet to a point in the southerly right-of way line of Kinneare Road;

thence South 86° 14' 46" East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinneare Road, a distance of 60.00 feet, to a point;

thence South 03° 45' 14" West, with an easterly line of said 3.749 acre tract and the southerly right-of-way line of Kinneare Road, a distance of 20.00 feet, to a point;

thence South 86° 14' 46" East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinneare Road, a distance of 29.68 feet to the TRUE POINT OF BEGINNING;

thence South 86° 14' 46" East, continuing with said northerly line and said southerly right-of-way line, a distance of 257.80 feet, to a northeasterly corner of said 3.749 acre tract;

thence South 11° 28' 59" East, with the easterly line of said 3.749 acre tract, a distance of 153.34 feet, to a point;
thence across said 3.749 acre tract, the following courses and distances:

South 78° 29' 41" West, a distance of 230.84 feet, to a point;

North 11°30'28" West, a distance of 18.00 feet to a point;

South 78°29'32" West, a distance of 64.51 feet to a point on the arc of a curve to the right;

with the arc of said curve to the right, having a central angle of 02° 09' 56", a radius of 278.62 feet, an arc length of 10.53 feet, a chord bearing and distance of North 14° 53' 37" West, 10.53 feet, to a point of compound curvature;

with the arc of said curve to the right, having a central angle of 17° 42' 53", a radius of 117.67 feet, an arc length of 36.38 feet, a chord bearing and distance of North 04° 57' 12" West, 36.24 feet, to a point of tangency;

North 03° 54' 14" East, a distance of 162.52 feet, to the TRUE POINT OF BEGINNING, and containing 1.19 acres, more or less.

This description was prepared from record information only and should be used for zoning purposes only.

To Rezone From: L-M, Limited Manufacturing District

To: L- M, Limited Manufacturing District

Subarea B

AR-2

4.58 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1, Township 1, Range 18 of the United States Military Lands, being part of the 3.749 acre tract conveyed to Nittany Lions, Ltd. by deed of record in Instrument Number 200109280223365, and all of the 2.390 acre tract conveyed to Julia E. Pfeifer by deed of record in Official Record 21456D13 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at the intersection of the centerline of Kinnear Road (width varies) with the westerly right-of-way line of CSX Transportation, Inc. railroad (100 feet wide)(formerly the Chesapeake and Ohio Railroad);
thence North $86^{\circ} 14' 46''$ West, with the centerline of Kinnear Road, a distance of 342.03 feet, to a point;
thence South $11^{\circ} 28' 43''$ East, across the right of way of Kinnear Road, a distance of 31.09 feet to a point in the southerly right-of way line of Kinnear Road, being the TRUE POINT OF BEGINNING;
thence South $86^{\circ} 14' 46''$ East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 60.00 feet, to a point;
thence South $03^{\circ} 45' 14''$ West, with an easterly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 20.00 feet, to a point;
thence South $86^{\circ} 14' 46''$ East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 29.68 feet to a point;
thence across said 3.749 acre tract, the following courses and distances:
South $03^{\circ} 54' 14''$ West, a distance of 162.52 feet, to a point of curvature to the left;
with the arc of said curve to the left, having a central angle of $17^{\circ} 42' 53''$, a radius of 117.67 feet, an arc length of 36.38 feet, a chord bearing and distance of South $04^{\circ} 57' 12''$ East, 36.24 feet, to a point of compound curvature;
with the arc of said curve to the left, having a central angle of $02^{\circ} 09' 56''$, a radius of 278.62 feet, an arc length of 10.53 feet, a chord bearing and distance of South $14^{\circ} 53' 37''$ East, 10.53 feet, to a point;
North $78^{\circ} 29' 32''$ East, a distance of 64.51 feet, to a point in the easterly line of said 3.749 acre tract;
South $11^{\circ} 30' 28''$ East, a distance of 18.00 feet to a point;
North $78^{\circ} 29' 41''$ East, a distance of 230.84 feet to a point;
thence South $11^{\circ} 28' 59''$ East, with said easterly line, a distance of 244.68 feet, to a point at a southeasterly corner of said 3.749 acre tract and a northeasterly corner of said 2.390 acre tract;
thence South $11^{\circ} 29' 01''$ East, with the easterly line of said 2.390 acre tract, the northeasterly line of that tract conveyed to CSX Transportation, Inc. by deed of record in Official Record 13283G13, a distance of 378.91 feet, to a point at a northeasterly corner of that 7.814 acre tract conveyed to Rail Products International Inc. by deed of record in Official Record 28634E15;
thence South $78^{\circ} 30' 59''$ West, with the northerly line of said 7.814 acre tract and a northerly line of that 1.648 acre tract conveyed to Rail Products International Inc. by deed of record in Official Record 28450G12, a distance of 260.10 feet, to a point;
thence North $11^{\circ} 29' 27''$ West, with an easterly line of said 1.648 acre tract, a distance of 299.11 feet, to a northeasterly corner thereof;
thence South $79^{\circ} 04' 26''$ West, with a northerly line of said 1.648 acre tract, a distance of 69.80 feet, to a point in the easterly line of "University View Subdivision No. Two" of record in Plat Book 21, Page 10;
thence North $11^{\circ} 29' 27''$ West, with the easterly line of said "University View Subdivision No. Two", a distance of 587.76 feet, to the TRUE POINT OF BEGINNING, and containing 4.58 acres, more or less.
This description was prepared from record information only and should be used for zoning purposes only.

To Rezone From: L-M, Limited Manufacturing, and R, Rural Districts

To: AR-2, Apartment Residential

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-M, Limited Manufacturing, and AR-2, Apartment Residential Districts on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map and shall register a copy of the approved AR-2 Apartment Residential District and L-M, Limited Manufacturing District and Application among the records of the of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said text being titled, "**L-M, LIMITED MANUFACTURING DISTRICT**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant and Property Owners, dated June 7, 2011, and the text reading as follows:

L-M, Limited Manufacturing District
813 Kinnear Road,
Columbus, OH 43212

PROPOSED DISTRICT: L-M, Limited Manufacturing District

EXISTING DISTRICT: L-M, Limited Manufacturing (Z03-099)

ACRES: 1.19 +/- acres

PROPERTY ADDRESS: 813 Kinnear Road Columbus, OH 43212

OWNER(S): Nittany Lions LTD c/o Donald Plank, Plank Law Firm; 145 East Rich Street, 3rd Flr.; Columbus, OH 43215

APPLICANT: Kinnear Road Redevelopment LLC c/o Dave Perry, David Perry Co., Inc.; 145 East Rich Street, 3rd Flr.; Columbus, OH 43215; and Donald Plank, Plank Law Firm; 145 East Rich Street, 3rd Flr.; Columbus, OH 43215

DATE OF TEXT: June 7, 2011

APPLICATION NUMBER: Z11-010

INTRODUCTION: The subject property is located south of Kinnear Road, east of Rhoda Avenue and west of Lennox Town Center. The property (3.75 +/- acres) was rezoned in 2004 after annexation from Clinton Township (LI, Limited Industrial District) as a comparable zoning (Z03-099, Ordinance 1283-2004, passed July 19, 2004) to the City of Columbus L-M, Limited Manufacturing District. In conjunction with the current rezoning request to rezone from L-M to L-M, applicant is rezoning 4.58 +/- acres to the AR-2, Apartment Residential District, including part of the L-M area established by Ordinance 1283-2004, which, with Kinnear Road right of way dedication in 2004, results in the net area of the L-M district being 1.19 +/- acres. The L-M area is being rezoned to remove a provision of the current L-M text (Section 2. Development Standards, C. Buffering, Landscaping, Open Space and/or Screening Requirements, Sub-paragraph 2), which requires certain buffer requirements where adjacent to residential uses. At the time of the Z03-099 rezoning, the only adjacency of the site to residential uses was along the west property line of 807 Kinnear Road (PID: 420-268862). In conjunction with this application, applicant also proposes to rezone a portion of the L-M, including where presently contiguous to Clinton Township residential uses west of the current west property line of 807 Kinnear Road to the AR-2, Apartment Residential District. The intent of the buffer language was to buffer the Clinton Township residential uses, which will no longer be applicable to the L-M, 1.19 +/- acre area.

1. PERMITTED USES: Those uses permitted in C.C. 3363.01, Manufacturing Districts, C.C. 3363.02 through 3363.08, Warehouse, storage and sales establishment - Less Objectionable Uses, and 3363.175, Telecommunications Antennas. Telecommunication antennas shall be restricted to the southeast quadrant of the site. The following uses are prohibited: Adult entertainment establishment; Adult Store; Automobile and Light Truck Dealers; Automotive Sales, Leasing and Rental; Bars, Cabarets and Nightclubs; Blood and Organ Banks; Check Cashing and Loans; Community Food Pantry; Missions/Temporary Shelters; Motorcycle, Boat and Other Motor Vehicle Dealers; Motor Vehicle Accessories and Parts Dealers; Outdoor Power Equipment Sales; Pawn Brokers; Recreational Vehicle Dealers; Truck, Utility Trailer and RV (Recreational Vehicle) Sales, Rental and Leasing; Warehouse Clubs and Super Centers; Drive-in Motion Picture Theaters; Farm Equipment and Supply Stores; Garden, Landscaping and Nursery Centers and Sales; Hospitals; Lawn and Garden Equipment and Supplies Stores; Performing Arts, Spectator Sports and Related Industries; Animal Shelter; Halfway House; Veterinarians (Unlimited practice); Coin-operated Laundries; Repossession Services; Display Advertising;

Armored Car, Investigation Guard and Security Services; Astrology, Fortune Telling and Palm Reading; Butcher Shops, Fish, Meat and Seafood Markets (Unlimited size); Parking Garages; Crematory.

2. DEVELOPMENT STANDARDS: Unless otherwise indicated, the applicable development standards are contained in Chapter 3363, M, Manufacturing District of the Columbus City Code.

A. Density, Lot and/or Setback Commitments. N/A

B. Access, Loading, Parking, and/or Other Traffic Related Commitments.

All circulation, curb cuts and access points shall be subject to the approval of the Franklin County Engineer and/or the City of Columbus Public Service Department, as applicable.

C. Buffering, Landscaping, Open Space and/or Screening Commitments.

Landscaping shall be maintained in a healthy state. Any dead material shall be removed and replaced at the next planting season or within six (6) months.

D. Building Interior-Exterior Commitments. N/A

E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments. N/A

F. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code, as it applies to the M, Manufacturing District and any variance to those requirements shall be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

Existing conditions are recognized as legal and non-conforming to the extent that they do not meet the standards set forth in Chapters 3363, 3312 and 3321, inclusive, of the Columbus City Code.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.~~

Legislation Number: 1012-2011

Drafting Date: 06/20/2011

Current Status: Passed

Version: 3

Matter Type: Ordinance

Explanation

Council Variance Application # CV11-008

APPLICANT: Kinnear Road Redevelopment LLC; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Commercial access, maneuvering, parking, and a dumpster located in residentially zoned property, differing dwelling unit sizes, and reduced development standards for an office development and an apartment complex.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Z11-010) to the L-M, Limited Manufacturing and AR-2, Apartment Residential Districts, to reduce the size and change the development standards of the current L-M District, and for the development of an apartment complex. This Council Variance will allow the current vehicular access for the L-M District through the AR-2 District; a commercial dumpster in the AR-2 District; a two-unit and a four-unit dwelling in the apartment complex; and includes variances for increased building height, reduced parking and building setbacks, parking lot screening, maneuvering, perimeter yard, and a parking space reduction of 10 spaces. The proposal commits to a site plan which proposes an existing office building and a 194-unit apartment complex, and includes appropriate screening for adjacent single-unit dwellings and from the railroad tracks and adjacent industrial uses. The access variance is supported because shared access from Kinnear Road was requested by the Public Service Department, and the maneuvering variance is a result of the lot split from the L-M District for the apartment complex. The other requested variances are supported because other apartment complex projects in the area have been approved with similar densities and setbacks, and the site design provides interior open space for residents. Approval of this request will not introduce incompatible uses to the area, and will result in a project that is consistent with established neighborhood development patterns.

Title

To grant a variance from the provisions of Sections 3333.025, AR-2, apartment residential district use; 3309.14(A), Height districts; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum number of parking spaces required; 3333.18, Building lines, and 3333.255, Perimeter yard, of the Columbus City codes, for the property located at **813 KINNEAR ROAD (43212)**, to permit non-residential access, maneuvering, parking, and a dumpster located in residentially zoned property, differing dwelling unit sizes, and reduced development standards for development in the L-M, Limited Manufacturing District, and an apartment complex in the AR-2, Apartment Residential District **and to declare an emergency** (Council Variance # CV11-008).

Body

WHEREAS, by application No. CV11-008, the owner of property at **813 KINNEAR ROAD (43212)** is requesting a Council Variance to permit commercial access, maneuvering, and a dumpster located in residentially zoned property, differing dwelling unit sizes, and reduced development standards for an office development in the L-M, Limited Manufacturing District, and an apartment complex in the AR-2, Apartment Residential District; and

WHEREAS, Section 3333.025, AR-2, apartment residential district use, prohibits vehicle parking, vehicular access, and maneuvering area for parking spaces for commercial and/or industrial uses from being located on residentially zoned property; prohibits a dumpster for non-residential use; and requires that all buildings in an apartment complex be a minimum of five (5) dwelling units, while applicant proposes to permit vehicular access, maneuvering, and parking spaces in the AR-2 District to be used in conjunction with the adjacent L-M District; a dumpster box for commercial trash collection from the adjacent office building to be located within the AR-2 District; and one (1) four (4) unit dwelling and one (1) two (2) unit dwelling within the apartment complex development; and

WHEREAS, Section 3309.14(A), Height districts, prohibits the height of a building to exceed thirty-five (35) feet, while the applicant proposes three (3) story apartment buildings that are up to forty (40) feet in height, measured as defined to the mid-point of the roof; and

WHEREAS, Section 3312.21, Landscaping and screening, requires perimeter landscaping in commercial parking lots, while the applicant proposes no landscaping and screening along the south and west sides of the parking lot in the L-M District for maneuvering purposes; and

WHEREAS, Section 3312.25, Maneuvering, requires maneuvering area for parking spaces to be located on-site, while certain parking spaces for the office site will maneuver across a common property line of the L-M and AR-2 districts, but all code required maneuvering shall be provided on-site and/or by easement; and

WHEREAS, Section 3312.27, Parking setback line, requires a minimum ten (10) foot parking setback line along Kinnear Road for the L-M District and a minimum twenty-five (25) foot parking setback line for the AR-2 District, while the applicant proposes a five (5) foot parking setback for the L-M District, and requests a five (5) foot parking setback for the AR-2 District if the City of Columbus acquires additional right of way in the future to meet the Columbus Thoroughfare Plan (CTP) designation for the Kinnear Road frontage west of the existing curbcut; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires 1.5 parking spaces per dwelling unit, a total of 291 parking spaces for a 194 unit apartment complex, while applicant proposes to provide 281 parking spaces at 1.45 spaces/dwelling unit (1.29 parking spaces/bedroom); and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of fifty (50) feet along Kinnear Road, while applicant proposes a twenty-five (25) foot building line for a leasing office and requests a five (5) foot building setback if the City of Columbus acquires additional right of way in the future to meet the CTP designation for the Kinnear Road frontage west of the existing curbcut; and

WHEREAS, Section 3333.255, Perimeter Yard, requires a twenty-five (25) foot perimeter yard for an apartment complex, while applicant proposes a zero (0) foot perimeter yard; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features and recognizes this development has safe pedestrian means throughout the development and a new sidewalk along the Kinnear Road frontage; and

WHEREAS, the City Departments recommend approval because the requested variance will not introduce incompatible uses to the area, and will result in project that is consistent with established neighborhood development patterns. The variance commits to a site plan which proposes an existing office building and a 194-unit apartment complex, and includes appropriate screening for adjacent single-unit dwellings and from the railroad tracks and adjacent industrial uses. The access variance is supported because shared access from Kinnear Road was requested by the Public Service Department, and the maneuvering variance is a result of the lot split from the L-M District for the apartment complex. The other requested variances are supported because other apartment complex projects in the area have been approved with similar densities and setbacks, and the site design provides interior open space for residents; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **813 KINNEAR ROAD (43212)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a Variance from the provisions of Sections 3333.025, AR-2, apartment residential district use; 3309.14(A), Height districts; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum number of parking spaces required; 3333.18, Building lines, and 3333.255, Perimeter yard, of the Columbus City codes, is hereby granted for the property located at **813 KINNEAR ROAD (43212)**, in so far as said

section prohibits vehicular access, maneuvering, and parking spaces in the AR-2 District to be used in conjunction with the adjacent L-M District; a dumpster box for commercial trash collection from the adjacent office building to be located within the AR-2 District; and one (1) four (4) unit dwelling and one (1) two (2) unit dwelling within the apartment complex development, with an increased building height of forty (40) feet for three (3) story apartment buildings in the AR-2 District, no landscaping and screening along the south and west sides of the parking lot in the L-M District, maneuvering across common property lines, a five (5) foot parking setback for the L-M District, a five (5) foot parking setback for the AR-2 District if the City of Columbus acquires additional right of way to meet the CTP designation for the Kinnear Road frontage, a parking space reduction from 291 parking spaces to 281 spaces in the AR-2 District, a twenty-five (25) foot building line for the leasing office in the AR-2 District which can be reduced to five (5) feet if the City of Columbus acquires additional right of way to meet the CTP designation for the Kinnear Road frontage, and a reduced perimeter yard from twenty-five (25) feet to zero (0) feet in the AR-2 District, said property being more particularly described as follows:

813 KINNEAR ROAD (43212), being 5.77± acres located on the south side of Kinnear Road, 120± feet east of Rhonda Avenue, and being more particularly described as follows:

Tract 1

1.19 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1, Township 1, Range 18 of the United States Military Lands, being part of the 3.749 acre tract conveyed to Nittany Lions, Ltd. by deed of record in Instrument Number 200109280223365 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at the intersection of the centerline of Kinnear Road (width varies) with the westerly right-of-way line of CSX Transportation, Inc. railroad (100 feet wide)(formerly the Chesapeake and Ohio Railroad);
thence North 86° 14' 46" West, with the centerline of Kinnear Road, a distance of 342.03 feet, to a point;
thence South 11° 28' 43" East, across the right of way of Kinnear Road, a distance of 31.09 feet to a point in the southerly right-of way line of Kinnear Road;
thence South 86° 14' 46" East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 60.00 feet, to a point;
thence South 03° 45' 14" West, with an easterly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 20.00 feet, to a point;
thence South 86° 14' 46" East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 29.68 feet to the TRUE POINT OF BEGINNING;
thence South 86° 14' 46" East, continuing with said northerly line and said southerly right-of-way line, a distance of 257.80 feet, to a northeasterly corner of said 3.749 acre tract;
thence South 11° 28' 59" East, with the easterly line of said 3.749 acre tract, a distance of 153.34 feet, to a point;
thence across said 3.749 acre tract, the following courses and distances:
South 78° 29' 41" West, a distance of 230.84 feet, to a point;
North 11°30'28" West, a distance of 18.00 feet to a point;
South 78°29'32" West, a distance of 64.51 feet to a point on the arc of a curve to the right;
with the arc of said curve to the right, having a central angle of 02° 09' 56", a radius of 278.62 feet, an arc length of 10.53 feet, a chord bearing and distance of North 14° 53' 37" West, 10.53 feet, to a point of compound curvature;
with the arc of said curve to the right, having a central angle of 17° 42' 53", a radius of 117.67 feet, an arc length of 36.38 feet, a chord bearing and distance of North 04° 57' 12" West, 36.24 feet, to a point of tangency;
North 03° 54' 14" East, a distance of 162.52 feet, to the TRUE POINT OF BEGINNING, and containing 1.19 acres, more or less.

This description was prepared from record information only and should be used for zoning purposes only.

Tract 2

4.58 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 1, Township 1, Range 18 of the United States Military Lands, being part of the 3.749 acre tract conveyed to Nittany Lions, Ltd. by deed of record in Instrument Number 200109280223365, and all of the 2.390 acre tract conveyed to Julia E. Pfeifer by deed of record in

Official Record 21456D13 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at the intersection of the centerline of Kinnear Road (width varies) with the westerly right-of-way line of CSX Transportation, Inc. railroad (100 feet wide)(formerly the Chesapeake and Ohio Railroad);
thence North 86° 14' 46" West, with the centerline of Kinnear Road, a distance of 342.03 feet, to a point;
thence South 11° 28' 43" East, across the right of way of Kinnear Road, a distance of 31.09 feet to a point in the southerly right-of way line of Kinnear Road, being the TRUE POINT OF BEGINNING;
thence South 86° 14' 46" East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 60.00 feet, to a point;
thence South 03° 45' 14" West, with an easterly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 20.00 feet, to a point;
thence South 86° 14' 46" East, with a northerly line of said 3.749 acre tract and the southerly right-of-way line of Kinnear Road, a distance of 29.68 feet to a point;
thence across said 3.749 acre tract, the following courses and distances:
South 03° 54' 14" West, a distance of 162.52 feet, to a point of curvature to the left;
with the arc of said curve to the left, having a central angle of 17° 42' 53", a radius of 117.67 feet, an arc length of 36.38 feet, a chord bearing and distance of South 04° 57' 12" East, 36.24 feet, to a point of compound curvature;
with the arc of said curve to the left, having a central angle of 02° 09' 56", a radius of 278.62 feet, an arc length of 10.53 feet, a chord bearing and distance of South 14° 53' 37" East, 10.53 feet, to a point;
North 78° 29' 32" East, a distance of 64.51 feet, to a point in the easterly line of said 3.749 acre tract;
South 11°30'28" East, a distance of 18.00 feet to a point;
North 78°29'41" East, a distance of 230.84 feet to a point;
thence South 11° 28' 59" East, with said easterly line, a distance of 244.68 feet, to a point at a southeasterly corner of said 3.749 acre tract and a northeasterly corner of said 2.390 acre tract;
thence South 11° 29' 01" East, with the easterly line of said 2.390 acre tract, the northeasterly line of that tract conveyed to CSX Transportation, Inc. by deed of record in Official Record 13283G13, a distance of 378.91 feet, to a point at a northeasterly corner of that 7.814 acre tract conveyed to Rail Products International Inc. by deed of record in Official Record 28634E15;
thence South 78° 30' 59" West, with the northerly line of said 7.814 acre tract and a northerly line of that 1.648 acre tract conveyed to Rail Products International Inc. by deed of record in Official Record 28450G12, a distance of 260.10 feet, to a point;
thence North 11° 29' 27" West, with an easterly line of said 1.648 acre tract, a distance of 299.11 feet, to a northeasterly corner thereof;
thence South 79° 04' 26" West, with a northerly line of said 1.648 acre tract, a distance of 69.80 feet, to a point in the easterly line of "University View Subdivision No. Two" of record in Plat Book 21, Page 10;
thence North 11° 29' 27" West, with the easterly line of said "University View Subdivision No. Two", a distance of 587.76 feet, to the TRUE POINT OF BEGINNING, and containing 4.58 acres, more or less.
This description was prepared from record information only and should be used for zoning purposes only.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with an apartment complex, or those uses permitted in the L-M and AR-2, Limited Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "KINNEAR ROAD DEVELOPMENT SITE DEVELOPMENT PLAN," drawn by EMH&T, dated June 7, 2011, and signed by Donald Plank, Attorney for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned upon the following:

1. ~~The developer shall install a westbound left turn lane at the Kinnear Road access point. The west bound Kinnear Road left~~ turn lane, Kinnear Road access/curbcut, and vehicular circulation shall be subject to the approval of the Franklin County Engineer and/or City of Columbus Public Service Department, as applicable.
2. Street trees shall be a minimum two (2) inch caliper at installation and shall be a species approved by and planted at locations approved by the City Forester.
3. A minimum of three (3) trees, evergreen (minimum 5 feet at planting) and/or deciduous (minimum 2" caliper at planting) shall be planted west of the west wall of the 4-unit dwelling, between the west wall of the dwelling and the west fence along the property line.
4. The site plan notes "Optional Future Carports and/or Garages" and "Optional Future Accessory Storage Units" along the east and south property lines. If garages and/or storage units are not built, or if the carports are not enclosed on side facing the applicable perimeter property line, or if garages and/or carports and/or storage units are built, but not continuous along the east and south property lines, then a six (6) foot fence and landscaping shall be provided to achieve 75% opacity.
5. Pavement marking (ladder striping, crosswalk delineation or similar) shall be provided to mark a pedestrian crosswalk from the internal sidewalk to the compactor and bulk refuse area.

SECTION 6. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.~~

Legislation Number: 1014-2011

Drafting Date: 06/20/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation 1. Background:

The City of Columbus, Department of Public Service, received a request from Nationwide Children's Hospital asking that the City sell a portion of the right-of-way identified as the north-south alley known as May Alley between Livingston Avenue and Denton Street. Transfer of this right-of-way will allow for the development of property adjacent to the above named right-of-way, currently owned by Nationwide Children's Hospital.

Per current practice, comments were solicited from interested parties, including City agencies, private utilities and the applicable area commission, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way.

Then Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way. A value of \$9,180.00 was established for this right-of-way. After review of the request, the Land Review Commission voted to recommend the above referenced right-of-way be transferred to Nationwide Children's Hospital for \$9180.00.

2. FISCAL IMPACT:

The City will receive a total of \$9,180.00 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

3. EMERGENCY DESIGNATION:

Emergency action is requested to allow this transfer to occur as soon as possible, thereby allowing Nationwide Children's Hospital to complete their transfer and allow Nationwide Children's Hospital to proceed with construction plans without further delay in order to avoid incurring additional costs that would place strain on the project budget.

TitleTo authorize the Director of the Department of Public Service to execute those documents required to transfer a portion of the north-south alley known as May Alley, between Livingston Avenue and Denton Street to Nationwide

Children's Hospital; and to declare an emergency.

BodyWHEREAS, the City of Columbus, Department of Public Service, received a request from Nationwide Children's Hospital, asking that the City transfer a portion of the north-south alley known as May Alley between Livingston Avenue and Denton Street, to them; and

WHEREAS, acquisition of the right-of-way will allow Nationwide Children's Hospital to redevelop property that is currently owned by Nationwide Children's Hospital; and

WHEREAS, per current practice, comments were solicited from interested parties, including City agencies, private utilities and applicable area commissions, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of this right-of-way to Nationwide Children's Hospital; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for this right-of-way; and

WHEREAS, a value of \$9,180.00 was established for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend that the above referenced right-of-way be transferred to Nationwide Children's Hospital for the amount of \$9,180.00; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents which will provide for the immediate transfer of a portion of the north-south alley known as May Alley between Livingston Avenue and Denton Street to Nationwide Children's Hospital, thereby allowing proposed construction to proceed without delay and preserving the public health, peace, property, safety and welfare now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Public Service be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described right-of-way to Nationwide Children's Hospital; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus. Being all of a 20 foot wide alley as shown on the plat of THEODORE H. BUTLER'S AMENDED SUBDIVISION of George W. Heyl's Outlots Nos. 1, 2, 3, 7, 9 and 11 Addition to the City of Columbus, made by Francis Collins, Master Commissioner, in the case of Alfred Thomas versus Lewis Heyl, et al, Franklin County Court of Common Pleas, recorded in Plat Book 1, Page 277, said AMENDED SUBDIVISION recorded in Plat Book 4, Pages 242 and 243. Said alley currently referred to as May Alley, being more particularly described as follows:

Commencing at an iron pipe set at the northeast corner of Lot 3 of Theodore H. Butler's Amended Subdivision, being at the intersection of the southerly right-of-way line of Livingston Avenue and the westerly right-of-way line of said May Alley, also being the northeast corner of Parcel 6 of Official Record 29123 A01 conveyed to The Children's Hospital;

Thence South 62° 32' 34" East along the northerly limits of May Alley, the projection easterly of the southerly right-of-way line of Livingston Avenue for a distance of 20.00 feet to an iron pipe set at the northwest corner of Lot 4 of said Amended Subdivision, being the northwest corner of that parcel conveyed to Nationwide Children's Hospital, Instrument Number 200802120021856.

Thence South 27° 24' 51" West along the easterly right-of-way line of May Alley, the westerly line of Lot 4, for a distance of 150.00 feet to an iron pipe set at the intersection of the north right-of-way line of Denton Alley, the southwest corner of Lot 4;

Thence North 62° 32' 34" West along the southerly limits of May Alley, the projection westerly of the northerly right-of-way line of Denton Alley, for a distance of 20.00 feet to an iron pipe set at the intersection of the westerly

right-of-way line of May Alley, the southeast corner of Lot 3;

Thence North 270 24' "51 East along the west right-of-way line of May Alley, the easterly line of Lot 3, for a distance of 150.00 feet to THE POINT OF BEGINNING.

Containing 0.069 acre, more or less. Together with and subject to covenants, easements, and restrictions of record.

All iron pipes set are 3/4" inside diameter iron pipe being 30 inches in length with a 1" yellow plastic cap inscribed "Sands Decker".

Bearings are based on the southerly right-of-way line of Livingston Avenue as South 620 32' 34" East as shown on Sheet 400 of 408 of the City of Columbus, Ohio, Department of Public Service Transportation Division plans of FRA-Parsons/Livingston Improvements, PID #86311, Part 1 - Roadway, 2637 DR. E.

This description is based upon actual field surveys performed during March and June 2011 by Sands Decker CPS LLC,.

SECTION 2. That the above referenced real property shall be considered excess road right-of-way and the public rights therein shall terminate upon the Director's execution and delivery of said quit claim deed to the grantee thereof.

SECTION 3. That a general utility easement in, on, over, across and through the above described right-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said right-of-way.

SECTION 4. That upon notification and verification of the relocation of all utilities located within the retained general utility easement area the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the retained general utility easement with no additional compensation due to the City and with no further legislative action required by the City.

SECTION 5. That the \$9180.00 to be received by the City as consideration for the sale of this right-of-way shall be deposited in Fund 748, Project 537650.

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1015-2011

Drafting Date: 06/20/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Columbus Health Department has been awarded a grant from the Public Utilities Commission of Ohio. This ordinance is needed to accept and appropriate \$23,200.00 in grant money to fund this program for the period of June 8, 2011, through June 8, 2012.

The Public Utilities Commission of Ohio HAZMAT training grant allows Health to purchase the services of a professional contractor to design and facilitate a regional full scale radiological preparedness exercise.

This ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible given the grant start date of June 8, 2011. Up to date financial posting promotes accurate

accounting and financial management.

FISCAL IMPACT: The program is funded by the Public Utilities Commission of Ohio and does not generate revenue or require a city match.

Title

To authorize and direct the Board of Health to accept a grant from the Public Utilities Commission of Ohio in the amount of \$23,200.00; to authorize the appropriation of \$23,200.00 to the Health Department in the Health Department Grants Fund; and to declare an emergency. (\$23,200.00)

Body

WHEREAS, \$23,200.00 in grant funds have been made available to the Health Department through the Public Utilities Commission of Ohio to purchase the services of a professional contractor to design and facilitate a regional full scale radiological preparedness exercise; and,

WHEREAS, this ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management; and,

WHEREAS, an emergency exists in the usual daily operation of the Columbus Health Department in that it is immediately necessary to accept this grant from the Public Utilities Commission of Ohio, and to appropriate these funds to the Health Department for the immediate preservation of the public health, peace, property, safety, and welfare; Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Board of Health is hereby authorized and directed to accept a grant award of \$23,200.00 from the Public Utilities Commission of Ohio to purchase the services of a professional contractor to design and facilitate a regional full scale radiological preparedness exercise for the period June 8, 2011 through June 8, 2012.

SECTION 2. That from the unappropriated monies in the Health Department Grants Fund, Fund No. 251, and from all monies estimated to come into said Fund from any and all sources for the twelve months ending June 8, 2012, the sum of \$23,200.00 is hereby appropriated to the Health Department, Division No. 50-01, as follows:

Public Utilities Commission of Ohio HAZMAT Training:

OCA: 501142 Grant No.: 501142 Obj. Level 01: 03 Amount \$ 23,200.00

SECTION 3. That the monies appropriated in the foregoing Section 2 shall be paid upon the order of the Health Commissioner, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1019-2011

Drafting Date: 06/21/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

Background:

This legislation is to appropriate supplemental grant funds from the Ohio Department of Aging and the Franklin County Office on Aging as administered by the Central Ohio Area Agency to carry on various services for the balance of 2011 and 2012.

Emergency action is requested in order to continue services beyond July 1, 2011, without service interruption as stipulated in the various grant requirements.

Fiscal Impact:

The fiscal impact of this ordinance will be to reduce the Recreation and Parks Grant Fund's unappropriated balance of \$976,000.00. This appropriation will enable the Recreation and Parks Department to continue those programs as required by the granting agencies for the balance of 2011 and 2012.

Title

To authorize a supplemental appropriation in the amount of \$976,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for the operation of various grant programs administered by the Central Ohio Area Agency on Aging; and to declare an emergency. (\$976,000.00)

Body

WHEREAS, it is necessary to appropriate grant funds so that the Central Ohio Area Agency on Aging of the Recreation and Parks Department can provide services beyond July 1, 2011 without service interruption, thus this measure is being submitted as emergency legislation; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to appropriate said funds for the preservation of public health, peace, property, safety, and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That from the unappropriated monies in the Recreation and Parks Grant Fund No. 286, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$976,000.00 is appropriated to the Recreation and Parks Department, Department No. 51, as follows:

GRANT: ALZHEIMERS RESPITE

PROJECT NO: 518047	OCA CODE: 514372	OBJECT LEVEL ONE: 01	AMOUNT: \$30,000.00
PROJECT NO: 518047	OCA CODE: 514372	OBJECT LEVEL ONE: 03	AMOUNT: \$400,000.00
PROJECT NO: 518047	OCA CODE: 514372	OBJECT LEVEL ONE: 05	AMOUNT: \$20,000.00
TOTAL BY PROJECT: \$450,000.00			

GRANT: SENIOR VOLUNTEER

PROJECT NO: 518025	OCA CODE: 512822	OBJECT LEVEL ONE: 03	AMOUNT: \$25,000.00
TOTAL BY PROJECT: \$25,000.00			

GRANT: FRANKLIN COUNTY SENIOR OPTIONS

PROJECT NO: 518335	OCA CODE: 514554	OBJECT LEVEL ONE: 03	AMOUNT: \$500,000.00
TOTAL BY PROJECT: \$500,000.00			

GRANT: MIPPA (BOAP)

PROJECT NO: 511140	OCA CODE: 511140	OBJECT LEVEL ONE: 05	AMOUNT: \$1,000.00
TOTAL BY PROJECT: \$1,000.00			

TOTAL APPROPRIATION: \$976,000.00

Section 2. That the monies in the foregoing Section 1 shall be paid upon the order of the Director of Recreation and Parks; and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1022-2011

Drafting Date: 06/21/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND The Fire Division needs to purchase Self Contained Breathing Apparatus (SCBA) equipment and supplies for uniformed personnel. This ordinance authorizes and directs the Finance and Management Director to issue a purchase order to Finley Fire Equipment in the amount of \$60,000.00 for this purchase via the Safety Bond Fund in accordance with the Universal Term Contract established for such purpose.

This legislation also authorizes the transfer of funds between various projects in the Safety Bond Fund and amends the 2011 Capital Improvement Budget.

Bid Information/Contract Compliance: A Universal Term Contract number FL002310 exists for the purchase of self contained breathing apparatus equipment and supplies as follows:

<u>Vendor</u>	<u>Contract Compliance</u>	<u>Expiration Date</u>
Finley Fire Equipment	310816583	3/3/2013

Emergency Designation: This legislation is to be considered an emergency measure to allow for the immediate use of funds, and immediate purchase of these supplies and equipment for the Fire recruit class that begins training in June of this year.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$60,000 from the Public Safety Bond fund to purchase SCBA parts and supplies for the Fire Division. Funds will be transferred from various projects within the Safety Bond Fund for these purchases. The division established a purchase order of \$30,000 in 2010 for the purchase of SCBA equipment.

TitleTo authorize and direct the Finance and Management Director to issue a purchase order to Finley Fire Equipment in the amount of \$60,000.00 for the purchase of Self Contained Breathing Apparatus equipment and supplies for the Fire Division in accordance with the Universal Term Contract established for such purpose; to amend the 2011 Capital Improvement Budget; to authorize the City Auditor to transfer funds between various projects within the Safety Voted Bond Fund; to authorize the expenditure of \$60,000.00 from the Safety Bond Fund, and to declare an emergency. (\$60,000.00)

BodyWHEREAS, the Fire Division is in need of self contained breathing apparatus; and

WHEREAS, a Universal Term Contract number FL002310 exists for the purchase of self contained breathing apparatus;

and

WHEREAS, this ordinance amends the 2011 Capital Improvement Budget number 0266-2011.

WHEREAS, this ordinance authorizes the City Auditor to transfer funds between projects within Public Safety's Voted Bond Funds

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety, Division of Fire, in that it is immediately necessary to purchase said Self Contained Breathing Apparatus equipment and supplies for the aforementioned purpose and for the preservation of the public health, peace, property, safety, and welfare; Now, Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the 2011 Capital Improvement Budget is hereby amended as follows;

Safety Voted Bond Fund: 701

<u>Project/Project #</u> <u>Change</u>	<u>CIB Amount</u>	<u>Revised CIB</u>
Fire Apparatus Replacement-340101-100000 (Carryover Funding) 110	\$0	\$110
Fire Facility Renovation-340103-100000 (Carryover Funding) 747	\$30,530	\$31,277
(Accounts for Encumbrance Cancellation)		
Fire Apparatus Replacement -Medics 340101-100002 (Carryover Funding) (30,757)	\$385,821	\$355,064
Fire Facility Renovation-340103-100000 (Carryover Funding) (748)	\$31,277	\$30,529
Police Property Room/Crime Lab-330033-100000 (Carryover Funding) (28,386)	\$1,447,368	\$1,418,982
Fire Apparatus Replacement-340101-100000 (Carryover Funding) 59,891	\$110	\$60,001

SECTION 2. That the City Auditor is hereby authorized and directed to transfer funds within the Safety Voted Bond Fund as follows:

FROM:

Dept/Div: 30-04|Fund: 701|Project Number 340101-100002|Project Name - Fire Replacement Medic|OCA Code 713402|Amount \$30,756.44

Dept/Div: 30-04|Fund: 701|Project Number 340103-100000|Project Name - Fire Facility Renovation|OCA Code 644559|Amount \$747.83

Dept/Div: 30-03|Fund: 701|Project Number 330033-100000|Project Name - Police Property Room/Crime Lab|OCA Code 644476|Amount \$28,386.07

TO:

Dept/Div: 30-04|Fund: 701|Project Number 340101-100000|Project Name - Fire Apparatus Replacement|OCA Code 644559|Amount \$59,890.34

SECTION 3. That the Finance and Management Director is hereby authorized to issue a purchase order to Finley Fire Equipment for the purchase of self contained breathing apparatus equipment and supplies for the Division of Fire in

accordance with the Universal Term Contract established for such purpose.

SECTION 4. That the expenditure of \$60,000.00, or so much thereof as may be necessary, is hereby authorized to be expended from the Fire Division 30-04, Safety Bond Fund 701; OCA 644559; Apparatus Replacement Project 340101-100000; Object Level 1 06; Object Level 3 6641 to pay the cost thereof.

SECTION 5. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1023-2011

Drafting Date: 06/21/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Columbus Health Department has been awarded a grant from the U.S. Department of Health and Human Services. This ordinance is needed to accept and appropriate \$750,000.00 in grant money to fund the Healthy Start grant program for the period of June 1, 2011 through May 31, 2012.

The Healthy Start grant program enables the Columbus Health Department to conduct care coordination in the project area neighborhoods of South Linden, the Near South, and the Near East, focusing primarily on perinatal and infant clients and their families. The goal of the program is to improve perinatal delivery systems in the project communities.

This ordinance is submitted as an emergency so as to allow the financial transactions to be posted in the City's accounting system as soon as possible given the grant start date of June 1, 2011. Up to date financial posting promotes accurate accounting and financial management.

FISCAL IMPACT: This program is entirely funded by the U.S. Department of Health and Human Services and does not generate revenue or require a City match.

Title

To authorize and direct the Board of Health to accept a grant from the U.S. Department of Health and Human Services in the amount of \$750,000.00; to authorize the appropriation of \$750,000.00 to the Health Department in the Health Department Grants Fund; and to declare an emergency. (\$750,000.00)

Body

WHEREAS, \$750,000.00 in grant funds have been made available through the U.S. Department of Health and Human Services; and,

WHEREAS, this ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management; and,

WHEREAS, an emergency exists in the usual daily operation of The Columbus Health Department in that it is immediately necessary to accept this grant from the U.S. Department of Health and Human Services and to appropriate these funds to the Health Department for the immediate preservation of the public health, peace, property, safety, and welfare; Now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Board of Health is hereby authorized and directed to accept a grant award of \$750,000.00 from the U.S. Department of Health and Human Services for the Healthy Start grant program for the period June 1, 2011, through May 31, 2012.

SECTION 2. That from the unappropriated monies in the Health Department Grant Fund, Fund No. 251, and from all monies estimated to come into said fund from any and all sources during the twelve months ending May 31, 2012, the sum of \$750,000.00 is hereby appropriated to the Health Department, Division No. 50-01, as follows:

OCA: 501141; Grant No.: 501141; OL1:01; Amount:	\$575,000.00
OCA: 501141; Grant No.: 501141; OL1:02; Amount:	\$ 11,130.00
OCA: 501141; Grant No.: 501141; OL1:03; Amount:	\$163,870.00
Total for Grant No. 501141:	\$750,000.00

SECTION 3. That the monies appropriated in the foregoing Section 2 shall be paid upon the order of the Health Commissioner, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1024-2011

Drafting Date: 06/21/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project.

This project will construct sidewalks and associated handicap ramps on King Avenue from Westwood Avenue to Andover Street (0.2 miles), Northwest Boulevard from King Avenue to 5th Avenue (0.2 miles), and Worthington Woods Boulevard from Alta View Boulevard to Sancus Boulevard (0.38 miles). Driveway approaches will be replaced as needed to meet ADA requirements.

One mile of 5 foot wide sidewalk will be added or reconstructed in this project on both sides of these roads. 40 ADA ramps will be added or reconstructed in this project. There are 5 bus stops and transit routes within the limits of this project. These new sidewalks fill in gaps where there are no sidewalks, and come as a result of the City's Operation SAFEWALKS planning effort. Pedestrian generators and destinations impacting the proposed project include residences and small commercial properties.

The estimated Notice to Proceed date is August 3, 2011. The project was let by the Office of Support Services through vendor services. 4 bids were received on June 14, 2011 (4 majority) and tabulated on June 15, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Newcomer Concrete Services, Inc.	\$302,609.78	Norwalk, OH	Majority
Decker Construction Company	\$330,554.84	Columbus, OH	Majority

G&G Cement Contractors, LLC	\$350,939.60	Columbus, OH	Majority
Columbus Asphalt Paving, Inc.	\$364,752.58	Gahanna, OH	Majority

Award is to be made to Newcomer Concrete Services, Inc., as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Newcomer Concrete Services, Inc.

2. CONTRACT COMPLIANCE

Newcomer Concrete Services, Inc. contract compliance number is 341302197 and expires 1/13/13.

3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$363,131.74 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$363,131.74 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to allow these sidewalks to be available to the public in the interest of pedestrian safety.

Title To authorize the Director of Public Service to enter into contract with Newcomer Concrete Services, Inc. and to provide for the payment of construction administration and inspection services, in connection with the Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$363,131.74 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$363,131.74 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$363,131.74 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$363,131.74)

Body **WHEREAS**, it is necessary to enter into contract for the Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project; and

WHEREAS, this project will Construct sidewalks and associated handicap ramps on King Avenue from Westwood Avenue to Andover Street (0.2 miles), Northwest Boulevard from King Avenue to 5th Avenue (0.2 miles), and Worthington Woods Boulevard from Alta View Boulevard to Sancus Boulevard (0.38 miles). Driveway approaches will be replaced as needed to meet ADA requirements; and

WHEREAS, bids were received on June 14, 2011 and tabulated on June 15, 2011, for the Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$363,131.74; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Division of Mobility Options in that the funding should be authorized immediately to construct these sidewalks at the earliest possible time and make sidewalks available for the highest pedestrian safety, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Newcomer Concrete Services, Inc., 646 Townline Road 151, Norwalk, Ohio 44857 for the construction of the the Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project in the amount of \$302,609.78 or so much thereof as may be needed, for the Division of Mobility Options in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$60,521.96.

SECTION 2. The sum of \$363,131.74 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$363,131.74 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100048 / Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project / 06-6600 / 740548 / \$363,131.74

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$363,131.74 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract and inspection, the sum of \$363,131.74 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 590105-100048 / Pedestrian Safety Improvements - King Avenue-NW Boulevard-Worthington Woods Boulevard Sidewalks Project / 06-6621 / 740548 / \$363,131.74

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1025-2011

Drafting Date: 06/21/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project.

This project will construct sidewalks and associated handicap ramps on Mound Street from Binns Avenue to Brinker Boulevard, Nelson Road from Greenway Avenue to the railroad overpass, and Wilson Road from Interchange Drive to Fisher Road. Driveway approaches will be replaced as needed to meet ADA requirements. 1.59 miles of 5 foot wide sidewalk will be added or reconstructed in this project on both sides of Mound Street and Wilson Road and the west side of Nelson Road. 75 ADA ramps will be added or reconstructed in this project.

There are 11 bus stops and transit routes within the limits of this project. These new sidewalks fill in gaps where there are no sidewalks. Pedestrian generators and destinations impacting the proposed project include Bishop Ready High School, Nelson Park, Eastgate School, St. Charles Preparatory School, and Wolfe Park

The estimated Notice to Proceed date is August 1, 2011. The project was let by the Office of Support Services through vendor services. 3 bids were received on June 9, 2011 (3 majority) and tabulated on June 10, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
G&G Cement Contractors, LLC	\$470,040.45	Columbus, OH	Majority
Columbus Asphalt Paving, Inc.	\$567,810.06	Gahanna, OH	Majority
Decker Construction Company	\$590,257.80	Columbus, OH	Majority

Award is to be made to G&G Cement Contractors, LLC, as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against G&G Cement Contractors, LLC.

2. CONTRACT COMPLIANCE

G&G Cement Contractors, LLC contract compliance number is 262560462 and expires 6/11/12.

3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. A C.I.B. amendment is necessary to establish authority in the correct project. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$564,048.54 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$564,048.54 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to allow these sidewalks to be available to the public for the highest provision of pedestrian safety.

Title To authorize the Director of Public Service to enter into contract with G&G Cement Contractors, LLC and to provide for the payment of construction administration and inspection services, in connection with the Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$564,048.54 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$564,048.54 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$564,048.54 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$564,048.54)

Body **WHEREAS**, it is necessary to enter into contract for the Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project; and

WHEREAS, this project will construct sidewalks and associated handicap ramps on Mound Street from Binns Avenue to Brinker Boulevard, Nelson Road from Greenway Avenue to the railroad overpass, and Wilson Road from Interchange Drive to Fisher Road. Driveway approaches will be replaced as needed to meet ADA requirements; and

WHEREAS, bids were received on June 9, 2011 and tabulated on June 10, 2011, for the Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$564,048.54; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Division of Mobility Options in that the funding should be authorized immediately to construct these sidewalks at the earliest possible time and make sidewalks available for the highest pedestrian safety, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with G&G Cement Contractors, LLC, 2849 Switzer Avenue, Columbus, Ohio 43219 for the construction of the Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project in the amount of \$470,040.45 or so much thereof as may be needed, for the Division of Mobility Options in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$94,008.09.

SECTION 2. The sum of \$564,048.54 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$564,048.54 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100049 / Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project / 06-6600 / 740549 / \$564,048.54

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$564,048.54 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract and inspection, the sum of \$564,048.54 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100049 / Pedestrian Safety Improvements - Mound Street-Wilson Road-Nelson Road Sidewalks Project / 06-6621 / 740549 / \$564,048.54

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1027-2011

Drafting Date: 06/22/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: This legislation is to authorize the Finance and Management Director to issue a purchase order to Parr Public Safety Equipment for the purchase of emergency response equipment to be up fitted to a first responder vehicle for the Department of Public Safety, Division of Fire. This vehicle, a Chevrolet Tahoe purchased via Ordinance 0636-2011, passed Council May 4, 2011, will be up fitted to serve as a Command Vehicle and used by Emergency Service-2. This unit will replace an older Emergency Service Unit.

Bid Information: Bids were solicited by the Purchasing Office for this equipment via Solicitation SO037611 opened 6/15/2011; Parr Public Safety Equipment submitted the lowest and best bid for this equipment.

Parr Public Safety Equipment ~ FID/CC #201619573 exp. 7/1/2011.

Emergency action is requested so that purchase orders can be issued as soon as possible, thereby ensuring the prompt up fitting of this vehicle, and thus prompt placement of the vehicle in service.

Fiscal Impact: Funds totaling \$8,994.50 exist in the 2011 General Permanent Improvement, Project 340123-100000, Fire Equipment. An amendment to the 2011 Capital Improvement Budget is necessary to account for an encumbrance cancellation. The balance of funding in the amount of \$1,636.20 exists in the 2011 Fleet Management General Fund Budget to cover this purchase.

Title To authorize an amendment to the 2011 Capital Improvement Budget; to authorize the Finance and Management Director to issue a purchase order to Parr Public Safety Equipment for the purchase of emergency response equipment to be up fitted to a first responder vehicle for the Department of Public Safety, Division of Fire; to authorize the expenditure of \$8,994.50 from the General Permanent Improvement Fund; to authorize the expenditure of \$1,636.20 from the General Fund; and to declare an emergency. (\$10,630.70)

Body

WHEREAS, the Division of Fleet Management, on behalf of the Public Safety Department, is up fitting a Chevrolet Tahoe with emergency response equipment; and

WHEREAS, bids were solicited by the Purchasing Office, with Parr Public Safety Equipment submitting the lowest bid; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Fire, Department of Public Safety, in that it is immediately necessary to authorize an amendment to the Capital Improvement Budget and to authorize the Finance and Management Director to issue a purchase order to Parr Public Safety Equipment for the purchase of emergency response equipment to up fit a first responder vehicle for the Division of Fire, thereby preserving the public health, peace, property, safety, welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the 2011 Capital Improvement Budget is hereby amended to account for an encumbrance cancellation as follows:

Fund 748, Division 30-04:

Project No. | Project Name | Current Authority | Revised Authority | Difference

340123-100000 | Fire Equipment (Carryover) | \$34,112 | \$34,564 | \$452

SECTION 2. That the Director of Finance and Management is hereby authorized to issue a purchase order to Parr Public Safety Equipment for the purchase of emergency response equipment to up fit a first responder vehicle for the Department of Public Safety, Division of Fire, per the terms and conditions of bid solicitation SO037611 opened by the Purchasing Office 6/15/2011.

SECTION 3. That the expenditure of \$10,630.70, or so much there of as may be needed, is hereby authorized as follows:

\$8,994.50 ~ Dept/Div.: 30-04, Fund: 748, Project number: 340123-100000, OCA: 340123, Object Level One: 06, Object Level Three: 6651

\$1,636.20 ~ Dept/Div.: 45-05, Fund: 10, OCA: 451201, Object Level One: 06, Object Level Three: 6651

SECTION 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contract or contract modifications associated with this ordinance.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1031-2011

Drafting Date: 06/22/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background:

Bids were received by the Recreation and Parks Department on June 7th, 2011 for the Roof Renovations for Various Facilities 2011 - Item #1 Project, as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
General Maintenance	MAJ	\$327,193
Alumni Roofing	MAJ	\$382,900
Kalkrueth Roofing	MAJ	\$444,000

Project work consists of:

Roof work at Westgate Recreation Center, Schiller Residence, Schiller Recreation Center, Blackburn Recreation Center, Tuttle Recreation Center, and Airport Golf Course Clubhouse.

Principal Parties:

General Maintenance & Engineering Company
Greg Hilling (Contact)
1231 McKinley Avenue
Columbus, OH 43222
614-279-8611 (Phone)
314188545 exp. 5/19/2012
15+ (Columbus Employees)

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work may proceed as quickly as possible to replace and repair the deteriorating roofs at these facilities

Fiscal Impact:

Recreation and Parks Voted Bond Fund #746 - \$346,500.00

TitleTo authorize and direct the Director of Recreation and Parks to enter into contract with General Maintenance & Engineering Company for the Roof Renovations for Various Facilities 2011 - Item #1 Project, to authorize the expenditure of \$327,193.00 and a contingency of \$19,307.00 for a total of \$346,500.00 from the Voted Recreation and Parks Bond Fund and to declare an emergency. (\$346,500.00)

Body**WHEREAS**, bids were received by the Recreation and Parks Department on June 7th, 2011 and the contract for the Roof Renovations for Various Facilities 2011 - Item #1 Project will be awarded to General Maintenance & Engineering Company, on the basis of the lowest and best responsive and responsible bidder; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with General Maintenance & Engineering Company for the Roof Renovations for Various Facilities 2011 - Item #1 Project so that that work may proceed as quickly as possible to be constructed during the fall construction season; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to enter into contract with General Maintenance & Engineering Company for the Roof Renovations for Various Facilities 2011 - Item #1 Project in accordance with the plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of \$346,500.00, or so much thereof as may be necessary, be and is hereby authorized to pay the cost thereof as follows:

Recreation and parks Voted Bond Fund 746

Project #510035-100024; OCA #728053; Obj Level 3 # 6620; Amount \$346,500.00

SECTION 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1032-2011

Drafting Date: 06/22/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: The 2011 Consolidated Plan Action Plan Budget and the annual filing of the plan application with the U. S. Department of Housing and Urban Development was authorized by Ord 1489-2010. The Columbus Health Department has been awarded a grant from the U.S. Department of Housing and Urban Development (HUD), in the amount of \$768,105.00. Ordinance No. 0058-2011 authorized the appropriation of \$500,000.00 in grant money. This ordinance is needed to appropriate an additional \$268,105.00 in grant monies to fund the Housing Opportunities for Persons with AIDS (HOPWA) grant program.

The HOPWA program provides for the implementation of long-term comprehensive strategies for meeting the housing needs of low income persons with HIV/AIDS and their families. Eligible activities include providing housing information

services; resource identification; acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing and services; new construction of housing units; project or tenant-based rental assistance; short-term rent, mortgage and utility payments; supportive services; technical assistance and administrative support.

This grant is for the period January 1, 2011 through December 31, 2011.

Emergency action is requested to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management.

FISCAL IMPACT: This program is entirely funded by HUD and does not generate revenue or require a City match.

Title To authorize the appropriation of \$268,105.00 from the unappropriated balance of the General Government Grants Fund to the Health Department for the 2011 HOPWA Program, and to declare an emergency. (\$268,105.00)

Body

WHEREAS, the City of Columbus has received funding from the U.S. Department of Housing and Urban Development for the implementation of comprehensive strategies for meeting the housing needs of persons with HIV/AIDS under the HOPWA program; and,

WHEREAS, this ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management; and,

WHEREAS, an emergency exists in the usual daily operation of the Health Department in that it is immediately necessary to appropriate these funds for the immediate preservation of the public health, peace, property, safety and welfare, and to avoid any delays in providing program services; Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the monies in the Fund known as the General Government Grants Fund, Fund No. 220, and from all monies estimated to come into said fund from any and all sources during the 12 months ending December 31, 2011, the sum of \$268,105.00 is hereby appropriated to the Health Department, Department No. 50-01, as follows:

OCA: 501118; Grant: 508274; Object Level 1: 01; Amount: \$ 19,600.00

OCA: 501115; Grant: 508274; Object Level 1: 03; Amount: \$195,935.00

OCA: 501117; Grant: 508274; Object Level 1: 03; Amount: \$ 52,570.00

SECTION 2. That the monies appropriated in the foregoing Section 2 shall be paid upon the order of the Health Commissioner, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 3. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1035-2011

Drafting Date: 06/22/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation1. **BACKGROUND**

This legislation authorizes the Director of Public Service to enter into a professional services contract with M-E Companies for the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Contract for \$350,000.00.

The City of Columbus has developed a Bicentennial Bikeways Plan (BBP) which was adopted by City Council on June 2, 2008. The Plan identifies specific bikeway improvement projects located throughout the City. The Division of Mobility Options is responsible for the management of these improvement projects.

There are three individual projects to be designed as part of this contract. These improvements are mostly within the right-of-way, and are projects identified in the Columbus Bicentennial Bikeways Plan. The three projects consist of the following:

Hudson Street/Mock Road

Columbus' rivers generally flow north-south. The bicycle paths that have been constructed along portions of the Scioto River, Olentangy River and Alum Creek provide excellent north-south bicycle access. The City of Columbus Bicentennial Bikeways Plan (BBP) recommends an east/west connection between the Olentangy Trail and the Alum Creek Trail using Hudson Street and Mock Road. The proposed 4 mile route recommended in the BBP will include a combination of bike lanes, shared-signed routes and shared-use path.

Olentangy to Alum Creek East-West Connector Phase 2

In 2010 The City of Columbus constructed an east/west connection between the Olentangy Trail at Broad Meadows Drive and the Alum Creek Trail at Cooper Park. The 7-mile route utilizes mainly existing residential streets between SR 161 and Morse Road. However, the construction of a shared use path at the east end of the route is recommended in order to facilitate an additional connection to the Alum Creek Trail near Partridge Park. This facility will run between Bretton Woods Drive and Wingfield Street. A major component of the project will include the path crossing at Westerville Road (SR 3).

Citywide Signage Replacement

The City of Columbus Bicentennial Bikeways Plan (BBP) recommends the development of a system identification for on-street bikeways. System identification creates greater awareness of the bicycle and pedestrian network and provides wayfinding assistance for cyclists and walkers. System identification usually begins by identification of a series of bicycle and pedestrian routes, development of a unique logo and facility signage, development of a network map and publicity. Signage may also include informational kiosks, directional signage pointing out destinations, and mileage indicators. Destination signage helps bicyclists use the bikeway network as an effective transportation system. These signs typically display distance, direction and in some cases, estimated travel time information to various destinations. In Columbus, destination signage will be helpful for destinations such as downtown, The Ohio State University, Easton, Polaris, the Arena District, or other shopping centers, parks and schools. The Consultant will inventory the city's existing bike route signage and develop a new signage system. The Consultant will also benchmark other cities and incorporate best practices into the recommended system.

The Department of Public Service, Office of Support Services solicited a Request for Proposal for the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Contract. This project was formally advertised through the City's Vendor Services from April 28, 2011 to May 26, 2011. The city received Six responses. All proposals were deemed minimally compliant and were fully evaluated when the Evaluation Committee met on June 13, 2011.

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE/ASN</u>
M-E Companies	Westerville, OH	Majority
Resource International, Inc.	Columbus, OH	FBE
Stantec Consulting Services, Inc.	Columbus, OH	Majority
E.P. Ferris and Associates, Inc.	Columbus, OH	Majority
Michael Baker Jr., Inc.	Columbus, OH	Majority
Dynotec, Inc	Columbus, OH	MBE

M-E Companies received the highest score by the evaluation committee and will be awarded the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Contract.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against M-E Companies.

2. CONTRACT COMPLIANCE

M-E Companies contract compliance number is 311442777 and expires 2/16/12.

3. EMERGENCY DESIGNATION

Emergency action is requested to provide for this engineering and design work at the earliest possible time in order to continue the effort of being a bicycle and pedestrian friendly city and expedite the planning of the City's bikeway program.

4. FISCAL IMPACT

Funds for this project are budgeted and available in the 2011 CIB in the Bikeway Development project. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$350,000.00 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$350,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

Title To authorize the Director of Public Service to enter into a professional service engineering contract with M-E Companies for the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Project; to authorize and direct the City Auditor to appropriate and transfer \$350,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$350,000.00 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$350,000.00 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$350,000.00)

Body **WHEREAS**, the City of Columbus has developed a Bicentennial Bikeways Plan, which was adopted by City Council on June 2, 2008 and this plan identifies specific bikeway improvement projects located throughout the City; and

WHEREAS, the Director of Public Service has identified the need to enter into a professional service engineering contract for the design of 3 projects described below:

1. Hudson Street/Mock Road, a 4-mile east/west connection between the Olentangy Trail and the Alum Creek Trail using Hudson Street and Mock Road consisting of a combination of bike lanes, shared-signed routes and shared-use path.
2. Olentangy to Alum Creek East-West Connector Phase 2, a shared-use path between Bretton Woods Drive and Wingfield Street to complete the signed shared route implemented in 2010 between the Olentangy Trail the Alum Creek Trail.
3. Citywide Signage Replacement, the development of a new system of signage for on-street bikeways throughout the City; and

WHEREAS, The Department of Public Service solicited a request for proposal for the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Contract; and

WHEREAS, a satisfactory proposal has been submitted by M-E Companies; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$350,000.00; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury

Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Mobility Options, in that this legislation should go forth immediately to maintain the overall design schedule in order to have plans and engineering services available for bikeway projects, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with M-E Companies, 635 Brookside Boulevard, Westerville, OH, 43081 in the amount of \$350,000.00 or so much as may be needed for the Bikeway Development - Olentangy Alum Creek Phase 2, Hudson Street/Mock Road, Citywide Signage Replacement Contract.

SECTION 2. The sum of \$350,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$350,000.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>
704 / 540002-100001 / Bikeway Development - Hudson Street/Mock Road / 06-6682 / 740201 / \$100,000.00
704 / 540002-100007 / Bikeway Development - Citywide Signage Replacement / 06-6682 / 740207 / \$125,000.00
704 / 540002-100035 / Bikeway Development - Olentangy to Alum Creek East-West Connector Phase 2 / 06-6682 / 740235 / \$125,000.00

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$350,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract, the sum of \$350,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project No. / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 540002-100001 / Bikeway Development - Hudson Street/Mock Road / 06-6682 / 740201 / \$100,000.00
704 / 540002-100007 / Bikeway Development - Citywide Signage Replacement / 06-6682 / 740207 / \$125,000.00
704 / 540002-100035 / Bikeway Development - Olentangy to Alum Creek East-West Connector Phase 2 / 06-6682 / 740235 / \$125,000.00

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the mayor, or ten days after passage if the mayor neither approves nor vetoes the same.

Legislation Number: 1036-2011

Drafting Date: 06/22/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: Two vacant lots currently held in the Land Bank have been approved for disposition. In order to complete the transfer, authorization is needed for the Director of the Department of Development to execute any and all agreements and deeds for conveyance of the real property. This legislation authorizes the Director of Development to transfer two parcels located on Merrimac Street (Franklin County Tax Parcels 010-077927 and 010-077931) to Loss and Dorothy L. Miller, who will maintain the properties as a side yard lot expansion. The parcels will be transferred by deed recorded in the Official Records of the Franklin County Recorder's Office.

FISCAL IMPACT: No funding is required for this legislation. The City may first recover reimbursement of any and all expenses incurred on account of the acquisition, administration, management, maintenance and disposition of such land and such other expenses of the program as the City may apportion to such land from the sale proceeds.

EMERGENCY JUSTIFICATION: Emergency action is requested to expedite the transfer and decrease Land Bank maintenance costs.

Title

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of two parcels of real property (00000 Merrimac Street) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

Body

WHEREAS, by Ordinance 2161-93 Council adopted and elected to use the Revised Code Chapter 5722, Land Reutilization Program, to facilitate effective reutilization of nonproductive land acquired through a sale pursuant to a

foreclosure proceeding initiated by the Franklin County Treasurer, or through a sale of forfeited lands by the Franklin County Auditor or through a conveyance in lieu of foreclosure to foster either return of such land to tax revenue generating status or its devotion to public use; and

WHEREAS, a proposal for the sale of the property which will be acquired pursuant to Ohio Revised Code Section 5722.06 meets the Land Reutilization Program's Disposition Policies and Guiding Principles and has been approved by the Land Redevelopment Office Administrator; and

WHEREAS, the property will be sold at not less than fair market value in conformity with Ohio Revised Code Section 5722.07, competitive bidding is not required; and

WHEREAS, under 5722.07 "fair market value" means the appraised value of the nonproductive land made with reference to any redevelopment and reutilization restrictions as may be imposed by the electing subdivision as a condition of sale or as may otherwise be applicable to such land.

WHEREAS, in order to complete the transfer of such property to the purchaser, authority is needed for the Director of the Department of Development to execute any and all necessary agreements and deeds of conveyance for the real property; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development, Land Redevelopment Office in that it is immediately necessary to convey title of said parcels of real estate to expedite the transfer and decrease Land Bank maintenance costs, all for the immediate preservation of the public health, peace, property, safety and welfare; and **now therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to execute any and all necessary agreements and deeds to convey title to the following parcels of real estate:

PARCEL NUMBER: 010-077927, 010-077931
ADDRESS: 00000 Merrimac Street, Columbus, Ohio 43222
PRICE: \$1,500 plus a \$38.00 recording fee
USE: Side Yard Expansion

Situated in the State of Ohio, County of Franklin, and City of Columbus, and being described as follows:

Being Lots Numbered One Hundred Four (104) and One Hundred Five (105), of GUILFORD PARK ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 330, Recorder's Office, Franklin County, Ohio.

Section 2. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

Section 3. That Council hereby finds that the selection process utilized in this matter is in accordance with the Land Bank Disposition Process created pursuant to the City's Land Reutilization Program and hereby approves the same.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1040-2011

Drafting Date: 06/23/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project.

This project will construct sidewalks and associated handicap ramps on Kenny Road from Bricker Avenue to Ackerman Road, Weber Road from I-71 to Cleveland Avenue and Mt. Vernon Avenue from 5th Street to 6th Street (1.25 miles). Driveway approaches will be replaced as needed to meet ADA requirements. 1.25 miles of 5 foot and 7 foot wide sidewalk will be added or reconstructed in this project on both sides of Kenny Road, Weber Road and Mt. Vernon Avenue. 136 ADA ramps will be added or reconstructed in this project. Also, as part of this project, relocation of Division of Power and Water (Power) utility poles will require relocation. This ordinance establishes funding to reimburse the Division of Power and Water (Power) for this purpose. There are 25 bus stops and transit routes within the limits of this project. New sidewalks will fill in gaps where there are no sidewalks within the project limits. Pedestrian generators and destinations impacting the proposed project include Cranbrook School, Como Elementary School, Linden Elementary School, St. Patricks Elementary School.

The estimated Notice to Proceed date is August 8, 2011. The project was let by the Office of Support Services through vendor services. The contract length is 90 days from the notice to proceed date. 5 bids were received on June 16, 2011 (5 majority) and tabulated on June 17, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Nickolas Savko & Sons, Inc.	\$621,668.08	Columbus, OH	Majority
G&G Cement Contractors, LLC	\$630,482.33	Columbus, OH	Majority
Columbus Asphalt Paving, Inc.	\$655,353.55	Gahanna, OH	Majority
Newcomer Concrete Services	\$734,759.69	Norwalk, OH	Majority
Decker Construction Company	\$771,666.78	Columbus, OH	Majority

Award is to be made to Nickolas M. Savko & Sons, as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Nickolas Savko & Sons, Inc.

2. CONTRACT COMPLIANCE

Nickolas Savko & Sons, Inc. contract compliance number is 310907362 and expires 3/3/13.

3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$754,558.70 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$754,558.70 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to allow these sidewalks to be available to the public for the highest provision of pedestrian safety.

TitleTo authorize the Director of Public Service to enter into contract with Nickolas Savko & Sons, Inc. ; to provide for the payment of construction administration and inspection services; to provide for utility relocation expenses, in connection with the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$754,558.70 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$754,558.70 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$754,558.70 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$754,558.70)

Body**WHEREAS**, it is necessary to enter into contract for the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project; and

WHEREAS, this project will construct sidewalks and associated handicap ramps on Kenny Road from Bricker Avenue to

Ackerman Road, Weber Road from I-71 to Cleveland Avenue and Mt. Vernon Avenue from 5th Street to 6th Street. Drives will be replaced as needed to meet ADA requirements; and

WHEREAS, bids were received on June 16, 2011 and tabulated on June 17, 2011, for the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to provide funding for reimbursement to the Division of Power and Water(Power) for utility relocation expenses; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$754,558.70; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Division of Mobility Options in that the funding should be authorized immediately to construct these sidewalks at the earliest possible time and make sidewalks available for the highest pedestrian safety, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Nickolas Savko & Sons, Inc., 4636 Shuster Road, Columbus, Ohio 43214 for the construction of the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project in the amount of \$621,668.08 or so much thereof as may be needed, for the Division of Mobility Options in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$124,333.62; and provide funding in the amount of \$8,557.00 for reimbursement to the Division of Power and Water(Power) for utility relocation expenses.

SECTION 2. The sum of \$754,558.70 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$754,558.70 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100053 / Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project / 06-6600 / 740553 / \$754,558.70

SECTION 5. That the monies appropriated in the foregoing Section 5 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 4 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 4, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$754,558.70 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract, inspection, and utility relocation reimbursement the sum of \$754,558.70 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100053 / Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks
Project / 06-6621 / 740553 / \$754,558.70

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1042-2011

Drafting Date: 06/23/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This ordinance authorizes the option to purchase High Skid Preformed Thermoplastic Pavement Marking Materials for the Department of Public Service, Division of Planning and Operation. The term of the proposed option contract will be through December 31, 2013 with the option to extend one additional year, subject to mutual agreement by both parties, in accordance with formal bid SA003971. The Purchasing Office opened formal bids on June 9, 2011. These materials are used to mark asphalt and concrete pavement on roadways throughout the City of Columbus.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA003971). Fourteen bids were solicited (MAJ: 14); One (MAJ: 1) bid was received.

No bids were received for items 1-19, 83, 84 and 87. These items will be bid as needed.

This company is not debarred according to the Excluded Parties listing of the Federal Government and is not listed in the Auditor of States database for Findings for Recovery.

The Purchasing Office is recommending award of a contract to the lowest, responsive, responsible and best bidder:

Flint Trading, Inc., CC#561736552, exp. 7/8/2012

Total Estimated Annual Expenditure: \$50,000.00

This ordinance is being submitted as an emergency because without emergency action for these materials the installation of roadway pavement markings on City of Columbus roadways will be delayed and the efficient delivery of valuable public services will be slowed.

FISCAL IMPACT: Funding to establish this option contract is budgeted in the Mail, Print Services, and UTC Fund. City agencies will be required to obtain approval to expend from their own appropriations.

Title

To authorize the Finance and Management Director to enter into a contract for the option to purchase High Skid Preformed Thermoplastic Pavement Marking Materials with Flint Trading, Inc. to authorize the expenditure of one dollar to establish the contract from the Mail, Print Services, and UTC Fund; and to declare an emergency. (\$1.00)

Body

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 9, 2011 and selected the lowest, responsive, responsible and best bid; and

WHEREAS, this ordinance addresses the Purchasing objective of 1) maximizing the use of City resources by obtaining optimal products/services at low prices 2) encouraging economic development by improving access to City bid opportunities and 3) providing an effective option contract for the Department of Public Service to efficiently maintain their supply chain and service to the public; and

WHEREAS, in order to ensure High Skid Preformed Thermoplastic Pavement Marking Materials are supplied without interruption to support the marking of roadway pavement throughout the city, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service/ Division of Planning and Operations in that it is immediately necessary to enter into a contract for the option to purchase High Skid Preformed Thermoplastic Pavement Marking Materials thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance and Management Director be and is hereby authorized to enter into the following contract for the option to purchase High Skid Preformed Thermoplastic Pavement Marking Materials to mark roadway pavement in the City of Columbus for the term ending December 31, 2013 with the option to extend for an additional one year period in accordance with Solicitation No. SA003971 as follows:

Flint Trading, Inc. Items: 20-82 and 85, 86, 88, and 89, Amount: \$1.00

SECTION 2. That the expenditure of \$1.00 is hereby authorized from the Mail, Print Services, and UTC Fund, Organization Level 1: 45-01, Fund: 05-517, Object Level 3: 2270, OCA: 451130, to pay the cost thereof.

SECTION 3. That for the reason stated in the preamble here to, which is hereby made a part hereof, this ordinance is

hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1045-2011

Drafting Date: 06/23/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

During the plan development phase of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project it was determined the installation of ADA compliant curb ramps and sidewalk associated with this redevelopment project will require the removal of certain retaining walls currently located within the public rights-of-way.

After investigation by Department of Public Service staff, it does not appear the City constructed these walls, nor does it appear permits were issued to the property owners for the construction of these walls however; these walls are needed to protect the integrity of the adjacent structures. The City and the developer have agreed that these retaining will should be removed and reconstructed as a part of the project.

The Department of Public Service believes it is in the best interest of the affected property owners and the City for the City to assign maintenance responsibility to the adjacent property owners and to issue revocable encroachment easements for these walls. The following legislation authorizes the Director of the Department of Public Service to execute those documents need to grant the proposed encroachment easements.

2. FISCAL IMPACT

N/A

3. Emergency Designation

This project is scheduled to go to construction this summer and should be completed by late this fall. Emergency action is requested to allow for document preparation and execution of the necessary encroachment easements prior to completion of the construction.

TitleTo authorize the Director of the Department of Public Service to execute those documents needed to grant encroachment easements for retaining walls that will be removed and reconstructed within the public rights-of-way as a part of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project and to declare an emergency.

Body**WHEREAS**, during the plan development phase of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project it was determined the installation of ADA compliant curb ramps and sidewalk associated with this redevelopment project will require the removal of certain retaining walls currently located within the public rights-of-way; and

WHEREAS, after investigation by Department of Public Service staff, it does not appear the City constructed these walls, nor does it appear permits were issued to the property owners for the construction of these walls however; and

WHEREAS, these walls are needed to protect the integrity of the adjacent structures; and

WHEREAS, the City and the developer have agreed that these retaining will should be removed and reconstructed as a part of the project; and

WHEREAS, the Department of Public Service believes it is in the best interest of the affected property owners and the City for the City to assign maintenance responsibility to the adjacent property owners and to issue revocable encroachment easements for these walls.; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director of the Department to execute those documents necessary to grant encroachment easements for retaining walls that will be removed and reconstructed within the public rights-of-way as a part of the Miscellaneous Economic Development - Columbus Coated Fabrics Sixth Street Area Roadways, Phase 2C, project for the preservation of the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Public Service be and is hereby authorized to execute those documents necessary to grant the following described encroachment easements; to-wit:

RETAINING WALL ENCROACHMENT (329 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18 of the United States Military Lands, being across the right-of-way of Sixth Avenue and Sixth Street as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, and described as follows:

Beginning at the southeasterly corner of Lot 264 as shown on said "New Indianola Addition," being the intersection of the northerly right-of-way line of Sixth Avenue (50') with the westerly right-of-way line of Sixth Street (width varies);

Thence North 03°13'06" East, with the easterly line of said Lot 264 and said westerly right-of-way line, a distance of 29.74 feet, to a point;

Thence across the right-of-way of Sixth Street and Sixth Avenue, the following courses:

South 86°38'41" East, a distance of 5.93 feet, to a point;

South 03°14'37" West, a distance of 26.83 feet, to a point;

South 54°36'58" West, a distance of 8.81 feet, to a point;

North 86°38'41" West, a distance of 59.04 feet, to a point;

North 03°21'19" East, a distance of 2.60 feet, to the southerly line of said Lot 264 and said northerly right-of-way line;

Thence South 86°38'41" East, with said southerly line and said northerly right-of-way line, a distance of 60.01 feet, to the *Point of Beginning*, containing 329 square feet.

EVANS, MECHWART, HAMBLETON & TILTON, INC
Michael O. Wanchick
Registered Surveyor No. 7854

RETAINING WALL ENCROACHMENT (205 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18, of the United States Military Lands, being across the right-of-way of Sixth Avenue and Sixth Street as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36 and described as follows:

Beginning, for reference, at the northeasterly corner of Lot 265 as shown on said "New Indianola Addition," being on the westerly right-of-way line of Sixth Street (width varies);

Thence South 03°13'06" West, with the easterly line of said Lot 265 and said westerly right-of-way line, a distance of 5.00 feet, to the *True Point of Beginning*;

Thence across the right-of-way of Sixth Street, the following courses:

South 86°38'41" East, a distance of 5.95 feet, to a point;

South 03°14'51" West, a distance of 34.49 feet, to a point;

North 86°38'41" West, a distance of 5.93 feet, to the easterly line of Lot 264 as shown on said "New Indianola Addition" and said westerly right-of-way line;

Thence North 03°13'06" East, with the easterly line of said Lots 264 and 265 and said westerly right-of-way line, a distance of 34.49 feet, to the *True Point of Beginning*, containing 205 square feet.

EVANS, MECHWART, HAMBLETON & TILTON, INC
Michael O. Wanchick
Registered Surveyor No. 7854

RETAINING WALL ENCROACHMENT (448 Square Feet)

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 18, United States Military Lands, being across the right-of-ay of Eighth Avenue and Sixth Street as shown on the subdivision plat entitled "Anna M. & Joseph Erbs Subdivision" of record in Plat Book 4, Page 151, and described as follows:

Beginning at the northwesterly corner of Lot 315 as shown on the subdivision plat entitled "New Indianola Addition" of record in Plat Book 12, Pages 35 and 36, being the intersection of the southerly right-of-ay line of Eighth Avenue (50') with the easterly right-of-way line of Sixth Street;

Thence South 03°13'06" West, with the westerly line of said Lot 315 and said easterly right-of-way line, a distance of 34.00 feet, to the southwest corner thereof;

Thence North 86°33'23" West, across the right-of-way of Sixth Street with the southerly line of said Lot 315 extended, a distance of 2.62 feet, to a point;

Thence across the right-of-way of Sixth Street and Eighth Avenue, the following courses:

North 03°35'47" East, a distance of 39.01 feet, to a point;

South 88°18'06" East, a distance of 32.36 feet, to a point;

South 86°33'23" East, a distance of 30.69 feet, to a point;

South 03°26'37" West, a distance of 6.00 feet, to the northerly line of said Lot 315 and said southerly right-of-way line;

Thence North 86°33'23" West, with said northerly line and said southerly right-of-way line, a distance of 60.65 feet, to the *Point of Beginning*, containing 448 square feet.

EVANS, MECHWART, HAMBLETON & TILTON, INC
Michael O. Wanchick
Registered Surveyor No. 7854

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1049-2011

Drafting Date: 06/24/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the construction contract with Decker Construction Company for the Pedestrian Safety Improvements - Linden Area Traffic Management Plan in an amount up to \$22,598.69. This ordinance also authorizes funding in an amount up to \$25,125.56 for work performed for the project by Division of Planning and Operation crews and additional inspection costs needed for the project in an amount up to \$8,278.00.

Work performed to date for this project includes the installation of several traffic calming features within the area of the Linden Area Traffic Management Plan including the installation of medians, chicanes, speed tables, curb ramps and sidewalks.

Work had been issued to the contractor in the form of task orders to construct recommendations of the Linden Area Traffic Management Plan beginning in 2007 until construction funds allotted in the contract were spent. The last task order was completed in 2009.

Work to be performed as part of this modification includes removal of traffic calming devices on Maize Road near Cooke Road, Blenheim Road and Moon Road and the traffic calming islands on Norris Drive between Maize Road and Karl Road. Removal of features include median removal, removal of signs and pavement markings, restoration of concrete base, asphalt surface and new pavement markings.

After further study and monitoring of installed traffic calming features, and with input from the neighborhood, the city will remove these traffic devices and the traffic calming islands on Norris Drive and Maize Road. Work is anticipated to be completed in 2011 prior to winter weather.

Costs for this modification are estimated based on quantities calculated for the modifications and using unit prices based on contractor rates and engineering estimates, contingency, inspection and city crew costs based on current material and labor rates.

The original contract amount	\$ 1,030,000.00	(EL007258, Ord. 1022-2007)
The total of Modification No. 1:	\$ 22,598.69	
The contract amount including all modifications:	\$ 1,052,598.69	

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Decker Construction Company.

2. CONTRACT COMPLIANCE

Decker Construction Company's contract compliance number is 310983557 and expires 10/20/11.

3. FISCAL IMPACT

Funding for this modification is available within the 2011 Capital Improvement Budget. The amount of this ordinance is \$56,002.25, which includes the contract modification amount of \$22,598.69, funding for work performed by City staff in the amount of \$25,125.56 and funding for additional construction inspection in the amount of \$8,278.00. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$56,002.25 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$56,002.25 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

The Department of Public Service is requesting City Council to enact this legislation as an emergency measure, in order to allow for the work for this project to be done this construction season.

Title To authorize the Director of Public Service to modify and increase the contract for the construction of the Pedestrian Safety Improvements - Linden Area Traffic Management Plan with Decker Construction Company for the Division of Mobility Options; to authorize and direct the City Auditor to appropriate and transfer \$56,002.25 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and authorize the expenditure of \$56,002.25 within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$56,002.25).

Body **WHEREAS**, contract no. EL007258, in the amount of \$1,030,000.00 was authorized by ordinance no. 1022-2007, passed by City Council July 23, 2007, executed September 7, 2007 and approved by the City Attorney on September 11, 2007; and

WHEREAS, after further study and monitoring of traffic calming features on Maize Road and Norris Drive, and with input from the neighborhood, the city will remove these traffic devices and the traffic calming islands; and

WHEREAS, the Department of Public Service has determined it to be in the City's best interest to modify the subject contract for purposes of removing these traffic devices and traffic calming islands; and

WHEREAS, this ordinance authorizes the first modification to the Pedestrian Safety Improvements - Linden Area Traffic Management Plan contract in the amount of \$22,598.69; and

WHEREAS, additional funds for construction inspection and administration and work performed by City staff is required; and

WHEREAS, the total contract amount including this modification is \$1,052,598.69; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$56,002.25; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Mobility Options, in that the contract should be modified and increased immediately so that the work to be performed as part of this modification can be completed this year, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to modify and increase contract no. EL007258, with Decker Construction Company, 3040 McKinley Avenue, Columbus, OH 43204, by \$22,598.69 for additional work in accordance with the terms as shown on the modification on file in the Office of Support Services, which is hereby approved, and to provide funding for work performed by City staff in the amount of \$25,125.56 and funding for additional construction inspection in the amount of \$8,278.00.

SECTION 2. The sum of \$56,002.25 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$56,002.25 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100004 / Pedestrian Safety Improvements - Linden Area Traffic Management Plan / 06-6600 / 740504 / \$56,002.25

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount

currently estimated to be \$56,002.25 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract, inspection, and reimbursement for City Staff work performed the sum of \$56,002.25 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100004 / Pedestrian Safety Improvements - Linden Area Traffic Management Plan / 06-6631 / 740504 / \$56,002.25

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1050-2011

Drafting Date: 06/24/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of the Department of Development to appropriate Emergency Shelter Grant (ESG) funds in the amount of \$283,037, received from the U.S. Department of Housing and Urban Development (HUD), for the provision of homeless services and to enter into a contract with the Community Shelter Board, Inc. (CSB) for the administration of the City's Emergency Shelter Grant monies. Funds will be used to meet the housing needs identified in the Consolidated Plan submitted to HUD.

The contract will provide \$283,037 from the Emergency Shelter Grant for the purpose of continuing the city's support for homeless emergency shelters. The CSB will disburse the funds to various providers of services to homeless individuals and families, and will monitor those provider activities. The CSB has been selected because of their history with the city and the homeless service community in the coordination of emergency shelter services, as well as, the CSB's established administrative procedures to effectively and efficiently implement such services.

Emergency action is necessary to allow program services to continue without interruption.

FISCAL IMPACT: Funding of this legislation is from an Emergency Shelter Grant received from the U.S. Department of Housing and Urban Development. The City also provides funding to the Community Shelter Board from the General Fund and Community Development Block Grant budgets.

To authorize the appropriation of \$283,037.00 from the General Government Grant Fund to the Department of Development; to authorize the Director of the Department of Development to enter into contract with the Community Shelter Board for the purpose of continuing the city's support for homeless emergency shelters; to authorize the expenditure of \$283,037.00 from the General Government Grant Fund; and to declare an emergency (\$283,037.00)

Body

WHEREAS, the City has received \$283,037.00 in Emergency Shelter Grant funds from HUD under the Stewart-McKinney Act-Emergency Shelter Grant Program for the provision of support services to the homeless; and

WHEREAS, the Director of the Department of Development desires to enter into a contract with the Community Shelter Board; and

WHEREAS, the City continues to support the Community Shelter Board's work with emergency shelters for homeless individuals and families; and

WHEREAS, these programs have effectively and efficiently enabled our community to help individuals and families who are homeless resolve their housing crisis; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to enter into contract with Community Shelter Board so that necessary services will not be interrupted, all for the preservation of the public health, peace, property, safety and welfare; and **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

- Section 1.** That from the unappropriated balance of the General Government Grant Fund, Fund 220, Grant 458084 and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the year ending December 31, 2011, the sum of \$283,037.00 is hereby appropriated to the Department of Development, Department No. 44-10, Object Level One 03, Object Level Three 3337, OCA Code 458088.
- Section 2.** That the Director of the Department of Development is hereby authorized to contract with the Community Shelter Board for the purpose of continuing the City's support for emergency shelters for homeless individuals and families.
- Section 3.** That this contract is awarded pursuant to Section 329.15 of the Columbus City Codes, 1959, as amended.
- Section 4.** That for the purpose as stated in Section 2, the expenditure of \$283,037.00 or so much thereof as may be necessary and be and is hereby authorized to be expended from the General Government Grant Fund, Fund 220, Grant 458084, Department of Development, Department No. 44-10, Object Level One 03, Object Level Three 3337, OCA Code 458088.
- Section 5.** That for the reasons stated in the preamble hereto, which hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1052-2011

Drafting Date: 06/24/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: The City is a participating jurisdiction receiving federal funds under the HOME Investment Partnerships Program (HOME) of the U.S. Department of Housing and Urban Development (HUD). The regulations of the program provide that up to five percent of the annual allocation may be granted to Community Housing Development Organizations (CHDOs) to pay operating costs of the agencies. CHDOs are nonprofit organizations that work in neighborhoods to develop affordable housing through rehabilitation of existing housing stock or new in-fill construction.

This legislation authorizes the expenditure of \$230,255.50 of HOME Funds and also authorizes the Director of Development to enter into a contract with the Community Development Collaborative of Greater Columbus (Collaborative) to serve in the role as a funding intermediary, facilitator of training, and builder of organizational capacity. These funds leverage additional public and private funds for operating support of CHDOs. The City and the Collaborative have collectively developed a process for distribution of the funds. The Collaborative will administer contracts for the following CHDOs:

Community Development for All People	\$46,051.10
Franklinton Development Association	\$46,051.10
Greater Linden Development Corporation	\$46,051.10
Homes on the Hill CDC	\$46,051.10
MiraCit Development Corporation	<u>\$46,051.10</u>
Total	\$230,255.50

Contract figures represent only the HOME funded portion of the CHDOs total contracts.

Emergency action is requested to avoid disruptions in program services.

FISCAL IMPACT: The 2011 HOME Program budget allocated a total of \$230,255.50 for CHDO operating support.

Title

To authorize the Director of the Department of Development to enter into a contract with the Community Development Collaborative of Greater Columbus to provide CHDO operating support; to authorize the expenditure of \$230,255.50 from the HOME Fund; and to declare an emergency. (\$230,255.50)

Body

WHEREAS, the City of Columbus is the recipient of HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development; and

WHEREAS, the City desires to make a portion of the HOME funds available to Community Housing Development Organizations (CHDOs) to pay a portion of their operating costs to stimulate the development of affordable housing for low income households in their neighborhoods; and

WHEREAS, support for CHDOs can foster the revitalization of Columbus neighborhoods; and

WHEREAS, the City desires to enter into a contract with the Community Development Collaborative of Greater Columbus in order to administer the CHDO contracts; and

WHEREAS, emergency action is required to avoid disruptions in program services; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development, Housing Division, in that it is immediately necessary to enter into contract with the Community Development Collaborative of Greater Columbus and to expend said funds thereby preserving the public health, peace, property, safety, and welfare; and **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

- Section 1.** That the Director of the Department of Development be and is hereby authorized to enter into a contract with the Community Development Collaborative of Greater Columbus to serve in the role as a funding intermediary, facilitator of training, and builder of organizational capacity for Community Housing Development Organizations (CHDOs).
- Section 2.** That for the purpose as stated in Section 1, the expenditure of \$230,255.50 or so much thereof as may be necessary, be and is hereby authorized to be expended from the Department of Development, Department No. 44-10, Fund 201, Grant 458001, Object Level One 03, Object Level Three 3336, OCA Code 440232.
- Section 3.** That this contract is awarded pursuant to Section 329.15 of the Columbus City Codes, 1959 as amended.
- Section 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1053-2011

Drafting Date: 06/24/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: This ordinance authorizes the amendment of the 2011 Capital Improvements Budget (CIB) for the various city departments and divisions. This will align the needed authority by project with the funds issued in the proposed July 2011 Bond Sale for each of these departments/divisions.

Emergency action: This ordinance is submitted as an emergency so as to allow the financial transaction to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management.

Fiscal impact: This legislation will amend the authority in the 2011 CIB so that it will be in line with the needed funds issued through the proposed July 2011 Bond Sale.

Title

To amend the 2011 Capital Improvements Budget to be in line with the upcoming bond sale; and declare an emergency.

Body

WHEREAS, it is necessary to align the 2011 Bond Sale Proceeds with the needed authority for each project involved; and

WHEREAS, the 2011 Capital Improvements Budget (CIB) is hereby amended to reflect the abovementioned authority needs; and

WHEREAS, an emergency exists in the usual operation of the City in that it is immediately necessary to make said amendment to allow the financial transaction to be posted in the City's accounting system as soon as possible; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1: That the 2011 CIB ordinance number 0266-2011, passed on March 7th, be amended as follows:

See Attached File 2011 Bond Sale Amend.xls.

SECTION 2: That the Director of Finance and Management or designee is authorized to make any amendments to the Capital Improvement Budget within each project category as deemed necessary.

SECTION 3: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1054-2011

Drafting Date: 06/24/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a contract, not to exceed \$300,000.00, for the emergency repair of a 48-inch water main along Hamilton Road, between I-270 and Sawyer Road, for the Division of Power and Water. The water main was damaged during installation of a private utility conduit and there is a need to regain use of this water main immediately. This water main is the primary feed for approximately 190,000 customers residing in the City of Columbus, City of Gahanna, and City of Reynoldsburg areas. Other customers affected by this water main include the Port Columbus International Airport and Mount Carmel East Hospital. The Division is able to temporarily keep these customers in service, however any additional issues in the area could result in these customers being out of service. Additionally, the summer months of July, August and September are approaching which are typically the highest months of water use. With the accumulation of these factors, the Division of Power and Water will need to restore the main to service immediately.

The Division of Power and Water has reviewed various options for repair and replacement. Currently the Division is exploring the use of innovative technology to repair and then rehabilitate the water main using trenchless methods to minimize the cost and disruption to the environment. If the results of trenchless methods are not successful, then conventional methods of construction will be required. The Department is in the process of obtaining quotations and requests waiver of competitive bidding provisions to allow entering into a contract with a suitable contractor.

As a result of the damage caused by the private utility contractor, the Department of Public Utilities will investigate responsibility for said damage and will seek reimbursement for damages if applicable.

EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner in order to test and repair to have primary service to customers restored as soon as possible.

FISCAL IMPACT: This project was not budgeted, therefore, a transfer of funds within the Water Super Build America Bonds Fund and an amendment to the 2011 Capital Improvements Budget will be necessary.

Title

To authorize the Director of Public Utilities to enter into a contract for the emergency repair of the Hamilton Road 48-inch water main for the Division of Power and Water; to waive the provisions of competitive bidding; to authorize a transfer and expenditure up to \$300,000.00 within the Water Super Build America Bonds Fund; to amend the 2011 Capital Improvements Budget; and to declare an emergency. (\$300,000.00)

Body

WHEREAS, a private utility contractor caused damage to the 48-inch water main on Hamilton Road; and

WHEREAS, this water main serves critical customers including residents in the City of Columbus, City of Gahanna, City of Reynoldsburg, as well as critical businesses such as Port Columbus International Airport and Mount Carmel East Hospital; and

WHEREAS, informal bids for the emergency repair of the Hamilton Road 48-inch water main are being solicited; and

WHEREAS, the Division of Power and Water will accept the lowest, responsive, and responsible bidder; and

WHEREAS, the Director of Public Utilities believes it is within the City's best interest to waive provisions of competitive bidding in order that the Division of Power and Water can proceed with the emergency repairs as soon as possible; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute an emergency repair for the Hamilton Road 48-inch water main; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Water Super Build America Bonds Fund; and

WHEREAS, it is necessary to authorize an amendment to the 2011 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a contract to repair the Hamilton Road 48-inch water main, in an emergency manner in order to test and repair to have primary service to customers restored as soon as possible, for the immediate preservation of the public health, peace, property and safety; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and hereby is authorized to award and execute a contract for the emergency repair of the Hamilton Road 48-inch water main with the lowest, responsive, and responsible bidder in an amount not to exceed \$300,000.00, for the Division of Power and Water.

SECTION 2. That this Council finds it in the best interest of the City of Columbus to waive the provisions of Section 329.06 of the Columbus City Code, 1959, in order to contract for emergency repairs to the Hamilton Road 48-inch water main, and such provisions are hereby waived.

SECTION 3. That the City Auditor is hereby authorized to transfer \$300,000.00 within the Division of Power and Water, Dept/Div. No. 60-09, Water Build America Bonds Fund, Fund No. 609, Object Level One 06, Object Level Three 6629, as follows:

Fund No. | Project No. | Project Name | OCA Code | change

610 | 690473-100001 (carryover) | Bethel/Henderson Booster Sta. Imp's | 614731 | -\$300,000

610 | 690236-100050 (carryover) | Hamilton Rd. 48" W.M. Emergency Repairs | 612350 | +\$300,000

SECTION 4. That the 2011 Capital Improvements Budget is hereby amended as follows:

Fund No. | Project No. | Project Name | Current Authority | Revised Authority | change

610 | 690473-100001 (carryover) | Bethel/Henderson Booster Sta. Imp's | \$3,000,000 | \$2,700,000 | -\$300,000

610 | 690236-100050 (carryover) | Hamilton Rd. 48" W.M. Emergency Repairs | \$0 | \$300,000 | +\$300,000

SECTION 5. That the expenditure in an amount not to exceed \$300,000.00 is hereby authorized for the emergency repair of the Hamilton Road 48-inch water main, within the Water Super Build America Bonds Fund, Division of Power and Water, Dept/Div. No. 60-09, Fund No. 610, Project No. 690236-100050 (carryover), OCA 612350, Object Level Three 6629.

SECTION 6. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities

and the Administrator of the Division of Power and Water.

SECTION 7. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 8. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 9. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 10. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1055-2011

Drafting Date: 06/24/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The purpose of this legislation is to authorize the Director of the Department of Development to enter into an agreement of understanding with 8 East Long Holdings, LLC in conjunction with a Clean Ohio Assistance Fund (COAF) grant application for environmental clean up at the Atlas Building at 8 East Long Street in Downtown Columbus and to apply to the Ohio Department of Development for a COAF grant in an amount of up to \$750,000.00 for environmental clean up at the site.

The Atlas Building was constructed in 1923 and is on the National Register of Historic Places. The building has 12 stories of office space with first floor retail space and was recently acquired by 8 East Long Holdings, LLC who plans to convert the building into 102 apartment units and maintain first floor retail space. Total project cost is estimated at \$12 million. If awarded the requested COAF grant, the funding will be used for asbestos abatement and limited interior demolition. This legislation authorizes the agreement of understanding along with the grant application and is submitted as an emergency to commence the Clean Ohio grant application process immediately to insure meeting state datelines.

FISCAL IMPACT: There are no costs to the City of Columbus associated with applying for Clean Ohio Assistance Funding. If the application is approved, the City will receive a Clean Ohio Assistance Fund Grant from the Ohio Department of Development in the amount of \$750,000.00 to apply toward site clean up.

Title

To authorize and direct the Director of the Department of Development enter into an agreement of understanding with 8 East Long Holdings, LLC in conjunction with a Clean Ohio Assistance Fund grant application for environmental clean up at the Atlas Building at 8 East Long Street in Downtown Columbus and to authorize the application to the Ohio Department of Development for a Clean Ohio Assistance Fund grant of up to \$750,000.00 for environmental clean up at the Atlas Building site; and to declare an emergency. (\$750,000.00)

Body

WHEREAS, the State of Ohio Clean Ohio Program provides environmental assessment and remediation grants to Ohio communities for the purpose of clean up and redevelopment of contaminated or abandoned properties known as "brownfields"; and

WHEREAS, the City of Columbus contains brownfield properties which may qualify for Clean Ohio clean up and redevelopment grant funding; and

WHEREAS, the Columbus Department of Development has been involved with brownfield redevelopment since 1999 through its administration of the Columbus Brownfield Redevelopment Program; and

WHEREAS, Clean Ohio grant funding will greatly complement the efforts of the developer; 8 East Long Holdings, LLC to invest approximately \$12 million to construct 102 apartment units and maintain commercial retail space in Downtown Columbus; and

WHEREAS, Clean Ohio Assistance Grant Funding could provide up to \$750,000 in clean up costs; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Director of the Columbus Department of Development to apply for Clean Ohio Assistance Grant Funding in order to commence the Clean Ohio grant process immediately to insure meeting state datelines, all for the preservation of public health, peace, property, safety and welfare; **now therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Columbus Department of Development is hereby authorized and directed to enter into an agreement of understanding with 8 East Long, LLC in conjunction with a Clean Ohio Assistance Fund grant application of up to \$750,000.00 for environmental clean up the Atlas Building at 8 East Long Street in Downtown Columbus and is authorized and directed to apply to the Ohio Department of Development for a Clean Ohio Assistance Fund grant of up to \$750,000.00 for environmental clean up at the Atlas Building site.

Section 2. That for reasons stated in the preamble hereto, which is hereby made a part hereof, the ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1057-2011

Drafting Date: 06/24/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This ordinance authorizes the Finance and Management Director to issue a purchase order to purchase jet fuel for the Police Division helicopters based on a current universal term contract with Arrow Energy. Helicopters are used to patrol the airspace above the City of Columbus and will be flying an average of 500 hours per month. The average fuel burn is approximately 25 gallons per hour. This purchase of jet fuel will permit the helicopters to continue full operations through November 2011.

Bid Information: Based on contract FL004198 in accordance with the response to Solicitation SA003093, an universal term contract was established with Arrow Energy, Inc.

Contract Compliance No.: 38-2872167, expires 11/10/2012

Emergency Designation: Emergency legislation is requested in order to purchase jet fuel to keep the Division's fleet of helicopters flying their normal flight hours.

FISCAL IMPACT: The Division of Police budgeted \$248,000.00 in the 2011 General Fund Budget for the purchase of jet fuel. Approximately \$100,000.00 was previously encumbered in 2011 for the purchase of jet fuel. The total expended in 2010 for jet fuel was \$259,105.00.

To authorize and direct the Finance and Management Director to establish a purchase order with Arrow Energy, Inc. for the purchase of jet fuel for the Division of Police from an existing universal term contract, to authorize the expenditure of \$148,000.00 from the General Fund; and to declare an emergency. (\$148,000.00)

Body

WHEREAS, contract FL004198 established an universal term contract with Arrow Energy, Inc.; and

WHEREAS, there is a need to fly turbine helicopters for the patrol of the airspace above the City of Columbus; and

WHEREAS, a contract was awarded to Arrow Energy, Inc. for the purchase of jet "A" fuel in accordance with the terms and conditions of universal term contract FL004198; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to issue a purchase order for jet fuel and for the preservation of the public health, peace, property, safety, welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to establish a purchase order with Arrow Energy, Inc. for the purchase of jet "A" fuel for the Division of Police, Department of Public Safety, based on the universal term contract with Arrow Energy, Inc.

SECTION 2. That the expenditure of \$148,000.00, or so much thereof as may be needed, be and the same is hereby authorized as follows:

[DIV 30-03 | FUND 010 | OBJ LEVEL (1) 02 | OBJ LEVEL (3) 2248 | OCA 300707]

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1060-2011

Drafting Date: 06/26/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - Refugee Road Sidewalks Project.

This project will construct 5 foot wide sidewalks on the south side of Refugee Road and an 8 foot wide shared use path on the north side of Refugee Road from Hamilton Road to the Big Walnut Creek. The project will also construct Americans with Disabilities Act (ADA) compliant curb ramps and minor drainage improvements. 2,227 feet of 5 foot wide sidewalk will be added to the south side and 2,400 feet of 8 foot wide share-use path will be constructed on the south side of Refugee Road. 11 ADA ramps will be added or reconstructed in this project. There are 6 bus stops and 3 transit routes within the limits of this project. Pedestrian generators and destinations impacting the proposed project include multiple apartment buildings, several churches, and 4 restaurants.

The estimated Notice to Proceed date is August 3, 2011. The project was let by the Office of Support Services through vendor services. 1 bid was received on June 23, 2011 (1 majority) and tabulated on June 24, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Columbus Asphalt Paving, Inc.	\$469,980.49	Gahanna, OH	Majority

Award is to be made to Columbus Asphalt Paving, Inc., as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Columbus Asphalt Paving, Inc.

2. CONTRACT COMPLIANCE

Columbus Asphalt Paving, Inc. contract compliance number is 310857095 and expires 1/12/12.

3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$545,728.50 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$545,728.50 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to allow these sidewalks to be available to the public for the highest provision of pedestrian safety.

Title To authorize the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc.; to provide for the payment of construction administration and inspection services; in connection with the Pedestrian Safety Improvements - Refugee Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$545,728.50 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$545,728.50 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$545,728.50 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$545,728.50)

Body **WHEREAS**, it is necessary to enter into contract for the Pedestrian Safety Improvements - Refugee Road Sidewalks Project; and

WHEREAS, this project will construct 5 foot wide sidewalks on the south side of Refugee Road and an 8 foot wide shared use path on the north side of Refugee Road from Hamilton Road to the Big Walnut Creek. The project will also construct Americans with Disabilities Act (ADA) compliant curb ramps and minor drainage improvements.

WHEREAS, bids were received on June 23, 2011 and tabulated on June 24, 2011, for the Pedestrian Safety Improvements - Refugee Road Sidewalks Project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$545,728.50; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Division of Mobility Options in that the funding should be authorized immediately to construct these sidewalks at the earliest possible time and make sidewalks available for the highest pedestrian safety, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Columbus Asphalt Paving, 1196 Technology Drive, Gahanna, Ohio 43230 for the construction of the Pedestrian Safety Improvements - Refugee Road Sidewalks Project in the amount of \$469,980.49 or so much thereof as may be needed, for the Division of Mobility Options in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$75,748.01.

SECTION 2. The sum of \$545,728.50 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$545,728.50 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept.-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100043 / Pedestrian Safety Improvements - Refugee Road Sidewalks Project / 06-6600 / 740543 / \$545,728.50

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$545,728.50 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract, inspection, and utility relocation reimbursement the sum of \$545,728.50 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100043 / Pedestrian Safety Improvements - Refugee Road Sidewalks Project / 06-6621 / 740543 /

\$545,728.50

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1061-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Preventive Surface Treatments (Crack Seal) project.

This contract Crack Seals three hundred and fifty eight (358) city streets. The work consists of applying crack sealant to the existing pavement in order to extend the life of the roadway.

The estimated Notice to Proceed date is August 8, 2011. The project was let by the Office of Support Services through vendor services. 2 bids were received on June 23, 2011 (2 majority) and tabulated on June 24, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Strawser Paving Co.	\$534,709.80	Columbus, OH	Majority
American Pavements, Inc.	\$664,492.36	Columbus, OH	Majority

Award is to be made to Strawser Paving Co. as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Strawser Paving Co.

2. CONTRACT COMPLIANCE

Strawser Paving Co. contract compliance number is 262688853 and expires 3/24/12.

3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget in the Resurfacing Project. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$588,180.78 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$588,180.78 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to ensure that the project can commence as scheduled this construction season.

TitleTo authorize the Director of Public Service to enter into contract with Strawser Paving Co. and to provide for the payment of construction administration and inspection services, in connection with the Resurfacing - Preventive Surface Treatments (Crack Seal) contract; to authorize and direct the City Auditor to transfer \$588,180.78 from the Special Income Tax Fund and appropriate to the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of

\$588,180.78 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$588,180.78)

Body **WHEREAS**, it is necessary to enter into contract to provide for the application of Crack Seal preventive surface treatments to City streets as part of the Resurfacing program; and

WHEREAS, work for this contract consists of the application of crack sealant to the existing pavement in order to extend the life of the roadway.

WHEREAS, bids were received on June 23, 2011 and tabulated on June 24, 2011, for the Resurfacing - Preventive Surface Treatments (Crack Seal) project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$588,180.78; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Division of Design and Construction in that the funding should be authorized immediately to maintain the project schedule, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Strawser Construction, Inc., 1595 Frank Road, Columbus, Ohio 43223 for the construction of the Resurfacing - Preventive Surface Treatments (Crack Seal) project in the amount of \$534,709.80 or so much thereof as may be needed, for the Division of Design and Construction in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$53,470.98.

SECTION 2. The sum of \$588,180.78 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$588,180.78 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-12, Division of Design and Construction as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530282-100053 / Resurfacing - Preventive Surface Treatments / 06-6600 / 748253 / \$588,180.78

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public

Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$588,180.78 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract and inspection, the sum of \$588,180.78 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530282-100053 / Resurfacing - Preventive Surface Treatments / 06-6631 / 748253 / \$588,180.78

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1062-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a professional services contract with Transystems Corporation for the Pedestrian Safety Improvements - Moler Road, Southgate Drive., Ferris Road, and Parsons Avenue Sidewalk project for \$690,000.00.

There are four individual sidewalk projects to be designed as a part of this contract. These improvements are mostly within the right-of-way and are identified in the Operations SAFEWALKS plan. They are:

1. Moler Road from Lockbourne Road to Progress Avenue - Engineering and right-of-way plans will be produced for sidewalks on both sides of the street for a total of 1 mile.
2. Parsons Avenue from Obetz Road to Dering Avenue - Engineering and right-of-way plans will be produced for sidewalks on both sides of the street for a total of 3.6 miles.
3. Southgate Avenue from High Street to Parsons Avenue - Engineering plans will be produced for sidewalks on both sides of the street for a total of 1 mile.
4. Ferris Avenue from Karl Road to Minnie Avenue - Engineering plans will be produced for sidewalks on both sides of the street for a total of 0.7 miles.

6.3 miles of 5 foot wide sidewalk will be added or reconstructed in this project on the both sides of the four roads. 144 ADA ramps will be added or reconstructed in this project. There are 27 bus stops and transit routes within the limits of this project. Pedestrian generators and destinations impacting the prooposed project include residences, St. Francis Desales, St. Matthias, Buckey Middle School, Indian Mound Parks and Recreation Center, Scioto Trail Elementary School, Southmoor Middle School, and Moler Elementary School.

The Department of Public Service, Office of Support Services solicited a Request for Proposal for the Pedestrian Safety Improvements - Moler Road, Southgate Drive, Ferris Road, and Parsons Avenue Sidewalk project. This project was formally advertised through the City's Vendor Services from May 16, 2011, to June 9, 2011. The city received Four responses. A proposal from Moody-Nolan was deemed non-responsive due to their not meeting all ODOT pre-qualification categories. Three proposals were deemed minimally compliant and were fully evaluated when the Evaluation Committee met on June 23, 2011.

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Transystems Corporation	Columbus, OH	Majority
Columbus Engineering Consultants(CEC)	Columbus, OH	Majority
Resource International, Inc.	Columbus, OH	Majority

Transystems Corporation received the highest score by the evaluation committee and will be awarded the Pedestrian Safety Improvements - Moler Road, Southgate Drive, Ferris Road, and Parsons Avenue Sidewalk Project Contract.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Transystems Corporation.

2. CONTRACT COMPLIANCE

Transystems Corporation contract compliance number is 43-0839725 and expires 9/28/11.

3. EMERGENCY DESIGNATION

Emergency action is requested to provide for this engineering and design work at the earliest possible time in order to contract for the design of these sidewalks according to the schedule set to make these sidewalks available at the earliest possible time for the safety of pedestrians within these project areas.

4. FISCAL IMPACT

Funds for this project are budgeted and available in the 2011 CIB in the Pedestrian Safety Improvements Project. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$690,000.00 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$690,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

TitleTo authorize the Director of Public Service to enter into a professional service engineering contract with Transystems Corporation for the Pedestrian Safety Improvements - Moler Road, Southgate Drive., Ferris Road, and Parsons Avenue Sidewalk project; to authorize and direct the City Auditor to appropriate and transfer \$690,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and to authorize the expenditure of \$690,000.00 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$690,000.00)

Body**WHEREAS**, the Director of Public Service has identified the need to enter into a professional service engineering contract for the design of 4 projects as described below:

1. Moler Road from Lockbourne Road to Progress Avenue
2. Parsons Avenue from Obetz Road to Dering Avenue
3. Southgate Avenue from High Street to Parsons Avenue
4. Ferris Avenue from Karl Road to Minnie Avenue; and

WHEREAS, The Department of Public Service solicited a request for proposal for the Pedestrian Safety Improvements - Moler Road, Southgate Drive., Ferris Road, and Parsons Avenue Sidewalk Contract; and

WHEREAS, a satisfactory proposal has been submitted by Transystems Corporation; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$690,000.00; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Mobility Options, in that this legislation should go forth immediately to maintain the overall design schedule in order to have plans and engineering services available for these sidewalk projects, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Transystems Corporation, 1105 Schrock Road, Suite 400, Columbus, OH, 43229 in the amount of \$690,000.00 or so much as may be needed for the Pedestrian Safety Improvements - Moler Road, Southgate Drive, Ferris Road, and Parsons Avenue Sidewalk Project.

SECTION 2. The sum of \$690,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$690,000.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100056 / Pedestrian Safety Improvements - Moler Road, Southgate Drive., Ferris Road, and Parsons Avenue Sidewalk / 06-6682 / 740556 / \$690,000.00

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$690,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract, the sum of \$690,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project No. / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 590105-100056 / Pedestrian Safety Improvements - Moler Road, Southgate Drive., Ferris Road, and Parsons Avenue Sidewalk / 06-6682 / 740556 / \$690,000.00

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the mayor, or ten days after passage if the mayor neither approves nor vetoes the same.

Legislation Number: 1064-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of the Department of Development to enter into an agreement with the Franklinton Development Association (FDA), a non profit 501 c 3 organization. The funds provided by the agreement will be used to undertake the acquisition of a warehouse located at 421-435 W. State St. as part of the redevelopment efforts for the Franklinton Creative Community District. The FDA currently facilitates the production of affordable housing and the enhancement of home ownership and rental opportunities in the Franklinton neighborhood. This legislation authorizes the expenditure of \$900,000 to the FDA for the acquisition of the warehouse to convert the building to residential uses, as well as, to enhance neighborhood revitalization activities.

Emergency action is necessary to allow for the FDA to immediately begin the acquisition process.

FISCAL IMPACT: Funding authority is available in the 2011 Capital Improvements Budget in the Northland and Other Acquisitions Fund 735. The maximum amount of the grant provided within the grant agreement authorized to be expended

by this ordinance is \$900,000. Bonds have yet to be sold for the project, necessitating a certification of \$900,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

Title

To authorize the Director of the Department of Development to enter into a grant agreement with the Franklinton Development Association to provide funding for the acquisition of a warehouse located at 421-435 W. State St. as part of the redevelopment efforts for the Franklinton Creative Community District; to authorize and direct the City Auditor to transfer \$900,000.00 from the Special Income Tax fund to the Northland and Other Acquisitions Fund; to authorize the City Auditor to appropriate \$900,000.00 within the Northland and Other Acquisitions Fund; to authorize the Director of Development to expend \$900,000.00 from the Northland and Other Acquisitions Fund; and to declare an emergency. (\$900,000.00)

Body

WHEREAS, this legislation authorizes the Director of the Department of Development to enter into a grant agreement with the Franklinton Development Association (FDA); and

WHEREAS, the funds provided by the grant agreement will be used to assist FDA in the acquisition of a warehouse located at 421-435 W. State St. as part of the redevelopment efforts for the Franklinton Creative Community District; and

WHEREAS, the FDA currently facilitates the production of affordable housing and the enhancement of home ownership opportunities in Columbus; and

WHEREAS, the grant agreement shall condition the expenditure of \$900,000 by the FDA for the acquisition of the warehouse on the conversion of the building to residential uses; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$900,000.00; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2© of the Treasury Regulations, (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, emergency action is necessary to allow for the FDA to immediately acquire the property, and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development, Housing Division, in that it is immediately necessary to enter into contract with the Franklinton Development Association for and to expend said funds, thereby preserving the public health, peace, property, safety, and welfare; and **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to enter into a grant agreement with the Franklinton Development Association to provide funding for the acquisition of a warehouse located at 421-435 W. State St. for the purpose of converting the building to residential uses as part of the redevelopment efforts within the Franklinton Creative Community District.

Section 2. That for the purpose as stated in Section 1, the sum of \$900,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

Section 3. That the City Auditor is hereby authorized to transfer said funds to the Northland and Other Acquisitions Fund, No. 735, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

Section 4. That \$900,000.00 is hereby appropriated within Fund 735, Northland and Other Acquisitions Fund, Department of Development, Division 44-01, as follows:

Fund / Project / Project Name / Object Level 03 / OCA / Amount

735 / 440104-100005 / Miscellaneous Economic Development - Franklinton
Initiatives / 6616 / 735104 / \$900,000.00

Section 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Development and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

Section 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

Section 7. That the City Auditor is authorized to establish proper accounting project numbers and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure if funds transferred in Section 3 above.

Section 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$900,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

Section 9. That the sum of \$900,000 or so much thereof as may be necessary, is hereby authorized to be expended from the Department of Development, Division 44-01, Fund 735, Project No. 440104-100005, Object Level One 06, Object Level Three 6616, OCA Code 735104.

Section 10. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 11. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: This ordinance is a companion to Ordinances No. 2202-98, No. 0295-99, No. 1500-01, No. 0542-05, and No. 0581-05. These earlier ordinances authorized the reimbursement agreements and expenditures to date related to the Capital Improvement Project Development and Reimbursement Agreement for Nationwide Arena District. The maximum reimbursement under this agreement is \$18,753,000.00 plus City inspection fees.

The agreement called for limitations on expenditures in three categories plus City inspection fees. The current status of these expenditures is:

- \$16,610,000.00 authorized and expended for infrastructure (streets) completed in 2005.
- \$143,000.00 authorized for a traffic study of which \$127,051.68 has been expended and completed in 1999.
- An amount not to exceed \$2,000,000.00 for land remediation within the District of which \$550,176.80 has been expended. This ordinance will authorize an additional \$323,682.36 (as part of the \$2,000,000.00) to be expended.
- The City also expended \$934,641.20 for inspection fees.
- This ordinance does NOT change the amount of the original agreement.

Fiscal Impact: \$323,682.36 will be authorized and expended for capital projects previously approved by Council. Monies for this expenditure will come from currently existing capital funds.

Title

To authorize the expenditure of \$323,682.36 pursuant to the Capital Improvement Project Development and Reimbursement Agreement for the Nationwide Arena District previously authorized by Ordinance No. 2202-98; and to declare an emergency. (\$323,682.36)

Body

WHEREAS, Council previously authorized the City's Director of Trade and Development to enter into the Capital Improvement Project Development and Reimbursement Agreement for Nationwide Arena District (the Agreement) via Ordinance No. 2202-98, and

WHEREAS, the Agreement calls for the City to expend/reimburse the maximum amounts, collectively not to exceed \$16,610,000 for infrastructure; \$2,000,000 for land remediation; and \$143,000 for a traffic study; for a total of \$18,753,000 plus City inspection fees, and

WHEREAS, authorizing Ordinances Nos. 2202-98, 0295-99, 1500-01, 0542-05, and 0581-05 have preceded this ordinance, and

WHEREAS, an emergency exists in the usual daily operation of the Development Department in that it is immediately necessary for \$323,682.36 to be authorized and expended for capital projects previously approved by Council. Monies for this expenditure will come from currently existing capital funds, thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

BE IT ORDAINED BY THE COLUMBUS OF THE CITY OF COLUMBUS:

Section 1. The City Auditor shall make the following transfers of existing capital funds.

Section 1. The City Auditor shall make the following transfers of existing capital funds.

Amount / From / To

\$65,358.80 / Fd. 725-560002-100000 Dept 44 OCA 443564 / Fd. 725-560001-100000 Dept 44 OCA 444208
2,076.35 / Fd. 748-590132-100000 Dept 59 OCA 748132/ Fd. 725-560001-100000 Dept 44 OCA 444208

1,757.59 / Fd. 748-220002-100001 Dept 22 OCA 220641/ Fd. 725-560001-100000 Dept 44 OCA 444208
254,489.62 / Fd. 748-537650-100000 Dept 59 OCA 591264 / Fd. 725-560001-100000 Dept 44 OCA 444208
\$323,682.36

Section 2. The Director of the Department of Development is authorized to expend an additional amount not to exceed \$323,682.36 from Fund 725, Object Level One 06, Object Level Three 6602, OCA 444208, for the purpose contained in the Capital Improvement Project and Reimbursement Agreement for Nationwide Arena district (the Agreement).

Section 3. Contract No. EA000539 is hereby increased to the amount of \$323,682.36.

Section 4. All expenditures authorized by this ordinance are to be in strict compliance with the Agreement.

Section 5. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

Section 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

Section 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 8. That the City hereby is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon certification that the project has been completed and the monies are no longer required.

Section 9. That for the reasons stated in the preamble hereto, which is hereby made a part thereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1069-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background:

The purpose of this legislation is to authorize the appropriation and transfer of \$81,199.85 from the Special Income Tax Fund No. 430 to the Voted 2008 Parks and Recreation Bond Fund No. 702. And, to authorize the Director of Recreation and Parks to enter into contract with Kalkrueth Roofing, and pay the cost thereof, for the Roof Renovations Project 2011.

Bids were received by the Recreation and Parks Department on June 7, 2011 for the Roof Renovations for Various Facilities 2011 - Item #1 Project as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
Kalkrueth Roofing	MAJ	\$544,500
Alumni Roofing	MAJ	\$554,470
General Maintenance	MAJ	No Bid

Project work consists of:

Base Bid - Roof work at Glenwood Recreation Center, Sills Park, Big Walnut Shelter House and the Cleo Dumeree Athletic Complex.

Alternate 1 - Metal roof at Sills Park.

Alternate 2 - Shingle roof at Walnut Hill Golf Course Pro Shop.

Alternate 4 - Shingle roof at Champions Golf Course Shelter House.

Principal Parties:

Kalkreuth Roofing & Sheet Metal, Inc.

Patrick Hurley (Contact)
 8345 Green Meadows Dr. North
 Lewis Center, OH 43035
 740-657-6400 (Phone)
 550647319 expires 3/18/12
 15+ (Columbus Employees)

Title To authorize the appropriation and transfer of \$81,199.85 from the Special Income Tax Fund to the Voted Recreation and Parks Bond Fund; to authorize the Director of Recreation and Parks to enter into contract with Kalkrueth Roofing for the Roof Renovations for Various Facilities 2011 - Item #1 Project; to authorize the expenditure of \$544,500.00 and a contingency of \$30,200.00 for a total of \$574,700.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$574,700.00)

Body

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund, and this transfer should be considered as a temporary funding method; and

WHEREAS, bids were received by the Recreation and Parks Department on June 7, 2011 for the Roof Renovations for Various Facilities 2011 - Item #1 Project and the bid will be awarded to Kalkrueth Roofing on the basis of the lowest and best responsive and responsible bid; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Kalkrueth Roofing to repair severely deteriorating roofs in buildings that are highly used by the community; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in the Special Income Tax Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$81,199.85 is appropriated to the City Auditor, Department No. 22-01, Object Level 3 - 5502, OCA Code 902023.

SECTION 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 2008 Parks and Recreation Bond Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the Director of Recreation and Parks be and is hereby authorized to enter into contract with Kalkrueth Roofing for the Roof Renovations for Various Facilities 2011 - Item #1 Project.

SECTION 4. That the amount of \$81,199.85 is hereby appropriated from Special Income tax fund to the Voted 2008 Parks and Recreation Bond Fund, as follows:

<u>Fund Type</u>	<u>Division</u>	<u>Fund</u>	<u>Project No.</u>	<u>Project Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Capital Proj.	51-01	702	510035-100000	Facility Renovations	6620	702035	\$81,199.85

SECTION 5. That the expenditure of \$574,700.00, or so much thereof as may be necessary, be and is hereby authorized from the Voted 2008 Parks and Recreation Bond as follows, to pay the cost thereof:

<u>Fund Type</u>	<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Voted Bond	702	510035-100000	Facility Renovations	6620	702035	\$81,199.85
Voted Bond	746	510035-100024	Roof Renovations	6620	728053	\$493,500.15

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. That upon obtaining other funds for this project the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 4, above; and said funds are hereby deemed appropriated for such purpose.

SECTION 9. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

SECTION 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1070-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background:

This legislation will authorize the appropriation and transfer of \$106,000.00 from the Special Income Tax Fund No. 430 to the Voted 2008 Parks and Recreation Bond Fund No. 702 to pay the costs of the Concrete Improvements 2011 Project.

Bids were received by the Recreation and Parks Department on June 21, 2011 for the Concrete Improvements 2011 Project as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
ProCon	MAJ	\$101,012

Even though only one bid was received, it was within budget.

The work for which proposals were submitted includes:

Base Bid - the removal and replacement of concrete walks, curbs, drive aprons, catch basin repair, site demo, and installation of Bomanite.

Alternate #1 - the removal of existing flagstone and mortar and the installation of Bomanite at Northbank Park.

Principal Parties:

ProCon Professional Construction Service, Inc.

David Dumm (Contact)

P.O. Box 1

Kingston, OH 45644

740-332-4420 (Phone)

311701026 exp. 7/28/2012

10+ (Columbus Employees)

Fiscal Impact:

The transfer of \$106,000.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund is a temporary measure until the City sells notes or bonds to fund these improvements.

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work can begin as soon as possible to make sidewalks and curbs safer for the public.

TitleTo authorize the appropriation and transfer of \$106,000.00 from the Special Income Tax Fund to the Voted Recreation and Parks Bond Fund; to authorize the Director of Recreation and Parks to enter into contract with ProCon Professional Construction Service, Inc. for the Concrete Improvements 2011 Project; to authorize the expenditure of \$106,000.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$106,000.00)

Body**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund, and this transfer should be considered as a temporary funding method; and

WHEREAS, Bids were received by the Recreation and Parks Department on June 21, 2011 for the Concrete Improvements 2011 Project and will be awarded to ProCon Professional Construction Service, Inc on the basis of the lowest and best responsive and responsible bid; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with ProCon Professional Construction Service, Inc so that work can begin as soon as possible to make sidewalks and curbs safer for the public; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in the Special Income Tax Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$106,000.00 is appropriated to the City Auditor, Department No. 22-01, Object Level 3 - 5502, OCA Code 902023.

SECTION 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 2008 Parks and Recreation Bond Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the Director of Recreation and Parks be and is hereby authorized to enter into contract with ProCon Professional Construction Service, Inc for the Concrete Improvements 2011 Project.

SECTION 4. That the amount of \$106,000.00 is hereby appropriated from Special Income tax fund to the Voted 2008 Parks and Recreation Bond Fund as follows:

<u>Fund Type</u>	<u>Division</u>	<u>Fund</u>	<u>Project No.</u>	<u>Project Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Capital Proj.	51-01	702	510017-100000	Park Improvements	6621	721700	\$59,600.00
Capital Proj.	51-01	702	510017-100003	Hard Surface	6621	721703	\$46,400.00

SECTION 5. That the expenditure of \$106,000.00, or so much thereof as may be necessary, be and is hereby authorized from the Voted 2008 Parks and Recreation Bond as follows, to pay the cost thereof:

<u>Fund Type</u>	<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Voted Bond	702	510017-100000	Park Improvements	6621	721700	\$59,600.00

Voted Bond 702 510017-100003 Hard Surface 6621 721703 \$46,400.00

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. That upon obtaining other funds for this project the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 4, above; and said funds are hereby deemed appropriated for such purpose.

SECTION 9. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

SECTION 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1071-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Zone 5, streetscape and trench rehabilitation project.

Work to be performed as part of this project consists of the following:

Part A - Resurfacing - Repairs and resurfaces thirty one (31) city streets

Part B - ADA Curb Ramps - Constructs 558 - Americans with disabilities Act (ADA) curb ramps along those streets.

The work for part A and part B consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with the installation of ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair.

Wolfe Park Access Drive Resurfacing: As part of the resurfacing of Park Drive from Broad Street to Fair Avenue, this project will also resurface 2 adjoining access drives within the City of Columbus' Wolfe Park. The Recreation and Parks Department will fund the resurfacing of these access drives.

Part A and B also consists of rehabilitation and resurfacing Franklin County's portion of Shannon Road beginning at a point 1,055 feet east of Shannon Green Drive to a point 1,517 feet east of Shannon Green Drive (approx. 462 feet in length). The work consists of milling the existing pavement, overlaying with new asphalt concrete, including the installation of the aggregate berm and thermoplastic pavement markings with raised pavement markers. Where warranted, the plans also call for areas of full depth pavement rehabilitation.

Part C - West Broad Street trench rehabilitation - this portion of the project replaces 3,525 cubic yards of undesired

material above a recently installed 20 inch water main and some connecting laterals along West Broad Street from approximately Richardson Avenue to 700 feet east of Lechner Avenue.

Part D - West Broad Street - Curb and Walk Replacement and Lighting Improvement - this portion of the project will replace sidewalk and curb and add decorative street lights along the south side of West Broad Street between Whitethorne and Lechner Avenues.

As part of this project 87,867 square feet of sidewalk and 558 ADA ramps will be added or reconstructed.

The estimated Notice to Proceed date is August 8, 2011. The project was let by the Office of Support Services through vendor services. 4 bids were received on June 9, 2011 (4 majority) and tabulated on June 10, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
The Shelly Company	\$6,893,526.92	Columbus, OH	Majority
Strawser Paving Co.	\$7,065,280.90	Columbus, OH	Majority
Shelly and Sands, Inc.	\$7,136,414.05	Columbus, OH	Majority
Kokosing Construction Company, Inc.	\$7,284,439.08	Columbus, OH	Majority

Award is to be made to The Shelly Company as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against The Shelly Company.

The amount of this contract will be \$7,151,074.54 based on the bid documents allowing the City to award a contract for an amount more than the amount bid using the bid prices.

2. CONTRACT COMPLIANCE

The Shelly Company's contract compliance number is 311279704 and expires 4/15/13.

3. FISCAL IMPACT

There are 4 sources of funding for this project.

Part A and Part B will be funded by the Department of Public Service and the Recreation and Parks Department.

The Department of Public Service will be performing work requested by Franklin County. Franklin County will be invoiced when actual quantities are known and reimburse the City for work performed on their behalf.

Part C will be funded by the Department of Public Service and the Department of Public Utilities.

Part D will be funded by the Department of Development.

The Department of Public Service and Department of Development expense for this project can be accommodated by appropriating and transferring funds needed in the amount of \$7,330,427.63 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$7,330,427.63 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

The Recreation and Parks Department share of this project will be funded from the Governmental Build America Recreation and Parks Bond Fund. The Department of Public Utilities' share of the project will be funded from the Water Super Build America Bonds Fund.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order for this project to begin as soon as possible and perform necessary reconstruction to City streets in need of rehabilitation.

TitleTo authorize the Director of Public Service to enter into contract with The Shelly Company and to provide for the payment of construction administration and inspection services, in connection with the Resurfacing - Zone 5 contract; to amend the 2011 C.I.B.; to authorize the transfer of \$19,364.95 within the Governmental Build America Recreation and Parks Bond Fund ; to authorize and direct the City Auditor to transfer \$7,330,427.63 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$7,330,427.63 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$7,330,427.63 from the Streets and Highways G.O.

Bonds Fund for the Department of Public Service and Department of Development, \$516,389.41 from the Water Super Build America Bonds Fund for the Department of Public Utilities, \$19,364.95 from the Governmental Build America Recreation and Parks Bond Fund for the Recreation and Parks Department; and to declare an emergency. (\$7,866,181.99)

Body **WHEREAS**, the Division of Design and Construction is responsible for the construction and rehabilitation of roadways within the City of Columbus; and

WHEREAS, it is necessary to enter into contract to provide for the rehabilitation of City streets and other Capital Improvements as part of the Resurfacing - Zone 5, streetscape and trench rehabilitation project; and

WHEREAS, work on this project is described as follows:

Part A - Resurfacing - Repairs and resurfaces thirty one (31) city streets

Part B - ADA Curb Ramps - Constructs 558 - Americans with disabilities Act (ADA) curb ramps along those streets.

The work for part A and part B consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with the installation of ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair.

Part C - West Broad Street trench rehabilitation - this portion of the project replaces 3,525 cubic yards of undesired material above a recently installed 20 inch water main and some connecting laterals along West Broad Street from approximately Richardson Avenue to 700 feet east of Lechner Avenue.

Part D - West Broad Street - Curb and Walk Replacement and Lighting Improvement - this portion of the project will replace sidewalk and curb and add decorative street lights along the south side of West Broad Street between Whitethorne and Lechner Avenues.

WHEREAS, bids were received on June 9, 2011, and tabulated on June 10, 2011, for the Resurfacing - Zone 5 project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$7,330,427.63; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer and expend funds within the Water Super Build America Bonds Fund for the Recreation and Parks Department; and

WHEREAS, funds are being moved to an alternate project within Fund 746 to establish the correct funding location for this project for the Department of Recs and Parks; and

WHEREAS, it is necessary to authorize an amendment to the 2011 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Design and Construction in that the funding should be authorized immediately to maintain an accelerated project schedule, thereby immediately preserving the

public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with The Shelly Company, 1771 Harmon Avenue, Columbus, Ohio 43223 for the construction of the Resurfacing - Zone 5 project in the amount of 7,151,074.54 or so much thereof as may be needed, for the Division of Design and Construction in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$715,107.45.

SECTION 2. That the 2011 Capital Improvements Budget Ord. # 0266-2011 is hereby amended as follows in order to provide sufficient budget authority for this legislation from dept 51-01:

CURRENT:

Fund 746; Project 510035-100040 /Facility Plumbing and Electric/ \$12,925 (Voted carryover)

Fund 746; Project 510035-100004/Facility Improvements/ \$0 (Voted carryover) \$6,440 AC partial Cancellation, 2010 Auditor's certificate

Fund 746; Project 510017-100004 /Neighborhood Park Renovations/ \$225,000 (Voted carryover)

AMENDED TO:

Fund 746; Project 510035-100040 /Facility Plumbing and Electric/ \$0 (Voted carryover)

Fund 746; Project 510035-100004/Facility Improvements/ \$0 (Voted carryover)

Fund 746; Project 510017-100004 /Neighborhood Park Renovations/ \$244,365 (Voted carryover)

SECTION 3. That the 2011 Capital Improvements Budget is hereby amended as follows for the Division of Power and Water:

Fund No. | Proj. No. | Proj. Name | Current Authority | Revised Authority | Change

610 | 690479-100001 (carryover) | Security Enhance.-Bethel Booster Sta. | \$1,800,000 | \$1,283,610 | -\$516,390

610 | 690451-100000 (carryover) | W. Broad W.M. | \$0 | \$516,390 |+\$516,390

SECTION 4. That the City Auditor is hereby authorized to transfer \$19,364.95 within the voted Recreation and Parks Bond Fund No. 746 for the projects listed below:

FROM:

Fund	Project	OCA Code	O.L. 01-03 Codes	Amount
746	510035-100040	743540	06-6621	\$12,925.00
746	510035-100004	763504	06-6621	\$6,439.95

TO:

Fund	Project	OCA Code	O.L. 01-03 Codes	Amount
746	510017-100004	761704	06-6621	\$19,364.95

SECTION 5. The sum of \$7,330,427.63 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 6. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 7. That \$7,330,427.63 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund,

Dept-Div. 59-12, Division of Design and Construction as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530282-100064 / Resurfacing - Zone 5 / 06-6600 / 748264 / \$7,060,919.75
704 / 440005-100015 / UIRF - Miscellaneous / 06-6600 / 740515 / \$269,507.88

SECTION 8. That the monies appropriated in the foregoing Section 7 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 9. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 6 above.

SECTION 10. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 6, above.

SECTION 11. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$7,330,427.63 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 12. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 13. That the City Auditor is hereby authorized to transfer \$516,389.41 within the Department of Public Utilities, Division of Power and Water, Water Super Build America Bonds Fund, Fund No. 610, Dept./Div. No. 60-09, Object Level One 06, as follows:

Fund No. | Project No. | Project Name | OCA Code | OL3 | Change
610 | 690479-100001 (carryover) | Security Enhance.-Bethel Booster Sta. | 610479 | 6600 | -\$516,389.41
610 | 690451-100000 (carryover) | W. Broad W.M. | 610541 | 6629 | +\$469,444.92
610 | 690451-100000 (carryover) | W. Broad W.M. | 610541 | 6687 | +\$46,944.49

SECTION 14. That for the purpose of paying the cost of the contract and inspection, the sum of \$7,866,181.99 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12, the Water Super Build America Bond Fund, No. 610 for the Department of Public Utilities, and the Governmental Build America Recreation and Parks Bond Fund, No. 746, for the Recreation and Parks Department:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530282-100064 / Resurfacing - Zone 5 / 06-6631 / 748264 / \$6,419,017.96 (DPS Contract)
704 / 530282-100064 / Resurfacing - Zone 5 / 06-6687 / 748264 / \$641,901.79 (DPS Inspection)
704 / 440005-100015 / UIRF - Miscellaneous / 06-6621 / 740515 / \$245,007.16 (Development Contract)
704 / 440005-100015 / UIRF - Miscellaneous / 06-6687 / 740515 / \$24,500.72 (Development Inspection)

Department of Public Utilities:

Division of Power and Water (Water)

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

610 / 690451-100000 (carryover) / W. Broad W.M. / 06-6629 / 610541 / \$469,444.92 (DPU Contract)

610 / 690451-100000 (carryover) / W. Broad W.M. / 06-6687 / 610541 / \$46,944.49 (DPU Inspection)

Recreation and Parks Department

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

746 / 510017-100004/ Neighborhood Park Renovations / 6621 / 761704 / \$17,604.50 (Recs & Parks Contract)

746 / 510017-100004/ Neighborhood Park Renovations / 6621 / 761704/ \$1760.45 (Recs & Parks Inspection)

SECTION 15. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 16. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1072-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation/Background:

This legislation will authorize the appropriation and transfer of \$180,400.00 from the Special Income Tax Fund No. 430 to the Voted 2008 Parks and Recreation Bond Fund No. 702.

Proposals were received by the Recreation and Parks Department on June 2, 2011 for the McDonald Athletic Complex Improvements as follows:

	<u>Status</u>
Schorr Architects	MAJ
Abbot Studios	MAJ
Hardlines	MAJ
JL Bender	MAJ
M+A Architects	MAJ
MSA Sport	MAJ
Phillip Markwood Arch	MAJ
Renouveau Design	MAJ
Rogers Krajnak	MAJ
Schooley Caldwell	MAJ
SHP Leading Design	MAJ
Star Consultants	MBE
Vivid Design	MAJ
XYZ Professional Services	MBE/FBE

Consultant will provide architectural and engineering services to prepare plans and specifications for bidding the renovations to McDonald Athletic Complex, 4900 Olentangy River Road, Columbus, Ohio (43214). Work is to include possible facility replacement or general building improvements and renovations such as replacing exterior/interior doors, HVAC renovations, lighting and electrical improvements, ceilings and flooring repairs/replacement, painting, plumbing improvements, HVAC room addition and other renovation items. Services shall include the necessary field surveys, program development in conjunction with department staff, reports, proposals, cost estimates, bid documents, and construction administration services.

Principal Parties:

Schorr Architects, Inc.

Tony Schorr (contact)
230 Bradenton Ave.
Dublin, OH 43017
Phone: (614) 798-2096
Contract Compliance #030499713
Contract Compliant through 2/9/13
15+ Columbus Employees

Subcontractors Listed in Proposal:
Kabil Associates, Inc. (MBE)
Roger D. Fields & Associates (MAJ)
Lawhon & Associates (MBE)

Fiscal Impact:

The transfer of \$180,400.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund is a temporary measure until the City sells notes or bonds to fund these improvements.

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work may proceed as quickly as possible to get design work underway so that construction can be scheduled to have the least impact on the community.

Title

To authorize the appropriation and transfer of \$180,400.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Schorr Architects, Inc. for professional services related to the McDonald Athletic Complex Improvements Design; to authorize the expenditure of \$164,000.00 and a contingency of \$16,400.00 for a total of \$180,400.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$180,400.00)

Body

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund, and this transfer should be considered as a temporary funding method; and

WHEREAS, Bids were received by the Recreation and Parks Department on June 2, 2011 for the McDonald Athletic Complex Improvements and will be awarded to Schorr Architects, Inc; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Schorr Architects, Inc to get design work underway so that construction can be scheduled to have the least impact on the community; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in the Special Income Tax Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$180,400 is appropriated to the City Auditor, Department No. 22-01, Object Level 3 - 5502, OCA Code 902023.

SECTION 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 2008 Parks and Recreation Bond Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the Director of Recreation and Parks be and is hereby authorized to enter into contract with Schorr Architects, Inc for the McDonald Athletic Complex Improvements Design.

SECTION 4. That the amount of \$180,400.00 is hereby appropriated from Special Income tax fund to the Voted 2008 Parks and Recreation Bond Fund, as follows:

<u>Fund Type</u>	<u>Div.</u>	<u>Fund No.</u>	<u>Project Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Capital Proj.	51-01	702	510035-100005 Athletic Complex Ren.	6620	723505	\$180,400.00

SECTION 5. That the expenditure of \$180,400.00, or so much thereof as may be necessary, be and is hereby authorized from the Voted 2008 Parks and Recreation Bond as follows, to pay the cost thereof:

<u>Fund Type</u>	<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Voted Bond	702	510035-100005	Athletic Complex	6620	723505	\$180,400.00

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. That upon obtaining other funds for this project the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 4, above; and said funds are hereby deemed appropriated for such purpose.

SECTION 9. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986 as amended.

SECTION 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1073-2011

Drafting Date: 06/27/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: Ordinance No. 0192-2011, approved by City Council on February 14, 2011, authorized the Board of Health to accept and appropriate \$1,054,751.00 in supplemental grant monies from the Ohio Department of Health to fund the Public Health Emergency Preparedness program for the period of August 10, 2010 through August 9, 2011. On June 24, 2011, the Ohio Department of Health approved a budget revision allowing for the immediate purchase, installation, and programming of a card access control system for the Emergency Preparedness Office in the North Dorm of the Columbus Public Health Facility at 240 Parsons Avenue. This ordinance is needed to authorize the transfer of \$7,735 of appropriation authority from Object level One - 01, Personal Services, to Object Level One - 06, Capital Outlay, and to authorize the Director of Finance and Management to enter into a contract for the Health Department with KNS Services,

Inc., for the purchase, installation, and programming of a card access control system for the Emergency Preparedness Office.

Ordinance No. 0887-2009, approved by City Council on July 13, 2009, authorized a contract with KNS Services, Inc., for the purchase, installation, and programming of a card access control system and intercom for the Health Commissioner's Office. Ordinance No. 0599-2011, approved by City Council on April 25, 2011, authorized the Board of Health to enter into contract with KNS Services, Inc., for the purchase and maintenance of video monitoring equipment at its 240 Parsons Avenue Facility. These needed maintenance services included the Matrix System, the Card Access Equipment, and maintenance and service for all electric locking devices and panic buttons associated with the Matrix Systems at the 240 Parsons Avenue facility. This was the second year of a three year competitively bid contract with KNS Services, Inc. for \$24,864.00 for equipment maintenance services.

Because of the above history in successfully working with KNS Services, Inc., and because it is necessary to get the grant monies obligated prior to the close of the grant period, and since there were delays in getting approval for the grant budget revision, this ordinance is submitted as an emergency and it waives competitive bidding by awarding this contract to KNS Services, Inc. The contract compliance number of KNS Services, Inc. is 31-1460220 and is effective through September 3, 2012.

FISCAL IMPACT: This purchase, utilizing Public Health Emergency Preparedness Grant monies, was approved by the Ohio Department of Health. It requires the transfer of appropriation authority from personal services to capital outlay to complete the purchase. Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against KNS Services, Inc.

Title

To authorize and direct the City Auditor to transfer \$7,735.00 of appropriation authority within the Health Department Grants Fund; to authorize the Director of Finance and Management to enter into a contract for the Health Department with KNS Services, Inc., for the purchase, installation, and programming of a card access control system for the 240 Parsons Avenue facility; to authorize the expenditure of \$7,735.00 from the Health Departments Grants Fund; to waive competitive bidding provisions; and to declare an emergency. (\$7,735.00)

Body

WHEREAS, there is a need for the immediate purchase, installation, and programming of a card access control system for the Emergency Preparedness Offices that needs to be integrated into an existing Matrix system at the 240 Parsons Avenue facility; and

WHEREAS, Public Health Emergency Preparedness grant monies will be used to pay for contract; and

WHEREAS, it is necessary to expense this contract prior to the expiration date of the Public Health Emergency Preparedness grant , August 9, 2011, this ordinance waives competitive bidding and is submitted as an emergency; and

WHEREAS, the need for this upgraded system is critical to the efficient operations of the 240 Parsons Avenue facility and KNS Services, Inc., has a commendable history of maintaining Health's card access control system; and

WHEREAS, an emergency exists in the daily operations of the Department of Health in that it is immediately necessary for the Director of Finance and Management to enter into a contract for the purchase of an access control system and intercom for the Health Department's 240 Parsons Avenue facility with KNS Services, Inc., for the immediate preservation of the public peace, property, health, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Auditor is hereby authorized and directed to transfer \$7,735.00 of appropriation authority for

the Public Health Emergency Preparedness Grant within the Health Department Grants Fund, Fund No. 251, Grant No. 501055, OCA 501124, from Object level One - 01, Personal Services, to Object Level One - 06, Capital Outlay.

SECTION 2. That the Director of the Department of Finance and Management is hereby authorized and directed to enter into a contract with KNS Services, Inc., in the amount of \$7,735.00 for the purchase, installation, and programming of a card access control system at the Health Department's 240 Parsons Avenue facility.

SECTION 3. That to pay the cost of said contract the expenditure of \$7,735.00 is hereby authorized from the health Department Grants Fund, Fund No. 251, Grant No. 501055, Department of Health, Division No. 50-01, Object Level One 06, Object Level Three 6644, OCA No. 501124.

SECTION 4. That the provisions of Chapter 329 of the Columbus City Code dealing with competitively bid purchases are hereby waived.

SECTION 4. That the City Auditor is authorized to establish proper grant accounting numbers as appropriate and is authorized to make any accounting changes necessary to ensure that this contract is properly accounted for and recorded accurately on the City's financial records.

SECTION 5. That for reasons stated in the preamble hereto, which is hereby made a part thereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1075-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background:

The purpose of this legislation is to authorize the appropriation and transfer of \$753,600.00 from the Special Income Tax Fund No. 430 to the Voted 2008 Parks and Recreation Bond Fund No. 702 to cover the costs of the Asphalt Improvements 2011 Project.

Bids were received by the Recreation and Parks Department on June 21, 2011 for the Asphalt Improvements 2011 Project as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
M&D Blacktop	MAJ	\$715,975.00
B&C Blacktop	MAJ	\$479,000.00 - Did not bid all items
Columbus Asphalt	MAJ	\$565,481.00 - Did not bid all items
Decker Construction	MAJ	\$688,952.09 - Did not bid all items

Contractors were not required to bid on each of the three items in the invitation, however, M&D Blacktop was the only contractor to bid on all three items and the combined total of their bid makes them the best and lowest responsive bidder.

Project work consists of:

Item #1

Base Bid - for asphalt renovation, new installation of speed humps, asphalt, parking blocks, gravel lot renovation, drainage, and striping at Duranceau Park, Goodale Park, Lazelle Woods Park, Lincoln Park, Mock Park, Rhodes Park, Topiary Park, Westgate Park and Whetstone Park.

Alternate 2 - installation of seal and chip parking lot at Cultural Arts Center.

Alternate 3 - the replacement of parking lot at Lou Berliner Park Athletic Complex.

Item #2

Base Bid - for Sports Court repair, crack fill, color coating, striping, fencing, and tennis posts at Blackburn Park, Driving Park, Indian Mound Park, and Westgate Park.

Item #3

Base Bid - for golf cart path removal and replacement at Champions Golf Course.

Principal Parties:

Pavement Protectors, Inc. dba M&D Blacktop Sealing
Mark Nance (Contact)
2020 Longwood Ave.
Grove City, OH 43123
614-875-9989
311131599 expires 6/24/12

Fiscal Impact:

The transfer of \$753,600 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund is a temporary measure until the City sells notes or bonds to fund these improvements.

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work can begin as soon as possible so that parking lots, drives and walkways can be made safer for the public.

TitleTo authorize the appropriation and transfer of \$753,600.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Pavement Protectors, Inc., dba M&D Blacktop Sealing, for the Asphalt Improvements 2011 Project; to authorize the expenditure of \$753,600.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$753,600.00)

Body**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund, and this transfer should be considered as a temporary funding method; and

WHEREAS, Bids were received by the Recreation and Parks Department on June 21, 2011 for the Asphalt Improvements 2011 Project and will be awarded Pavement Protectors, Inc. dba M&D Blacktop Sealing on the basis of the lowest and best responsive and responsible bid; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Pavement Protectors, Inc. dba M&D Blacktop Sealing to begin as soon as possible so that parking lots, drives and walkways can be made safer for the public; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in the Special Income Tax Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$753,600 is appropriated to the City Auditor, Department No. 22-01, Object Level 3 - 5502, OCA Code 902023.

SECTION 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 2008 Parks and Recreation Bond Fund at such time as is deemed necessary by the City Auditor and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the Director of Recreation and Parks be and is hereby authorized to enter into contract Pavement Protectors, Inc. dba M&D Blacktop Sealing, for the Asphalt Improvements 2011 Project.

SECTION 4. That the amount of \$753,600.00 is hereby appropriated from Special Income tax fund to the Voted 2008 Parks and Recreation Bond Fund as follows:

Fund Type	Division	Fund	Project No.	Project Title	Object Level 3	OCA Code	Amount
Capital Proj.	51-01	702	510017-100002	Hard Surface	6620	721702	\$500,000.00
Capital Proj.	51-01	702	510017-100003	Hard Surf, Tennis	6620	721703	\$253,600.00

SECTION 5. That the expenditure of \$753,600.00, or so much thereof as may be necessary, be and is hereby authorized from the Voted 2008 Parks and Recreation Bond as follows, to pay the cost thereof:

Fund Type	Fund No.	Proj. No.	Proj. Title	Object Level 3	OCA Code	Amount
Voted Bond	702	510017-100002	Hard Surface	6620	721702	\$500,000.00
Voted Bond	702	510017-100003	Hrd Surface,Tennis	6620	721703	\$253,600.00

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. That upon obtaining other funds for this project the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 4, above; and said funds are hereby deemed appropriated for such purpose.

SECTION 9. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986 as amended.

SECTION 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1076-2011

Drafting Date: 06/27/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background:

The purpose of this legislation is to authorize the appropriation and transfer of \$97,399.00 from the Special Income Tax Fund No. 430 to the Voted 2008 Parks and Recreation Bond Fund No. 702 to cover the costs of the Hard Road Park Development Project. Base bid \$494,700.00 and a contingency of \$9,900.00 for a total of \$504,600.00. Bids were received by the Recreation and Parks Department on June 21, 2011 for the Hard Road Park Development Project as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
Strawser Paving	MAJ	\$494,700
Columbus Asphalt	MAJ	\$522,450
Builderscape	MAJ	\$526,560
Jess Construction	MAJ	\$582,200
McDaniel's Construction	MAJ	\$606,535

Project work consists of:

Base Bid - for site grading, seeding, and the installation of asphalt parking lot/ walkway/ entry drive, concrete walk and pads, limestone screenings path, landscaping, playground installation, site furnishings including benches and trash cans and other such work as may be necessary to complete the contract in accordance with the plans and specifications.

Principal Parties:

Strawser Paving Company, Inc.
John Strawser (Contact)
1595 Frank Road
Columbus, OH 43223
614-276-5273 (Phone)
314412354 expires 2/4/13
65+ (Columbus Employees)

Benefits to Public:

Project will create Phase 1 of a new community park for this area that will include active and passive recreation while preserving the Fisher Run Creek.

Community Input/Issues:

Meetings were held with the Far Northwest Community Coalition as well as the creation of the Hard Road Design Team which includes neighbors, community groups, and activists.

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work may proceed as quickly as possible so that all grading and seeding can be completed within the fall planting window.

TitleTo authorize the appropriation and transfer of \$97,399.00 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with Strawser Paving Company, Inc. for the Hard Road Park Development Project; to authorize the expenditure of \$287,500.00 from the Voted Recreation and Parks Bond Fund, and \$217,100.00 from the Recreation and Parks Permanent Improvement Fund 747 for a total of \$504,600.00; and to declare an emergency. (\$504,600.00)

Body**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund, and this transfer should be considered as a temporary funding method; and

WHEREAS, Bids were received by the Recreation and Parks Department on June 21, 2011 for the hard Road Park Development Project and will be awarded to Strawser Paving Company, Inc on the basis of the lowest and best responsive and responsible bid; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Strawser Paving Company, Inc to proceed as quickly as possible so that all grading and seeding can be completed within the fall planting window; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in the Special Income Tax Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$97,399.00 is appropriated to the City Auditor, Department No. 22-01, Object Level 3 - 5502, OCA Code 902023.

SECTION 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 2008 Parks and Recreation Bond Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the Director of Recreation and Parks be and is hereby authorized to enter into contract Strawser Paving Company, Inc. for the Hard Road Park Development Project.

SECTION 4. That the amount of \$97,399.00 is hereby appropriated from Special Income tax fund to the Voted 2008 Parks and Recreation Bond Fund as follows:

Fund Type	Division	Fund No.	Project No.	Project Title	Object Level 3	OCA Code	Amount
Capital Proj.	51-01	702	510017-100016	Hard Rd Park	6621	721716	\$97,399.00

SECTION 5. That the expenditure of \$287,500.00, or so much thereof as may be necessary, be and is hereby authorized from the Voted 2008 Parks and Recreation Bond as follows, to pay the cost thereof:

Fund Type	Fund No.	Proj. No.	Proj. Title	Object Level 3	OCA Code	Amount
Voted Bond	702	510017-100016	Hard Rd. Park	6621	721716	\$97,399.00
Voted Bond	746	510017-100004	Park Renovations	6621	761704	\$190,101.00

SECTION 6. That the expenditure of \$217,100.00, or so much thereof as may be necessary, be and is hereby authorized from the Recreation and Parks Permanent Improvement Fund 747, to pay the cost thereof:

Fund Type	Fund No.	Proj. No.	Proj. Title	Object Level 3	OCA Code	Amount
Permanent Improv.	747	510025-100006	Far North	6621	510906	\$172,630.00
Permanent Improv.	747	510025-100020	Northwest	6621	510920	\$44,470.00

SECTION 7. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 8. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 9. That upon obtaining other funds for this project the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 4, above; and said funds are hereby deemed appropriated for such purpose.

SECTION 10. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

SECTION 11. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1077-2011

Drafting Date: 06/27/2011

Current Status: Passed

Explanation

Background:

The purpose of this legislation is to authorize the appropriation and transfer of \$4,836,231.75 from the Special Income Tax Fund No. 430 to the Voted 2008 Parks and Recreation Bond Fund No. 702 to cover the costs of the Columbus Pools Improvements 2011Project.

Bids were received by the Recreation and Parks Department on June 21, 2011 for the Columbus Pools Improvements Project as follows:

	<u>Status</u>	<u>Bid Amount</u>
Gutknecht Construction	MAJ	\$5,925,500
RW Setterlin	MAJ	\$6,180,800
Thomas & Marker	MAJ	\$7,687,100

Project work consists of:

Base Bid - the removal and replacement of the bath house facilities at Dodge, Marion Franklin and Windsor Pools, as well as the pool and pool mechanical building at Dodge Pool and other such work as may be necessary to complete the contract in accordance with the plans and specifications.

- Alt #G2.1 - Decorative Concrete Finish at Dodge Pool
- Alt #G2.2 - Decorative Concrete Finish at Marion Franklin Pool
- Alt #G2.3 - Decorative Concrete Finish at Windsor Pool
- Alt #PL1 - Closed Tube Slide at Dodge Pool
- Alt #PL2 - Pre-Engineered Pool Shell (Stainless Steel Walls) at Dodge Pool
- Alt #PL3 - Ultra Violet Light Disinfection System at Dodge Pool
- Alt #PL4 - Tot/ Wading Pool at Dodge Pool
- Alt #LA1.1 - Buff Wash Concrete Paving at Dodge Pool
- Alt #LA2.1 - 'Wirewall' Fence at Dodge Pool
- Alt #LA2.2 - 'Wirewall' Fence at Marion Franklin Pool
- Alt #LA2.3 - 'Wirewall' Fence at Windsor Pool
- Alt #LA3.1 - Planting Beds at Bath House at Dodge Pool
- Alt #LA3.2 - Planting Beds at Bath House at Marion Franklin Pool
- Alt #LA3.3 - Planting Beds at Bath House at Windsor Pool
- Alt #LA4.1 - Replacement of Perimeter Fence at Dodge Pool

Principal Parties:

Gutknecht Construction Company
Jeff Feinman (Contact)
2280 Citygate Dr.
Columbus, OH 43219
614-532-5410 (Phone)
310935568 9/9/11
30+ (Columbus Employees)

Community Input/Issues:

Many community members have expressed the need for this work through their neighborhood liaisons.

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract so that work may proceed as quickly as possible so that construction can begin when the pools close for the summer.

TitleTo authorize the appropriation and transfer of \$4,836,231.75 from the Special Income Tax Fund to the Voted 2008 Parks and Recreation Bond Fund; to authorize and direct the Director of Recreation and Parks to enter into contract with

Gutknecht Construction Company for the Columbus Pools Improvements 2011 Project; to authorize the expenditure of \$6,200,000.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$6,200,600.00)

BodyWHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund, and this transfer should be considered as a temporary funding method; and

WHEREAS, Bids were received by the Recreation and Parks Department on June 21, 2011 for the Columbus Pools Improvements Project and will be awarded to Gutknecht Construction Company on the basis of the lowest and best responsive and responsible bid; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into contract with Gutknecht Construction Company so that construction can begin when the pools close for the summer; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That from the unappropriated monies in the Special Income Tax Fund No. 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011, the sum of \$4,836,231.75 is appropriated to the City Auditor, Department No. 22-01, Object Level 3 - 5502, OCA Code 902023.

SECTION 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 2008 Parks and Recreation Bond Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the Director of Recreation and Parks be and is hereby authorized to enter into contract with Gutknecht Construction Company for the Columbus Pools Improvements 2011 Project.

SECTION 4. That the amount of \$4,836,231.75 is hereby appropriated from Special Income tax fund to the Voted 2008 Parks and Recreation Bond Fund as follows:

<u>Fund Type</u>	<u>Div.</u>	<u>Fund</u>	<u>Project No.</u>	<u>Project Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Capital Proj.	51-01	702	510011-100005	Pool Bath House	6620	721105	\$2,400,000
Capital Proj.	51-01	702	510011-100013	Dodge Pool	6620	721113	\$2,326,073
Capital Proj.	51-01	702	510011-100002	Pool Improvements	6620	721102	\$110,158.75

SECTION 5. That the expenditure of \$6,200,000, or so much thereof as may be necessary, be and is hereby authorized from the Voted 2008 Parks and Recreation Bond as follows, to pay the cost thereof:

<u>Fund Type</u>	<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Title</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Voted Bond	702	510011-100005	Pool Bath House	6620	721105	\$2,400,000.00
Voted Bond	702	510011-100013	Dodge Pool	6620	721113	\$2,326,073.00
Voted Bond	746	510011-100013	Dodge Pool	6620	761113	\$1,363,768.25
Voted Bond	702	510011-100002	Pool Improvements	6620	721102	\$110,158.75

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. That upon obtaining other funds for this project the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 4, above; and said funds are hereby deemed appropriated for such purpose.

SECTION 9. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

SECTION 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1081-2011

Drafting Date: 06/28/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND:

This legislation authorizes the expenditure of \$39,490 for a Brownfield grant award pursuant to the Green Columbus Fund, which was established in October 2010 by Ordinance 1462-2010.

The Green Columbus Fund represents the City's commitment to foster sustainable building through LEED certification and to foster sustainable Brownfield assessment and redevelopment. The program will produce economic, environmental and social benefits for Columbus and its residents.

This legislation authorizes the Director of Development to enter into a grant agreement with Faradonia Investment LLC for Brownfield assessment and redevelopment of the site at 875 Summit Street, subject to the project attaining Brownfield assessment and redevelopment goals of the program, and meeting the other terms and conditions of the agreement. It also authorizes the expenditure of up to \$39,400 for this purpose.

Emergency action is requested so that the site which was formerly a gas station can be cleared for redevelopment.

FISCAL IMPACT:

Funding is from the Green Columbus Fund - 2010 Capital Improvements Budget.

Title

To authorize the Director of the Department of Development to enter into a grant agreement with Faradonia Investment LLC for Brownfield assessment and redevelopment of the site located at 875 Summit Street, pursuant to the Green Columbus Fund Program; to authorize the expenditure of up to \$39,490.00 from the Northland and Other Acquisitions Fund; and to declare an emergency. (\$39,490.00)

Body

WHEREAS, the Department of Development administers the Green Columbus Fund (established by Ordinance 1462-2010) from city bond proceeds; and

WHEREAS, the Green Columbus Fund represents the City's commitment to foster sustainable building through LEED certification and to foster sustainable Brownfield assessment and redevelopment; and

WHEREAS, the program will produce economic, environmental and social benefits for Columbus and its residents; and

WHEREAS, the applicant has applied under the Brownfield assessment and redevelopment component of this program, the purpose of which is to encourage proper and productive use of the site in a manner that contributes to achieving economic, environmental and social benefits, and the application has been approved by the Director of the Department of Development; and

WHEREAS, this legislation authorizes the Director of Development to enter into a grant agreement with Faradonia Investment LLC for Brownfield assessment and redevelopment of the site at 875 Summit Street, subject to the project attaining Brownfield assessment and redevelopment goals of the program, and meeting the other terms and conditions of the agreement; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to enter into the grant agreement with Faradonia Investment LLC so that site assessment can determine whether or what remediation work may be required to allow Ohio EPA to issue a No Further Action (NFA) letter, leading to closing of the existing purchase contract and the beneficial reuse of this site, all for the immediate preservation of the public health, peace, safety and welfare; **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Development is hereby authorized to enter into a grant agreement with Faradonia Investment LLC for Brownfield assessment and redevelopment under the Green Columbus Fund Program for the site located at 875 Summit Street, in order to assist in the proper assessment and the safe and productive use of the site.

Section 2. That for the purpose as stated in Section 1, the expenditure of \$39,490 or so much thereof as may be necessary, is hereby authorized from the Department of Development, Division 44-01, Northland and Other Acquisitions Fund, Fund 735, Project No. 441749-100001, Object Level One 06, Object Level Three 6617, OCA Code 754151.

Section 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1083-2011

Drafting Date: 06/28/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Bikeway Development - Bike Hitches-Racks-Parking Shelters-Pavement Markings and Signage project.

Work for this project consists of the furnishing and installation of bikeway facilities throughout the city to continue to upgrade the City bicycling infrastructure. These facilities consist of ten bike shelters, up to three bike corrals, approximately 100 bike racks, pavement markings and signage for bikeways. The bike shelters, bike corrals and bike racks will be installed within the public right-of-way at various locations throughout the City, including the Short North, Arena District, Clintonville, and near such destinations as COSI, Grant Hospital, and the Columbus Main Library.

The estimated Notice to Proceed date is August 3, 2011. The project was let by the Office of Support Services through vendor services. The contract length is 365 days from the notice to proceed date. 2 bids were received on June 16, 2011 (1 majority, 1 MBE) and tabulated on June 17, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Columbus Asphalt Paving, Inc.	\$684,076.90	Gahanna, OH	Majority
McDaniel's Construction Corp. Inc.	\$708,381.84	Columbus, OH	MBE

Award is to be made to Columbus Asphalt Paving, Inc., as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Columbus Asphalt Paving, Inc.

2. CONTRACT COMPLIANCE

Columbus Asphalt Paving, Inc. contract compliance number is 310857095 and expires 1/12/12.

3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$786,688.44 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$786,688.44 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to allow these bike facilities to be available to the public for the highest provision of pedestrian safety.

Title To authorize the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc. for the Bikeway Development - Bike Hitches-Racks-Parking Shelters-Pavement Markings and Signage project; to provide for the payment of construction administration and inspection services; to authorize and direct the City Auditor to appropriate and transfer \$786,688.44 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and to authorize the expenditure of \$786,688.44 within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$786,688.44)

Body **WHEREAS**, it is necessary to enter into contract for the Bikeway Development - Bike Hitches-Racks-Parking Shelters-Pavement Markings and Signage project; and

WHEREAS, this project consists of the furnishing and installation of bikeway facilities throughout the city. These facilities consist of bike shelters, bike corrals, bike racks, pavement markings and signage for bikeways; and

WHEREAS, bids were received on June 16, 2011 and tabulated on June 17, 2011 for this project and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund for this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$786,688.44; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Division of Mobility Options in that the funding should be authorized immediately to construct these bikeway facilities at the earliest possible time and make these facilities available for the highest pedestrian safety, thereby preserving the public health, peace, property, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Columbus Asphalt Paving, Inc., 1196 Technology Drive, Gahanna, Ohio 43230 for the construction of the Bikeway Development - Bike Hitches-Racks-Parking Shelters-Pavement Markings and Signage project in the amount of \$684,076.90 or so much thereof as may be needed, for the Division of Mobility Options in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$102,611.54.

SECTION 2. The sum of \$786,688.44 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$786,688.44 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>
704 / 540002-100010 / Bikeway Development - Bike Hitches/Racks / 06-6600 / 740210 / \$20,000.00
704 / 540002-100022 / Bikeway Development - Bike Parking Shelters / 06-6600 / 740222 / \$100,000.00
704 / 540002-100029 / Bikeway Development - Downtown Connector / 06-6600 / 740229 / \$436,400.00
704 / 540002-100026 / Bikeway Development - Pavement Marking / 06-6600 / 740226 / \$230,288.44

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$786,688.44 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section

1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract and inspection, the sum of \$786,688.44 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 540002-100010 / Bikeway Development - Bike Hitches/Racks / 06-6621 / 740210 / \$20,000.00
704 / 540002-100022 / Bikeway Development - Bike Parking Shelters / 06-6621 / 740222 / \$100,000.00
704 / 540002-100029 / Bikeway Development - Downtown Connector / 06-6621 / 740229 / \$436,400.00
704 / 540002-100026 / Bikeway Development - Pavement Marking / 06-6621 / 740226 / \$230,288.44

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 12. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1085-2011

Drafting Date: 06/28/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBackground:

Project includes renovation of the existing Wolfe Park shelter house. RW Setterlin Building Co is requesting an increase from the original EL011339 contract of \$803,770.00 due to the change in scope of work and budget. Changes occurred due to unforeseen utility issues (after a second review of the drawings by the City of Columbus Department of Public Utilities and the City of Columbus Division of Fire - who each had previously signed off on the drawings - both departments required an additional fire hydrant, water lines, an additional hot box, and an increase in the electrical requirements for the hotboxes), as well as the removal and mitigation of an unknown underground fuel storage tank. This ordinance will authorize the transfer of \$65,675.00 within the voted Recreation and Parks Build America Bond Fund No. 746 to modify the existing contract to include the unexpected costs.

Principal Parties:

RW Setterlin Building Co
Mark Setterlin (Contact)
560 Harmon Ave.
Columbus, OH 43223
614-459-7077 (Phone)
31-0836188 Expires 11/26/12
25+ (Columbus Employees)

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said modification in order to keep construction schedule moving due to timing of rentals for the facility.

Fiscal impact

\$65,675.00

TitleTo authorize and direct the Director of Recreation and Parks to modify the contract with RW Setterlin Building Co. for the Wolfe Park Shelter House Improvements Project; to authorize the transfer of \$65,675.00 within the Governmental Build America Bond Fund; to authorize the expenditure of \$65,675.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$65,675.00)

Body

WHEREAS, it is necessary to modify the contract with RW Setterlin Building Co. for the Wolfe Park Shelter House Improvements Project; and

WHEREAS, funds are being transferred from an alternate project within Fund 746 to establish correct funding locations for this project; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to modify the contract in order to keep construction schedule moving due to timing of rentals for the facility;
NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to modify Contract No. EL0113319 with RW Setterlin Building Co. for the Wolfe Park Shelter House Improvements Project, in accordance with the plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the City Auditor is hereby authorized to transfer \$65,675.00 within the voted Recreation and Parks Bond Fund No. 746 for the projects listed below:

FROM:

<u>Project</u>	<u>OCA Code</u>	<u>Object Level 3</u>	<u>Amount</u>
510035-100006	763506	6620	\$63,600.00
510035-100040	743540	6620	\$2,075.00

TO:

<u>Project</u>	<u>OCA Code</u>	<u>Object Level 3</u>	<u>Amount</u>
510035-100045	763545	6620	\$65,675.00

SECTION 3. That the expenditure of \$65,675.00, or so much thereof as may be necessary, be and is hereby authorized, to pay the cost thereof, as follows:

\$65,675.00 Recreation and Parks Voted Bond Funds: Fund No. 746, Dept. 51-01, Project 510035-100045, OCA Code 763545, and Object Level 3 No. 6620

SECTION 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

SECTION 5. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1086-2011

Drafting Date: 06/28/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBackground:

Project includes the rebuilding of the open shelter that was demolished due to deterioration at Linden Park. Builderscape, Inc. is requesting an increase from the original EL01220 contract of \$119,613.00 due to the change in scope of work and budget. Changes occurred due to the community altering their decision on the location of where the shelter was to be constructed after work had begun on the foundation.

Principal Parties:

Builderscape, Inc.
Ron Matthews (Contact)
7500 Industrial Parkway
Plain City, OH 43064
614-889-2533 (Phone)
20-0537419 expires 5/20/13
15+ (Columbus Employees)

Emergency Justification:

An emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to enter into said contract in order finish construction work and meet commitments that have been made to the community.

Fiscal impact

\$2,399.00

TitleTo authorize and direct the Director of Recreation and Parks to modify the contract with Builderscape, Inc. for the Linden Park Shelter Project; to authorize the expenditure of \$2,399.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$2,399.00)

BodyWHEREAS, it is necessary to modify the contract with Builderscape, Inc. for the Linden Park Shelter Project; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to modify the contract in order to keep construction schedule moving due to timing of rentals for the facility;

NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to modify Contract No. EL01220 with Builderscape, Inc. for the Linden Park Shelter Project, in accordance with the plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of \$2,399.00, or so much thereof as may be necessary, be and is hereby authorized, to pay the cost thereof, as follows:

\$2,399.00

Project #510017-100004, Park Improvements OCA #761704, Object Level 3#6621

SECTION 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is

hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1088-2011

Drafting Date: 06/28/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

AN11-007

BACKGROUND: This ordinance is being submitted to set forth the municipal services and zoning conditions the city of Columbus will provide upon annexation of a territory located in Clinton Township. This ordinance is required by the Ohio Revised Code (ORC) as enacted by the General Assembly of the State of Ohio. An annexation petition has been filed with Franklin County for this property. A service ordinance must be passed before the annexation meeting takes place before the Board of County Commissioners of Franklin County. Information regarding municipal services that would be available, should the subject site be annexed, has been compiled and is reflected in this ordinance. If the petition is approved by the County Commissioners, a second City ordinance accepting the annexation will be required to complete the process. The time frames specified in the ORC require that this legislation be filed as emergency.

FISCAL IMPACT: The statement of municipal services and zoning conditions for a proposed annexation area has no fiscal impact. While provision of the stated services does represent cost to the city, annexation of land also has the potential to create revenue to the city.

Title

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN11-007) of .6 ± acres in Clinton Township to the City of Columbus as required by the Ohio Revised Code; and to declare an emergency.

Body

WHEREAS, a petition for the annexation of certain territory in Clinton Township was duly filed on behalf of 1168 Chambers Road and associated Right-of-Way on June 28, 2011; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County on August 2, 2011; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority adopt an ordinance stating zoning buffering conditions; and

WHEREAS, the parcel is located within the boundaries of the adopted 5th by Northwest Plan; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; **now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City of Columbus will provide the following municipal services for .6 ± acres and associated Right-of-Way in Clinton Township upon the annexation of said area to the city of Columbus:

Public Safety: The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

Sanitation: Residential refuse collection services will be available for residential uses upon annexation of the property. Commercial/business uses are required to provide their own refuse collection.

Transportation: Maintenance will be available for any additional right-of-way that may be included in this annexation request. If this annexation contains existing signalized intersections, those intersections and signals are subject to Transportation Division Policy, which appeared in the December 6, 2003 Columbus City Bulletin, and any subsequent updates thereto.

Water: The site will be served by an existing 20" water main located in Chambers Road.

Sanitary Sewer: Department of Utility's records indicate that there is an existing 8-inch sanitary sewer approximately 165 feet north of the northwest property line that can supply sewer service to subject annexation. Mainline extension is required and to be laid out such that it provides access to remaining adjacent properties within the tributary boundary. The mainline is to be designed and constructed at the private property owner's expense.

Storm Sewer: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development. All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this .6 ± acre site and associated Right-of-Way is annexed, and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Clinton Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Clinton Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1090-2011

Drafting Date: 06/28/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation Background:

This ordinance will authorize the transfer of \$80,700.00 within the voted Recreation and Parks Build America Bond Fund No. 746 and amend the 2011 Capital Improvements Budget to allow for facility improvements.

Proposals were received by the Recreation and Parks Department on May 5, 2011 for the Doors, Windows, and Floors Improvements Design as follows:

	<u>Status</u>
Abbot Studios	MAJ
Rogers Krajnak	MAJ
Schorr Architects	MAJ
PM Architects	ASN
Vivid Design Group	MAJ

Consultant shall provide architectural and engineering services to prepare plans and specifications for bidding for : Door replacements and/or improvements at Driving Park Recreation Center (1100 Rhoads Avenue 43206); McCoy Park Concession Building (600 Stimmel Road 43223); McDonald Athletic Complex Batting Cage (4990 Olentangy River Road 43214); Thompson Recreation Center (1189 Dennison Avenue 43201); and Tuttle Recreation Center (240 West Oakland Avenue 43201). The intention is to replace all units with appropriate new, energy-efficient units with appropriate materials. Where possible, all multiple doors to be replaced with double doors.

Floor and sub floor improvements at Barack Recreation Center (580 Woodrow Avenue 43207); Beatty Recreation Center (247 North Ohio Avenue 43203); Cultural Arts Center (139 West Main Street 43215); Linden Recreation Center (1254 Briarwood Avenue 43211); Antrim Shelter House (5800 Olentangy River Road 43085); Big Run Shelter House (4201 Clime Road 43228); and Whetstone Shelter House (3923 North High Street 43214). The intention is to remove damaged flooring and replace with durable products fabricated with a focus on recycled materials and energy efficiency.

Window, window opening and window hardware replacements at Carriage Place Recreation Center (4900 Sawmill Road 43235); Douglas Recreation Center (1250 Windsor Avenue 43211); Feddersen Recreation Center (3911 Dresden Avenue 43224); Howard Recreation Center (2505 Cassady Avenue 43219); Parks Maintenance Facility (1533 Alum Industrial Drive 43209); and Thompson Recreation Center (1189 Dennison Avenue 43201). The intention is to replace all units with appropriate new, energy-efficient units.

Principal Parties:

Abbot Studios Architects, LLC
Henry Abbot (contact)
130 E. Chestnut St., Suite 302
Columbus, OH 43215
Phone: (614) 461-0101
Contract Compliance #311181520
Contract Compliant through 03/10/2011
15+ Columbus Employees

Subcontractors Listed in Proposal:
Lawhon & Associates, Inc. (FBE)

TitleTo authorize the transfer of \$80,700.00 within the Governmental Build America Bond Fund; to amend the 2011 Capital Improvements Budget; to authorize and direct the Director of Recreation and Parks to enter into contract with Abbot Studios Architects, LLC for professional services related to the Doors, Windows and Floors Improvements 2011 Design; to authorize the expenditure of \$74,800.00 and \$5,900.00 in contingency for a total of \$80,700.00 from the Voted Parks and Recreation Bond Fund; and to declare an emergency. (\$80,700.00)

Body**WHEREAS**, funds are being moved to alternate project within Fund 746 to establish correct funding locations for this project; and

WHEREAS, the 2011 Capital Improvement Budget will be amended to reflect the fund transfer from projects within Fund 746 for Facility Improvement project to provide sufficient funding and spending authority for the aforementioned project expenditure; and

WHEREAS, this transfer does not adversely affect any project in the 2011 Capital Improvements Budget; and

WHEREAS, It is necessary for the Director of Recreation and Parks to enter into contract with Abbot Studios Architects, LLC for professional services related to the Doors, Windows and Floors Improvements 2011 Design; and

WHEREAS, an emergency exists in the usual daily operation of the Columbus Recreation and Parks Department that it is immediately necessary to authorize the City Auditor to transfer funds within the Governmental Build America Bond Fund; and to amend the 2011 Capital Improvements Budget to execute the aforementioned capital project related transaction, in order to help keep the project on schedule for the preservation of the public health, peace, property and safety; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Auditor is hereby authorized to transfer \$80,700.00 within the voted Recreation and Parks Bond Fund No. 746 for the projects listed below:

FROM:

<u>Project</u>	<u>OCA Code</u>	<u>Object Level 3</u>	<u>Amount</u>
510035-100006	763506	6620	\$80,700.00

TO:

<u>Project</u>	<u>OCA Code</u>	<u>Object Level 3</u>	<u>Amount</u>
510035-100000	746035	6620	\$80,700.00

SECTION 2. That the 2011 Capital Improvements Budget Ord. # 0266-2011 is hereby amended as follows in order to provide sufficient budget authority for this legislation and the modification to Wolf Park Shelterhouse .

CURRENT:

Fund 746; Project 510035-100006 /Milo Grogan Recreation Center/ \$350,000 (Voted carryover)

Fund 746; Project 510035-100000/Facility Improvements/ \$0 (Voted carryover)

Fund 746; Project 510035-100045 /Shelter Improvements/ \$452,000 (Voted carryover)

Fund 746; Project 510035-100040 /Plumbing and Electrical/ \$15,000 (Voted carryover)

AMENDED TO:

Fund 746; Project 510035-100006 /Milo Grogan Recreation Center/ \$205,700 (Voted carryover)

Fund 746; Project 510035-100000 /Facility Improvements/ \$80,700 (Voted carryover)

Fund 746; Project 510035-100045 /Shelter Improvements/ \$517,675 (Voted carryover)

Fund 746; Project 510035-100040 /Plumbing and Electrical/ \$12,925.00 (Voted carryover)

SECTION 3. That it is necessary for the Director of Recreation and Parks to enter into contract with Abbot Studios Architects, LLC for professional services related to the Doors, Windows and Floors Improvements 2011 Design

SECTION 4. That the expenditure of \$80,700.00, or so much thereof as may be necessary, be and is hereby authorized, to pay the cost thereof, as follows:

\$80,700.00 Recreation and Parks Voted Bond Funds: Fund No. 746, Dept. 51-01, Project 510035-100000, OCA Code 746035, and Object Level 3 No. 6620

SECTION 5. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background:

Bids were received by the Recreation and Parks Department on June 21, 2011 for the Street Tree Installation Fall 2011 Project, as follows:

	<u>Status</u>	<u>Base Bid Amount</u>
Greenscapes	MAJ	\$194,530

The work for which proposals were invited consists of the installation of street trees in Planning Area 6 as part of the Mayor's Green Initiative. Even though only one bid was received, it is within budget.

Principal Parties:

Greenscapes Landscape Co., Inc.
William Gerhardt (Contact)
4220 Winchester Pike
Columbus, OH 43232
614-837-1869 (Phone)
311027889 expires 11/24/2011
50+ (Columbus Employees)

Fiscal Impact:

\$200,000.00 from the Voted Recreation and Parks Bond Fund

TitleTo authorize and direct the Director of Recreation and Parks to enter into contract with Greenscapes Landscape Co., Inc. for the Street Tree Installation Fall 2011 Project; to authorize the expenditure of \$194,530.00, and a contingency of \$5,470.00 for a total of \$200,000.00 from the Voted Recreation and Parks Bond Fund; and to declare an emergency. (\$200,000.00)

Body

WHEREAS, bids were received by the Recreation and Parks Department on June 21, 2011 for the Street Tree Installation Fall 2011 Project, and the contract will be awarded on the basis of the lowest and best responsive and responsible bidder; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into said contract to enable trees to be purchased and received in time for the Fall planting schedule; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to enter into contract with Greenscapes for Street Tree Installation Fall 2011 project, in accordance with plans and specifications on file in the Recreation and Parks Department.

SECTION 2. That the expenditure of \$200,000.00, or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Recreation and Parks Bond Fund as follows:

Recreation and Parks Voted Bond Fund 746

Project #510039-100001, Street Trees, Object Level 3 # 6621, OCA# 763901

SECTION 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its

passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1097-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$222,260,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$222,260,000.00 for the purpose of providing funds to refund, in advance, certain outstanding unlimited tax general obligation bonds of the City (\$222,260,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City") unlimited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Various Purpose UT, Series 2004-1	7/27/04	\$ 97,025,000	\$ 67,300,000
Various Purpose UT, Series 2005D	12/14/05	175,905,000	104,600,000
Various Purpose UT, Series 2006A	12/12/06	98,370,000	50,360,000

(the "Outstanding Series Bonds"), were issued and sold by the Municipality for the purposes described in those ordinances and in the Outstanding Bonds; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the proceeds of refunding bonds, authorized by Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the aggregate principal sum not to exceed Two Hundred Twenty-Two Million Two Hundred Sixty Thousand Dollars (\$222,260,000) (the "Unlimited Tax Refunding Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of, along with other funds available for such purpose, to refund, in advance, all or a portion of the Refunded Bonds.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Unlimited Tax Refunding Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to

provide, funds to pay interest upon the Unlimited Tax Refunding Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Unlimited Tax Refunding Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Unlimited Tax Refunding Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Unlimited Tax Refunding Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Unlimited Tax Refunding Bonds in accordance with law.

Section 4. The Unlimited Tax Refunding Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Refunding Bonds" or as otherwise provided in Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Unlimited Tax Refunding Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Unlimited Tax Refunding Bonds and such other bonds will be collectively referred to herein as the "Bonds". The Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

Section 5. The Bonds shall be issued only as fully registered Bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Bonds are called for redemption, the Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Bonds is authorized, the Bond Registrar shall select Unlimited Tax Refunding Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Refunding Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond 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 Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the

Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address appearing therein.

Any interest on any Bond 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 Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Bonds 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 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds. So long as any of the Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 7 hereof, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 9. The Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) the Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Bonds 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 (iv) the Bonds 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 Municipality. Principal of and premium, if any, and interest on the Bonds 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 (a) in the case of interest, on each Interest Payment Date, and (b) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Bond 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 Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for the Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond 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 Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"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 Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 10. Certain terms of the Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Bonds to be issued, the dated date of the Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Bonds included in the Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Bonds, together with accrued interest on such Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Unlimited Tax Refunding Bonds shall not exceed five and one half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Bonds, including premium, if any, received from the sale of the Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale, shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation Bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Bonds, are hereby deemed appropriated.

This Council hereby declares that the Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds 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 Bonds so that the Bonds will not constitute "private activity Bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage Bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Bonds 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 Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Unlimited Tax Refunding Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. 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 16. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1098-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$73,165,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$73,165,000.00 for the purpose of providing funds to refund, in advance, certain outstanding general obligation bonds of the City (\$73,165,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City"), limited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Various Purpose LT, Series 2004-2	07/27/04	\$80,150,000	\$55,295,000

(the "Outstanding Limited Tax Bonds"), and unlimited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Various Purpose UT, Series 2004-1	7/27/04	\$ 97,025,000	\$ 67,300,000
Various Purpose UT, Series 2005D	12/14/05	175,905,000	104,600,000
Various Purpose UT, Series 2006A	12/12/06	98,370,000	50,360,000

(the "Outstanding Unlimited Tax Bonds" and together with the Outstanding Limited Tax Bonds, the "Outstanding Bonds"), were issued and sold for the purposes described in those ordinances and in the Outstanding Bonds; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the process of refunding bonds, authorized by pursuant to Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the aggregate principal sum not to exceed Seventy-Three Million One Hundred Sixty-Five Thousand Dollars (\$73,165,000) (the "Limited Tax Refunding Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of refunding, in advance, all or a portion of the Refunded Bonds.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Limited Tax Refunding Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Limited Tax Refunding Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Limited Tax Refunding Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Limited Tax Refunding Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Limited Tax Refunding Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Limited Tax Refunding Bonds in accordance with law.

Section 4. The Limited Tax Refunding Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Refunding Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Limited Tax Refunding Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Limited Tax Refunding Bonds and such other bonds may be issued in one or more series and will be collectively referred to herein as the "Bonds". The Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

Section 5. The Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price as specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Bonds are called for redemption, the Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Bonds is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Combined Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address appearing therein.

Any interest on any Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Bonds 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 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds. So long as any of the Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 7 hereof, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Bonds of any authorized denomination or denominations equal in

the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 9. The Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) the Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Bonds 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 (iv) the Bonds 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 Municipality. Principal of and premium, if any, and interest on Bonds 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 (a) in the case of interest, on each Interest Payment Date, and (b) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with

another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond 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 Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"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 Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 10. Certain terms of the Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Bonds to be issued, the dated date of the Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which the Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to the Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Bonds included in the Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Bonds, together with accrued interest on such Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Limited Tax Refunding Bonds shall not exceed five and one half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Bonds, including premium, if any, received from the sale of the Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The

balance of such proceeds, including any accrued interest received from such sale but excluding any proceeds designated to pay costs of issuance of the Bonds and any other refunding bonds issued at the same time as the bonds (which shall be deposited into a fund to be designated by the City Auditor for the payment of such costs of issuance), shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Bonds, are hereby deemed appropriated.

This Council hereby declares that the Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds 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 Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Bonds 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 Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications on and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates.

The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Limited Tax Refunding Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. 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 16. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1099-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$17,240,000.00 for safety and health projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$17,240,000.00 for safety and health projects (\$17,240,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Eighty-Six Million One Hundred Seventy Thousand Dollars (\$86,170,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$17,240,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving facilities for the Department of Public Safety and the Department of Health, including the acquisition of real estate and interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures, the acquisition of furnishings, apparatus, communications equipment and other equipment, and landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fourteen (14) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Seventeen Million Two Hundred Forty Thousand Dollars (\$17,240,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such

maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on

each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$16,900,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
701	310106-100000	\$ 200,000	Sirens
701	330021-100000	418,090	Police Facility Renovation
701	330033-100000	6,781,910	Police Property Room/Crime Lab
701	340101-100003	3,000,000	Fire Apparatus Replacement - Platform
701	340101-100006	2,500,000	Fire Apparatus Replacement - Heavy Rescue Vehicles
701	340103-100000	2,000,000	Fire Facility Renovation
701	340104-100000	<u>2,000,000</u>	Fire Station Land Acquisition
Total		<u>\$16,900,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Break 1

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on

behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1100-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$29,975,000.00 for recreation and parks projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$29,975,000.00 for recreation and parks projects (\$29,975,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of One Hundred Twenty-Four Million Two Hundred Fifteen Thousand Dollars (\$124,215,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$29,975,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, renovating and improving municipal parks, playgrounds and recreation facilities including the acquisition of real estate and interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seventeen (17) years. \par

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Twenty-Nine Million Nine Hundred Seventy-Five Thousand Dollars (\$29,975,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such

maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on

each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Break1

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$29,385,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
702	440006-100000	\$ 850,000	Urban Infrastructure Recovery Fund - Miscellaneous
702	440006-100001	200,000	Urban Infrastructure Recovery Fund - Harrison West Bikeway
702	510011-100002	597,290	Swimming Facilities - Blackburn Pool
702	510011-100005	2,400,000	Swimming Facilities - Pool Bath Houses
702	510011-100013	2,326,073	Swimming Facilities - Dodge Pool Replacement
702	510017-100000	455,000	Park and Playground Improvements
702	510017-100001	100,000	Park and Playground Improvements - Miscellaneous
702	510017-100002	500,000	Park and Playground Improvements - Hard Surface Improvements
702	510017-100003	300,000	Park and Playground Improvements - Hard Surface and Tennis Court
702	510017-100004	140,000	Park and Playground Improvements - Neighborhood Park
Renovations			
702	510017-100016	260,000	Park and Playground Improvements - Hard Road Development
702	510017-100045	126,202	Park and Playground Improvements - Battelle Park Improvements
702	510035-100000	1,040,000	Facility Renovation - Miscellaneous
702	510035-100004	200,059	Facility Renovation - Auditor AC's/Contingencies
702	510035-100005	200,000	Facility Renovation - Athletic Complexes
702	510035-100006	3,150,000	Facility Renovation - Milo Grogan
702	510035-100010	4,025,000	Facility Renovation - HVAC Improvements
702	510035-100041	175,000	Facility Renovation - Westgate Shelter Renovation
702	510035-100045	400,000	Facility Renovation - Shelter Renovations
702	510039-100001	200,000	Street Greens -Trees
702	510112-100009	774,000	Park Acquisition - Northeast
702	510112-100016	400,000	Park Acquisition - Galloway Property Acquisition
702	510229-100002	846,000	Bikeway Improvements - Goodale Trail
702	510229-100003	4,315,376	Bikeway Improvements- Alum Creek Trail
702	510229-100004	250,000	Bikeway Improvements - Kiosks/Equipment
702	510316-100000	100,000	Greenways Projects - Miscellaneous
702	510316-100022	1,150,000	Greenways Projects - Scioto Trail
702	510316-100025	300,000	Greenways Projects - Downtown Pedestrian Bridge
702	510316-100026	185,000	Greenways - Watercourse Bike Paths
702	510319-100000	550,000	Safe Playgrounds
702	510320-100001	250,000	Dog Parks
702	510429-100001	225,000	Golf - Equipment Replacement
702	510429-100003	170,000	Golf - Bunker Improvements
702	510429-100004	75,000	Golf - Hard Surface Improvements
702	510429-100017	150,000	Golf - General Golf Facility Improvements
702	510716-100001	1,000,000	Security Enhancements
702	510717-100004	<u>1,000,000</u>	Recreation and Parks Public Investments - Columbus Amphitheatre
	Total	<u>\$29,385,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1101-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$90,935,000.00 for transportation projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$90,935,000.00 for transportation improvements (\$90,935,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Three Hundred Forty-Five Million Six Hundred Thirty Thousand Dollars (\$345,630,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$90,935,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of widening, opening, extending, constructing, paving, repaving, improving and changing the line of expressways, freeways, roads, highways, bikeways, streets, alleys, bridges, viaducts, bioswales, overpasses, underpasses, grade crossing eliminations, service and access roads and sidewalks, including development of offstreet parking facilities, the acquisition and installation of parking meters, traffic control systems, equipment and signs, the acquisition of real estate and interests in real estate and related equipment, and landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is sixteen (16) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Ninety Million Nine Hundred Thirty-Five Thousand Dollars (\$90,935,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The

Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined

Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is

to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Break1

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$89,150,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
704	440005-100000	5,092,554	Urban Infrastructure Recovery Fund
704	440005-100001	820,000	UIRF - 18th, 20th Clair Sts Corridor
704	440005-100006	126,280	UIRF - General Engineering Services
704	440005-100008	396,371	Urban Infrastructure Recovery Fund - High Street/Clintonville
704	440005-100009	348,544	Urban Infrastructure Recovery Fund - Holtzman/Main
704	440005-100015	730,000	Urban Infrastructure Recovery Fund - Miscellaneous
704	440005-100016	114,668	Urban Infrastructure Recovery Fund - Iuka Road Lighting
704	440005-100017	350,000	UIRF - East North Broadway & High Street

704	440104-100002	4,980,000	Misc. Economic Development - Columbus Coated Fabrics
704	440104-100006	2,500,000	2012 Neigborhood Infrastructure
704	440104-100007	1,500,000	Roadway Improvements - Creative Campus
704	440104-100008	500,000	Roadway Improvements - 18th Street
704	440104-100009	400,000	Roadway Improvements - Neil Avenue
704	440104-100010	100,000	Roadway Improvements - Taylor Avenue - OSU
704	530020-100000	5,695,799	Street Equipment
704	530052-100003	608,948	Morse Road Area Investment - Morse Road Phase 1
704	530052-100004	270,000	Morse Road Area Investment - Morse Road Phase 2
704	530053-100000	500,000	Short North SID
704	530058-100003	35,875	Neighborhood Commerical Revitalization - Short North
704	558-100005	2,576,938	Neighborhood Commerical Revitalization - TBD
cf2704	530058-100007	967	NCR - High Street Streetscape Imp
704	530058-100008	730,000	NCR - Streetscape Improvements
704	530058-100009	800,000	NCR - Lincoln Theatre Phase 2
704	530086-100005	500,000	Intersection Improvements - Livingston Avenue
704	530103-100000	15,785	Arterial Street Rehabilitation
704	530103-100013	573,669	Arterial Street Rehabilitation - North High Street
704	530103-100022	1,200,000	Arterial Street Rehabilitation - Stelzer Road Ph 1
704	530103-100026	3,536,800	Arterial St. Rehab.-Alum Creek Drive Phase B/SR 104-Williams
704	530103-100041	500,000	Arterial St. Rehab.-Hamilton Road from SR 161 to Morse Road
704	530104-100003	1,145,000	Alley Rehabilitation - Downtown SID
704	530104-100004	1,802,603	Alley Rehabilitation - Miscellaneous
704	530161-100000	175,997	Roadway Improvements
704	530161-100003	2,100,000	Roadway Improvements - Emerald Parkway
704	530161-100004	500,000	Roadway Improvements - General Engineering
704	530161-100013	2,091,000	Roadway Improvements - SCMRP Reimbursement
704	530161-100070	100,000	Roadway Improvements - Utility Relocation
704	530161-100071	188,405	Roadway Improvements - Misc. Construction Inspection
704	530161-100073	1,640,000	Roadway Improvements - Tech Center South
704	530161-100079	125,000	Roadway Imp. - Riverview Rd. From Olentangy River Rd
704	530161-100081	600,000	Roadway Improvements - Lazelle Road
704	530161-100092	350,000	Roadway Improvements - Guardrail
704	530210-100002	100,000	Curb Reconstruction - Qwik Curb Commodities
704	530282-100042	14,849	Resurfacing 2010 - Project 3
704	530282-100050	40,000	Resurfacing - Urban Paving - Jackson Pike
704	530282-100053	1,500,000	Resurfacing - Preventative Surface Treatment
704	530282-100057	45,871	Resurfacing 2010 - Project 6
704	530282-100062	4,012,824	Resurfacing - Project 3
704	530282-100063	3,927,871	Resurfacing - Project 4
704	530282-100064	7,235,920	Resurfacing - Resurfacing Projects - Zone 5
704	530301-100000	8,696	Bridge Rehabilitation
704	530301-100004	100,000	Bridge Rehabilitation - Rich Street Bridge
704	530301-100010	96,098	Bridge Rehabilitation - Annual Citywide Contracts #1
704	530301-100015	2,455,910	Bridge Rehabilitation - Major Bridge Rehabilitation
704	530301-100016	500,000	Bridge Rehabilitation - State Route Bridge
704	530301-100018	500,000	Bridge Rehabilitation - General Engineering
704	530301-100037	1,437,500	Bridge Rehabilitation - Annual Citywide Contracts #2
704	530301-160062	100,000	Bridge Rehabilitation - Arcadia Avenue over Glen Echo Ravine
704	530301-100663	7,000	Bridge Rehab. - US 23 over Convention Center Connector
704	530301-160275	104,558	Bridge Rehabilitation - Front South of Nationwide
704	530301-160356	638,793	Bridge Rehabilitation - Hardy Parkway over Scioto
704	530301-161883	1,953,684	Bridge Rehabilitation - Calumet over Glen Echo
704	530303-100000	867,345	Housing Initiatives - Roadway
704	530801-100000	10	Downtown Streetscape Improvements - Transportation

704	530801-100002	200,000	Downtown Streetscape Improvements - Corporate Relocations
704	530801-100003	168,026	Downtown Streetscape Imp. - CCAD - Cleveland Improvements
704	540001-100000	91	Parking Meters - Commodities
704	540002-100001	100,000	Bikeway Development - Hudson Street/Mock Road
704	540002-100002	180,000	Bikeway Development - Spot Improvements/Miscellaneous
704	540002-100005	100,000	Bikeway Development - SR 161 Bikeway Connector
704	540002-100007	125,000	Bikeway Development - Citywide Signage Replacement
704	540002-100010	40,000	Bikeway Development - Bike Hitches/Racks
704	540002-100015	356,178	Bikeway Development - Hilltop Connector
704	540002-100022	350,000	Bikeway Development - Bike Parking Shelters
704	540002-100026	313,600	Bikeway Development - Pavement Marking
704	540002-100029	436,400	Bikeway Development - Downtown Connector
704	540002-100032	50,000	Bikeway Development - Rehabilitation
704	540002-100033	500,000	Bikeway Development - Bikeway General Engineering
704	540002-100034	300,000	Bikeway Development - Bicentennial Bikeways
704	540002-100035	125,000	Bikeway Development - Olentangy to Alum Creek
704	540003-100001	100,000	Computerized Signals - Commodities
704	540005-100001	133,016	School Flasher - 20 MPH - Commodities
704	540007-100003	705,120	Traffic Signal Installation - Commodities
704	540008-100001	589,775	Sign Upgrading/Street Name Signs
704	540008-100002	64,000	Sign Upgrading/Streetname Signs - Art Walk
704	540011-100000	100,000	Raised Pavement Markings - Commodities
704	540013-100000	580,941	Permanent Pavement Markings
704	590105-100000	65,918	Pedestrian Safety Improvements
704	590105-100004	56,003	Ped. Safety Imp. - Linden Area Traffic Management Plan
704	590105-100011	229,256	Pedestrian Safety Improvements - Lane Avenue
704	590105-100031	100,629	Pedestrian Safety Improvements - Obetz Road
704	590105-100034	296,058	Pedestrian Safety Improvements - Valleyview
704	590105-100037	476,324	Pedestrian Safety Improvements - Hague Avenue
704	590105-100039	135,000	Pedestrian Safety Improvements - Weinland Park
704	590105-100056	690,000	Ped. Safety Imp. - Moler, Southgate Ferris Parsons Avenue
704	590105-100043	562,257	Pedestrian Safety Improvements - Refugee Road
704	590105-100046	130,000	Pedestrian Safety Improvements - Livingston Avenue
704	590105-100048	363,132	Ped. Safety Imp.-King Avenue - NW Blvd. Worthington Woods
704	590105-100049	564,049	Pedestrian Safety Improvements - Mound - Wilson - Nelson
704	590105-100053	754,559	Ped. Safety Imp. - Kenny Road - Weber - Mt. Vernon
704	590127-100000	500,000	Spring Sandusky Interchange - OTMP Group 1A
704	590130-100000	14,700	Facilities
704	590130-100016	500,000	Facilities - Salt Barns
704	590910-100002	2,500,000	SciTech Coordior Improvements-OSU Research Park
704	590955-100002	331,761	Operation Safewalks - Deshler Avenue / 18th Avenue
704	590955-100003	2,795,075	Operation Safewalks - Joyce Avenue Phase I
704	590955-100008	<u>500,000</u>	Operation Safewalks - Joyce Avenue Phase II
	Total	<u>\$89,150,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

To provide for the payment of the costs of issuance of the Bonds, which shall include, but shall not be limited to, the

fees and expenses of the Municipality's bond counsel, the fees and expenses of the Municipality's financial advisor, rating agency fees, the fees and expenses associated with the sale of the Bonds and printing fees, the Municipality is hereby authorized to expend a sum not to exceed Five Hundred Thousand Dollars (\$500,000), and such amount is hereby deemed appropriated, which amount shall be allocated to, and paid from, the benefiting funds as determined by the City Auditor. Initial funds for the payment of such costs of issuance are hereby appropriated from Debt Service Fund #430, which fund shall then be reimbursed by the benefiting funds as determined by the City Auditor. In the alternative, the City Auditor is hereby authorized to pay the costs of issuance of the Bonds from the proceeds of the sale of the Bonds.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing

the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1102-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$19,460,000.00 for refuse collection projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$19,460,000.00 for refuse collection projects (\$19,460,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Thirty-Two Million Two Hundred Five Thousand Dollars (\$32,205,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$19,460,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving facilities for the Division of Refuse Collection, including but not limited to sanitation trucks, containers and related equipment, and landscaping and making site improvements on real estate owned by the City for such purposes; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is five (5) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Nineteen Million Four Hundred Sixty Thousand Dollars (\$19,460,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of

the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the

United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be

executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined

Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are

to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$19,075,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
703	520001-100001	498,390	Mechanized Collection Equipment - 90 Gallon Containers
703	520001-100002	1,208,676	Mechanized Collection Equipment - 300 Gallon Containers
703	520001-100003	2,444,385	Mech. Collection Equipment - Automatic Side Loaders
703	520001-100004	812,661	Mechanized Collection Equipment - Front Box Loaders
703	520001-100006	255,549	Mechanized Collection Equipment - Semi - Automatic
703	520001-100009	257,753	Mechanized Collection Equipment - Knuckleboom
703	520001-100011	4,000,000	Mechanized Collection Equipment - Recycling Containers
703	520004-100003	9,000,000	New Morse Road Transfer Station
703	520004-100005	597,586	Facility Improvements
	Total	<u>\$19,075,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

Break1

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at

maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1103-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$1,430,000.00 for electricity projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$1,430,000.00 for electricity projects (\$1,430,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Twelve Million Two Hundred Thirty-Five Thousand Dollars (\$12,235,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$1,430,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving facilities for the Division of Electricity, including the expansion and improvement of the municipal street lighting system, the construction and improvement of electrical distribution facilities, power lines, underground tunnels for power lines and other structures, the making of substation improvements and acquisition of real estate and interests in real estate and related equipment, landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of One Million Four Hundred Thirty Thousand Dollars (\$1,430,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other officials of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,430,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
553	440007-100001	<u>\$1,430,000</u>	Various Electricity Projects
	Total	<u>\$1,430,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys

necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1104-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$510,000.00 for municipal court clerk projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$510,000.00 for Municipal Court Clerk projects (\$510,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$510,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, developing, designing, improving and installing computer related system equipment and services for the Municipal Court Clerk and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Five Hundred Ten Thousand Dollars (\$510,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality

determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined

Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate

principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as

representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$500,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
780	780001-100000	<u>\$500,000</u>	Municipal Court Document Con.
	Total	<u>\$500,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further

covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$8,825,000.00 for construction management projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$8,825,000.00 for construction management projects (\$8,825,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$8,825,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving municipal facilities, including the acquisition of real estate, easements and other interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures and related appurtenances thereto, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Eight Million Eight Hundred Twenty-Five Thousand Dollars (\$8,825,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose

described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this

Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$8,650,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
733	570030-100015	\$ 880,000	240 Parsons Avenue - Various
733	570030-100120	1,950,000	Facility Renovations - Various
733	570031-100003	200,000	City Hall Renovations - Security
706	570053-100000	120,000	Blind School Renovation
733	570057-100000	<u>5,500,000</u>	Groves Road Building
	Total	<u>\$8,650,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby

authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1106-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$2,040,000.00 for fleet management projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as

senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,040,000.00 for fleet management projects (\$2,040,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$2,040,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving municipal facilities for the Division of Fleet Management, including the acquisition of real estate, easements and other interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures and related appurtenances thereto, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seven (7) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Million Forty Thousand Dollars (\$2,040,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"),

until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent,

bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$2,000,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
513	550004-100000	<u>\$2,000,000</u>	Automatic Vehicle Locators
	Total	<u>\$2,000,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of

interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1107-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$4,685,000.00 for information services projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$4,685,000.00 for information services projects (\$4,685,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$4,685,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, developing, designing, improving and installing information systems software and hardware and related network

infrastructure and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seven (7) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Four Million Six Hundred Eighty-Five Thousand Dollars (\$4,685,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are

payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms

as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$4,590,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
514	470030-100000	\$ 300,000	Operations Equipment Upgrade
514	470031-100000	540,000	Data Center Facility Upgrades
514	470031-100002	135,000	City Hall Data Center Facility Upgrades
514	470037-100000	100,000	Diaster Recovery Project
514	470046-100000	850,000	Connectivity Project
514	470046-100002	125,000	Routing Equipment Upgrade
514	470047-100000	350,000	Enterprise System Upgrades
514	470047-100004	248,000	Enterprise System Up.-Business Intelligence
514	470049-100000	500,000	Human Resources Information
514	470050-100000	100,000	E - Gov Initiatives
514	470050-100001	150,000	E - Gov Initiatives - Mobile Application
514	470050-100002	200,000	E - Gov Initiatives - Paperless City Council
514	470052-100000	150,000	Telephony Upgrade - VOIP
514	470052-100001	110,000	Telephony Upgrade - IVR Enhancements
514	470052-100002	197,000	CS Client Management Suite
514	470052-100003	140,000	VM Ware Virtual Desktop Infrastructure
514	470054-100002	200,000	Media Services - Studio Equipment
514	470054-100003	120,000	Media Services - Video Storage Equipment
514	470054-100009	<u>75,000</u>	Media Services - Council Cameras Equipment
	Total	<u>\$4,590,000</u>	

Break1

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality hereby covenants that it shall comply with the requirements of all existing and future laws which must e satisfied in order that interest on the Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1108-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$1,250,000.00 for electricity projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,250,000.00 for electricity projects

(\$1,250,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$1,250,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving facilities for the Division of Electricity, including the expansion and improvement of the municipal street lighting system, the construction and improvement of electrical distribution facilities, power lines, underground tunnels for power lines and other structures, the making of substation improvements and acquisition of real estate and interests in real estate and related equipment, landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the

person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the

Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,225,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
553	440007-100001	\$ 265,925	Various Electricity Projects
553	440007-100000	<u>959,075</u>	UIRF - Street Lighting
	Total	<u>\$1,225,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the

representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

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The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1109-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$5,970,000.00 for economic and community development projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$5,970,000.00 for economic and community development projects (\$5,970,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$5,970,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of promoting economic and community development and redevelopment within the City of Columbus by, among other things: (i) providing assistance for the renovation and improvement of homes owned or to be owned by low and moderate-income households to correct substandard and deteriorating conditions; (ii) providing assistance for the purchase and rehabilitation of residential and commercial structures to avoid a public nuisance and to promote economic and community development,

including through the construction of new structures; (iii) repairing and rehabilitating, and providing infrastructure improvements for the benefit of, homeless shelters in the City; (iv) demolishing vacant and abandoned structures, and remediating environmental issues thereon, in order to abate and avoid public nuisance and to promote economic and community development; and (v) providing funds to undertake soil testing and acquire water tanks to promote the development of community gardens on vacant parcels of land; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Five Million Nine Hundred Seventy Thousand Dollars (\$5,970,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond

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

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The

Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$5,850,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	441749-100003	\$ 60,000	Community Gardens
735	440104-100005	900,000	Franklinton Artist Housing Project
735	590415-100006	1,300,000	Hotel Demolition
782	782004-100000	700,000	Vacant Housing Demolition
782	782003-100000	250,000	Emergency Shelter Repair
782	782001-100002	500,000	Roof Program
782	782001-100000	800,000	Housing Preservation
782	782002-100000	500,000	Home Safe & Sound
782	782001-100001	<u>840,000</u>	Rebuilding Lives
	Total	<u>\$5,850,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Break1

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1110-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$510,000.00 for economic and community development, corporate retention and attraction projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$510,000.00 for economic and community development projects (\$510,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$510,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of promoting economic and community development within the City of Columbus by, among other things: (i) providing funds for the acquisition and preparation of sites for corporate relocation and attraction; and (ii) paying costs of various infrastructure improvements, including construction and improvement of streets and roads, utility extensions and improvements, and acquisition of real estate and interests in real estate in connection with the same; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Five Hundred Ten Thousand Dollars (\$510,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity

of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any

Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or

interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts

sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$500,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	590415-100000	<u>\$500,000</u>	Economic and Community Development
	Total	<u>\$500,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1111-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$255,000.00 for Lincoln Theater improvement projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$255,000.00 for Lincoln Theater projects (\$255,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$255,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of renovating and otherwise improving the Lincoln Theater, including exterior maintenance and improvements and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Hundred Fifty-Five Thousand Dollars (\$255,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued

pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and

authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$250,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	441736-100001	<u>\$250,000</u>	Lincoln Theater Phase 3

Total **\$250,000**

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality

have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1112-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$70,000.00 for public art projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$70,000.00 for public art (\$70,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$70,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring art for display in public places and paying professional fees in connection with the acquisition the same; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Seventy Thousand Dollars (\$70,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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

Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon

any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect

transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$65,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	440119-100001	\$15,000	Public Art - Maloney Health Center
735	440119-100002	<u>50,000</u>	Public Art - North Bank Park
	Total	<u>\$65,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and

operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality 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 Combined Bonds 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 Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it shall restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Combined Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds 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 Combined Bonds 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 City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (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 Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the City Auditor.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. 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 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1113-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$15,300,000.00 for economic development projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$15,300,000.00 for economic development projects (\$15,300,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$15,300,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of providing grants for environmental remediation and providing funds for widening, opening, extending, constructing, paving, repaving, improving and changing the line of expressways, freeways, roads, highways, bikeways, streets, alleys, bridges, viaducts, bioswales, overpasses, underpasses, grade crossing eliminations, service and access roads and sidewalks, the acquisition and installation of traffic control systems, equipment and signs, the acquisition of real estate and interests in real estate and related equipment, and landscaping and making site improvements, all in connection with the development of a multi-acre site intended for annexation located on the west side of the City; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty (20) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Fifteen Million Three Hundred Thousand Dollars (\$15,300,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, which bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011 (Taxable)" (the "Bonds") or as otherwise designated by the Fiscal Officer, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other taxable limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond

Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Notwithstanding accounting codes and fund descriptions contained in Ordinance 0889-2011, the proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$15,000,000) shall be deposited in the City Treasury and allocated to the newly established fund and project in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
275	275001-100000	\$15,000,000	Economic Development - Casino
	Total	\$15,000,000	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to

and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 11. 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.

Break1

Section 12. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 13. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1114-2011

Drafting Date: 06/29/2011

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$1,625,000.00 for fleet management projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,625,000.00 for Fleet Management Bonds (\$1,625,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$1,625,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving municipal facilities for the Division of Fleet Management, including the acquisition of real estate, easements and other interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures and related appurtenances thereto, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seven (7) years

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of One Million Six Hundred Twenty-Five Thousand Dollars (\$1,625,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, which bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011 (Taxable)" (the "Bonds"), or as otherwise designated by the Fiscal Officer, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to

all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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.

Section 3. 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, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other taxable limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds." The Combined Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2011," or as otherwise designated by the Director of Finance and Management, for the purpose described in the title of this ordinance.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond 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 Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond 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 Bond 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 Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond 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 Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond 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 Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond 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 registered owner, at his address as it appears in the Bond 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 Combined Bonds 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 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond 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 Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond 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 Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond 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 Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds 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 Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond 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 Combined Bonds 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 Municipality. Principal of and premium, if any, and interest on Combined Bonds 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 Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond 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 Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond 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 Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds 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 a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond 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 Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

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 and premium, if any, on the Combined Bonds may be transferred only through a book entry and

(ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"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 Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Incorporated, as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six per centum (6.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Incorporated as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is 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 Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,590,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
513	550002-100001	<u>\$1,590,000</u>	Fleet Fuel Site Infra - CNG
	Total	<u>\$1,590,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys

necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 11. 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 12. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Break1

Section 13. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

City RFPs, RFQs, and Bids

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

CITY OF COLUMBUS FORMAL BID OPPORTUNITIES ARE UPDATED DAILY AT:
<http://vendorservices.columbus.gov/e-proc/venSolicitationsAll.asp?link=Open+Solicitations&cboType=B>

Each proposal shall contain the full name and address of every person, firm or corporation interested in the same, and if corporation, the name and address of the President and Secretary.

EQUAL OPPORTUNITY CLAUSE: Each responsive bidder shall submit, with its bid, a contract compliance certification number or a completed application for certification. Compliance with the provisions of Article I, Title 39, is a condition of the contract. Failure to comply with this Article may result in cancellation of the contract.

WITHHOLDING OF INCOME TAX: All bidders are advised that in order for a contract to bind the City, each contract must contain the provisions found in Section 361.35 C.C.C. with regard to income taxes due or payable to the City of Columbus for wages, salaries and commissions paid to the contractor's employees as well as requiring those contractors to ensure that subcontractors withhold in a like manner.

LOCAL CREDIT: For all contracts EXCEPT PROFESSIONAL SERVICE CONTRACTS: In determining the lowest bid for purpose of awarding a contract not exceeding \$20,000.00, a local bidder shall receive a credit equal to five percent (5%) of the lowest bid submitted by a non-local bidder. In determining the lowest bid for purposes of awarding a contract in excess of \$20,000.00, a local bidder shall receive a credit equal to one percent (1%) or \$10,000.00, whichever is less, of the lowest bid submitted by a non-local bidder. A local bidder is a person, corporation or business which (a) has listed its principal place of business as being located within the corporation limits of the City of Columbus or the County of Franklin in official documents filed with Secretary of State, State of Ohio, or a valid vendor's license which indicates its place of business is located within the corporation limits of the City of Columbus or County of Franklin.

FOR COPIES OF ANY OF THE FOLLOWING BID PROPOSALS CALL THE LISTED DIVISION

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - July 18, 2011 1:00 pm

SA004018 - OCM-PS A/E DESIGN OF POLICE CRIME LAB

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

ADVERTISEMENT FOR BIDS

REQUEST FOR STATEMENTS OF QUALIFICATION (RFSQ)
FOR PROFESSIONAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES

1.1 Scope: It is the intent of the City of Columbus, Department of Finance and Management, Office of Construction Management, to obtain Request for Statements of Qualifications (RFSQ) to establish a contract for the PROFESSIONAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES.

1.2 Clarification: The scope of work shall include design and contract administration services for construction of a new crime laboratory to be built within the existing building at 724 Woodrow Avenue for the Department of Finance and Management, Office of Construction Management (CM) on behalf of Public Safety, Division of Police, to accommodate the operational needs of this Division.

1.3 Deadline for questions is Thursday, July 7, 2011 at 12:00 p.m. Contact Jennifer Henderson with the Office of Construction Management via email (jrhenderson@columbus.gov) or fax (614-645-0254) only.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 12, 2011

BID OPENING DATE - July 20, 2011 3:00 pm

SA004023 - SOUTH WELLFIELD EXPANSION RAW WATER LINE

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SOUTH WELLFIELD EXPANSION RAW WATER LINE ? COLLECTOR WELL 106
CONTRACT NO. 990 Part 1, PROJECT NO. 690359-100003

SCOPE:

Sealed proposals will be received by the Director of Public Utilities of the City of Columbus, Ohio at the office of the Director of Public Utilities, 4th Floor, 910 Dublin Road, Columbus, Ohio 43215, until 3:00 P.M. local time July 20, 2011 and publicly opened and read at the hour and place for construction of the SOUTH WELLFIELD EXPANSION RAW WATER LINE ? COLLECTOR WELL 106, CONTRACT NO. 990 Part 1, PROJECT NO. 690359-100003.

The work for which proposals are invited consists of furnishing of all materials; equipment and labor necessary to provide and install 8,869 LF of 42"; 110 LF of 36"; and 2,283 LF of 16" water pipe and fittings, and associated valves and appurtenances, the bore and jack installation of 533 LF of 60" casing pipe, and such other work as may be necessary to complete the contract in accordance with the plans and specifications. Bid Documents will be available to perspective bidders on June 27, 2011.

CLASSIFICATION:

A pre-bid conference for this project will be held on July 6, 2011 at 9:00 a.m., at the Parsons Avenue Water Plant, 5600 Parsons Avenue, Lockbourne, Ohio 43137. Prevailing wage rates apply to this project. A 10% (ten percent) proposal bond and a 100% (One hundred percent) performance bond are required for this bid.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing. From the solicitation listing, click on the box marked "continue" and open the Bidder's Guide for this additional information.

OBTAINING CONTRACT DOCUMENTS:

Copies of the Contract Documents will be on file and available to be purchased at Atlas Blueprint and Supply Co. (ARC), 374 West Spring Street, Columbus, OH 43215, Phone (614) 224-5149, and on their website at www.e-arc.com, and are available there on or after June 27, 2011 upon a payment of \$ 100.00 per set, none of which will be refunded. Checks for Contract Documents shall be made payable to DLZ Ohio, Inc.

ORIGINAL PUBLISHING DATE: June 25, 2011

BID OPENING DATE - July 21, 2011 11:00 am

SA004034 - Water Well Replacement UTC

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: The City of Columbus, Division of Power and Water, is obtaining bids to establish a contract for repair or replacement of household water supply wells impacted by dewatering as a result of City water supply operations. The term of the resulting contract would be three (3) years, through April 30, 2014.

1.2 Classification: The Contractor will be required to provide and install, as specified herein, all materials essential for repair or replacement of household water supply wells and provide potable water to those locations on an emergency basis. Well Drillers completing abandonment, repair, or replacement of water supply wells shall be appropriately licensed and bonded in the State of Ohio to complete such work, be registered with the Ohio Department of Health as a water well driller for private systems and have at least 5 years of experience in installing water wells in the state of Ohio. Contractor shall submit well installation logs and well abandonment logs as required by Ohio law to the Ohio Department of Natural Resources, Division of Water. The Contractor will also be required to provide all materials necessary to complete the abandonment of existing wells.

1.3 Pre-Bid Conference: A pre-bid conference will be held Wednesday, July 13, 2011 from 9:00 am to 11:00 am at the Parsons Avenue Water Treatment Plant, 5600 Parsons Avenue, Lockbourne, OH 43137. Any interested bidder is strongly urged to attend. Failure to attend the Pre-Bid Conference will not disqualify a bidder; however, bidders shall comply with and be responsible for the bid specifications and information discussed at the Pre-Bid Conference regardless of whether or not they attend.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 08, 2011

SA004024 - Water Meter Test Benches

1.0 SCOPE AND CLASSIFICATION

1.1 Scope: the City of Columbus Department of Water and Power is seeking bids on a Large Water Meter test bench (3" to 16" meter size), a Small Water Meter test bench (5/8" to 2") with recirculation system and 2 Mobile Wireless Control Panels for their Indianola repair facility. These test benches are to facilitate the certification of water meters used for billing purposes by the City's water distribution system.

1.2 Classification: Successful bidder(s) shall furnish test benches capable of testing water meters of all types and lengths in the sizes indicated. Specifications are for benches manufactured by the Mars Company. While the City will provide the labor to install these units, Contractor is to provide on-site oversight of installation and start-upwork and training to city employees in the proper use of their system.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 25, 2011

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA004025 - Fairbanks Morse Pump Parts and Services

1.1 Scope: It is the intent of the City of Columbus, Division of Sewerage and Drainage to establish an options contract(s) to purchase OEM Fairbanks Morse Pump Parts for use at the Sewer Maintenance Operations Center and Jackson Pike Wastewater Treatment Plant. The pumps are used for flushing and sludge return during the wastewater treatment process. Bidders are asked to bid service hour rates. Bidders are asked to submit price lists for replacement parts on the models listed within the specifications. It is estimated that the Division of Sewerage and Drainage will spend \$140,000.00 annually from this contract. The proposed contract will be in effect to and including September 30, 2013.

1.2 Classification: This bid proposal and the resulting contract will provide for the purchase of OEM Fairbanks Morse Pump Parts and labor rates for repair services of said equipment shipped to the Bidder's place of business.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 14, 2011

SA004028 - INCOME TAX/PHONE SYSTEM & INSTALLATION

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.0 SCOPE & CLASSIFICATION

1.1 Scope: The City of Columbus, Division of Support Services is seeking bids for NEC SV8300 telephone communications equipment and installation for the Division of Income Tax. The NEC SV8300 will be equipped with ACD/MIS and an optional Cost Accounting System (SMDR). Voicemail connection will be via a T-1 circuit to an existing NEC 2400 IPX R27 in a conventional TDM CCIS connection. The ACD system will consist of 7 groups/splits with one Supervisor per group. Each Supervisor will monitor activity within ACD, via MIS desktop computer within their ACD group/split. A leased PRI circuit will be used for all incoming and outgoing traffic.

1.2 Classification: Successful responsible Contractor will provide all materials, equipment and services required to meet the specification requirements listed herein. There will be one quote for the NEC parts and installation, and one for the Cisco parts. Vendor shall also supply pricing for the equipment/items listed under "Optional Items". The City reserves the right to purchase none, any, or all of the optional items. Bidders must be Cisco and NEC certified. Vendor must be certified in NEC 2400 IPX and SV8300. Proof of certification must be provided.

1.2.1 Bidder experience: The Bidder must submit an outline of its experience and work history in installation of telephone equipment and services for the past five years.

1.2.2 Specification Questions: Questions regarding this bid must be sent by in writing via email to vendorservices@columbus.gov no later than 12:00 noon (local time) on July 7, 2011. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 4:00 p.m. (local time) on July 12, 2011.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 13, 2011

SA004020 - PED SAFETY IMP. - WEINLAND PARK CMP

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

City funded Professional Services Ad

1.1 Scope: The City of Columbus, Department of Public Service is receiving proposals until 1:00 P.M. July 21, 2011, for professional engineering consulting services for the Pedestrian Safety Improvements - Weinland Park Community Mobility Program project, CIP No. 590105-100039. Proposals are being received by Department of Public Service, Office of Support Services, 109 N. Front St., Room 301, Columbus, OH 43215. The scope of the project shall consist of engineering services to preliminary engineer and design recommendations from the Weinland Park Community Mobility Plan (WPCMP). Work will include detailed design of several features throughout the Weinland Park area, in addition to the 4th Street and Summit Street corridors, as specified in the Scope of Services. Designs are to conform to the Weinland Park Community Mobility Plan unless specified otherwise.

Additional tasks may be required, that are not included in the improvements or the scope, to complete the implementation of the Weinland Park Community Mobility Plan.

Project boundaries for Weinland Park include those within the boundaries of High Street, Chittenden Ave, Railroad Tracks east of 5th Ave, and 5th Avenue. Additionally work along Fourth Street and Summit Street from Hudson Avenue to Interstate 670 is included.

1.2 Classification: Firms wishing to submit a proposal must meet the mandatory requirements stated in the RFP. A pre-proposal meeting will not be held. All questions concerning the RFP are to be sent to capitalprojects@columbus.gov. The last day to submit questions is July 12, 2011. Responses will be posted on the Vendor Services web site as an addendum. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the open solicitations listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: June 24, 2011

BID OPENING DATE - July 27, 2011 3:00 pm

SA004035 - Eastmoor Area Water Line Improvements

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SCOPE: The City of Columbus Department of Public Utilities, Division of Power and Water is receiving proposals for the Eastmoor Area Water Line Improvements project. The work for which proposals are invited consists of the installation of approximately 12,000 feet of 6 and 8-inch ductile iron water lines and appurtenances and other such work as may be necessary to complete the contract in accordance with the plans (CIP No. 690236-100028, Contract No. 1129) and specifications. All work shall be completed within 240 calendar days from date of the Notice to Proceed.

CLASSIFICATIONS: There is not a Pre-Bid Conference for this bid. Prevailing wage rates apply. A 10% (ten percent) proposal guaranty (proposal bond or certified check) and a 100% (one hundred percent) performance and payment bond are required for this bid. Plans are available to prospective bidders on or after Monday, July 11, 2011. The Bid Date for the project is July 27, 2011 at 3:00 p.m., Bidders must hold current City of Columbus water or combined water/sewer license at the time of bid.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 02, 2011

BID OPENING DATE - July 28, 2011 11:00 am

SA003979 - POLICE/HIGH DENSITY MOVEABLE FILING SYS

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: It is the intent of the City of Columbus, Division of Police to establish a one time contract for the purchase of a high density moveable filing storage system for the Records Unit.

1.2 Classification: This request is for installation, purchase, setup of filing system, and maintenance of the complete filing system. The mechanical-assist movable shelving system will be ADA compliant. Ergonomic features, handles for ease of use, mechanical shelving and maximum filing space are the essential requirements of this system.

1.2.1 Specification Questions: Questions regarding this bid were sent by in writing via email to vendorservices@columbus.gov by no later than 11:00 a.m. (local time) on July 8, 2011. Note that the addendum provides the questions and answers. Additionally the bid due date has changed to July 28, 2011 at 11:00 a.m. and the bid specifications and proposal page revised.

1.2.2 Prevailing Wage: Prevailing wage rates shall apply if pricing exceeds \$23,447.00.

If a proposed equal product is bid, the bid packet shall include brochures with specifications and/or product description sheets identifying all materials and products being bid.

Bidders shall submit diagrams/drawings of their proposed filing systems and total amount of filing space that will be provided.

The City of Columbus, Ohio is looking for suppliers who have been in business for five (5) years and sells, services and warrants High Density Moveable Storage System.

Bidders shall state warranty information on proposal page and submit copies of all warranties with this bid. During warranty period state your response time for repairs.

The bidder shall submit a letter of authorization stating that the bidder is an authorized dealer and installer representing the manufacturer listed in their bid and this letter must be on the manufacturer's letterhead stationery signed by an officer of the manufacturer's company. The letter shall state the local authorized dealer/installer, including address and telephone number.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 14, 2011

SA004029 - Byron Jackson Pump Parts and Service UTC

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.0 SCOPE AND CLASSIFICATION

1.1 Scope: It is the intent of the City of Columbus, Division of Water to solicit bids to provide a Universal Term Contract (blanket type) to supply parts and services to repair/rebuild existing Byron Jackson vertical turbine pumps. The City of Columbus estimates spending \$45,000.00 annually for this contract.

1.2 Classification: The contract resulting from this proposal will provide for the purchase and delivery of replacement parts for Byron Jackson vertical turbine pumps listed herein. The contract will also provide for services to repair/rebuild existing Byron Jackson vertical turbine pumps, and for the testing and rehabilitation of water wells. The repair/rebuild portion may include removal and installation of pumps at City-owned facilities, in addition to providing various machine shop services for repairing parts and assemblies to meet original manufacturer's specifications. The contract will be in effect from the date of execution by the City to and including August 31, 2013.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 29, 2011

SA004030 - Gould Pump Parts & Services UTC

1.0 SCOPE AND CLASSIFICATION

1.1 Scope: It is the intent of the City of Columbus, Division of Water to solicit bids to provide a Universal Term Contract (blanket type) to supply parts and services to repair/rebuild existing Goulds submersible pumps,. The City of Columbus estimates to spend \$55,000.00 annually for this contract. The contract will be in effect from the date of execution by the City to and including August 31, 2013.

1.2 Classification: The contract resulting from this proposal will provide for the purchase and delivery of replacement parts Goulds submersible pumps listed herein. The contract will also provide for services to repair/rebuild existing Goulds submersible pumps, and for the testing and rehabilitation of water wells. The repair/rebuild portion may include removal and installation of pumps at City-owned facilities, in addition to providing various machine shop services for repairing parts and assemblies to meet original manufacturer's specifications. Bidders must have a minimum of (5) years experience with the rebuilding and installation of industrial pump equipment.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 30, 2011

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA004016 - OCM-PS FOR ENERGY SERVICES COMPANY ESCO

ADVERTISEMENT FOR BIDS

REQUEST FOR STATEMENTS OF QUALIFICATION (RFSQ)
FOR PROFESSIONAL ENERGY SERVICES COMPANY (ESCO) SERVICES

1.1 Scope: It is the intent of the City of Columbus, Department of Finance and Management, Office of Construction Management, to obtain Request for Statements of Qualifications (RFSQ) to establish a contract for the PROFESSIONAL ENERGY SERVICES COMPANY (ESCO) SERVICES.

1.2 Clarification: The City of Columbus seeks proposals from interested Energy Services Companies to identify and implement capital improvements to reduce energy and related costs at various Division of Police Precincts in the City of Columbus. Contingent upon the outcome, the City may utilize the ESCO on other City owned facilities for energy efficiency related capital improvements. Interested ESCOs shall be accredited through the National Association of Energy Services Companies (NAMESCO), and have previous, verifiable, experience implementing similar projects.

1.3 Deadline for questions is Thursday, July 21, 2011 at 12:00 p.m. Contact Jennifer Henderson with the Office of Construction Management via email (jrhenderson@columbus.gov) or fax (614-645-0254) only.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: June 11, 2011

BID OPENING DATE - July 29, 2011 12:00 pm

SA004043 - Muni Ct - Ignition Interlock Devices

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

I. SCOPE AND CLASSIFICATION

The Franklin County Municipal Court Judges intend to contract with a qualified contractor who can provide Ignition Interlock Services to indigent probationers who are ordered by this court to use such equipment. These services may include installation of equipment, monitoring/downloading of information, reporting information periodically to the probation department, and testifying concerning any reports prepared by the contracting agency.

II. CONTRACT TERM

The initial contract will be for three years, commencing October 1, 2011 and ending on September 30, 2014. Extending the contract after the initial year will be subject to the approval of annual appropriations. Upon the agreement of both parties and subject to the approval of appropriations, the contract may be extended for an additional one year term.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: July 12, 2011

BID OPENING DATE - August 3, 2011 3:00 pm

SA004031 - Southerly Wastewater Treatment Plant

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Capital Improvements Project No. 650352-100004
Southerly Wastewater Treatment Plant
Contract S79 - Headworks Decommissioning

SCOPE: The project consists of decommissioning of the Screen Building, Grit Tanks, and Raw Sewage Pump Building; demolition of the Generator Building ? Southerly; upgrading the Screen Building for use as a Support Facilities Building; improvements to the Administration Building; demolition of the Interconnector Pump Station and associated Generator Building located on London Groveport Rd.; and other miscellaneous work as shown and specified in the Contract Documents.

BID OPENING: Sealed Bids will be received by the Director of Public Utilities of the City of Columbus, Ohio, at its office, 910 Dublin Road, Room 4015, until 3:00 p.m. Local Time on Wednesday, August 3, 2011. They will be publicly opened and read thereafter in the basement Auditorium.

PROCUREMENT OF DOCUMENTS: Copies of the Bidding Document packet may be purchased from Key Companies, 195 East Livingston Avenue, Columbus, Ohio, 43215 or via Plankey at www.plankey.com, and shall be available as of June 30, 2011. No refunds will be made.

CLASSIFICATION: There is a Pre-Bid Conference for this bid. Prevailing wage rates apply. A 10% (ten percent) Proposal Guaranty and a 100% (One hundred percent) Contract Performance and Payment Bond are required for this Bid.

For additional information concerning this Bid, including procedures for obtaining a copy of the Bid Document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: July 01, 2011

SA004033 - Columbus Upground, Raw Water Pipeline

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

COLUMBUS UPGROUND RESERVOIRS, RAW WATER PIPELINE
CONTRACT NO. 1032 ? PART III, PROJECT NO. 690370-100002

SCOPE:

Sealed Bids will be received by the Director of Public Utilities of the City of Columbus, Ohio, at 910 Dublin Road, Room 4015, Columbus, Ohio 43215, until 3:00 p.m. Local Time on August 3, 2011. The bids will be publicly opened and read thereafter in the first floor Auditorium.

The project consists of the installation of a 72-inch raw water pipeline as specified and shown on the Contract Drawings, installation of valve vaults and valves, electrical equipment, instrumentation and control equipment conduit and wiring, non-potable hydrants associated valves and piping, other miscellaneous equipment, and associated restoration and site work. Project also includes reconstruction of existing County and Township roads specified as haul routes, and an overlay of these haul routes at construction completion.

Bid Documents will be available to perspective bidders on or after July 5, 2011

CLASSIFICATION:

A mandatory Pre-Bid Conference will be held at the City of Columbus? Bellpoint Maintenance Facility, 4544 State Route 257 S, Ostrander, Ohio 43061 on Wednesday, July 20, 2011 at 9:30 am. Following the pre-Bid conference, a tour will be given to allow Bidders an opportunity to inspect the project areas and facilities.

In addition, Bidders who are preparing bids as prime contractors are strongly encouraged to participate in a Pre-Bid Vendor Workshop held in the first floor Auditorium at the City of Columbus Utilities Complex, 910 Dublin Road, Columbus, Ohio 43215 on Thursday, July 21, 2011 from 10:00 am to 12:00 pm. The purpose of this vendor workshop is to provide interested subcontractors the opportunity to meet with the prospective prime contractors.

Prevailing wage rates apply to this project. A 10% (ten percent) proposal bond and a 100% (One hundred percent) contract performance and payment bond are required for this bid.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing. From the solicitation listing, click on the box marked ?continue? and open the Bidder?s Guide for this additional information.

OBTAINING CONTRACT DOCUMENTS:

Copies of the Bidding Document Packet will be available to prospective bidders on or after July 5, 2011 at the following location:

Pick Up Location: ms consultants, 2221 Schrock Rd., Columbus, OH 43229
Contact Name: Ken Ricker
Contact Phone Number: (614) 898-7100
Contact Fax Number: (614) 898-7570
Contact E-Mail: kricker@msconsultants.com

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

The Bidding Document Packet may be obtained by placing a deposit in the amount of \$1,000.00 per set and a second non-refundable check for \$200.00 per set payable to ms consultants. Contractors who prefer bidding documents shipped via UPS or FedEx shall provide an account number for payment of shipping charges. Reproduction authorization may be obtained by contacting the City's Project Manager, Troy Branson, P.E., e-mail: TKBranson@columbus.gov, Fax No.: (614) 645-6165.

Copies of the Contract Documents are also on file for examination in the office of the Water Supply & Treatment Coordinator, Utilities Complex, 2nd Floor, 910 Dublin Road, Columbus, Ohio 43215, Phone (614-645-7100), the office of ms consultants, inc., 2221 Schrock Road, Columbus, Ohio 43229, the office of URS Corporation, 277 West Nationwide Blvd., Columbus, Ohio 43215, Builder's Exchange of Central Ohio Plan Room, 1175 Dublin Road, Columbus, Ohio, and the Minority Contractors and Business Assistance Center, 1393 East Broad Street, Columbus, Ohio.
ORIGINAL PUBLISHING DATE: July 02, 2011

SA004032 - RFP CSO REDUCTION IMPROVEMENTS AT WWTP

General Information; The City of Columbus operates two large interconnected municipal wastewater treatment plants, a biosolids composting facility, and a Sewer Maintenance Operations Center (SMOC). This work is part of the City's continuing program to upgrade its wastewater treatment facilities, provide efficient, reliable, cost-effective operations, and enhance personnel safety.

Scope; Within the above, the City of Columbus operates the Alum Creek Storm Tank at 2025 E. Main St. (corner of Alum Creek Drive and Main Street) Columbus, Ohio 43205. It has been determined that the building, much of the equipment, duct work and wiring therein is in need of rehabilitation. This RFP is intended to implement a study of, but not limited to, the areas, structures and equipment, noted within this RFP, and a determination the equipment and procedures necessary to rehabilitate and upgrade the same to an operational status.

Information Package; All offerors are required to obtain the RFP with the project information and submittal instructions from the City of Columbus web site.
(<http://vendorservices.columbus.gov>).

Questions; All questions regarding this RFP should be submitted, by e-mail, no later than July 20, 2011 to Robert M, Smith, P.E., rsmith2@columbus.gov.

Additional Information; For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: July 01, 2011

BID OPENING DATE - August 4, 2011 11:00 am

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA004036 - POLE LINE HARDWARE UTC/DOPW

1.1. Scope. It is the intent of this bid proposal to provide the City of Columbus Department of Public Utilities, Division of Power and Water a "firm" offer for sale" blanket type contract (s) that will allow the purchase of Pole Line Hardware items that will be used for new installations and maintenance for our day-to-day operation. The proposed contract(s) will be through September 30, 2012. The annual estimated expenditure for these items is \$100,000.00.

1.2. Classification. The successful bidder(s) will supply various Pole Line Hardware items. The Division intends to purchase Bolts, Hooks, Nuts, Screws, Washers, Braces, Brackets, Clevis, Pins, Racks, Adapters, Anchors, Grips, Connectors, Sleeves, Terminators, Clamps, Spacers, Insulators, Links, Braids, Staples, Arresters, Cutouts, Switches, Fuses, Elbows, Grounding Devices, Junctions, Inserts, Splice Kits, Tape, Conduit, Couplings, Duct, Elbows, Pull Boxes, Lids and Caps. These items will be purchased throughout the term of the contract.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 08, 2011

SA004041 - Parkson Mechanical Bar Screen Pts UTC

1.1 Scope: It is the intent of the City of Columbus, Division of Sewerage and Drainage to solicit bids to provide a Universal Term Contract for the purchase of replacement Parkson Mechanical Bar Screen Parts. These mechanical bar screen parts are used in the preliminary treatment processes located at the Jackson Pike Wastewater Treatment Plant and are utilized to remove debris from influent wastewater entering the treatment plants prior to processing. The City estimates it will spend \$100,000.00 annually on this contract. The proposed contract will be in effect to and including September 30, 2013.

1.2 Classification: This bid proposal and the resulting contract will provide for the purchase and delivery of Parkson Mechanical Bar Screen parts for the Aqua Guard Screens, Model AG-S-T (85), 6.5 x 43.5', 15mm. All orders will be based on an as needed basis. The City of Columbus will provide all installation requirements and maintenance. No substitutes will be accepted.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 13, 2011

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA004042 - Flocculation Tank Shaft Bearings UTC

1.1 Scope: It is the intent of the City of Columbus, Division of Power and Water to establish a Universal Term Contract for the purchase of Flocculation Tank/Sedimentation Basin Shaft Bearings. They are intended to be used by Hap Cremean Water Plant maintenance crews performing maintenance and repair of the flocculation tank and sedimentation basin. The City estimates it will spend \$100,000 per year on this contract. The contract will be in effect from the date of execution by the City to and including August 31, 2013.

1.2 Classification: This bid proposal and the resulting contract will provide for the purchase of flocculation tank/sedimentation basin shaft bearings as specified herein. All installation requirements will be handled by City of Columbus staff.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 13, 2011

SA004037 - SEWERS/SWWTP/MOTOROLA COMM. SYSTEM

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.0 SCOPE AND CLASSIFICATION

1.1 Scope: It is the intent of the City of Columbus, Division of Sewerage and Drainage to obtain formal bids for the purchase of one (1) Motorola Communication System. The equipment will be used at the Southerly Wastewater Treatment Plant for supplying paging, voice and emergency communication throughout the plant.

1.2 Classification: The contract resulting from this bid proposal will provide for the purchase and delivery of one (1) new communication system. The Winning bidder will provide all installation, set-up and training (up to 80 employees) for the system.

1.2.1 Bidder experience: The Bidder must submit an outline of its experience and work history in installation of radio equipment and services for the past five years.

1.2.2 Specification Questions: Questions regarding this bid must be sent by in writing via email to vendorservices@columbus.gov no later than 12:00 noon (local time) on July 20, 2011. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 4:00 p.m. (local time) on July 22, 2011.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 12, 2011

SA004038 - ROADWAY IMPROVEMENTS - LAZELLE ROAD

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

City funded Professional Services Ad

1.1 Scope: The City of Columbus, Department of Public Service is receiving proposals until 1:00 P.M. August 4, 2011, for professional engineering consulting services for the Roadway Improvements - Lazelle Road project, CIP No. 530161-100081. Proposals are being received by Department of Public Service, Office of Support Services, 109 N. Front St., Room 301, Columbus, OH 43215. The scope of the project shall consist of Final Engineering of a project which will improve the Lazelle Road corridor from a point west of Flint Road (as needed for lane addition tapers and vertical realignment) to Sancus Boulevard and will include improvements to the intersections of Lazelle with Flint Rd. and S. Old State Rd. and replacement of the railroad underpass.

1.2 Classification: Firms wishing to submit a proposal must meet the mandatory requirements stated in the RFP. A pre-proposal meeting will be held at 10:00 a.m on July 18, 2011 at 1881 E. 25th Avenue. All questions concerning the RFP are to be sent to capitalprojects@columbus.gov. The last day to submit questions is July 26, 2011. Responses will be posted on the Vendor Services web site as an addendum. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the open solicitations listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: July 08, 2011

BID OPENING DATE - August 5, 2011 1:00 pm

SA004044 - OCM-RFSQ-DEMO OF CITY-OWNED STRUCTURES

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

ADVERTISEMENT FOR BIDS

REQUEST FOR STATEMENTS OF QUALIFICATION (RFSQ)
FOR ARCHITECTURAL/ENGINEERING CONSULTING SERVICES
FOR THE DEMOLITION OF CITY-OWNED STRUCTURES

1.1 Scope: It is the intent of the City of Columbus, Department of Finance and Management, Office of Construction Management, to obtain Request for Statements of Qualifications (RFSQ) to establish a contract for the PROFESSIONAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES FOR THE DEMOLITION OF CITY-OWNED STRUCTURES.

1.2 Clarification: The scope of the work shall include design, engineering and contract administration services for the decommissioning and demolition of City owned structures located at 200, 220, 240 and 270 Greenlawn Avenue and at 2077 Parkwood Avenue (approximately 20,500 SF of office space at the northeast corner of parcel). The work on Greenlawn Avenue will be performed in preparation for future structures and the work on Parkwood Avenue will be performed in preparation for parking on the existing slab-on-grade.

1.3 Deadline for questions is Friday, July 22, 2011 at 12:00 p.m. Contact Jennifer Henderson with the Office of Construction Management via email (jrhenderson@columbus.gov) or fax (614-645-0254) only.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: July 12, 2011

BID OPENING DATE - August 11, 2011 11:00 am

SA003980 - POW/45 FOOT DIGGER/DERRICK/UTILITY BODY

1.1 Scope: It is the intent of the City of Columbus Department of Public Utilities, Power Division, to obtain formal bids to establish a contract for the purchase of one (1) 45 foot digger/derrick truck with a minimum GVW rating of 33,000 pounds equipped with utility body. This truck will be used by the Division of Electricity when working on various distribution poles.

1.2 Classification: The contract resulting from this bid proposal will provide for the purchase and delivery of one (1) new and unused 45 foot digger/derrick truck with a minimum GVW rating of 33,000 pounds equipped with utility body.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: June 30, 2011

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA004039 - FLOW INJECTION ANALYZER

1.1 SCOPE. The Surveillance Laboratory of the Division of Sewerage and Drainage is soliciting bids for the purchase and installation of one (1) flow injection analyzer (FIA).

1.2 CLASSIFICATION. Successful bidder will supply equipment as specified and provide on site training of up to 5 people over two (2) days. This system must be of equal or greater quality and function to the Lachat Instrument QuickChem 8500 Series 2 FIA+ and include operating software, installation and training.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 12, 2011

BID OPENING DATE - August 16, 2011 1:00 pm

SA004040 - PUR AND INSTALL GPS/TELEMATIC SYSTEM

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: The City of Columbus, Department of Finance and Management, is receiving proposals until 1:00 P.M. August 16, 2011, for professional services for the Purchase and Installation of GPS/Telematic System for The Department of Finance and Management, Fleet Management Division. Proposals are being received by The Department of Finance and Management at the City of Columbus Purchasing Office, 50 West Gay Street, 1st Floor, Columbus, Ohio 43215. The intent of this Request for Proposal (RFP) is to identify a qualified vendor to provide the necessary hardware, software, and labor to implement a Global Positioning/Telematic System that will enable the City of Columbus to locate City-owned light and heavy duty vehicles rapidly and to increase efficiency, improve employee safety, save on fuel costs, and enhance services.

A listing of the specifications and deliverables are available in the attached document. Click 'continue' on the first web page of the solicitation and click on the bid packet.

1.2 Classification: Interested firms may request an electronic copy of the Exhibit A via e-mail from AMBeckman@columbus.gov, Subject: Request Exhibit A for the Purchase and Installation of GPS/Telematic System for The Department of Finance and Management, Fleet Management Division. Each offeror shall submit with its proposal an active City of Columbus Contract Compliance Certification Number. All questions concerning the RFP are to be sent to AMBeckman@columbus.gov. The last day to submit questions is August 4, 2011. Responses will be posted on the Vendor Services web site as an addendum and an e-mail will be sent to each firm requesting an Exhibit A. Phone calls will not be accepted.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: July 12, 2011

BID OPENING DATE - August 19, 2011 4:00 pm

SA004046 - 2012 WATER DISTRIBUTION ENG CAP IMP PROG

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SCOPE: The City of Columbus Department of Public Utilities, Division of Power and Water is receiving statement of qualifications (SOQ?s) for the 2012 Water Distribution Engineering Capital Improvement Program. The work for which the SOQ?s are invited consists of professional engineering design and surveying services for twelve (12) water distribution projects.

CLASSIFICATIONS: There is not a Pre-Bid Conference for this request. Prevailing wage rates do not apply. There are no bonds required as part of this request.

For additional information concerning this request, including procedures for obtaining a copy of the request for statement of qualifications and how to submit for the SOQ, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 13, 2011

BID OPENING DATE - August 26, 2011 1:00 pm

SA004045 - OCM-PS FRONT STREET GARAGE PHASE 2

ADVERTISEMENT FOR BIDS

REQUEST FOR STATEMENTS OF QUALIFICATION (RFSQ)
FOR ARCHITECTURAL/ENGINEERING CONSULTING SERVICES
FOR FRONT STREET PARKING GARAGE, PHASE 2

1.1 Scope: It is the intent of the City of Columbus, Department of Finance and Management, Office of Construction Management, to obtain Request for Statements of Qualifications (RFSQ) to establish a contract for the PROFESSIONAL ARCHITECTURAL/ENGINEERING CONSULTING SERVICES FOR FRONT STREET PARKING GARAGE, PHASE 2.

1.2 Clarification: It is the desire of the Department of Finance and Management through the Office of Construction Management to make improvements to this facility in order to better meet the needs of its users. This project will emphasize MEP equipment, lighting retrofits, signage, way finding, traffic control, drainage, communications cable and equipment, security systems, build-out/renovation of the two storefront spaces for an intended use, and architectural and other improvements as necessary.

1.3 Deadline for questions is Friday, August 12, 2011 at 12:00 p.m. Contact Jennifer Henderson with the Office of Construction Management via email (jrhenderson@columbus.gov) or fax (614-645-0254) only.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: July 13, 2011

Public Notices

The link to the **Columbus City Health Code** pdf shall constitute publication in the City Bulletin of changes to the Columbus City Health Department's Health Code. To go to the Columbus City Health Code, click [here](#) (pdf).

The Columbus City Code's "**Title 7 -- Health Code**" is separate from the Columbus City Health Code. Changes to "Title 7 -- Health Code" are published in the City Bulletin. To go to the Columbus City Code's "Title 7 -- Health Code," click [here](#) (html).

**City of Columbus
City Bulletin Report**

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Number: PN0029-2011

Drafting Date: 02/03/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: 2011 Health, Housing & Human Services Committee Meeting Notice

Contact Name: Diamond Emory

Contact Telephone Number: (614) 645-7379

Contact Email Address: DCEmory@Columbus.gov

Body

Council Member Hearcel F. Craig will host a Health, Housing & Human Services Committee Meeting on the dates listed below. Unless otherwise noted, the meetings will begin at 5:00 P.M. in City Council Chambers, located on the second floor of City Hall, 90 West Broad Street, Columbus, Ohio.

A valid picture ID is needed to enter City Hall. Members of the general public wishing to address the meeting must fill out a speaker slip. These speaker forms will be made available in Council Chambers until 5:00 P.M. on the day of the meeting.

- Wednesday, February 16, 2011
- Wednesday, March 2, 2011
- Wednesday, March 16, 2011
- Wednesday, April 6, 2011
- Wednesday, April 20, 2011
- Wednesday, May 4, 2011
- Wednesday, May 18, 2011
- Wednesday, June 1, 2011
- Wednesday, June 15, 2011
- Wednesday, July 6, 2011
- Wednesday, July 20, 2011
- Wednesday, September 7, 2011
- Wednesday, September 21, 2011
- Wednesday, October 5, 2011
- Wednesday, October 19, 2011
- Wednesday, November 2, 2011
- Wednesday, November 16, 2011
- Wednesday, December 7, 2011

Meeting dates and times subject to change.

Legislation Number: PN0035-2011

Drafting Date: 02/09/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Near East Area Commission Meetings

Contact Name: Bonita Lee

Contact Telephone Number: 645-7964

Contact Email Address: btlee@columbus.gov

Body

Near East Area Commission General Meeting, 2nd Thursday of the month
(with the exception that there is no meeting in August)

NEAC Planning meeting, 3rd Thursday of the month
NEAC Zoning meeting, 3rd Tuesday of the month.

Meeting place: 950 E. Main Street, Neighborhood Policing Center
Meeting time: all meetings begin at 6:30 p.m.

"The agenda for the General meeting can be found at www.neighborhoodlink.com <<http://www.neighborhoodlink.com>>"

Contact: Margaret Cooley 614-937-0192

Legislation Number: PN0060-2005

Drafting Date: 02/23/2005

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Published Columbus City Health Code

Contact Name: Roger Cloern

Contact Telephone Number: 654-6444

Contact Email Address: rogerc@columbus.gov

Body"The Columbus City Health Code is updated and maintained by the Columbus Health Department.
To view the most current City Health Code, please visit:
www.publichealth.columbus.gov

Legislation Number: PN0063-2011

Drafting Date: 03/07/2011

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Milo-Grogan Area Commission Meetings

Contact Name: Bonita Lee

Contact Telephone Number: 645-7964

Contact Email Address: btlee@columbus.gov

Body

The Milo-Grogan Area Commission Meetings
Have MOVED
The meetings will now be held at:
Milo Grogan Recreation Center
862 E. Second Avenue * Columbus, OH 43201
The Second Tuesday Every Month At 7:00 p.m.
Your Community - Your Participation Is Important

Legislation Number: PN0168-2011

Drafting Date: 07/05/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Victorian Village Commission Special Meeting

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

Victorian Village Commission Special Meeting

There will be an Victorian Village Commission Special Meeting held on Monday, July 18, 2011, at 109 N. Front St., in the Training Center, ground floor, starting at 6:15pm.

Legislation Number: PN0170-2011

Drafting Date: 07/06/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Valet Parking Zone Rules and Regulations

Contact Name: Randy Bowman

Contact Telephone Number: 614-645-2464

Contact Email Address: rjbowman@columbus.gov

Body

Please see "Valet Parking Zone Rules and Regulations" attachment.

Legislation Number: PN0171-2011

Drafting Date: 07/06/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Art Commission Public Hearing

Contact Name: Lori Baudro

Contact Telephone Number: 645-6986

Contact Email Address: lsbaudro@columbus.gov

Body

Public Hearing -- Columbus Art Commission

The Columbus Art Commission has two meetings scheduled in July 2011:

Business Meeting

8:30 to 10:30 am on Wednesday, July 13, 2011

King Arts Complex, 867 Mt. Vernon Ave

Regular Commission Meeting

6:00 to 8:00 pm on Thursday, July 26, 2011

At the Columbus Health Department, 240 Parsons Avenue, Columbus OH

For more information contact: Lori Baudro, AICP at 645-6986 or lsbaudro@columbus.gov

A sign language interpreter will be made available provided the Planning Division has at least 48 hours notice before the meeting. Call 645-6986 to make arrangements.

Legislation Number: PN0172-2011

Drafting Date: 07/06/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: City Council Zoning Agenda for 07/18/2011

Contact Name: Geoffrey Starks

Contact Telephone Number: 614-645-7293

Contact Email Address: gstarks@columbus.gov

Body

REGULAR MEETING NO. 35

CITY COUNCIL (ZONING)

JULY 18, 2011

6:30 P.M.

COUNCIL CHAMBERS

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: MILLER, CHR. CRAIG KLEIN MILLS PALEY TYSON GINTHER

0473-2011

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at 4148 EASTON COMMONS (43035), to permit an apartment complex, with a decreased parking ratio in the CPD, Commercial Planned Development District (CV10-005).

1010-2011

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3363.01, M-Manufacturing districts; 3309.14, Height districts; 3312.49 Minimum numbers of parking spaces required; 3372.406 (B), (C), and (H), Design standards; 3372.407 (A), Parking and circulation; 3372.604 (B), Setback requirements; 3372.607, Landscaping and screening; and 3372.609(A), Parking and circulation, of the Columbus City codes, for the property located at 540 WEST BROAD STREET (43215), to permit a 100-unit apartment building with up to 4,089 square feet of commercial space with reduced development standards in the C-4, Commercial, and M, Manufacturing Districts (Council Variance # CV11-002).

1017-2011

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.21(A), Landscaping and Screening;

3312.25 Maneuvering area; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City codes, for the property located at 2555 INDIANOLA AVENUE (43202), to conform nine dwelling units in an existing building with reduced parking standards. (CV11-004)

1037-2011

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3312.25, Maneuvering; 3312.29, Parking space; and 3312.49, Minimum number of parking spaces required, of the Columbus City codes; for the property located at 1733 WEST THIRD AVENUE (43212), to permit a dwelling on the ground floor with reduced parking requirements in the C-4, Commercial District (Council Variance # CV11-006).

1038-2011

To rezone 700 CHILDRENS DRIVE (43205), being 53.28± acres located west of Parsons Avenue and north of Kennedy Drive and generally extending from the southeast corner of Parsons Avenue and Mooberry Street, east to the southwest corner of Mooberry Street and the first alley east of and parallel with Eighteenth Street, south to the northwest corner of the first alley east of and parallel with Eighteenth Street and Livingston Avenue, south to the southeast corner of Livingston Avenue and Heyl Avenue, west to the southeast corner of Jackson Street and Putnam Street, west to the southwest corner of Jackson Street and Parsons Avenue, and north to the northwest corner of Parsons Avenue and Denton Alley, north and west to the southwest corner of Livingston and Parsons Avenues, north to the northwest corner of Parsons Avenue and Mooberry Street, From: AR-1, Apartment Residential and CPD, Commercial Planned Development Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z11-006)

1046-2011

To rezone 156 DERING AVENUE (43207), being 5.8± acres located at the northwest corner of Dering Avenue and South Fifth Street, From: L-M, Limited Manufacturing and R-2, Residential Districts, To: CPD, Commercial Planned Development District (Rezoning # Z08-035).

1056-2011

To grant a Variance from the provisions of Sections 3332.029, SR, Suburban Residential District; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1187-1189 NEWBURY DRIVE (43229), to conform an existing two-unit dwelling with reduced development standards in the SR, Suburban Residential District (Council Variance # CV11-014).

1058-2011

To rezone 2400 PERFORMANCE WAY (43207), being 4.6± acres located north side of Performance Way, 665± feet west of Alum Creek Drive, From: C-4, Commercial District, To: L-M, Limited Manufacturing District. (Rezoning # Z11-012).

1119-2011

To rezone 4514 WINCHESTER PIKE (43232), being 2.6± acres located at the northwest corner of Hamilton Road and Winchester Pike, From: L-C-4, Limited Commercial and R, Rural Districts, To: CPD, Commercial Planned Development District. (Rezoning # Z11-005)

Legislation Number: PN0174-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Finance Committee Hearing

Contact Name: Carl Williams

Contact Telephone Number: (614) 645-2932

Contact Email Address: CGWilliams@columbus.gov

Body

Councilmember Priscilla R. Tyson, chair of the Finance Committee, will host a public hearing on the city's award-winning

Fleet Division. Finance Department Director Paul Rakosky and Fleet Administrator Kelly Reagan will present an overview of the division and discuss its commitment to efficiency and innovation.

Date: Thursday, July 21, 2011

Time: 5:30 PM

Location:

City Hall
Columbus City Council Chambers
90 West Broad Street
Columbus, OH 43215

Public testimony will be accepted. Anyone wishing to address City Council on this matter must fill out a speaker slip before 5 pm on the day of the hearing. The meeting will broadcast live on CTV, Columbus' cable access channel 3.

Legislation Number: PN0175-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Rocky Fork-Blacklick Accord Implementation Panel Meeting

Contact Name: Devayani Puranik

Contact Telephone Number: 645-0663

Contact Email Address: ddpuranik@columbus.gov

Body

Typically held on the third Thursday of the month with the submittal deadline being 28 days prior, the regular monthly meeting of the Rocky Fork-Blacklick Implementation Panel is scheduled be held on the following date:

Thursday July 21, 2011

Meetings are held at the New Albany Village Hall, 99 West Main Street, New Albany at 7:00 p.m. Copies of the agenda may be obtained by calling 645-0663, or by e-mailing ddpuranik@columbus.gov.

A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Planning Office is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule an interpreter, please call 645-0663 or TDD 645-6802.

Legislation Number: PN0176-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: City Council Zoning Agenda for 07/25/2011

Contact Name: Geoffrey Starks

Contact Telephone Number: 614-645-7293

Contact Email Address: gjstarks@columbus.gov

Body

REGULAR MEETING NO. 37

CITY COUNCIL (ZONING)

JULY 25, 2011

6:30 P.M.

COUNCIL CHAMBERS

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: MILLER, CHR. CRAIG KLEIN MILLS PALEY TYSON GINTHER

1048-2011

To rezone 4037 LOCKBOURNE ROAD (43207), being 1.9± acres located at the southwest corner of Lockbourne Road and Vernon Avenue, From: R, Rural District, To: L-C-4, Limited Commercial District (Rezoning # Z10-025).

1067-2011

To rezone 700 WEST THIRD AVENUE (43212), being 7.7± acres located on the north side of West Third Avenue, 200± feet west of Olentangy River Road, From: M, Manufacturing District, To: C-4, Commercial and L-AR-O, Limited Apartment Office District (Rezoning # Z11-007).

1068-2011

To grant a Variance from the provisions of Sections 3312.27, Parking setback line and 3333.18, Building lines, of the Columbus City Codes for property located at 700 WEST THIRD AVENUE (43212), to permit multi-unit residential development with reduced parking and building setbacks along West Third Avenue in conjunction with rezoning Z11-007. (CV11-013)

1078-2011

To rezone 9215 ANTARES AVENUE (43240), being 16.2± acres located at the terminus of Antares Avenue, 375± feet northeast of Polaris Parkway, From: L-C-4, Limited Commercial District, To: L-ARLD, Limited Apartment Residential District (Rezoning # Z11-016).

1079-2011

To grant a Variance from the provisions of Sections 3333.255, Perimeter Yard, of the Columbus City Codes for property located at 9215 ANTARES AVENUE (43240), to permit multi-unit residential development with reduced perimeter yard in conjunction with rezoning Z11-016. (CV11-017)

Legislation Number: PN0177-2011

Drafting Date: 07/13/2011

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: July 7, 2011

Contact Name: Patricia Rae Grove

Contact Telephone Number: (614) 645-7881

Contact Email Address: prgrove@columbus.gov

Body

Please see Public Service Director's Orders - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: July 7, 2011

Legislation Number: PN0178-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Public Service Director's Order - Placement of Traffic Control Devices as recommended by the Transportation Division - Effective Date: July 8, 2011

Contact Name: Patricia Rae Grove

Contact Telephone Number: (614) 645-7881

Contact Email Address: prgrove@columbus.gov

Body

PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE
TRANSPORTATION DIVISION
EFFECTIVE DATE: JULY 8, 2011

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that certain traffic control devices must be authorized immediately in order to preserve the public health, peace, property, and safety; now, therefore,

Under the power vested in me by Chapters 2105 and 2155 of the Traffic Code of Columbus, Ohio, I hereby determine that based on studies conducted by and recommendations made by the Transportation Division, that the following traffic regulations are necessary and I hereby authorize on the effective date of this order, or as soon thereafter as practical, the installation and/or removal of appropriate traffic control devices as follows:

SECTION 2105.08 STOP AND YIELD INTERSECTIONS

Stop signs shall be removed at intersections as follows:

Rich ST shall no longer stop for Starling ST

Any existing traffic restrictions, prohibitions or traffic control devices which conflict with these orders shall be declared null and void and shall be removed.

BY ORDER OF: MARK KELSEY, PUBLIC SERVICE DIRECTOR

Legislation Number: PN0179-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Board of Zoning Adjustment July 26, 2011 Agenda

Contact Name: David Reiss

Contact Telephone Number: 645-7973

Contact Email Address: djreiss@columbus.gov

Body

AGENDA

BOARD OF ZONING ADJUSTMENT

CITY OF COLUMBUS, OHIO

JULY 26, 2011

The Columbus Board of Zoning Adjustment will hold a public hearing on the following applications on **TUESDAY, JULY 26, 2011** at **6:00 P.M.** in the First Floor Hearing Room of the Department of Building & Zoning Services, 757 Carolyn Avenue.

The Board of Zoning Adjustment hears requests for Special Permits, Appeals and Variances to the requirements of the Columbus Zoning Code, Title 33, of the Columbus City Codes. The Board does not hear applications to amend the Official Zoning Map. Specific case information may be obtained by contacting the Department of Building & Zoning Services, 757 Carolyn Avenue, 645-4522.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing. It is the rule of the Board to dismiss an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter will be made available for anyone in need of this service. To request an interpreter, please contact the City of Columbus, Department of Building & Zoning Services at 645-4522 at least four (4) hours before the scheduled meeting time.

1. Application No.: 11310-00221

Location: 1629 RUSHING WAY (43235), located on the south side of Rushing Way, approximately 100 feet east of Swift Way.

Area Comm./Civic: Far Northwest Coalition

Existing Zoning: SR, Suburban Residential District

Request: Variance(s) to Section(s):

3332.26, Minimum side yard permitted.

To reduce the minimum side yard from 5 feet to 3 feet.

3332.38, Private garage.

To increase the allowable size of a garage from 720 square feet to 976 square feet.

Proposal: To construct an additional garage.

Applicant(s): Steven & Nicloe Wasosky; 1629 Rushing Way; Columbus, Ohio 43235

Property Owner(s): Same as applicant.

Case Planner: Jamie Freise, 645-6350

E-mail: JFFreise@Columbus.gov

2. Application No.: 11310-00262

Location: 1735 BETHEL ROAD (43220), located at the southwest corner of Reed & Bethel Rds.

Area Comm./Civic: Northwest Civic Association

Existing Zoning: RR, Restricted Rural District

Request: Variances to Sections:

3312.49, Minimum number of parking spaces required.

To reduce the minimum number of additional parking spaces from 57 to 0.

3312.27, Parking setback line.

To reduce the required parking setback from 25 ft. to 10 ft. for a proposed passenger drop-off driveway along Reed Rd.

3332.21, Building lines.

To reduce the minimum building setback line from 60 ft. to 45 ft. along Bethel Rd. (existing condition) and from 50 ft. to 30 ft. along Reed Rd.

Proposal: To construct a church sanctuary and building expansion.

Applicant(s): Heather Roether; c/o M+A Architects; 775 Yard St., Suite 325; Columbus, Ohio 43212

Property Owner(s): Bethel Presbyterian Church; 1735 Bethel Rd.; Columbus, Ohio 43220

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

3. Application No.: 11310-00263

Location: 3003 NORTH HIGH STREET (43202), located at the northwest corner of W. Tulane Rd. & N. High St.

Area Comm./Civic: Clintonville Area Commission

Existing Zoning: C-4, Commercial District

Request: Variances to Sections:

3312.49, Minimum number of parking spaces required.

To reduce the minimum number of parking spaces from 23 to 0.

Proposal: To convert office space in an existing building into restaurant floor space.

Applicant(s): Tim Lai; c/o Tim Lai Architect; 2576 Summit St.; Columbus, Ohio 43202

Property Owner(s): J.P. Faulkner; 3003 N. High St.; Columbus, Ohio 43202

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

4. Application No.: 11310-00264

Location: 955 WEST 5TH AVENUE (43212), located at the southeast corner of Norton and W. 5th Aves.

Area Comm./Civic: Fifth by Northwest Area Commission

Existing Zoning: M, Manufacturing District

Request: Variances to Sections:

3372.607, Landscaping and screening.

To locate the dumpster area and the ground-mounted electrical equipment on the front side of the building, facing Norton Ave., instead of behind the principal building.

3312.49, Minimum number of parking spaces required.

To reduce the minimum number of parking spaces from 85 to 69 (16 spaces).

Proposal: To convert a former manufacturing and sales office into a retail strip center.

Applicant(s): Brian Quackenbush; c/o E.M.H.&T.; 5500 New Albany Rd.; Columbus, Ohio 43054

Property Owner(s): Fifth Avenue Design Center, L.L.C.; 4844 Adele Ct.; Woodland Hills, California 91364

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

5. Application No.: 11310-00265

Location: 66 OAKLAND PARK AVE. (43214), located on the north side of Oakland Park Avenue, approximately 500 feet east of North High Street.

Area Comm./Civic: Clintonville Area Commission

Existing Zoning: R-3, Residential District

Request: Variances(s) to Section(s):

3332.25, Maximum side yards required.

To reduce the maximum side yard from 10 feet to 8 feet.

3332.26, Minimum side yard permitted.

To reduce the minimum side yard from 5 feet to 3 feet.

Proposal: To construct a second story addition which will straddle the driveway.

Applicant(s): Douglas E. Ball, Jr.; 66 Oakland Park Avenue; Columbus, Ohio 43214

Property Owner(s): Applicant

Case Planner: Jamie Freise, 645-6350

E-mail: JFFreise@Columbus.gov

6. Application No.: 11310-00273

Location: 3539 HINES ROAD (43147), located on the north side of Hines Rd., approximately 500 ft. north of Refugee Rd.

Area Comm./Civic: None

Existing Zoning: R-2, Residential District

Request: Variances to Sections:

3309.14, Height districts.

To increase the allowable height of a building or structure from 35 ft. to 170 ft. (135 ft. variance).

3332.26, Minimum side yard permitted.

To reduce the minimum side yard from 5 ft. to 0 ft.

Proposal: To construct a 170 ft. tall water tank.

Applicant(s): City of Columbus; Public Utilities Department; 910 Dublin Rd.; Columbus, Ohio 43215

Property Owner(s): Same as applicant.

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov <<mailto:DJReiss@Columbus.gov>>

7. Application No.: 11310-00290

Location: 1294 NORTH 5TH STREET (43201), located on the east side of N. 5th St., 40 ft. south of E. 7th Ave.

Area Comm./Civic: University Area Commission

Existing Zoning: R-4, Residential District

Request: Variance(s) to Section(s):

3372.544, Maximum floor area.

To increase the maximum total calculated floor area as a ratio to lot area from 0.40 to 0.53.

Proposal: To construct a single-family dwelling.

Applicant(s): Habitat for Humanity; c/o Donald Plank; Plank Law Firm; 145 E. Rich St., 3rd Floor; Columbus, Ohio 43215

Property Owner(s): City of Columbus; c/o John Turner, Administrator; Department of Development, Land Redevelopment Office; 109 N. Front St.; Columbus, Ohio 43215

Case Planner: Jamie Freise, 645-6350

E-mail: JFFreise@Columbus.gov

8. Application No.: 11310-00291

Location: 1305 NORTH 6TH STREET (43201), located on the west side of N. 6th St., 40 ft. north of E. 7th Ave.

Area Comm./Civic: University Area Commission

Existing Zoning: R-4, Residential District

Request: Variance(s) to Section(s):

3372.544, Maximum floor area.

To increase the maximum total calculated floor area as a ratio to lot area from 0.40 to 0.53.

Proposal: To construct a single-family dwelling.

Applicant(s): Habitat for Humanity; c/o Donald Plank; Plank Law Firm; 145 E. Rich St., 3rd Floor; Columbus, Ohio 43215

Property Owner(s): City of Columbus; c/o John Turner, Administrator; Department of Development, Land Redevelopment Office; 109 N. Front St.; Columbus, Ohio 43215

Case Planner: Jamie Freise, 645-6350

E-mail: JFFreise@Columbus.gov

9. Application No.: 11310-00292

Location: 1329 NORTH 6TH STREET (43201), located on the west side of N. 6th St., 80 ft. north of E. 7th Ave.

Area Comm./Civic: University Area Commission

Existing Zoning: R-4, Residential District

Request: Variance(s) to Section(s):

3372.544, Maximum floor area.

To increase the maximum total calculated floor area as a ratio to lot area from 0.40 to 0.53.

Proposal: To construct a single-family dwelling.

Applicant(s): Habitat for Humanity; c/o Donald Plank; Plank Law Firm; 145 E. Rich St., 3rd Floor; Columbus, Ohio 43215

Property Owner(s): City of Columbus; c/o John Turner, Administrator; Department of Development, Land Redevelopment Office; 109 N. Front St.; Columbus, Ohio 43215

Case Planner: Jamie Freise, 645-6350

E-mail: JFFreise@Columbus.gov

RECONSIDERATION CASE:

10. Application No.: 11310-00144

Location: 27-29 EAST 2ND AVENUE (43201), located on the south side of E. 2nd Ave., 42 ft. east of Pearl Al.

Area Comm./Civic: Italian Village Commission

Existing Zoning: R-4, Residential District

Request: Variances to Sections:

3312.29, Parking space.

To reduce the minimum dimensions for parking spaces from 9 ft. by 18 ft. to 8 ft. by 16 ft. for two parking spaces.

3332.27, Rear yard.

To reduce the minimum rear yard from 25% of the total lot area (3,190 x 25% = 797.5 sq. ft.) to 17.3% (552 sq. ft.) of the total lot area; a reduction of 7.7%.

Proposal: To create two parking spaces in the rear yard of a 2-family dwelling.

Applicant(s): Tony McCleery; 6253 Post Rd.; Dublin, Ohio 43017

Property Owner(s): Same as applicant.

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

Legislation Number: PN0180-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Board of Zoning Adjustment July 26, 2011 Appeals Agenda

Contact Name: David Reiss

Contact Telephone Number: 645-7973

Contact Email Address: djreiss@columbus.gov

Body

APPEALS AGENDA

BOARD OF ZONING ADJUSTMENT

CITY OF COLUMBUS

JULY 26, 2011

The Columbus Board of Zoning Adjustment will hold a public hearing on the following applications on **TUESDAY, JULY 26, 2011 at 6:00 P.M.** in the First Floor Hearing Room of the Building Services Division Offices, 757 Carolyn Avenue.

The Board of Zoning Adjustment hears requests for Special Permits, Appeals and Variances to the requirements of the Columbus Zoning Code, Title 33, of the Columbus City Codes. The Board does not hear applications to amend the Official Zoning Map. Specific case information may be obtained by contacting the Building and Development Services Section, 757 Carolyn Avenue, 645-7314.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing. It is the rule of the Board to dismiss an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter to "Sign" this meeting will be made available for anyone with a need for this service, provided the Building Services Division is made aware of this need and given a reasonable notice of at least four (4) hours prior to the scheduled meeting time. To schedule an interpreter, please contact the City of Columbus, Human Resources Department at 645-6373 or TDD 645-3293.

THE FOLLOWING CASES WILL BE HEARD BEGINNING AT 6:00 P.M.:

1. 11312-00229
485 CLARENDON AVENUE
Greater Hilltop Area Commission
R-4, Residential

To Appeal Zoning Code Violation Order No. 11470-01224 issued on 3/29/2011 for:

1. 3305.01, Certificate of zoning clearance.

City Staff: Danielle Weber

City Staff Phone: 645-0328

Appellant: Henry S. Kunze, T.O.D., 56 Logan Ave., Westerville, Ohio 43081

Owner: Same as appellant

Attorney/Agent: Tim Pirtle, 2935 Kenny Rd., Suite 225, Columbus, Ohio 43221

Legislation Number: PN0181-2011

Drafting Date: 07/13/2011

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Building Commission June 21, 2011 Agenda

Contact Name: Pam Dawley

Contact Telephone Number: 645-2204

Contact Email Address: pjdawley@columbus.gov

Body

AGENDA

COLUMBUS BUILDING COMMISSION

JULY 19, 2011 - 1:00 p.m.

757 CAROLYN AVENUE

HEARING ROOM - LOWER LEVEL

1. **ROLL CALL**
2. **APPROVAL OF JUNE 21, 2011 MEETING MINUTES**
3. **ADJUDICATION ORDER A/O2011-015DLG**
6165 POLO DRIVE
BMP APARTMENTS, LLC
4. **ADJUDICATION ORDER A/O2011-017DLG**

2233 HARDY PARKWAY STREET
BURROUGHS PROPERTY HOLDINGS, LLC

5. ITEMS FROM THE FLOOR (as approved by the Board)

A sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Building Services Division is made aware of this need and given a reasonable notice of at least four (4) hours before the scheduled meeting time. To schedule an interpreter, please call 645-6079 or TDD 645-3293. Should you have any questions regarding this policy, please contact the City of Columbus, Human Resources Department, at 645-6373.

Legislation Number: PN0290-2010

Drafting Date: 11/03/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: 2011 Meeting Schedule - City of Columbus Records Commission

Contact Name: Toya Johnson, Records Commission Coordinator

Contact Telephone Number: 645-7293

Contact Email Address: tjjohnson@columbus.gov

Body

**CITY BULLETIN NOTICE
MEETING SCHEDULE
CITY OF COLUMBUS RECORDS COMMISSION**

The regular meetings of the City of Columbus Records Commission for the calendar year 2011 are scheduled as follows:

Monday, February 14, 2011

Monday, May 9, 2011

Monday, September 19, 2011

These meetings will take place at: City Hall, 90 West Broad Street, 2nd Floor, in the City Council Conference Room (226). They will begin promptly at 10:00 am.

Every effort will be made to adhere to the above schedule, but the City of Columbus Records Commission reserves the right to change the date, time, or location of any meeting; or to hold additional meetings. To confirm the meeting date, time, and locations or to obtain agenda information, contact the Office of the City of Columbus Records Commission Coordinator - (614) 645-7293.

Advertise: 01/01/2011 to 9/17/2011

Legislation Number: PN0315-2010

Drafting Date: 12/08/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

**OFFICIAL NOTICE
CIVIL SERVICE COMMISSION
COMPETITIVE EXAMINATION ANNOUNCEMENTS**

Notice/Advertisement Title: Civil Service Commission Notice

Contact Name: Annette Bigham

Contact Telephone Number: 614.645.7531

Contact Email Address: eabigham@columbus.gov

Body

OFFICIAL NOTICE
CIVIL SERVICE COMMISSION
COMPETITIVE EXAMINATION ANNOUNCEMENTS

APPLY ONLINE 24 HOURS A DAY, 7 DAYS A WEEK OR APPLY IN PERSON 9:00 A.M. TO 4:00 P.M. MONDAY, WEDNESDAY, or THURSDAY.

The Civil Service Commission continuously administers competitive examinations. Information regarding examinations, for which the Civil Service Commission is currently accepting applications, is located on our website at www.csc.columbus.gov and is also posted at the Commission offices located at 50 West Gay Street, 6th Floor, Columbus, Ohio. Please note that all visitors to the Beacon Building are required to produce a picture ID, authenticating their identity, in order to visit the applications area. Applicants interested in City jobs should check our website or visit the Commission offices.

Legislation Number: PN0321-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Recreation & Parks Commission Meetings

Contact Name: Eric L. Brandon

Contact Telephone Number: 614-645-5253

Contact Email Address: ebrandon@columbus.gov

Body

NOTICE OF REGULAR MEETINGS COLUMBUS RECREATION AND PARKS COMMISSION

The Recreation and Parks Commission, appointed and organized under the Charter of the City of Columbus, Section 112-1 is empowered to equip, operate, direct and maintain all the existing recreational and park facilities. In addition, said Commission exercises certain powers and duties as specified in Sections 112-1 and 112-2 of the Columbus City Charter.

Please take notice that meetings of the Recreation and Parks Commission will be held at 8:30 a.m. on the following dates and locations (unless otherwise posted):

- o Wednesday, January 12, 2011 - 1111 East Broad St, 43205
- o Wednesday, February 9, 2011 - 1111 East Broad St, 43205
- o Wednesday, March 9, 2011 - 1111 East Broad St, 43205
- o Wednesday, April 13, 2011 - 1111 East Broad St, 43205
- o Wednesday, May 11, 2011 - 1111 East Broad St, 43205
- o Wednesday, June 8, 2011 - 1111 East Broad St, 43205
- o Wednesday, July 13, 2011 - 1111 East Broad St, 43205
- o August Recess - No meeting

- o Wednesday, September 14, 2011 - 1111 East Broad St, 43205
- o Wednesday, October 12, 2011 - 1111 East Broad St, 43205
- o Wednesday, November 9, 2011 - 1111 East Broad St, 43205
- o Wednesday, December 14, 2011 - 1111 East Broad St, 43205

In the event no proper business exists the meeting may be cancelled without further notice. For further information you may contact the Recreation and Parks Department, 1111 E. Broad St., Columbus, Ohio 43205 (Telephone: [614] 645-5253).

Legislation Number: PN0322-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Downtown Commission 2011 Meetings

Contact Name: Daniel Thomas

Contact Telephone Number: 645-8404

Contact Email Address: djthomas@columbus.gov

Body

Downtown Commission 2011 Meetings

Business Meeting		Regular Meeting
109 N. Front St.		109 N. Front St.
1st Fl. Conf. Rm	Training Center	
8:30am - 10:00am		8:30am - 11:00am

February 10, 2011	January 25, 2011
April 14, 2011	February 22, 2011
June 9, 2011	March 22, 2011
August 11, 2011	April 26, 2011
October 13, 2011	May 24, 2011
December 8, 2011	June 28, 2011
	July 26, 2011
	August 23, 2011
	September 27, 2011
	October 25, 2011
	November 22, 2011
	December 20, 2011

A Sign Language Interpreter will be made available for anyone with a need for this service, provided the Planning Division is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule, please call 645-8036.

Legislation Number: PN0323-2010

Drafting Date: 12/14/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: German Village Commission 2011 Meetings

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

German Village Commission 2011 Meeting Schedule

The German Village Commission has its Regular Meeting the 1st Tuesday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036.

Application Deadline:

- December 21, 2010
- January 18, 2011
- February 15, 2011
- March 22, 2011
- April 19, 2011
- May 24, 2011
- June 21, 2011
- July 19, 2011
- August 23, 2011
- September 20, 2011
- October 18, 2011
- November 22, 2011
- December 20, 2011

Business Meeting Dates

(1st fl. Conf. Rm, 109 N. Front St.)

12:00pm :

- December 28, 2010
- January 25, 2011
- February 22, 2011
- March 29, 2011
- April 26, 2011
- May 31, 2011
- June 28, 2011
- July 26, 2011
- August 30, 2011
- September 27, 2011
- October 25, 2011
- November 29, 2011
- December 27, 2011

Regular Meeting Dates

(German Village Meeting Haus

588 S Third St.) 4:00 pm :

- January 4, 2011
- February 1, 2011
- March 1, 2011
- April 5, 2011
- May 3, 2011
- June 7, 2011
- July 12, 2011
- August 2, 2011
- September 13, 2011
- October 4, 2011
- November 1, 2011
- December 6, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
 Historic Preservation Office
 109 N. Front St. - Ground Floor
 Columbus OH 43215-9031

Legislation Number: PN0324-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Brewery District Commission 2011 Meetings

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

Brewery District Commission 2011 Meeting Schedule

The Brewery District Commission has its Regular Meeting the 1st Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule, please call 645-8036.

Application Deadline:

December 23, 2010

January 20, 2011

February 17, 2011

March 24, 2011

April 21, 2011

May 19, 2011

June 23, 2011

July 21, 2011

August 18, 2011

September 22, 2011

October 20, 2011

November 17, 2011

December 22, 2011

Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
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December 30, 2010	January 6, 2011
January 27, 2011	February 3, 2011
February 24, 2011	March 3, 2011
March 31, 2011	April 7, 2011
April 28, 2011	May 5, 2011
May 26, 2011	June 2, 2011
June 30, 2011	July 7, 2011
July 28, 2011	August 4, 2011
August 25, 2011	September 1, 2011
September 29, 2011	October 6, 2011
October 27, 2011	November 3, 2011
November 24, 2011	December 1, 2011

December 29, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0325-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Victorian Village Commission 2011 Meetings

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

Victorian Village Commission 2011 Meeting Schedule

The Victorian Village Commission has its Regular Meeting the 2nd Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036.

Application Deadline:

January 27, 2011

February 24, 2011

March 31, 2011

April 28, 2011

May 26, 2011

June 30, 2011

July 28, 2011

August 25, 2011

September 29, 2011

October 27, 2011

November 24, 2011

December 29, 2011

Business Meeting Dates

(1st fl. Conf. Rm, 109 N. Front St.)

12:00pm

Regular Meeting Date

(Training Center, 109 N. Front St.)

6:15pm

January 6, 2011

February 3, 2011

March 3, 2011

April 7, 2011

May 5, 2011

June 2, 2011

January 13, 2011

February 10, 2011

March 10, 2011

April 14, 2011

May 12, 2011

June 9, 2011

July 7, 2011	July 14, 2011
August 4, 2011	August 11, 2011
September 1, 2011	September 8, 2011
October 6, 2011	October 13, 2011
November 3, 2011	November 10, 2011
December 1, 2011	December 8, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0326-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Italian Village Commission 2011 Meetings

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

Italian Village Commission 2011 Meeting Schedule

The Italian Village Commission has its Regular Meeting the 3rd Tuesday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036.

Application Deadline:

January 4, 2011
February 1, 2011
March 1, 2011
April 5, 2011
May 3, 2011
June 7, 2011
July 5, 2011
August 2, 2011
September 6, 2011
October 4, 2011
November 1, 2011
December 6, 2011

Business Meeting Dates

Regular Meeting Date

(1st fl. Conf. Rm, 109 N. Front St.) (Training Center, 109 N. Front St.)
12:00pm 6:15pm

January 11, 2011	January 18, 2011
February 8, 2011	February 15, 2011
March 8, 2011	March 15, 2011
April 12, 2011	April 19, 2011
May 10, 2011	May 17, 2011
June 14, 2011	June 21, 2011
July 12, 2011	July 19, 2011
August 9, 2011	August 16, 2011
September 13, 2011	September 20, 2011
October 11, 2011	October 18, 2011
November 8, 2011	November 15, 2011
December 13, 2011	December 20, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0327-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Historic Resource Commission 2011 Meetings

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

Historic Resource Commission 2011 Meeting Schedule

The Historic Resource Commission has its Regular Meeting the 3rd Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036.

Application Deadline:

January 6, 2011
February 3, 2011
March 3, 2011
April 7, 2011
May 5, 2011
June 2, 2011
July 7, 2011
August 4, 2011
September 1, 2011

October 6, 2011
November 3, 2011
December 1, 2011

Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
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January 13, 2011	January 20, 2011
February 10, 2011	February 17, 2011
March 10, 2011	March 17, 2011
April 14, 2011	April 21, 2011
May 12, 2011	May 19, 2011
June 9, 2011	June 16, 2011
July 14, 2011	July 21, 2011
August 11, 2011	August 18, 2011
September 8, 2011	September 15, 2011
October 13, 2011	October 20, 2011
November 10, 2011	November 17, 2011
December 8, 2011	December 15, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0328-2010

Drafting Date: 12/14/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Board of Commission Appeals 2011 Meetings

Contact Name: Randy Black

Contact Telephone Number: 645-6821

Contact Email Address: rblack@columbus.gov

Body

Board of Commission Appeals 2011 Meeting Schedule

The Board of Commission Appeals has its Business Meeting the last Wednesday of every other month (as necessary and barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036.

Business Meeting Dates
(1st fl. Conf. Rm, 109 N. Front St.)
12:00pm

January 26, 2011
March 30, 2011
May 25, 2011
July 27, 2011
September 28, 2011
November 30, 2011

PN0170-2011

Valet Parking Zone Rules and Regulations

I. PURPOSE

The City of Columbus recognizes that public on-street parking as well as private parking for individual businesses is limited in many commercial, residential and mixed-use neighborhoods within the City of Columbus. In order to enhance businesses and events in areas of limited parking it is necessary to establish valet parking zones. The purpose of these rules and regulations is to establish guidelines for the use of City of Columbus right-of-way and city-owned and operated public parking facilities for the purpose of operating a permanent valet parking service.

II. AUTHORITY

- A. Pursuant to the authority granted under Chapter 903 and Section 2105.15 of the Columbus City Codes, 1959, as amended, the Director of Public Service hereby adopts, establishes, and publishes these rules and regulations to be effective at the earliest time allowed by law.
- B. These rules and regulations supersede all previously promulgated rules and regulations for valet parking zones and are applicable to public right-of-way, city-owned and operated public parking facilities, and city parks.
- C. Temporary valet zones, including temporary valet zones for special events are covered by the Department of Public Service policy and procedure, *Requests for On Street Parking out of Service*.
- D. Valet parking zones operated and maintained outside the right-of-way, including valet parking zones and valet parking service reservoir areas are not governed by these rules and regulations.

III. ALLOWANCE FOR CURRENT PERMITTEES

The City acknowledges that current Permittees may require additional time to change valet operations, request exemptions or otherwise adjust to the terms of the new Rules and Regulations. Therefore, a Permittee with a valid permit operating under the previous Rules and Regulations prior to July 1, 2011 and working in good faith with the City will be allowed up to September 1, 2011 to apply for an annual valet parking permit renewal.

IV. DEFINITIONS

The following words, terms and phrases, when used in these rules and regulations, shall have the meanings ascribed to them, except when the context clearly indicates a different meaning:

- A. *Attendant* means a person who operates a vehicle between a valet parking zone and a parking location on behalf of a Permittee or valet parking service.
- B. *Department* means the City of Columbus Department of Public Service, Division of Mobility Options.
- C. *Permittee* means a business permitted under these rules and regulations to operate a valet parking service.
- D. *Valet parking service* means a business, including employees of a Permittee, or an independent contractor to a Permittee that provides a driver to operate a vehicle to and from a parking location so that the driver and passengers in the vehicle may unload and load at their immediate destination regardless of whether a fee is charged.

- E. *Valet parking zone* means a designated location on the public right-of-way or city-owned and operated public parking facilities where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof.
- F. *Valet parking service reservoir area* means premises where a valet parking service parks vehicles.
- G. *Valet parking service stand* means a temporary removable structure located near the valet parking zone that is utilized for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

V. GENERAL RULES

The following general rules are hereby established:

- A. A valet parking service may be conducted on public right-of-way or city-owned and operated public parking facilities only with approved valet zone permits at locations, hours of operation and in a manner approved by the Director of Public Service.
- B. The Department is hereby authorized to issue valet parking zone permits for the operation of valet parking service on the public right-of-way or city-owned and operated public parking facilities.
- C. Other than permitting and regulating valet parking service on the public right-of-way or city-owned and operated public parking facilities, these rules and regulations do not remove or modify any current rules and regulations applicable to valet parking services operated exclusively on private property.
- D. Nothing in these rules and regulations shall be construed to allow a commercial establishment to substitute off-street valet parking services for any parking requirements imposed by the City of Columbus Zoning and Traffic Codes, nor shall any valet reservoir parking be permitted on private property unless the owner of said parking location has received zoning clearance from the Department of Development.
- E. Nothing in these rules and regulations shall be construed to give any person, whether or not a Permittee, any property right in or to use any public right-of-way or city-owned and operated public parking facilities. Any valet parking zone permit issued and held under these rules and regulations shall be subject to the superior right of the public to the safe and orderly movement of vehicles, pedestrians and bicycles.
- F. Valet parking zones and loading zones may share the same location to preserve public on-street parking. By extension, bus stops and valet parking zones may share the same location with concurrence from the Central Ohio Transit Authority.
- G. Businesses in proximity to one another are encouraged to share valet parking zones.
- H. A valet parking zone shall not be allowed at a 30-minute duration parking meter during hours of enforcement of the meter.
- I. A valet parking zone operated at a specially constructed pull-off area within the public right-of-way is subject to the requirements of these rules and regulations, including those existing, but not operating with a valid permit prior to the effective date of this policy. In such case, the Permittee for the valet parking zone at a specially constructed pull-off area within the public right-of-way existing prior to the effective date of this policy shall not be charged the sign installation fee, the traffic cone fee, or the application fee for first time installation, unless the Permittee requests significant changes to the current valet operations.
- J. A duly authorized business association, special improvement district, civic association or other responsible entity acceptable to the City of Columbus may apply for a valet parking zone permit for the purpose of consolidating such zones to preserve public on-street parking within a specific geographic region of the City. For example, the Short North Business Association may apply for a valet parking zone permit for consolidated valet parking zones within the Short North, with documented support from a majority of its membership, including all current Permittees within the proposed consolidated valet parking permit zone.

- K. Valet parking zones:
1. Shall not exceed the length of the Permittee's property frontage(s) on the city street(s) adjoining such property when the applicant is a single business unless consent from the neighboring property owners and businesses is given in writing;
 2. Shall not be allowed where on-street public parking does not exist, or where establishing a valet parking zone will otherwise interfere with traffic lanes or bike lanes;
 3. Shall be allowed only in the curb lane of the street;
 4. May be allowed where parking meters are installed;
 5. Shall not be allowed in an area in which parking is already restricted for other uses, or where parking is otherwise restricted or regulated per Title 21 of Columbus City Code;
 6. Shall not reduce the unobstructed space for the passage of pedestrians to less than four feet unless a greater distance is required by the Department;
 7. Shall not be located within the area used by vehicle detection devices near signalized intersections; and
 8. Shall not be used for long term parking but are to be staging areas where vehicles are parked temporarily, including reasonable delays in moving vehicles due to inclement weather or other temporary delays beyond the control of the Permittee and their valet service, while passengers load and unload in proximity to a business or event location and their vehicle is moved to parking at a remote location.
- L. Valet parking service reservoir areas:
1. Shall be appropriately zoned in accordance with the City of Columbus Zoning Code;
 2. Shall not be located on the public right-of-way, except as exempted by the Department;
 3. Shall not be a city-owned and operated public parking facility or be within a city park without approval of the city department responsible for managing and operating said facility or city park; and
 4. Shall not use public parking spaces, except as exempted by the Department.
- M. Any business, partnership, firm or corporation desiring a valet parking zone on any public right-of-way or city-owned and operated public parking facilities shall submit a completed application to the Department.
- N. An applicant for a valet parking zone permit shall not be a valet parking service, nor shall a Permittee be a valet parking service.
- O. The Permittee shall comply with all requirements contained in these rules and regulations and shall be responsible for ensuring the compliance of any co-applicants, employees, agents, and contractors.
- P. The applicant for shared valet parking zones shall identify all businesses on the application, along with proof of consent or approval from the duly authorized representative of each business on the application. The applicant requesting a valet parking zone permit will be responsible for the payment of all fees.
- Q. The Permittee must keep on the premises of the permitted location a valid copy of the approved valet parking zone and street occupancy permits at all times, and may be subject to inspection by any authorized official of the City of Columbus during hours of valet parking service operation.
- R. Valet parking zone permits shall expire on June 30 each year. Fees for periods less than one year for permanent zones shall not be prorated, except as provided for in Section XI.
- S. Typically, no more than three public on-street parking spaces will be approved without the approval of the Director of Public Service.
- T. Meter bags and traffic cones shall remain property of the City of Columbus, and shall be returned by the Permittee to the Department upon expiration, revocation or suspension of the valet parking zone permit.
- U. A Permittee shall obtain an approved street occupancy permit each year from the Department of Public Service, and shall keep a copy of the approved permit at the permitted location during all hours of operation of the valet parking service. Said permit application, review and issuance will be coordinated through the Division of Mobility Options Parking Services Manager.

VI. STANDARDS OF OPERATION

A Permittee shall:

- A. Allow only employees and independent contractors holding a valid state driver's license, and having valid vehicle insurance or covered under the Permittee's insurance meeting the minimum requirements for coverage required by the State of Ohio to operate any vehicle in connection with the valet parking service;
- B. Assure attendants wear a uniform, shirt, coat or jacket, or other name tag, nameplate, hat, or vest with the name of the attendant and the company logo that identifies the attendant as an authorized employee of the Permittee or valet parking service;
- C. Assure that all employees and contractors are polite, professional and courteous;
- D. Maintain a valet parking service stand;
- E. Operate the valet parking service in a manner that does not:
 - 1. Use or occupy more of the public right-of-way than is allowed by the valet parking zone permit;
 - 2. Unreasonably interfere with the safe operation of roadways including, but not limited to travel and parking lanes, driveways, wheelchair ramps, crosswalks, sidewalks, bikeway facilities, signs, markings, signals fire hydrants, street lights, and intersections;
 - 3. Obstruct a vehicle operator's ability to see any part of an intersecting road;
 - 4. Injure, damage, or create a hazard to persons or property;
- F. Not park or allow long-term parking of a vehicle in a valet parking zone, or allow the loading and unloading of goods, equipment, or merchandise during permitted hours, but shall only use the space for loading and unloading passengers;
- G. Place no more than one valet parking service stand per permitted location;
- H. Not place a sign identifying the valet parking service on the public right-of-way unless the sign meets the requirements as provided for in Section VII;
- I. At no time allow a vehicle with its engine running to remain unattended in a valet parking zone;
- J. Except for customer vehicles, not allow within the valet permit parking zone parking of vehicles owned or otherwise driven by the employee, owner or agent of any valet parking service or Permittee during hours of operation of the valet parking permit zone;
- K. Provide valet parking service only during hours of operation authorized in the valet parking zone permit;
- L. Not park a vehicle in the public right-of-way, in a city-owned and operated parking facility, or a city park unless authorized in writing by the city department responsible for the facility;
- M. Not prohibit or otherwise interfere with the operation and use of public parking spaces at any times other than the hours of operation and the location of a valet parking zone permitted by the Department;
- N. Assure each parking meter in the valet parking zone is covered only with a City-issued parking meter bag only during the hours of operation permitted by the Department;
- O. Assure that meter bags used to cover parking meter heads are maintained and secured to the meter post with a locking mechanism provided by the Permittee;
- P. Assure that only City-issued traffic cones are deployed in the valet parking zone only in roadways without parking meters and only during the hours of operation permitted by the Department;
- Q. Provide, upon taking custody of a patron's vehicle a numbered ticket to each customer containing the following information:
 - 1. Name, address and telephone of the valet parking service;
 - 2. Fee or cost to the customer of the valet parking service;
- R. Place or cause its agent to place on the dashboard of each patron vehicle a sign or placard of a size no smaller than three by three inches in such a manner so as to be conspicuously visible through the windshield of the patron vehicle. The sign or placard shall clearly state: This Vehicle Parked by [Valet Parking Business Name] on behalf of [Permittee].

VII. VALET PARKING SERVICE STAND

- A. A Permittee shall provide one valet parking service stand at each permitted location. The valet parking service stand shall be located in the public right-of-way at a location approved by the Department or within the adjacent building for whose benefit the valet parking service is provided. The valet parking service stand must be exclusively for the operation of the valet parking service and shall be used for such purposes, including, but not limited to, the dispatch of attendants and the storage of keys, umbrellas, and other items.
- B. A valet parking service stand shall:
 - 1. Not be located within the travel lanes, bike lanes or parking lanes of the roadway;
 - 2. Occupy an area of the public right-of-way no greater than four feet by four feet with a minimum of four feet unobstructed pedestrian clear zone;
 - 3. Not be permanently affixed to the public right-of-way in any manner;
 - 4. Be easily moveable by one person;
 - 5. Be removed from the public right-of-way when the valet parking service is not being operated;
 - 6. Be secured and locked when left unattended;
 - 7. Have affixed a sign not larger than two feet by two feet for the sole purpose of identifying the valet parking service indicating the name of the operator of the valet parking service and the fee for valet parking service; and
 - 8. Shall not be electrified in any way, be lighted in any way, or have any moving components.
- C. If the valet parking service stand is located within a building, the Permittee may provide a sign advertising the valet parking service provided said sign meets the requirements for signs on private property per the Zoning Code.

VIII. VALET PARKING ZONE SIGNAGE

- A. The Department shall install permanent regulatory signage marking the limits of each approved permanent valet parking zone. Each sign shall indicate that the location is restricted for use by a valet parking service and state the days and hours of operation of the valet parking service. If the valet zone is located in metered spaces, parking meter stickers will be installed by the Department on affected parking meters stating "Tow Away Zone" and the days and hours of operation of the valet zone service. The Permittee shall pay a one-time, nonrefundable sign installation and removal fee per Section XI.
- B. One temporary sidewalk sign announcing the valet parking service may be displayed at the approved valet parking zone provided said sign shall:
 - 1. Be constructed of durable material that will withstand the year-round impact of the weather and must be maintained in good taste and in good condition at all times.
 - 2. Be sufficiently weighted and constructed to withstand strong winds.
 - 3. Not exceed twenty four (24) inches in width and forty eight (48) inches in height (including base, holder, frames, etc) measured from the sidewalk surface.
 - 4. Be placed on the sidewalk no more than one half (1/2) hour before the valet parking service opens and must be removed no later than one half (1/2) hour after the close of valet parking service.
 - 5. Be in front of the approved business without encroaching upon the frontage of another business.
 - 6. Be positioned on the sidewalk and/or tree lawn outside the travel lanes, bike lanes and parking lanes to allow a minimum four (4) foot clearance for pedestrian traffic.
 - 7. Be freestanding and may not be affixed to any street fixtures including, but not limited to trees, meters, lampposts, grates, bike racks, decorative benches, news boxes, etc. in any manner. Signs shall not be electrified in any way, be lighted in any way, or have any moving components.

8. Include only the name and logo of the Permittee's business, the words "Valet Parking", the rate charged for the service and the hours of operation.
9. Be approved by the Department following review with appropriate business association, special improvement district and civic associations.

IX. INDEMNIFICATION AND INSURANCE

The Permittee and their valet parking service shall forever indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from said operation of a valet parking service. In addition, the Permittee and/or the Permittee's valet parking service shall obtain general liability insurance in an amount no less than \$1,500,000.00 and shall name the City as an additional insured on said policy. A copy of the certificate of insurance shall be provided to the City and shall become a part of any permit executed by the City.

X. APPLICATION

- A. The application shall be a form provided by the Department, which shall contain the following minimum information. Applicants may be required to provide additional information as determined by the Department:
 1. The names, addresses and telephone numbers of the applicant, co-applicant(s) and the property owner if the applicant is a lessee, and any independent contractor the applicant proposes to use for valet parking service;
 2. A scaled site plan showing the proposed address and property tax parcel ID number of the proposed location of the valet parking zone and any valet parking service stand (refer to Exhibit A for a sample drawing);
 3. A drawing and/or catalog sheet showing the color, content, materials, design and dimensions of the proposed temporary sidewalk;
 4. The proposed hours and days of operation of the valet parking service;
 5. Attest from the permit applicant and duly authorized agent of the valet parking service operator that vehicles shall not be stored in the public right-of-way, in city-owned and operated parking facilities, or in city parks;
 6. Proof of insurance as required by section IX herein;
 7. Copy of contract between the Permittee and its valet parking service;
 8. Signed indemnity and release forms that indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of the operation of the valet parking service by the Permittee; and
 9. Any other information reasonably required by the Department for the purpose of processing the application under the requirements of this policy.

XI. APPLICATION PROCESS

- A. A business, businesses or duly authorized association, special improvement district or commission which seeks to operate a valet parking service in the public right-of-way or city-owned and operated public parking facilities shall submit to the Department an application for a valet parking zone permit.
- B. A joint application may be made by more than one business for one valet parking service to provide service to two or more premises located in proximity to the proposed valet parking zone. Said application shall include required application information as detailed in this section for all owners and lessees.

- C. A Permittee desiring to change the operation of an approved valet parking zone may submit for approval a new application to the Department, which may be subject to the new application fee depending on the extent and complexity of the proposed change, as determined by the Department.
- D. Applications for a valet parking zone permit and street occupancy permit shall be submitted to the Division of Mobility Options at the following address:

ATTN: Parking Services Manager
City of Columbus
Division of Mobility Options
109 North Front Street
Columbus, Ohio 43215

- E. Upon receipt of a complete application for a valet parking zone, the Department will notify the following reviewers:
 - 1. Applicable local business association or special improvement district.
 - 2. Any neighborhood commissions in the area.
 - 3. Any civic association in the area.
 - 4. Other businesses in the block face.
 - 5. Other city departments or public agencies determined by the Department.
- F. The reviewers shall within two weeks of notification of an application respond to the Department with any comments or objections to the application for a valet parking zone, which will be considered before the application is approved or denied. The Department shall either approve or deny the application with reasons for the denial stated in writing to the applicant within 30 calendar days of receipt of a complete application.
- G. After reviewing the application and upon receiving payment of all fees required by this policy, the Department shall issue a valet parking zone permit, unless the application is denied pursuant to section XIII.

XII. FEES

The following fees are hereby established:

- A. A nonrefundable application fee of \$200.00, payable upon submitting an application for first-time installation or upon submitting an application with significant changes per section X.C to the operation of a previously approved valet parking zone permit.
- B. A nonrefundable annual renewal fee of \$50.00, payable upon submitting an application for renewal of a previously approved valet parking zone permit.
- C. Per City of Columbus Code Section 2155.055, there will be a parking meter out of service fee equivalent to the hourly rate of each parking meter approved for a valet parking zone, multiplied by the hours of use approved in the valet parking zone permit. Said fee shall be payable prior to issuance of the approved valet parking zone permit. This fee will be invoiced for each half year on July 1 through December 31 and on January 1 to June 30 each year. If a Permittee terminates their valet zone operation prior to expiration of their permit, a partial refund of the meter out of service fees may be refunded upon request of the Permittee.
- D. A nonrefundable regulatory sign installation and removal fee of \$250.00 per sign. Said fee shall be payable prior to issuance of the approved valet parking zone permit.

- E. A nonrefundable meter bag fee of \$25.00 per meter bag shall be paid by the Permittee, prior to issuance of an approved valet parking zone permit, or upon replacement of lost or stolen bags or bags removed by the City in the case of a violation.
- F. A nonrefundable traffic cone fee of \$25.00 per cone shall be paid by the Permittee, prior to issuance of an approved valet parking zone permit, or upon replacement of lost or stolen cones or cones removed by the City in the case of a violation.
- G. The application and renewal fee, regulatory sign installation and removal fee, and meter bag and traffic cone fees shall be deposited in the Street Construction, Maintenance and Repair Fund (Fund 265). Meter out of service fee shall be deposited in the General Fund and/or "Parking Meter Program", Fund No. 268, Subfund 001, as authorized under Ordinance 1560-2009.
- H. No fee or permit shall be required for a valet parking service that is conducted on private property and where the public right-of-way is only used for driving vehicles while conducting the valet parking service.
- I. The Permittee shall obtain and pay fees for an approved street occupancy permit. Said permit application, review and issuance will be coordinated through the Division of Mobility Options Parking Services Manager.

XIII. REFUNDS, TRANSFERS AND EXPIRATION

- A. There shall be no refund of any fees if the valet parking zone is no longer needed by the Permittee except as allowed by XI.C. for parking meter out of service fees upon termination of a valet zone, and after signs are removed and public parking meters are restored to normal operating hours.
- B. A valet parking zone permit is specific to a location, and shall not be transferred to another location.
- C. Transferring an approved permanent valet parking zone from the original applicant to a successor business at the same address may be allowed provided the new business submits an application for approval, that all fees and fines for the previous Permittee are paid and up to date, and that the application requests the same conditions as the approved valet parking zone permit, in which case the nonrefundable application and renewal fee shall not be charged.
- D. All valet parking zone permits shall expire on June 30 of each year.
- E. Application for renewal and payment of the annual fee for a valet parking zone permit may be made on or before the expiration date.

XIV. ENFORCEMENT, DENIAL, REVOCATION, SUSPENSION AND TERMINATION

- A. The Department and the Columbus Division of Police shall have the authority to enforce the provisions of this policy.
- B. The operation of a valet parking zone under these Rules and Regulations is subject to the enforcement of applicable local and state traffic, parking, general offenses, and right-of-way occupancy codes and regulations. Enforcement of these Rules and Regulations may include suspension, revocation, termination or denial of a valet parking permit, right-of-way permit, or in egregious circumstances up to and including criminal prosecution pursuant to Section 903.99 of Columbus City Code.
- C. The Department or the Columbus Division of Police may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility or special event.
- D. The Department shall notify the applicant in writing and may deny a valet parking zone permit or revoke or suspend without refund of any portion of any fees a valet parking zone permit if:
 - 1. The applicant fails to comply with the requirements of this policy or other applicable law;

2. The applicant makes a false statement of material fact on an application for a valet parking zone permit; or
3. The Department determines that the operation of the valet parking service would:
 - a. endanger the safety of persons or property or otherwise not be in the public interest;
 - b. unreasonably interfere with pedestrian or vehicular traffic;
 - c. unreasonably interfere with the use of a pole, parking meter, traffic sign, traffic signal, hydrant, mailbox, or other object at or near the proposed location of the valet parking service; or
 - d. unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.
- E. Parking meter bags or traffic cones shall returned to the Department of Public Service should a valet zone permit be revoked, suspended or is terminated by the Permittee.

XV. EXEMPTIONS

It is the policy of the City of Columbus that all businesses seeking to operate a valet parking service in the public right-of-way or within city-owned and operated public parking facilities shall adhere to these Rules and Regulations, to preserve the health, safety, and general welfare of the public. However, the City recognizes that there may be unique circumstances where the health, safety and general welfare of the public may not be best served by strict adherence to these Rules and Regulations. Such an exemption shall be issued at the sole discretion of the Director of Public Service or designee and may be for such reasons as safety issues, economic waste or geographical features.

- A. Criteria for consideration of an exemption include:
 1. Proximity to residential permit parking areas
 2. Proximity to a historic district
 3. Proximity to on-street and off-street parking
 4. Safety considerations
 5. Other factors that preserve the health, safety and welfare of the citizens of the City.
- B. To request an exemption, the Applicant shall submit the following to the Department:
 1. Written request stating which provision or provisions of these Rules and Regulations are being requested an exemption; and
 2. Reasons for an exemption that reflect but are not limited to the above stated criteria; and
 3. Any other relevant documentation.
- C. The Department will approve or deny exemption requests within 15 calendar days after receipt of a complete request.

XVI. APPEAL PROCESS

Any aggrieved valet parking zone permit applicant or Permittee shall have the right to appeal the denial, suspension or revocation of a valet parking zone permit, or the issuance of an infraction. Such appeals shall proceed in the following manner:

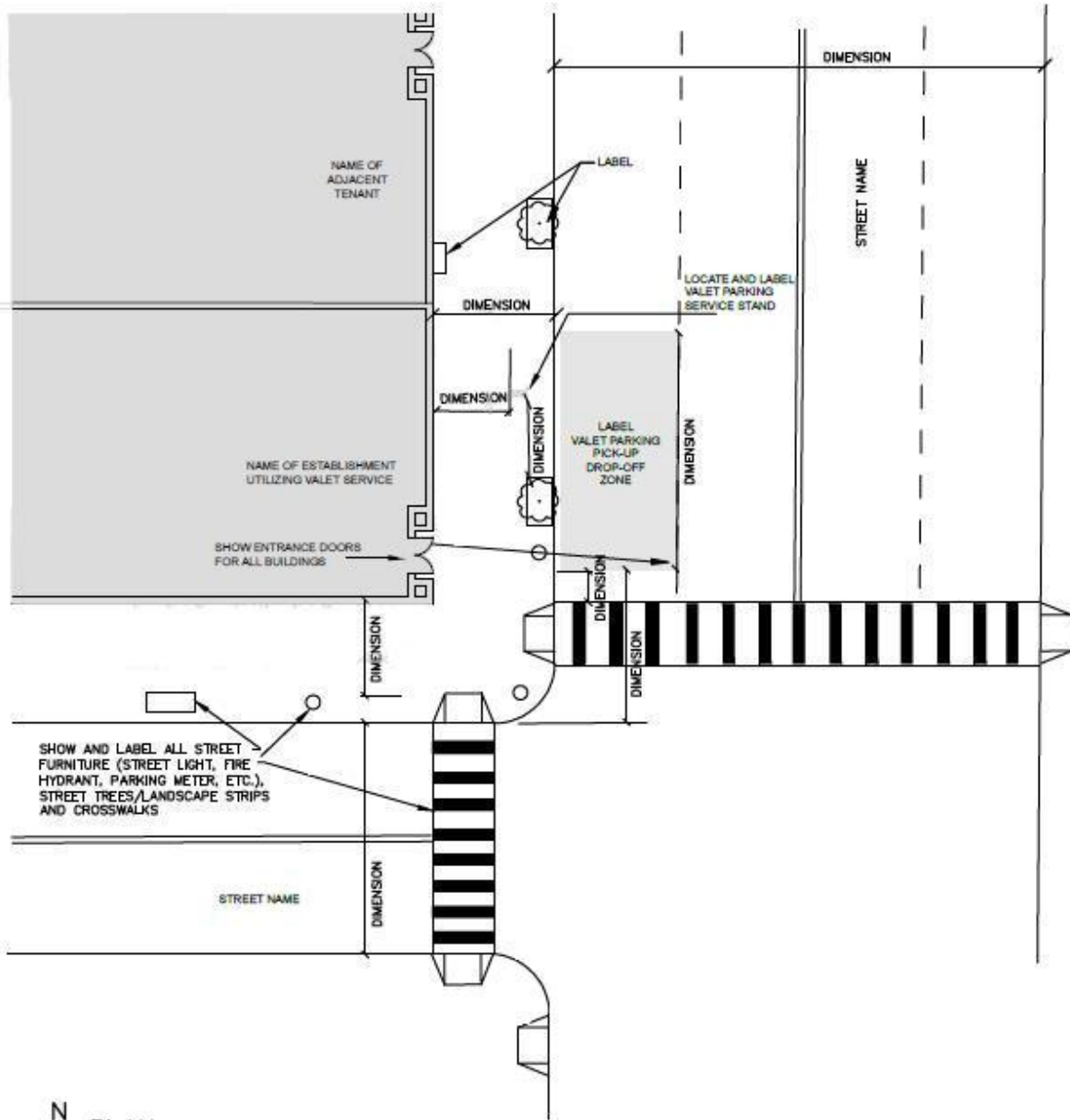
- A. Request a hearing of the Transportation and Pedestrian Commission (T&PC) at the next scheduled meeting date, in writing, within 14 calendar days of receipt of the denial, suspension, revocation of infraction.
- B. The Division of Mobility Options Administrator will forward his/her denial along with the recommendation of the T&PC to the Director of Public Service for review.
- C. The Director of Public Service will render a final decision within 14 calendar days of the T&PC hearing.

BY ORDER:

MARK KELSEY, DIRECTOR
DEPARTMENT OF PUBLIC SERVICE

EXHIBIT A

APPLICATION FOR ON-STREET VALET PERMIT
SAMPLE Site Plan Drawing



N
PLAN
SCALE: 1" = 10'-0"
DATE: XX/XX/XXX

APPLICANT NAME:

PICK-UP/DROP-OFF ZONE LOCATION:

PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE
TRANSPORTATION DIVISION
EFFECTIVE DATE: JULY 7, 2011

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that certain traffic control devices must be authorized immediately in order to preserve the public health, peace, property, and safety; now, therefore,

Under the power vested in me by Chapters 2105 and 2155 of the Traffic Code of Columbus, Ohio, I hereby determine that based on studies conducted by and recommendations made by the Transportation Division, that the following traffic regulations are necessary and I hereby authorize on the effective date of this order, or as soon thereafter as practical, the installation and/or removal of appropriate traffic control devices as follows:

SECTION 2105.08 STOP AND YIELD INTERSECTIONS

Yield signs shall be installed at intersections as follows:

STRATINGHAM DR shall yield to SEDDON DR

PARKING REGULATIONS

The parking regulations on the 593 foot long block face along the S side of ARLINGTON AVE from BREMEN AVE extending to GREENWICH ST shall be

Range in feet	Code Section	Regulation
0 - 53	2151.01	(STATUTORY RESTRICTIONS APPLY)
53 - 99	2105.03	HANDICAPPED PARKING ONLY
99 - 593	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 320 foot long block face along the E side of BULEN AVE from FOREST ST extending to SYCAMORE ST shall be

Range in feet	Code Section	Regulation
0 - 320	2105.17	NO STOPPING ANYTIME

The parking regulations on the 349 foot long block face along the N side of BUTTLES AVE from DELAWARE AVE extending to HENRY ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 349	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 683 foot long block face along the W side of COLLINS AVE from THURBER DR W extending to THURBER DR E shall be

Range in feet	Code Section	Regulation
0 - 683	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 322 foot long block face along the E side of GRANDVIEW AVE from FIFTH AVE extending to SIXTH AVE shall be

Range in feet	Code Section	Regulation
0 - 75	2105.17	NO STOPPING ANYTIME
75 - 166	2105.14	BUS STOP ONLY
166 - 180		NAMELESS ALLEY
180 - 322	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 642 foot long block face along the W side of GRANDVIEW AVE from SIXTH AVE extending to KING AVE shall be

Range in feet	Code Section	Regulation
0 - 461	2151.01	(STATUTORY RESTRICTIONS APPLY)
461 - 474		NAMELESS ALLEY
474 - 494	2105.17	NO STOPPING ANYTIME
494 - 552	2151.01	(STATUTORY RESTRICTIONS APPLY)
552 - 642	2105.14	BUS STOP ONLY

The parking regulations on the 605 foot long block face along the E side of HALDY AVE from BROAD ST extending to GRACE ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 210	2151.01	(STATUTORY RESTRICTIONS APPLY)
210 - 224		NAMELESS ALLEY
224 - 243	2105.17	NO STOPPING ANYTIME
243 - 262	2105.03	HANDICAPPED PARKING ONLY
262 - 426	2151.01	(STATUTORY RESTRICTIONS APPLY)
426 - 449	2105.03	HANDICAPPED PARKING ONLY
449 - 605	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 538 foot long block face along the W side of HIGH ST from BUTTLES AVE extending to HUBBARD AVE shall be

Range in feet	Code Section	Regulation
0 - 49	2105.17	NO STOPPING ANYTIME
49 - 203	2105.17	NO STOPPING 7AM - 9AM WEEKDAYS
49 - 203	2155.03	3 HR PARKING METER 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
49 - 95	2105.15	NO PARKING VALET ZONE 6PM - 1AM THURS - SAT.
203 - 229	2105.17	NO STOPPING ANYTIME
229 - 269	2105.17	NO STOPPING 7AM - 9AM WEEKDAYS
229 - 269	2155.03	3 HR PARKING METER 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
269 - 309	2105.17	NO STOPPING ANYTIME
309 - 458	2105.17	NO STOPPING 7AM - 9AM WEEKDAYS
309 - 421	2155.03	3 HR PARKING METER 9AM - 10PM, EXCEPT SUNDAYS AND HOLIDAYS
421 - 458	2105.21	NO PARKING EXCEPT CITY PERMIT TW 9AM - 5PM MON - SAT
421 - 458	2105.17	TWO - WHEELED MOTORIZED VEHICLE PARKING OTHER TIMES
458 - 538	2105.14	BUS STOP ONLY

The parking regulations on the 207 foot long block face along the E side of ALLEY - W/OF PARK ST from HUBBARD AVE extending to WILBER AVE shall be

Range in feet	Code Section	Regulation
0 - 207	2105.17	NO PARKING ANY TIME

The parking regulations on the 207 foot long block face along the W side of ALLEY - W/OF PARK ST

from HUBBARD AVE extending to WILBER AVE shall be

Range in feet	Code Section	Regulation
0 - 207	2105.17	NO PARKING ANY TIME

The parking regulations on the 320 foot long block face along the W side of PEARL ST from ELEVENTH AVE extending to CHITTENDEN AVE shall be

Range in feet	Code Section	Regulation
0 - 320	2105.17	NO STOPPING ANYTIME

The parking regulations on the 136 foot long block face along the W side of PEARL ST from LINCOLN ST extending to BOLLINGER PL shall be

Range in feet	Code Section	Regulation
0 - 51	2105.17	NO STOPPING ANYTIME
51 - 96	2105.17	NO STOPPING ANYTIME
51 - 96	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
96 - 136	2105.17	NO STOPPING ANYTIME

The parking regulations on the 170 foot long block face along the W side of PEARL ST from WARREN ST extending to HULL ALLEY shall be

Range in feet	Code Section	Regulation
0 - 43	2105.17	NO STOPPING ANYTIME
43 - 67	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
43 - 67	2105.17	NO PARKING 8AM - 4PM THIRD WEDNESDAY OF MAY, AUGUST, & NOVEMBER FOR STREET SWEEPING
67 - 83	2105.17	NO STOPPING ANYTIME
83 - 104	2105.17	NO PARKING 8AM - 4PM THIRD WEDNESDAY OF MAY, AUGUST, & NOVEMBER FOR STREET SWEEPING
83 - 104	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
104 - 170	2105.17	NO STOPPING ANYTIME

The parking regulations on the 175 foot long block face along the W side of PEARL ST from HULL ALLEY extending to HUBBARD AVE shall be

Range in feet	Code Section	Regulation
0 - 24	2105.17	NO STOPPING ANYTIME
24 - 45	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
24 - 45	2105.17	NO PARKING 8AM - 4PM THIRD WEDNESDAY OF MAY, AUGUST, & NOVEMBER FOR STREET SWEEPING
45 - 77	2105.17	NO STOPPING ANYTIME
77 - 141	2155.03	3 HR PARKING METERS ONLY 8AM -10PM EXCEPT SUNDAYS AND HOLIDAYS
77 - 141	2105.17	NO PARKING 8AM - 4PM THIRD WEDNESDAY OF MAY, AUGUST, & NOVEMBER FOR STREET SWEEPING
141 - 175	2105.17	NO STOPPING ANYTIME

The parking regulations on the 211 foot long block face along the E side of TWENTY - SECOND ST from MOUND ST extending to MCALLISTER AVE shall be

Range in feet	Code Section	Regulation
0 - 181	2151.01	(STATUTORY RESTRICTIONS APPLY)
181 - 211	2105.17	NO STOPPING ANYTIME

The parking regulations on the 2970 foot long block face along the E side of THURBER DR W from FIRST AVE extending to COLLINS AVE shall be

Range in feet	Code Section	Regulation
0 - 115	2105.17	NO STOPPING ANYTIME
115 - 302	2151.01	(STATUTORY RESTRICTIONS APPLY)
302 - 1284	2105.17	NO PARKING ANY TIME
1284 - 2920	2151.01	(STATUTORY RESTRICTIONS APPLY)
2920 - 2970	2105.17	NO STOPPING ANYTIME

Any existing traffic restrictions, prohibitions or traffic control devices which conflict with these orders shall be declared null and void and shall be removed.

BY ORDER OF: MARK KELSEY, PUBLIC SERVICE DIRECTOR