

Columbus City Bulletin



**Bulletin #30
July 27, 2013**

Proceedings of City Council

Saturday July 27, 2013



SIGNING OF LEGISLATION

(Legislation was signed by Council President Andrew J. Ginther on the night of the Council meeting, *Monday, July 22, 2013*; by Acting Mayor, Mitchell J. Brown on *Tuesday, July 24, 2013*; and attested by the Acting 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

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

Minutes - Final Columbus City Council

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 22, 2013

5:00 PM

City Council Chambers, Rm 231

REGULAR MEETING NO. 42 OF COLUMBUS CITY COUNCIL, MONDAY, JULY 22, 2013 at 5:00 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

Present 7 - Hearcel Craig Zachary Klein A. Troy Miller Michelle Mills Eileen Paley Priscilla Tyson Andrew 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: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

COMMUNICATIONS AND REPORTS RECEIVED BY CITY CLERK'S OFFICE

- 1 **C0024-2013** THE CITY CLERK'S OFFICE RECEIVED THE FOLLOWING COMMUNICATIONS AS OF, WEDNESDAY, JULY 17, 2013:

New Type: C1, C2
To: Tamarkin Compny
DBA Getgo 3539
820 W 3rd Av
Columbus OH 43215
Permit #87006900900

Transfer Type: D5
To: WNC of Columbus LLC
DBA Wine and Canvas
132 Graceland Blvd
Columbus OH 43214
From: Lone Star Steakhouse
& Saloon of Ohio Inc
1620 Georgesville Rd & Patio
Columbus OH 43228

Permit #9326545

Transfer Type: D1, D2, D3, D6
 To: Columbus JJA Short North LLC
 DBA Bakersfield Short North & Patio
 731-33 N High St 1st Fl & Bsmt
 Columbus OH 43215
 From: Kobi House LLC
 DBA Black Olive & Patio
 731-33 N High St 1st Fl & Bsmt
 Columbus OH 43215
 Permit #1653397

Stock Type: D5, D6
 To: Lads and Lassies Irish Pub Inc
 DBA Cavan Irish Pub
 1409-11 S High St 1st Fl Bsmt & Patio
 Columbus OH 43207
 Permit #4966263

Advertise: 07/27/13
 Agenda: 07/22/13
 Return: 08/01/13

Read and Filed

RESOLUTIONS OF EXPRESSION

GINTHER

- 6 **0188X-2013** To honor, recognize, and thank Father Michael Watson for his years of service as co-chaplain of Columbus City Council, and to wish him well in his new duties as pastor of St. Mary Delaware.

FROM THE FLOOR

A motion was made by Ginther, seconded by Craig, that this Ceremonial Resolution be Adopted. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

MILLS

- 2 **0174X-2013** To recognize the 30th Annual National Night Out and commend its Columbus area sponsors and participants for their dedicated efforts in crime prevention and community building.

A motion was made by Mills, seconded by Craig, that this Ceremonial Resolution be Adopted. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

TYSON

- 3 **0182X-2013** To congratulate Jeni's Splendid Ice Cream for their 2013 Gold sofi award and to celebrate their excellence in culinary innovation.
- A motion was made by Tyson, seconded by Craig, that this Ceremonial Resolution be Adopted. The motion carried by the following vote:
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther
- 4 **0183X-2013** To commemorate Columbus Children's Theater on their 50th anniversary inspiring and enriching the lives of children and families through live theatre and education.
- A motion was made by Tyson, seconded by Craig, that this Ceremonial Resolution be Adopted. The motion carried by the following vote:
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther
- 5 **0186X-2013** To commemorate the 9th Annual African American Male Wellness Walk and to honor its organizers, supporters, volunteers, and participants.
- A motion was made by Tyson, seconded by Craig, that this Ceremonial Resolution be Adopted. The motion carried by the following vote:
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

ADDITIONS OR CORRECTIONS TO THE AGENDA

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

Public Safety & Judiciary Committee: Ordinance # 1800-2013

A MOTION WAS MADE BY COUNCILMEMBER 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

FR FIRST READING OF 30-DAY LEGISLATION

FINANCE: TYSON, CHR. MILLER PALEY GINTHER

- FR-1 1751-2013** To authorize the City Auditor to enter into contract(s) for services regarding rebates to the Internal Revenue Service with respect to various bond issues and other IRS related matters; and to authorize an appropriation and expenditure not to exceed \$100,000.00 from the Debt Service Fund. (\$100,000.00)

Read for the First Time

HEALTH & HUMAN SERVICES: TYSON, CHR. MILLS PALEY GINTHER

- FR-2 1804-2013** To authorize the Board of Health to enter into contract with AIDS Resource Center Ohio and Nationwide Children's Hospital for the provision of behavioral health services related to HIV/AIDS for the period August 1, 2013 through February 28, 2014 and to authorize the expenditure of \$555,129.00 from the Health Department Grants Fund to pay the costs thereof. (\$555,129.00)

Read for the First Time

PUBLIC UTILITIES: PALEY, CHR. CRAIG KLEIN GINTHER

- FR-3 1568-2013** To authorize the Director of Public Utilities to enter into a planned contract modification with Black and Veatch for professional construction management services for the OSIS Augmentation and Relief Sewer (OARS), Phase I and II Project for the Division of Sewerage and Drainage; to transfer within and expend up to \$7,626,798.97 from the Sanitary Sewer General Obligation Fund, to transfer within and expend up to \$1,216,574.03 from the Sanitary Sewer Revenue Bond Fund for a total expenditure of up to \$8,843,373.00, and to amend the 2013 Capital Improvements Budget; and to amend the 2013 Capital Improvements Budget. (\$8,843,373.00)

Read for the First Time

- FR-4 1585-2013** To authorize the Director of Public Utilities to execute a planned contract modification for professional engineering and design services with Chester Engineers, Inc. in connection with the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems; to transfer within and expend up to \$428,316.28 from the Sanitary Sewers Build America Bond Fund; and amend the 2013 Capital Improvements Budget. (\$428,316.28)

Read for the First Time

FR-5 1677-2013 To authorize the Director of Public Utilities to execute a planned contract modification with H.R. Gray-A Haskell Co. for the Wastewater Treatment Facilities Professional Construction Management Contract; to transfer within and expend of up to \$1,868,465.00 from the Sanitary Sewer General Obligation Fund for the Division of Sewerage and Drainage; and to amend the 2013 Capital Improvements Budget. (\$1,868,465.00)

Read for the First Time

FR-6 1692-2013 To authorize the Director of Public Utilities to execute a planned contract modification with Korda/Nemeth Engineering, Inc. for professional engineering services for the Merwin Hill Area Sewer Assessment Project; to authorize the Director of Public Utilities to transfer within \$67,325.98 and expend up to \$85,581.44 from the Sanitary Sewer General Obligation Fund and to amend the 2013 Capital Improvements Budget.

Read for the First Time

FR-7 1705-2013 To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1; to transfer within \$1,487,100.00 and an expenditure of up to \$1,937,100.00 in funds in funds from the Sanitary Sewer General Obligation Bond Fund; and amend the 2013 Capital Improvements Budget. (\$1,937,100.00)

Read for the First Time

FR-8 1823-2013 To authorize the Director of the Department of Public Utilities, City of Columbus, Ohio, to execute those documents necessary to release to N.P. Limited Partnership, an Ohio limited partnership, and Gemini Place Towne Center, LLC, an Ohio limited liability company, portions of the City's sewer utility easement rights described and recorded in O.R.V. 1155, Page 289, and O.R.V. 1155, Page, 295, Recorder's Office, Delaware County, Ohio. (\$0.00)

Read for the First Time

FR-9 1824-2013 To authorize the Director of the Department of Public Utilities, City of Columbus, Ohio, to execute those documents necessary to forever release, relinquish, and discharge to the Board of Trustees of The Ohio State University the City's sewer utility easement rights described and recorded in instrument number 201102230026323, Recorder's Office, Franklin County, Ohio. (\$0.00)

Read for the First Time

RULES & REFERENCE: GINTHER, CHR. PALEY KLEIN MILLS

- FR-10 1909-2013** To authorize and direct the Director of the Public Service Department to impose a twelve (12) month moratorium on the consideration or approval of any petition seeking to establish or expand residential district permit parking within the boundaries of King Avenue to the north, Olentangy River on the west, I-670 on the south, and Norfolk Southern Railroad Right-of-way East of Fourth Street on the east.

Read for the First Time

CA CONSENT ACTIONS

RESOLUTIONS OF EXPRESSION:

CRAIG

- CA-1 0185X-2013** To honor, recognize, and celebrate the life of David Gary, and to extend our sincerest condolences to his family and friends on the occasion of his passing Tuesday, July 2, 2013.

This item was approved on the Consent Agenda.

GINTHER

- CA-2 0178X-2013** To honor and recognize the National Association of Women Business Owners (NAWBO) Columbus, Ohio, Chapter for advancing women entrepreneurs toward economic, social and political achievement.

This item was approved on the Consent Agenda.

FINANCE: TYSON, CHR. MILLER PALEY GINTHER

- CA-3 1680-2013** To authorize the Office of the City Auditor modify and increase the maximum obligation to Computer Aid Inc. for staff augmentation services; to authorize the expenditure of \$75,000.00; and to declare an emergency (\$75,000.00).

This item was approved on the Consent Agenda.

- CA-4 1747-2013** To authorize and direct the City Auditor to appropriate and transfer \$200,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the City Auditor to appropriate \$200,000.00 within the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan Construction Company for project management services; to authorize the

expenditure of \$200,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$200,000.00)

This item was approved on the Consent Agenda.

- CA-5 1810-2013** To authorize the Finance and Management Director to establish purchase orders with Byers Ford and Ricart Properties for the purchase of fifty eight (58) vehicles for use by various City divisions; to repeal ordinance 1341-2013, which was passed July 1, 2013; to authorize the appropriation of \$936,912.00 and expenditure from the Special Income Tax fund; and to declare an emergency (\$936,912.00)

This item was approved on the Consent Agenda.

- CA-6 1814-2013** To authorize the Director of Finance and Management to expend funds for the contract with Arthur J. Gallagher Risk Management Services, Inc. for the fourth and final automatic consecutive one (1) year renewal term, to bind the City's insurance for the term commencing August 1, 2013 and terminating July 31, 2014; to authorize the expenditure of up to \$516,500.00 for the City's 2013-2014 insurance program from the General Fund; and to declare an emergency. (\$516,500.00)

This item was approved on the Consent Agenda.

- CA-7 1816-2013** To authorize the Director of Finance and Management to enter into various contracts or establish purchase orders necessary for the renovation of the second floor of 1393 E. Broad Street; to authorize the expenditure of up to \$90,000.00 from the 1393 E Broad St Lease Fund; and to declare an emergency. (\$90,000.00)

This item was approved on the Consent Agenda.

- CA-8 1817-2013** To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to increase appropriation in the 1393 E. Broad St. Lease Fund; to authorize the Director of Finance and Management to enter into various contracts or establish purchase orders necessary for various facility renovations at the city-owned office building located at 1393 E. Broad Street; to authorize the expenditure of up to \$50,000.00 from the 1393 E Broad St Lease Fund; and to declare an emergency. (\$50,000.00)

This item was approved on the Consent Agenda.

HEALTH & HUMAN SERVICES: TYSON, CHR. MILLS PALEY GINTHER

- CA-9 1589-2013** To authorize and direct the Board of Health to enter into a contract with the Ohio Hispanic Coalition for the provision of promotoras/interpretation services for Columbus Public Health's Women's Health Services Program, to authorize an expenditure of

\$37,000.00 from the Health Department Grants Fund, and to declare an emergency. (\$37,000.00)

This item was approved on the Consent Agenda.

CA-10 1590-2013 To authorize and direct the Board of Health to enter into a contract with Council for Healthy Mothers and Babies for the provision of child and adolescent services for the Women's Health Services program; to authorize the expenditure of \$45,000.00 from the Health Department Grants Fund; and to declare an emergency. (\$45,000.00)

This item was approved on the Consent Agenda.

CA-11 1778-2013 To authorize and direct the Board of Health to enter into contract with Franklin County Public Health for emergency preparedness activities; to authorize the expenditure of \$324,504.00 from the Health Department Grants Fund, and to declare an emergency. (\$324,504.00)

This item was approved on the Consent Agenda.

CA-12 1825-2013 To authorize the Director of the Department of Finance and Management to enter into a license agreement with Physicians CareConnection (PCC) for its occupancy of space at the Columbus Department of Health, 240 Parsons Avenue; and to declare an emergency.

This item was approved on the Consent Agenda.

DEVELOPMENT: KLEIN, CHR. TYSON CRAIG GINTHER

CA-13 1798-2013 To list the 280 East Reeb Avenue property (formerly the Reeb Elementary School), on the Columbus Register of Historic Properties.

This item was approved on the Consent Agenda.

CA-14 1826-2013 To authorize the Director of the Department of Development to amend contracts with R3, Inc. and Hina Environmental Solutions, LLC for the provision of asbestos hazard evaluation services on vacant structures within the municipal boundaries of the City of Columbus; to authorize the expenditure of \$60,000.00 from the General Government Grant Fund; and to declare an emergency. (\$60,000.00)

This item was approved on the Consent Agenda.

CA-15 1830-2013 To authorize the Director of the Department of Development to enter into a grant agreement with City Dog Daycare LLC for Brownfield assessment and redevelopment of the site located at 225 E. Spring Street, pursuant to the Green Columbus Fund Program; to authorize the expenditure of up to \$118,877.00 from the Northland and Other

Acquisitions Fund; and to declare an emergency. (\$118,877.00)

This item was approved on the Consent Agenda.

CA-16 1835-2013

To amend Ordinance 1723-2012 to add parcels within the boundaries of the Fifth by Northwest Community Reinvestment Area, authorizing real property tax exemptions as established in the Ohio Revised Code; and to declare an emergency.

This item was approved on the Consent Agenda.

CA-17 1836-2013

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (84 Dakota Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

This item was approved on the Consent Agenda.

CA-18 1837-2013

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (80 Dakota Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

This item was approved on the Consent Agenda.

CA-19 1838-2013

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (459 E. 2nd Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

This item was approved on the Consent Agenda.

CA-20 1839-2013

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (1415 Duxberry Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

This item was approved on the Consent Agenda.

CA-21 1841-2013

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (3875 Edendale Rd.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

This item was approved on the Consent Agenda.

CA-22 1849-2013

To agree to an adjustment to the City's boundaries by consenting to

transfer approximately 1.4+/- acres from the City of Columbus to the City of Upper Arlington; and to declare an emergency.

This item was approved on the Consent Agenda.

- CA-23 1850-2013** To remove a portion of the former Jeffrey Mining site from the tax increment financing area created by this Council pursuant to Ordinance 0546-2002; to declare the improvement to that property to be a public purpose and exempt from taxation; to provide for the collection and deposit of service payments, and to specify the purposes for which those service payments may be expended; to authorize make-whole compensation payments to the Columbus City School District; and to declare an emergency.

This item was approved on the Consent Agenda.

- CA-24 1852-2013** To establish Jeffrey New Day LLC as “developer” of The Jeffrey Place New Community Authority for the purposes of Ohio Revised Code Chapter 349; to consent to the assignment to Jeffrey New Day LLC of the Tax Increment Financing and Cooperative Agreement related to that Authority; and to declare an emergency.

This item was approved on the Consent Agenda.

RECREATION & PARKS: KLEIN, CHR. TYSON MILLS GINTHER

- CA-25 1829-2013** To authorize and direct the Director of Recreation and Parks to grant consent to the Short North Alliance to apply for permission to sell alcoholic beverages at the Short North Presidents Cup Bier Garten 2013 event; and to declare an emergency.

This item was approved on the Consent Agenda.

TECHNOLOGY: MILLER, CHR. KLEIN MILLS GINTHER

- CA-26 1579-2013** To authorize the Director of the Department of Technology and the Director of Public Utilities to renew an annual contract with Hach Company for software maintenance and support on the WIMS system; in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$8,136.00 from the Department of Technology Internal Services Fund. (\$8,136.00)

This item was approved on the Consent Agenda.

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

- CA-27 1431-2013** To authorize the Director of the Department of Finance and Management on behalf of the Municipal Court Clerk to establish a purchase order with TAB Products Company LLC for the purchase of

case file folders for the Municipal Court Clerk's Office; to authorize the expenditure of \$70,799.30 from the Municipal Court Clerk general fund; and to declare an emergency. (\$70,799.30)

This item was approved on the Consent Agenda.

- CA-28 1572-2013** To authorize and direct the Director of the Department of Public Safety to enter into an Agreement between the City of Columbus, Division of Fire, and OhioHealth Corporation, on behalf of its Experiential Learning Business unit for the use of one medic unit owned by the City, to expand their EMS outreach training in exchange for Emergency Medical Service (EMS) simulation training for Division of Fire Personnel.(\$0.00)

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

- CA-29 1746-2013** To authorize the Finance and Management Director to enter into a contract for the option to lease multi-function devices (MFDs) over a term of three (3) years with the option to purchase the equipment for \$1.00 each with associated maintenance/service and supplies (except paper) for three (3) years with the option to extend for an additional two (2) years if the devices are purchased with JTF Business Systems; to authorize the expenditure of one (1) dollar to establish the contract from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$1.00)

This item was approved on the Consent Agenda.

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

- CA-31 0684-2013** To authorize and direct the City Auditor to appropriate and transfer \$383,200.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Finance and Management to establish purchase orders for the purchase of Asphalt Emulsion, Asphalt Concrete and Limestone and Gravel Aggregates per the terms of conditions of current UTCs to be used for the Alley Rehabilitation - Miscellaneous Project for the Division of Planning and Operations; to authorize the expenditure of \$383,200.00 from the Streets and Highways G.O. Bonds Fund for purchase of these materials, and to declare an emergency. (\$383,200.00)

This item was approved on the Consent Agenda.

- CA-32 1393-2013** To authorize the Director of Finance and Management to establish

purchase orders for the purchase of four (4) skid steer loaders from Bobcat Enterprises Inc., three (3) concrete saws from Concut Inc. and five (5) powerwash trailers from Equipment Specialists Inc.; to authorize the expenditure of \$476,231.36 from the Street and Highway Bond Fund; and to declare an emergency. (\$476,231.36)

This item was approved on the Consent Agenda.

CA-33 1580-2013

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues to Emmanuel Memorial Progressive Neo-Pentecostal Church.

This item was approved on the Consent Agenda.

CA-34 1608-2013

To authorize and direct the City Auditor to appropriate and transfer \$336,354.99 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to appropriate \$336,354.99 within the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into a Design Guaranteed Maximum Reimbursement Agreement with Central Ohio Housing Development Organization (COHDO) for up to \$336,354.99 for the American Addition Infrastructure (Phases 2 and 3) project within the American Addition neighborhood; to authorize the expenditure of \$336,354.99 from the Streets and Highways Bond Fund and to declare an emergency. (\$336,354.99)

This item was approved on the Consent Agenda.

CA-35 1694-2013

To authorize the Director of Public Service to reimburse the Franklin County Engineer for snow and ice removal services rendered to the City of Columbus during the 2012-2013 winter season; to authorize the expenditure of \$335,791.64 from the Municipal Motor Vehicle License Tax Fund for the Division of Planning and Operations; and to declare an emergency. (\$335,791.64)

This item was approved on the Consent Agenda.

CA-36 1748-2013

To authorize and direct the City Auditor to appropriate and transfer \$331,176.37 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with M.P. Dory Co., and to provide for the payment of construction administration and inspection services in connection with the Sign Upgrade/Street Name - Sign Upgrade project; to authorize the expenditure of up to \$331,176.37 from the Streets and Highways Bond Fund; and to declare an emergency. (\$331,176.37)

This item was approved on the Consent Agenda.

CA-37 1757-2013

To amend the 2013 Capital Improvements Budget; to authoriz the City

Auditor to transfer cash and appropriation between projects within the Streets & Highways Bond Fund; to authorize the Director of Public Service to modify a contract with Columbus Asphalt Paving, Inc. to provide for the payment of construction administration and inspection services, in connection with the NCR - Litter Receptacles project; to authorize the expenditure of up to \$100,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$100,000.00)

This item was approved on the Consent Agenda.

CA-38 1758-2013

To authorize and direct the City Auditor to appropriate and transfer \$206,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with Patrick Engineering, Inc. for engineering, technical, and surveying services in connection with the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract; to authorize the expenditure of up to \$206,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$206,000.00)

This item was approved on the Consent Agenda.

CA-39 1759-2013

To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriate between projects within the Streets & Highways Bond Fund; to authorize the Director of Public Service to execute a professional engineering services contract modification with Korda/Nemeth Engineering, Inc. in connection with Bikeway Development - General Engineering Design contract; to appropriate \$123,577.00 within the Street & Highway Bond Fund; to authorize the expenditure of \$123,577.00 from the Street and Highway Improvement Fund; and to declare an emergency. (\$123,577.00)

This item was approved on the Consent Agenda.

CA-40 1760-2013

To authorize and direct the City Auditor to appropriate and transfer \$617,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; 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 Resurfacing - 2013 Brick Rehabilitation project; to authorize the expenditure of up to \$617,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$617,000.00).

This item was approved on the Consent Agenda.

CA-41 1762-2013

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation within the Streets and Highways Bond Fund; to authorize the City Auditor to transfer \$38,238.00 between funds; to authorize the City Auditor to appropriate \$382,376.00 within the Fed-State Highway Engineering Fund; to authorize the Director of Public Service to enter into contract with

Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group) for engineering, design, technical, and surveying services in connection with the Intersection Improvements - Georgesville Road at Holt Road project (FRA-GEORGESVILLE/HOLT (PID Number 94913)); to authorize the expenditure of up to \$382,376.00 from the Fed-State Highway Engineering Fund for this contract; and to declare an emergency. (\$382,376.00)

This item was approved on the Consent Agenda.

CA-42 1765-2013

To authorize the Director of Public Service to modify an existing contract with Burgess and Niple, Inc. for the Roadway Improvements - Downtown Action Plan contract; to authorize the expenditure of up to \$426,500.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$426,500.00)

This item was approved on the Consent Agenda.

CA-43 1766-2013

To authorize and direct the City Auditor to appropriate and transfer \$250,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to modify and increase an existing contract with Gannett Fleming Engineers & Architects for professional services for the Roadway Improvements - Lazelle Road project; to authorize the expenditure of up to \$250,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$250,000.00)

This item was approved on the Consent Agenda.

CA-44 1767-2013

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer of cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into an agreement with the Ohio Department of Transportation for the School Travel Plan project; to authorize the expenditure of up to \$20,000.00 from the Streets and Highways Bond; and to declare an emergency. (\$20,000.00)

This item was approved on the Consent Agenda.

CA-45 1783-2013

To authorize the Director of Public Service to expend \$835,751.00 or so much thereof as may be necessary to reimburse the Street Construction, Maintenance and Repair Fund for traffic sign and signal installation, permanent pavement marking, roadway improvement design and construction expenses, salaries, overhead, overtime, materials, alley rehabilitation and other direct costs incurred by the Fund in connection with the Division of Planning and Operations' capital improvements program in 2013; to amend the 2013 C.I.B.; to authorize the transfer and expenditure of monies within the Streets and Highways G.O. Bond Fund for the Department of Public Service; and to declare an emergency. (\$835,751.00)

This item was approved on the Consent Agenda.

- CA-46 1786-2013** To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to execute a professional service contract modification with Crawford, Murphy & Tilly for the Roadway Improvements - 2010-2012 General Engineering contract; to authorize the expenditure of up to \$230,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$230,000.00)

This item was approved on the Consent Agenda.

- CA-47 1789-2013** To authorize and direct the City Auditor to appropriate and transfer \$348,717.46 from the Special Income Tax Fund to the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with ADR & Associates for engineering, design, technical, and surveying services in connection with the Pedestrian Safety Improvements - Sidewalk Design III contract; to authorize the expenditure of up to \$348,717.46 from the Streets and Highways Bond Fund; and to declare an emergency. (\$348,717.46)

This item was approved on the Consent Agenda.

- CA-48 1790-2013** To authorize and direct the City Auditor to appropriate and transfer \$500,500.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to execute a professional engineering services contract modification with Stantec Consulting Services Inc. in connection with the Bikeway Development - Professional Services project; to authorize the expenditure of \$500,500.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$500,500.00)

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

- CA-49 1791-2013** This ordinance authorizes the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E); authorizes the expenditure of Nine Hundred, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704; and declares an emergency. (\$900.00)

This item was approved on the Consent Agenda.

CA-50 1801-2013 To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer of cash and appropriation within the Street and Highway Improvements Fund; to authorize the Director of Public Service to enter into contract with George J. Igel & Co., Inc., and to provide for the payment of construction administration and inspection services in connection with the Pedestrian Safety Improvements - Sidewalk Program 2013 project; to authorize the expenditure of up to \$600,000.00 from the Street and Highway Improvements Fund; and to declare an emergency. (\$600,000.00)

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

CA-51 1807-2013 To authorize and direct the City Auditor to appropriate and transfer \$783,603.15 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into a 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 - Sidewalk Program Construction project; to authorize the expenditure of up to \$783,603.15 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$783,603.15)

This item was approved on the Consent Agenda.

PUBLIC UTILITIES: PALEY, CHR. CRAIG KLEIN GINTHER

CA-52 1108-2013 To authorize the Director of Public Utilities to enter into a planned modification with Resource International, Inc. for Oracle WAM Database and System Administration Services for the Department of Public Utilities, to authorize the expenditure of \$15,250.00 from the Electricity Operating Fund, \$97,000.00 from the Water Operating Fund, \$108,750.00 from the Sewer System Operating Fund and \$29,000.00 from the Stormwater Operating Fund (\$250,000.00).

This item was approved on the Consent Agenda.

CA-53 1438-2013 To authorize the Director of Public Utilities to enter into a planned modification of a professional engineering services agreement with Resource International, Inc. in the amount of \$300,000 for General Engineering Services for the Division of Sewerage and Drainage; to expend \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund; and to expend \$100,000.00 from the Storm Recovery Zone Super Build America Bonds Fund. (\$300,000.00)

This item was approved on the Consent Agenda.

CA-54 1439-2013 To authorize the Director of Public Utilities to execute a planned modification of professional engineering services agreement with R.W. Armstrong & Associates, Inc. in the amount of \$300,000 for General Engineering Services for the Division of Sewerage and Drainage; to expend \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund; and to expend \$100,000.00 from the Storm Recovery Zone Super Build America Bonds Fund; (\$300,000.00)

This item was approved on the Consent Agenda.

CA-55 1443-2013 To authorize the Director of Public Utilities to enter into a professional engineering services agreement with MS Consultants, Inc. for the Henderson Road Booster Station Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$331,181.81 from the Water Works Enlargement Voted Bonds Fund; and to amend the 2013 Capital Improvements Budget. (\$331,181.81)

This item was approved on the Consent Agenda.

CA-56 1471-2013 To authorize the Director of Public Utilities to enter into a grant agreement and provide matching funds in the amount of \$30,000.00 to the Franklin Soil and Water Conservation District for the Crawford Farms Park Stormwater Treatment Wetland Design and Retrofit Project; to authorize a transfer and expenditure up to \$30,000.00 within the Storm Recovery Zone Bond Fund; and to amend the 2013 Capital Improvements Budget. (\$30,000.00)

This item was approved on the Consent Agenda.

CA-57 1474-2013 To authorize the Director of Public Utilities to enter into an agreement with M-E/IBI Group; for professional engineering services for the East Deshler Avenue Water Line Improvements Project; and to authorize an expenditure up to \$197,827.83 from the Water Works Enlargement Voted Bonds Fund; for the Division of Water. (\$197,827.83)

This item was approved on the Consent Agenda.

CA-58 1480-2013 To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with Stantec Consulting Services, Inc.; for the Clintonville Stormwater Quality/Quantity Project for the Division of Sewerage and Drainage; to authorize the transfer of \$904,027.61 within the Storm Recovery Zone Super Build America Bonds Fund; to amend the 2013 Capital Improvements Budget and to authorize the expenditure of \$904,027.61 within the Storm Recovery Zone Super Build America Bonds Fund. (\$904,027.61).

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

CA-59 1489-2013 To authorize the Director of Public Utilities to modify the professional engineering services agreement with Korda/Nemeth Engineering, Inc. for the Smith Road Sidewalk & Resurfacing Project; to amend the 2013 Capital Improvements Budget; and to authorize a transfer and expenditure up to \$54,264.00 within the Streets & Highway G.O. Bonds Fund. (\$54,264.00)

This item was approved on the Consent Agenda.

CA-60 1505-2013 To authorize the Director of Public Utilities to enter into an agreement with HDR Engineering, Inc. for professional engineering services for the Berrell Avenue Area Water Line Improvements Project; and to authorize an expenditure up to \$210,299.22 from the Water Works Enlargement Voted Bonds Fund; for the Division of Water. (\$210,299.22)

This item was approved on the Consent Agenda.

CA-61 1509-2013 To authorize the Director of Public Utilities to enter into a Guaranteed Maximum Reimbursement agreement with 1354 Ida Avenue LLC, pursuant to Section 186 of the Columbus City Charter for replacement of water mains as part of the Ida Avenue Water Line Improvements Project for the Division of Water; to authorize a transfer and expenditure of up to \$230,185.00 within the Water Works Enlargement Voted Bonds Fund, and to amend the 2013 Capital Improvements Budget. (\$230,185.00)

This item was approved on the Consent Agenda.

CA-62 1514-2013 To authorize the Director of Public Utilities to enter into a planned modification of the professional engineering services agreement with ARCADIS US, Inc. for the Alum Creek Pump Station Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$834,588.00 from the Water Works Enlargement Voted Bonds Fund, and to amend the 2013 Capital Improvements Budget. (\$834,588.00)

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

CA-63 1529-2013 To authorize the Director of Public Utilities to enter into a professional engineering agreement with Varo Engineers, Inc. for the Williams Road / Castle Road Sanitary Pump Station Control Valve Upgrade

Project for the Division of Sewerage and Drainage; to transfer within \$111,770.88 and expend up to \$411,770.88 from the Sanitary Sewer General Obligation Bond Fund; and to amend the 2013 Capital Improvements Budget. (\$411,770.88)

This item was approved on the Consent Agenda.

CA-64 1541-2013

To authorize the Director of Public Utilities to enter into an agreement with ADS LLC for flow meter wireless fees in accordance with Sole Source provisions of the Columbus City Code for the Division of Sewerage and Drainage, and to authorize the expenditure of \$39,000.00 from the Sewerage System Operating Fund. (\$39,000.00)

This item was approved on the Consent Agenda.

CA-65 1552-2013

To authorize the Director of Public Utilities to enter into a planned modification for an engineering agreement with Chester Engineers, Inc. for the General Engineering Consultant Services agreement for the Division of Sewerage and Drainage; to authorize the expenditure of \$350,000.00 in funds from the Sanitary Sewer General Obligation Bond Fund. (\$350,000.00)

This item was approved on the Consent Agenda.

CA-66 1561-2013

To authorize the Finance and Management Director to establish Blanket Purchase Orders for Basin and Flocculator Parts at the Hap Cremean Water Treatment Plant; based on existing Universal Term Contracts; for the Division of Water; and to authorize an expenditure up to \$325,000.00 from the Water Works Enlargement Voted Bonds Fund. (\$325,000.00)

This item was approved on the Consent Agenda.

CA-67 1592-2013

To authorize the Director of Public Utilities to execute a planned modification for the construction contract with The Righter Co., Inc. for the Watershed Miscellaneous Improvements - Sewer Lateral Repair Project; for the Division of Water; and to authorize an expenditure up to \$114,011.00 within the Water Works Enlargement Voted Bonds Fund. (\$114,011.00)

This item was approved on the Consent Agenda.

CA-68 1607-2013

To authorize the Director of Finance and Management to establish a Blanket Purchase Order for Sludge Grinder Parts and Service from an established Universal Term Contract with JWC Environmental; and to authorize the expenditure of \$240,000.00 from the Sewerage System Operating Fund. (\$240,000.00)

This item was approved on the Consent Agenda.

CA-69 1628-2013

To authorize the Director of Public Utilities to execute a planned

contract modification of the Construction Administration and Construction Inspection Services agreement with Stantec Consulting Services, Inc. for the Brentnell Avenue Area Water Line Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$293,929.90 from the Water Works Enlargement Voted Bonds Fund; and to amend the 2013 Capital Improvements Budget. (\$293,929.90)

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

CA-70 1670-2013 To authorize the Director of Public Utilities to enter into a contract modification agreement for professional engineering services with Pomeroy and Associates, Inc. for the Portage Grove Area Sewer Improvements Project; to transfer within and expend up to \$103,454.15 from the Sanitary Sewer Build America Bond Fund for the Division of Sewerage and Drainage; and to amend the 2013 Capital Improvements Budget. (\$103,454.15)

This item was approved on the Consent Agenda.

CA-71 1688-2013 To authorize the Director of Public Utilities to modify an agreement for professional engineering services with Pomeroy and Associates, Ltd. for the Fountain Square Stormwater System Improvements Project; for the Division of Sewerage and Drainage; and to authorize the expenditure of \$130,580.30 within the Storm Recovery Zone Super Build America Bonds Fund. (\$130,580.30).

This item was approved on the Consent Agenda.

CA-72 1743-2013 To authorize the Director of Finance and Management to establish a contract with Brown Enterprise Solutions for the purchase of SCADA Servers and Tape Reloader Replacements for the Division of Sewerage and Drainage, and to authorize the expenditure of \$72,841.18 from the Sewerage System Operating Fund. (\$72,841.18)

This item was approved on the Consent Agenda.

CA-73 1771-2013 To authorize the Finance and Management Director to enter into a contract for the option to purchase Parkson Mechanical Bar Screen Parts with FilterONE USA, LLC, to authorize the expenditure of \$1.00 to establish the contract from the Mail, Print Services and UTC Fund Account; and to declare an emergency. (\$1.00)

This item was approved on the Consent Agenda.

CA-74 1794-2013 To authorize the Columbus City Attorney to acquire certain fee simple

title and lesser interests from portions of real property; to contract for professional services; to authorize a transfer and expenditure up to Two Hundred Forty Thousand, Four Hundred six and 06/100 U.S. Dollars for costs relating to the acquisition of certain real property interests to complete the Blacklick Creek Sanitary Interceptor Sewer Project (CIP 650034); and to declare an emergency. (\$240,406.06)

This item was approved on the Consent Agenda.

CA-75 1799-2013

To authorize the Finance & Management Director to enter into a contract for the option to purchase Professional Laboratory Services for testing water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants on an as needed basis with Environmental Associates Ltd., Inc. and UL LLC; to authorize the expenditure of Two (2) dollars from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$2.00)

This item was approved on the Consent Agenda.

CA-76 0175X-2013

To declare the necessity and intent of the City of Columbus, Ohio, to appropriate fee simple title and lesser interests to real estate needed for the City of Columbus, Ohio, Department of Public Utilities, Division of Power and Water, South Well-field Expansion Raw Waterline Project (CIP 690359-100004); and to declare an emergency. (\$0.00)

This item was approved on the Consent Agenda.

APPOINTMENTS**CA-77 A0093-2013**

Appointment of Mark G. Kafantaris, 1450 E. Broad St., Columbus, OH 43205, to serve on the Property Maintenance Appeals Board with a term expiration date of July 31, 2017 (resume attached).

This item was approved on the Consent Agenda.

CA-78 A0097-2013

To appoint Otto Beatty Jr. to the Downtown Commission for a term expiring on June 1, 2017 (resume attached).

This item was approved on the Consent Agenda.

CA-79 A0098-2013

To appoint Dannette Palmore to the Downtown Commission for a term expiring on June 1, 2017 (resume attached).

This item was approved on the Consent Agenda.

CA-80 A0101-2013

Appointment of Stefanie Lynn Coe, 1397 Gorham Drive, Columbus, OH 43223 to serve on the Columbus Development Commission with a new term expiration date of July 31, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA-81 A0102-2013** Appointment of Marty Anderson, Attorney, Sowald, Sowald & Clouse, 400 S. 5th St, Suite 101 Columbus, OH 43215 to serve on the Columbus Development Commission with a new term expiration date of September 30, 2016 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-82 A0103-2013** Appointment of Maria Manta Conroy, Ph.D., City & Regional Planning & Environmental Science Graduate Program, 275 W. Woodruff Avenue, Columbus, OH 43210-1138 to serve on Columbus Development Commission with a new term expiration date of July 31, 2016 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-83 A0104-2013** Appointment of John Cooley, Ph.D., Dean, Arts & Sciences Division, Columbus State Community College, 550 East Spring Street, Columbus, OH 43215 to serve on the Columbus Development Commission with a new term expiration date of September 30, 2013 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-84 A0105-2013** Appointment of Michael Fitzpatrick, Architectural Alliance, 165 N. 5th Street, Columbus, OH 43215 to serve on the Columbus Development Commission with a new term expiration date of July 31, 2016 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-85 A0106-2013** Appointment of John Ingwersen, President, Columbus Consulting Group, LLC, President, Alchemy Construction, LLC, 1050 Bryden Rd, Columbus, OH 43205 to serve on the Columbus Development Commission with a new term expiration date of July 31, 2016 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-86 A0107-2013** Appointment of Kay Onwukwe, AIA, APA, NCARB, HKI, 2929 N. High Street, Columbus, OH 43202 to serve on the Columbus Development Commission with a new term expiration date of September 30, 2013 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-87 A0108-2013** Appointment of William Hugus, 114 East Frankfort Street, Columbus, Ohio 43206 to serve on the Brewery District Commission with a term expiration date of June 30, 2016 (resume attached).
- This item was approved on the Consent Agenda.**
- CA-88 A0109-2013** Appointment of Peter Nestinger, 477 South Front Street, Columbus,

Ohio 43215 to serve on the Brewery District Commission with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-89 A0110-2013 Appointment of Robert Palmer, 185 Rustic Place, Columbus, Ohio 43214 to serve on the Historic Resources Commission with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-90 A0118-2013 Appointment of Victor R. Ketcham, 210 Ceramic Drive, Columbus, OH 43214 to serve on the Clintonville Area Commission with a term expiration date of 6/30/16 (resume attached).

This item was approved on the Consent Agenda.

CA-91 A0122-2013 Appointment of Mark G. Kafantaris, 1450 E. Broad Street, Columbus, OH 43205, to serve on the Property Maintenance Appeals Board with a term expiration date of July 31, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-92 A0123-2013 Appointment of Katie McCann, 164 Winthrop Road, Columbus, OH 43214, to serve on the Property Maintenance Appeals Board with a term expiration date of July 31, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-93 A0127-2013 To appoint John Kessler to the Board of the Columbus Downtown Development Corporation for a term expiring July 8, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-94 A0128-2013 To appoint John F. Wolfe to the Board of the Columbus Downtown Development Corporation for a term expiring on July 8, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-95 A0129-2013 Appointment of Vincent J. Tremante, 100 E. Campus View Blvd., Suite 200, Columbus, OH 43235, to serve on the Big Darby Advisory Panel with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

CA-96 A0130-2013 To appoint Bruce Soll to the Board of the Columbus Downtown Development Corporation for a term expiring on July 8, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA-97 A0133-2013** Appointment of Denis de Verteuil, 878 West Rich Street, Columbus, OH 43222, to serve on the East Franklinton Review Board with a two-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA-98 A0134-2013** Appointment of Matthew R. Egner, 165 West Park Avenue, Columbus, OH 43222, to serve on the East Franklinton Review Board with a three-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA-99 A0135-2013** Appointment of William D. Fergus, Jr., Two Miranova Place, Suite 330, Columbus, OH 43215, to serve on the East Franklinton Review Board with a three-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA A0136-2013** Appointment of Bart Overly, 922 West Broad Street, Columbus, OH 43222, to serve on the East Franklinton Review Board with a three-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA A0137-2013** Appointment of Frank R. Petruziello, 4270 Morse Road, Columbus, OH 43230, to serve on the East Franklinton Review Board with a one-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA A0138-2013** Appointment of Trent E. Smith, 51 Hayden Avenue, Columbus, OH 43222, to serve on the East Franklinton Review Board with a one-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA A0139-2013** Appointment of Kim Way, 1555 Lake Shore Drive, Columbus, OH 43204, to serve on the East Franklinton Review Board with a two-year term. (The effective date will be linked to the effective date of the East Franklinton District) - resume attached.
- This item was approved on the Consent Agenda.**
- CA A0141-2013** To appoint Colleen Buzza to the Community Shelter Board for a term expiring on June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0142-2013** To appoint Jeffrey Lyttle to the Community Shelter Board for a term expiring on June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0143-2013** Appointment of Joshua R. Lapp, 866 N. High Street #5, Columbus, OH 43215, to serve on the Italian Village Commission with a term expiration date of June 30, 2014 (resume attached).

This item was approved on the Consent Agenda.

- CA A0144-2013** Appointment of Michael L. Rosen, 4433 Keeler Drive, Columbus, OH 43227, to serve on the Board of Commission Appeals with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0145-2013** Appointment of Bob Spears, Jr., 5504 Fox Hill Road, Hilliard, OH 43026, to serve on the Greater Hilltop Area Commission with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0146-2013** Appointment of Richard Riley, 2984 Crescent Drive, Columbus, OH 43204, to serve on the Greater Hilltop Area Commission with a term expiration date of July 1, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0147-2013** Appointment of Ricardo Mendez, 279 N. Oakley, Columbus, OH 43204, to serve on the Greater Hilltop Area Commission with a term expiration date of July 1, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0148-2013** Appointment of Tasha Corson, 3012 Fremont Street, Columbus, OH 43204, to serve on the Greater Hilltop Area Commission with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0149-2013** Appointment of Keith Chaldis, 109 S. Burgess Avenue, Columbus, OH 43204, to serve on the Greater Hilltop Area Commission with a term expiration date of June 30, 2016 (resume attached).

This item was approved on the Consent Agenda.

- CA A0150-2013** Appointment of Jennifer LuPiba, 1418 Virginia Avenue, Columbus, OH 43212, to serve on the Fifth by Northwest Area Commission with a term expiration date of December 31, 2014 (resume attached).

This item was approved on the Consent Agenda.

- CA A0151-2013** To appoint Theresa Gehr to the RiverSouth Authority Board of Trustees for a term expiring on June 22, 2015 (resume attached).

This item was approved on the Consent Agenda.

- CA A0152-2013** To appoint Larry Sowers to the RiverSouth Authority Board of Trustees for a term expiring on June 22, 2015 (resume attached).

This item was approved on the Consent Agenda.

Approval of the Consent Agenda

A motion was made by 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 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

FINANCE: TYSON, CHR. MILLER PALEY GINTHER

- SR-1 1782-2013** To authorize the Finance and Management Director to establish purchase orders with Byers Ford and Ricart Properties for the purchase of eighty (80) vehicles for use by various City divisions; to authorize the Finance and Management Director to establish a purchase order with Parr Public Safety Equipment for the up-fitting of twenty (20) PTV's; to authorize the appropriation of \$2,352,258.40 and expenditure from the Special Income Tax fund; and to declare an emergency. (\$2,352,258.40)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

- SR-2 1875-2013** To authorize the issuance of unlimited tax bonds in an amount not to exceed \$8,070,000.00 for safety and health projects (\$8,070,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-3 1876-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,520,000.00 for recreation and parks projects (\$35,520,000.00). Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-4 1877-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$99,710,000.00 for transportation projects (\$99,710,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-5 1878-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$1,160,000.00 for refuse collection projects (\$1,160,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-6 1879-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,620,000.00 for water system projects (\$35,620,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-7 1880-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$53,550,000.00 for sanitary sewer projects (\$53,550,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-8 1881-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$25,000.00 for electricity projects (\$25,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-9 1882-2013 To authorize the issuance of unlimited tax bonds in an amount not to exceed \$5,445,000.00 for storm sewer projects (\$5,445,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-10 1883-2013 To authorize the issuance of unlimited tax bonds (federally taxable) in an amount not to exceed \$3,729,000.00 for recreation and parks

projects (\$3,729,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-11 1884-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$10,000,000.00 for the Office of City Auditor projects (\$10,000,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-12 1885-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$24,885,000.00 for safety and health projects (\$24,885,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-13 1886-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$39,800,000.00 for construction management projects (\$39,800,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-14 1887-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$700,000.00 for fleet management projects (\$700,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-15 1888-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$6,305,000.00 for information services projects (\$6,305,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-16 1889-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$4,920,000.00 for refuse collection projects (\$4,920,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-17 1890-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$6,750,000.00 for economic and community development projects (\$6,750,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

A motion was made by Tyson, seconded by Craig, that this Ordinance be

Approved. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-18 1891-2013 To authorize the issuance of limited tax bonds in an amount not to exceed \$2,430,000.00 for electricity projects (\$2,430,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-19 1892-2013 To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$7,331,500.00 for fleet fuel site infrastructure projects (\$7,331,500.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-20 1893-2013 To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,555,000.00 for economic and community development projects (\$5,555,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-21 1894-2013 To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,500,000.00 for construction management projects (\$5,500,000.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-22 1895-2013

To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,164,500.00 for fiber optics systems projects (\$5,164,500.00) Section 55(B) of the City Charter.

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-23 1896-2013

To authorize the issuance of limited tax notes in the amount of not to exceed \$19,800,000.00, to refund outstanding bond anticipation notes issued for the purpose of financing the costs of the transportation projects and the Preserve District project improvements. (\$19,800,000.00) Section 55(b) of the City Charter.

A motion was made by Paley, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1751-2013

To authorize the City Auditor to enter into contract(s) for services regarding rebates to the Internal Revenue Service with respect to various bond issues and other IRS related matters; and to authorize an appropriation and expenditure not to exceed \$100,000.00 from the Debt Service Fund. (\$100,000.00)

A motion was made by Tyson, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

HEALTH & HUMAN SERVICES: TYSON, CHR. MILLS PALEY GINTHER

SR-24 1588-2013 To authorize and direct the Board of Health to enter into a contract with The Ohio State University Research Foundation for the provision of high risk perinatal care services; to authorize the expenditure of \$100,000.00 from the Health Department Grants Fund; and to declare an emergency. (\$100,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-25 1603-2013 To authorize and direct the Board of Health to enter into a contract with CityMatCH/University of Nebraska Medical Center for the provision of leadership services for the Ohio Institute for Equity in Birth Outcomes; to authorize the expenditure of \$35,000.00 from the Health Department Grants Fund; to waive the provisions for competitive bidding; and to declare an emergency. (\$35,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-26 1610-2013 To authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a lease agreement with the Columbus Neighborhood Health Centers, Inc. for the use of the City's neighborhood health center located at 1905 Parsons Avenue, commonly known as John R. Maloney Family Health & Wellness Center, to provide primary health care and related health services to the City's medically underserved residents.

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-27 1652-2013 To authorize the Board of Health to modify and increase the contract with Paul Werth Associates, Inc. to continue services on the development of an infant mortality taskforce for the period of March 21, 2013 through February 28, 2014; to authorize the expenditure of \$50,000.00 from the Health Special Revenue Fund to pay the costs thereof; and to declare an emergency. (\$50,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-28 1770-2013 To authorize and direct the Board of Health to accept a grant from the Ohio Department of Health for the Public Health Emergency Preparedness Grant Program in the amount of \$1,105,130.00; to authorize the appropriation of \$1,105,130.00 to the Health Department in the Health Department Grants Fund; and to declare an emergency. (\$1,105,130.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-29 1818-2013 To authorize the Director of the Department of Finance and Management to enter into a license agreement with Columbus Neighborhood Health (CNHC) for its occupancy of a portion of the Dental Clinic located at the Columbus Department of Health, 240 Parsons Avenue, and to declare an emergency.

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1804-2013 To authorize the Board of Health to enter into contract with AIDS Resource Center Ohio and Nationwide Children's Hospital for the provision of behavioral health services related to HIV/AIDS for the period August 1, 2013 through February 28, 2014 and to authorize the expenditure of \$555,129.00 from the Health Department Grants Fund to pay the costs thereof. (\$555,129.00)

A motion was made by Mills, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Abstained: 2 - Zachary Klein, and Priscilla Tyson

Affirmative: 5 - Hearcel Craig, A. Troy Miller, Michelle Mills, Eileen Paley, and Andrew Ginther

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

Abstained: 2 - Zachary Klein, and Priscilla Tyson

Affirmative: 5 - Hearcel Craig, A. Troy Miller, Michelle Mills, Eileen Paley, and Andrew Ginther

ADMINISTRATION: CRAIG, CHR. MILLER PALEY GINTHER

SR-30 1691-2013 To authorize and direct the Executive Director of the Civil Service Commission to modify and increase the contract with The Ohio State University for the administration of pre-employment physicals and cardiovascular stress testing of public safety recruits, and to authorize the expenditure of \$10,000 from the General Fund; and to declare an emergency (\$10,000.00).

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

RECESS

RECESSED AT 6:24 P.M.

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

RECONVENE

RECONVENED AT 8:10 PM

A motion was made by Craig, seconded by Paley, to Reconvene the Regular Meeting. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

DEVELOPMENT: KLEIN, CHR. TYSON CRAIG GINTHER

SR-31 1615-2013 To authorize and direct the City Auditor to transfer \$5,499,071.77 within the General Fund; to authorize and direct the City Auditor to appropriate and transfer \$1,374,767.94 in cash from the Special Income Tax Fund to the General Fund; to authorize and direct the City Auditor to make payments totaling \$5,499,071.77 in accordance with the Jobs Growth Incentive Program agreements; and to authorize the expenditure of \$5,499,071.77 from the General Fund. (\$5,499,071.77)

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

Abstained: 3 - Zachary Klein, A. Troy Miller, and Michelle Mills

Affirmative: 4 - Hearcel Craig, Eileen Paley, Priscilla Tyson, and Andrew Ginther

- SR-32 1750-2013** To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Agreement with Pillar Technology Group, Inc. as provided in Columbus City Council Resolution Number 0088X-2007, adopted June 4, 2007.
- A motion was made by Klein, seconded by Tyson, that this Ordinance be Approved. The motion carried by the following vote:**
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther
- SR-33 1768-2013** To authorize the Director of Development to enter into a Jobs Growth Incentive Agreement with Unique Leasing, Inc. and Reynolds Transportation, Inc. 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 \$1,770,000 and the creation of 43 new full-time permanent positions.
- A motion was made by Klein, seconded by Tyson, that this Ordinance be Approved. The motion carried by the following vote:**
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther
- SR-34 1820-2013** To renew and expand the Oak Street Community Reinvestment Area to authorize real property tax exemptions as established in the Ohio Revised Code; and to declare an emergency.
- A motion was made by Klein, seconded by Craig, that this Ordinance be Approved. The motion carried by the following vote:**
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther
- SR-35 1828-2013** To authorize the Director of the Department of Development to enter into an agreement with Wagenbrenner Development, Inc. to undertake the development of five units located at 361-369 East Eleventh Avenue as part of the Grant Commons rental housing project; to authorize the expenditure of \$250,000.00 from the 2013 Housing Preservation Fund; and to declare an emergency. (\$250,000.00)
- A motion was made by Klein, seconded by Craig, that this Ordinance be Approved. The motion carried by the following vote:**
- Affirmative:** 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther
- SR-36 1834-2013** To authorize the Director of the Department of Development to enter into a Jobs Growth Incentive with FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. equal to twenty-five percent (25%) of the amount of new income tax withheld on employees for a term of three (3) years in consideration of combined company investments of approximately \$332,500.00 related to leasehold improvements and the acquisition of machinery and equipment, furniture and fixtures, stand-alone computers, and

inventory, the retention of 64 existing positions, and the creation of 19 new full-time permanent positions; and to declare an emergency.

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SMALL & MINORITY BUSINESS DEVELOPMENT: MILLER, CHR. CRAIG TYSON GINTHER

SR-37 0187X-2013 To disapprove the attached Petition for the creation of the North Broadway Special Improvement District, the Articles of Incorporation, and the Initial Plan of Improvements and Services, including the estimate of cost of the improvements and services to be provided by the North Broadway Special Improvement District of Columbus, Inc., now on file with the Clerk of Columbus City Council; and to declare an emergency.

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

TECHNOLOGY: MILLER, CHR. KLEIN MILLS GINTHER

SR-38 1822-2013 To authorize the Director of the Department of Technology to enter into a contract with Micro Focus (US) Inc. to provide Cobol software licensing, and software maintenance and support services for one year; to waive the competitive bidding provisions of the Columbus City Code; and to authorize the expenditure of \$185,000.00 from the Department of Technology, Information Services Division, Internal Services Fund; and to declare an emergency. (\$185,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-39 1907-2013 To authorize Columbus City Council to enter into a contract with GovDelivery for the pilot deployment of a constituent communication system, to appropriate and expend \$8,000.00 from the Neighborhood Initiatives Fund, to waive the competitive bidding requirements of Chapter 329, Columbus City Codes, and to declare an emergency. (\$8,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

SR-40 1440-2013 To authorize the Director of Public Safety to waive the competitive bid provisions of the Columbus City code and modify and extend the current contract with Redflex Traffic Systems Inc., for an automated red light enforcement system for the Division of Police, Department of Public Safety; and to declare an emergency: (\$0.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-41 1775-2013 To authorize and direct the City Auditor to appropriate and transfer \$1,776,188.00 from the Special Income Tax Fund to the Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$1,776,188.00 within the Safety Voted Bond Fund; to authorize the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities; to authorize the expenditure of \$1,776,188.00 from the Safety Voted Bond Fund; and to declare an emergency. (\$1,776,188.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

CA-30 1800-2013 To authorize and direct the Director of Public Safety to pay prisoner medical bills to Grant/Riverside Methodist Hospitals, and to Mount Carmel Medical Center for the Division of Police, to authorize the expenditure of \$277,226.19 from the General Fund.; and to declare an emergency. (\$277,226.19)

A motion was made by Klein, seconded by Craig, that this Ordinance be Amended to 30 day. The motion carried by the following vote:

Abstained: 2 - A. Troy Miller, and Michelle Mills

Affirmative: 5 - Hearcel Craig, Zachary Klein, Eileen Paley, Priscilla Tyson, and Andrew Ginther

A motion was made by Klein, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Abstained: 1 - A. Troy Miller

Affirmative: 5 - Hearcel Craig, Zachary Klein, Eileen Paley, Priscilla Tyson, and Andrew Ginther

Negative: 1 - Michelle Mills

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

Abstained: 2 - A. Troy Miller, and Michelle Mills

Affirmative: 5 - Hearcel Craig, Zachary Klein, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

SR-42 1738-2013 To authorize and direct the City Auditor to appropriate and transfer \$935,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to modify an existing contract with IPS Group, Inc. by increasing the authorized expenditure amount, to provide single space parking meter mechanisms and components for the City's Parking Meter Program; to authorize the expenditure of up to \$935,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$935,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-43 1749-2013 To authorize and direct the City Auditor to appropriate and transfer \$1,000,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; 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 Curb Replacement - Citywide Curb Rehabilitation; to authorize the expenditure of up to \$1,000,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$1,000,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-44 1764-2013 To authorize and direct the City Auditor to appropriate and transfer \$1,000,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company, and to provide for the payment of construction administration and inspection services in connection with the ADA Curb Ramps - Repair project; to authorize

the expenditure of up to \$1,000,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$1,000,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-45 1785-2013

To authorize and direct the City Auditor to appropriate and transfer \$285,303.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to transfer \$285,303.00 between funds; to authorize the City Auditor to appropriate \$1,426,514.00 within the Fed-State Highway Engineering Fund; to authorize the Director of Public Service to modify a professional engineering service contract with Prime Engineering, Inc. for the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee project (also known as FRA-CR122-6.22 (PID 85017)); to authorize the expenditure of up to \$1,426,514.00 from the Fed-State Highway Engineering Fund for this contract; and to declare an emergency. (\$1,426,514.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-46 1805-2013

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer of cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into an agreement with the Mid Ohio Regional Planning Commission for the SR-161 Corridor Traffic Study project; to authorize the expenditure of up to \$25,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$25,000.00)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

PUBLIC UTILITIES: PALEY, CHR. CRAIG KLEIN GINTHER**SR-47 1447-2013**

To authorize the Director of Public Utilities to execute a construction contract with Beheler Excavating, Inc. for the Brentnell Avenue Area Water Line Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$2,375,054.28 within the Water Works Enlargement Voted Bonds Fund; and to amend the 2013 Capital Improvements Budget. (\$2,375,054.28)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-48 1736-2013 To authorize the Director of Public Utilities to execute a construction contract with K & W Roofing, Inc. for the Hap Cremean Water Plant Roof Restoration Project; for the Division of Water; to authorize a transfer and expenditure up to \$502,430.50 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; and to waive the provisions of competitive bidding. (\$502,430.50)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-49 1803-2013 To amend Ordinance 0842-2013, passed April 15, 2013, to add St. Stephen's Community House as the program provider of the ALPHA Minority Youth Engineering Program; and to declare an emergency.

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

Abstained: 1 - Michelle Mills

Affirmative: 6 - Hearcel Craig, Zachary Klein, A. Troy Miller, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-50 1858-2013 To authorize the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company, Inc., for the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund; to authorize the expenditure of \$2,326,754.60 from Sanitary Sewer General Obligation Bond Fund; to amend the 2013 Capital Improvements Budget; and declare an emergency. (\$2,326,754.60)

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1568-2013 To authorize the Director of Public Utilities to enter into a planned contract modification with Black and Veatch for professional construction management services for the OSIS Augmentation and Relief Sewer (OARS), Phase I and II Project for the Division of Sewerage and Drainage; to transfer within and expend up to \$7,626,798.97 from the Sanitary Sewer General Obligation Fund, to transfer within and expend up to \$1,216,574.03 from the Sanitary Sewer Revenue Bond Fund for a total expenditure of up to \$8,843,373.00, and to amend the 2013 Capital Improvements Budget;

and to amend the 2013 Capital Improvements Budget. (\$8,843,373.00)

A motion was made by Paley, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1585-2013 To authorize the Director of Public Utilities to execute a planned contract modification for professional engineering and design services with Chester Engineers, Inc. in connection with the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems; to transfer within and expend up to \$428,316.28 from the Sanitary Sewers Build America Bond Fund; and amend the 2013 Capital Improvements Budget. (\$428,316.28)

A motion was made by Paley, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1677-2013 To authorize the Director of Public Utilities to execute a planned contract modification with H.R. Gray-A Haskell Co. for the Wastewater Treatment Facilities Professional Construction Management Contract; to transfer within and expend of up to \$1,868,465.00 from the Sanitary Sewer General Obligation Fund for the Division of Sewerage and Drainage; and to amend the 2013 Capital Improvements Budget. (\$1,868,465.00)

A motion was made by Paley, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1692-2013 To authorize the Director of Public Utilities to execute a planned contract modification with Korda/Nemeth Engineering, Inc. for professional engineering services for the Merwin Hill Area Sewer

Assessment Project; to authorize the Director of Public Utilities to transfer within \$67,325.98 and expend up to \$85,581.44 from the Sanitary Sewer General Obligation Fund and to amend the 2013 Capital Improvements Budget.

A motion was made by Paley, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1705-2013 To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1; to transfer within \$1,487,100.00 and an expenditure of up to \$1,937,100.00 in funds from the Sanitary Sewer General Obligation Bond Fund; and amend the 2013 Capital Improvements Budget. (\$1,937,100.00)

A motion was made by Paley, seconded by Craig, to Waive the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

RULES & REFERENCE: GINTHER, CHR. PALEY KLEIN MILLS

SR-51 1294-2013 To amend various sections of Title 33, the Columbus Zoning Code, in order to repeal minor regulations regarding the size of any single, underground bulk storage tanks contained therein, in order to allow other statewide systems of regulation for the bulk storage of fuels and petroleum products to be applied without creating a conflict of codes.

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-52 1508-2013 To enact a new Chapter 3323 of the Columbus City Codes, 1959, entitled "East Franklinton District;" to repeal the East Franklinton Overlay and the portion of the West Broad Street/Franklinton Urban Commercial Overlay east of State Route 315; to establish an appeals

path to the Board of Commission Appeals, to appoint the initial membership of the East Franklinton Review Board; and to make other needed code changes in various sections of Title 33 and Title 41 in order to accommodate the new East Franklinton District.

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

SR-53 1873-2013

To amend existing Section 525.23 of the Columbus City Codes, 1959, in order to make an exemption for uniformed employees of the division of fire with regard to the solicitation of charitable contributions in the roadway.

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

ADJOURNMENT

ADJOURNED AT 8:47 PM

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

Affirmative: 7 - Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther



City of Columbus

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

Minutes - Final Zoning Committee

*A. Troy Miller, Chair
All Members*

Monday, July 22, 2013

6:30 PM

City Council Chambers, Rm 331

REGULAR MEETING NO. 43 OF CITY COUNCIL (ZONING), MONDAY, JULY 22, 2013 AT 6:30 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

Present 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew 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: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

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

1569-2013 To rezone certain portions of East Franklinton as defined herein to the EF, East Franklinton District (Rezoning # Z13-043).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

0345-2013 To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3333.12, AR-1 and AR-4 Area District Requirements; 3332.14, R-2F Area District Requirements; 3333.09, Area Requirements; 3333.22, Maximum Side Yard Required; 3333.23, Minimum Side Yard Permitted; 3333.24, Rear Yard; 3312.09, Aisle; 3312.13, Driveway; 3312.17, Parking Setback Line; 3312.21(B)(D), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking Space; and 3321.01, Dumpster Area, of the Columbus City Codes; for the property located at 362 EAST 11th AVENUE (43201), to conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment

buildings in the AR-4, Apartment Residential District and to declare an emergency (Council Variance # CV12-050).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1576-2013 To rezone 1424 CHESAPEAKE AVENUE (43212), being 0.34± acres located on the north side of Chesapeake Avenue, 915± feet west of North Star Road, From: R, Rural District, To: AR-1, Apartment Residential District and to declare an emergency (Rezoning # Z13-023).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1658-2013 To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at 1424 CHESAPEAKE AVENUE (43212), to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards and to declare an emergency (Council Variance # CV13-016).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1661-2013 To rezone 1155 BONHAM AVENUE (43211), being 0.24± acres located on the south side Bonham Avenue, at the southern terminus of Dolle Avenue, From: R-4, Residential District, To: M, Manufacturing District (Rezoning # Z12-030).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1674-2013 To rezone 3940 STELZER ROAD (43219), being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z13-004).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1681-2013 To rezone 1437 CHESAPEAKE AVENUE (43212), being 0.64± acres located on the south side of Chesapeake Avenue, 750± feet east of North Star Avenue, From: R, Rural District, To: AR-1, Apartment Residential District and to declare an emergency (Rezoning # Z13-013).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1704-2013 To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision

clearance; 3333.055, Exception for single- or two-family dwelling, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at 1437 CHESAPEAKE AVENUE (43212), to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards and to declare an emergency (Council Variance #CV13-007).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1735-2013 To rezone 930 BETHEL ROAD (43214), being 3.33± acres located on the north side of Bethel Road, 385± feet east of Postlewaite Road, From: L-C-2, Limited Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z13-032).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1752-2013 To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.29, Parking space; 3312.25, Maneuvering; 3332.05, District lot width requirements; 3333.18, Building lines; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1499 ELMWOOD AVENUE (43212), to permit two two-unit buildings on the same lot and two single-unit dwellings on the same lot with reduced development standards in the R-4, Residential District (Council Variance # CV13-010).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1779-2013 To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.39, Striping and marking; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property

located at 1616 HAWTHORNE PARK (43203), to permit an apartment hotel (a bed and breakfast) and a carriage house with reduced development standards in the R-3, Residential District (Council Variance # CV13-024).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1792-2013 To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; and 3312.43, Required surface for parking, of the Columbus City Codes; for the property located at 499 DERRER ROAD (43204), to allow indoor storage, and limited outdoor storage on a gravel surface, in conjunction with a contractor's office in the C-4, Commercial District, and to repeal Ordinance No. 1174-2005, passed on July 18, 2005 (Council Variance # CV12-051).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1819-2013 To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing District; 3363.24, Building Lines; 3309.14(A), Height Districts, 3312.03(D), Administrative Requirements, 3312.09, Aisle, 3312.13, Driveway, 3312.21, Landscaping and Screening, 3312.23, Maneuvering, 3312.27, Parking Setback line, 3312.29, Parking Space, 3312.39, Striping and Marking, 3321.43, Surface, 3312.49, Minimum Number of Parking Spaces Required, 3312.51, Minimum Number of Loading Spaces Required, 3321.01, Dumpster, 3321.03, Lighting, 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation; for the property located at 732 NORTH FOURTH STREET (43201), to permit residential uses, public and/or private parkland and open space, public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District and to repeal Ordinances 0284-01 and 1023-02, passed February 26, 2001 and July 8, 2002, respectively and to declare an emergency.

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1844-2013 To rezone 1454 CHESAPEAKE AVENUE (43212), being 0.82± acres located on the north and south sides of Chambers Road, 640± feet west of Northwest Boulevard, From: R, Rural District, To: AR-1, Apartment Residential District and to declare an emergency (Rezoning # Z13-021).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1845-2013 To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements, 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard and 3333.25 Side or rear yard obstruction of the Columbus City Codes, for the property located at 1454 CHESAPEAKE AVENUE (43212), to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards and to declare an emergency (Council Variance # CV13-015).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1831-2013 To rezone 1397 CHAMBERS ROAD (43212), being 0.96± acres located on the south side of Chambers Road, 480± feet west of Northwest Boulevard, From: R, Rural District, To: AR-1, Apartment Residential District and to declare an emergency (Rezoning # Z13-015).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1833-2013 To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements, 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted and 3333.24, Rear yard; of the Columbus City Codes, for the property located at 1397 CHAMBERS ROAD (43212), to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards and to declare an emergency (Council Variance # CV13-009).

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

1253-2013 To rezone 9440 SOUTH OLD STATE ROAD (43035), being 4.09± acres located on the west side of South Old State Road, 392± feet south of Erin Drive, From: R, Rural District, To: L-AR-12, Limited Apartment Residential District (Rezoning # Z13-001).

A motion was made by Miller, seconded by Paley, that this Ordinance be Taken from the Table. The motion carried by the following vote:

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 6 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, and Andrew Ginther

Negative: 1 - Priscilla Tyson

1704-2013 To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision clearance; 3333.055, Exception for single- or two-family dwelling, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at 1437 CHESAPEAKE AVENUE (43212), to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards and to declare an emergency (Council Variance #CV13-007).

A motion was made by Miller, seconded by Klein, that this Ordinance be Reconsidered. The motion carried by the following vote:

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

RECESS

RECESSED AT 7:56 PM

A motion was made by Miller, seconded by Craig, to Recess the Regular Meeting. The motion carried by the following vote:

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

RECONVENED

RECONVENED AT 8:10 PM

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther

ADJOURNMENT

ADJOURNED AT 8:10 PM

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

Affirmative: 7 - A. Troy Miller, Hearcel Craig, Zachary Klein, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew 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: 0174X-2013

Drafting Date: 7/8/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To recognize the 30th Annual National Night Out and commend its Columbus area sponsors and participants for their dedicated efforts in crime prevention and community building.

WHEREAS, the 30th Annual National Night Out is sponsored by the National Association of Town Watch and locally co-sponsored by the Columbus Division of Police; and

WHEREAS, the National Association of Town Watch established National Night Out, 'America's Night Out Against Crime,' in 1984; and

WHEREAS, National Night Out seeks to heighten awareness of crime, drugs and violence; generate support for and participation in local anticrime efforts; build neighborhood unity; and send a message to criminals that neighborhoods are organized and fighting back; and

WHEREAS, National Night Out brings together citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials in pursuit of this commendable mission; and

WHEREAS, celebrating National Night Out once a year helps residents get to know their neighbors, build community and come together against crime and drugs year-round; and

WHEREAS, in 2012, nearly 140 blockwatches, civic associations and community groups in Columbus celebrated National Night Out; and

WHEREAS, the Columbus Division of Police Community Liaison Section is deserving of special recognition for everything they do to make National Night Out a successful event in Columbus. National Night Out is only one example of their constant effort to serve the citizens of Columbus and to strengthen police-community partnerships; and

WHEREAS, Columbus, in solidarity with thousands of cities and communities from across the nation, will celebrate the 30th Annual National Night Out on August 6, 2013; now, therefore

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

That this Council does hereby recognize the 30th Annual National Night Out and thank its Columbus area sponsors and participants for their continued service and dedication to the Columbus community.

Legislation Number: 0175X-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Resolution

BACKGROUND: This resolution by the City of Columbus, Ohio (“City”), is to declare the City’s necessity and intent to appropriate fee simple title and lesser interests to real estate necessary for the City’s Department of Public Utilities, Division of Power and Water, South Well-field Expansion Raw Waterline Project (CIP 690359-100004) (“Project”).

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow for the acquisition of certain real property interests for the Project’s construction to proceed without delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the necessity and intent of the City of Columbus, Ohio, to appropriate fee simple title and lesser interests to real estate needed for the City of Columbus, Ohio, Department of Public Utilities, Division of Power and Water, South Well-field Expansion Raw Waterline Project (CIP 690359-100004); and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus, Ohio, Department of Public Utilities, Division of Power and Water (“City”), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the City’s South Well-field Expansion Raw Waterline Project (CIP 690359-100004) (“Project”);

WHEREAS, an emergency exists in the usual daily operation of the City, because it is immediately necessary to declare the City’s necessity and intent to appropriate fee simple title and lesser interests in the Project; so there will be no delay in this Project; and for the immediate preservation of the public peace, property, health, welfare, and safety; and **now, therefore:**

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

SECTION 1. Pursuant to the Charter of the City of Columbus, Ohio, Columbus City Revised Code, Chapter 909 (1959), Constitution of the State of Ohio, and Ohio Revised Code, Chapter 719, this Council declares the necessity and intent of the City of Columbus, Ohio, to appropriate fee simple title and lesser interests to the following listed parcels of real estate, which are more fully described in their associated exhibits and fully incorporated into this resolution, are necessary for the City of Columbus, Ohio, Department of Public Utilities, Division of Power and Water, South Well-field Expansion Raw Waterline Project (CIP 690359-100004):

<u>EXHIBIT</u>	<u>PROJECT PARCEL</u>
A	1-P
B	1-T
C	2-P1, P2
D	2-T
E	4-P
F	4-T1, T2
G	9-P
H	9-T

SECTION 2. The Columbus City Attorney is authorized to cause a written notice of this resolution’s adoption to be served upon the owners; persons in possession; or persons possessing a real or possible real

property interest of record in the parcels of real property described in this resolution, in the manner provided by law.

SECTION 3. For the reasons stated in the preamble, which are made a part of this resolution, this resolution is declared to be an emergency measure and takes effect and is in full force after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes this resolution.

Legislation Number: 0178X-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To honor and recognize the National Association of Women Business Owners (NAWBO) Columbus, Ohio, Chapter for advancing women entrepreneurs toward economic, social and political achievement.

WHEREAS, NAWBO Columbus was founded in 1996 by Marcia Swigart Hoyt to bring women business owners together to provide support and peer networking; and

WHEREAS, the organization helps women develop and grow strong and profitable businesses, build strategic alliances, coalitions and affiliations, transform public policy and influence opinion makers, and affect changes in the business culture; and

WHEREAS, *each year NAWBO Columbus honors one Central Ohio woman business owner who has achieved success with her business while making notable contributions to her community, her industry and to initiatives for other women in business;* and

WHEREAS, NAWBO Columbus hosts the Visionary Award Gala as a prestigious way to recognize and showcase the amazing women who not only own and operate businesses that are vital to Ohio's economy, but also find time and resources to identify needs and drive social change in their communities; *and*

WHEREAS, *the member accomplishments include WELD 2014 Twelve Women You Should Know honorees, Ernst and Young Entrepreneur of the Year, and being featured in The Metropreneur;* and

WHEREAS, the visionary women of NAWBO make Central Ohio better and stronger for all of us and propel women entrepreneurs into economic, social, and political spheres of power worldwide; now, therefore

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

That we hereby honor and recognize the National Association of Women Business Owners Columbus, Ohio, Chapter for advancing women entrepreneurs toward economic, social and political achievement.

Legislation Number: 0182X-2013

Drafting Date: 7/12/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To congratulate Jeni's Splendid Ice Cream for their 2013 Gold soft award and to celebrate their excellence in culinary innovation.

WHEREAS, Jeni Britton Bauer while working at La Chatelaine French Bakery and Bistro discovered a passion for the art and craft of made from scratch desserts and pastries, was inspired to open Jeni's Splendid Ice Creams in 2002 in the North Market and now operates 11 shops in Ohio and has expanded into Chicago, Atlanta and Nashville; and

WHEREAS, Jeni's Splendid Ice Cream revolutionary offerings are now available at more than 800 grocery stores coast to coast, winning national acclaim from leading food industry commentators; and

WHEREAS, Jeni's Splendid Ice Cream has been recognized by Time, Cooking Light, Saveur and Food & Wine as, "deadly delicious," "America's best," and finally, "No one makes ice cream like Jeni Britton Bauer;" and

WHEREAS, culinary inventions across America and around the globe were recognized in New York City by members of the Specialty Food Association with the soft, the specialty outstanding food innovation awards; and

WHEREAS, Jeni's was selected from 125 finalists by a national panel of specialty food professionals from 2,573 entries; and

WHEREAS, Jeni's Splendid Ice Cream received the 2013 Gold soft for Outstanding Product Line which included 4 ice cream flavors, 2 frozen yogurts, 4 ice cream sandwiches and 2 dessert sauces; and

WHEREAS, Jeni's Splendid Ice Cream has quickly become a Columbus icon serving as a culinary ambassador beyond the city limits of Columbus showcasing the fresh and local products made here in Ohio; and

WHEREAS, Jeni's is an exemplary woman owned business that gives back to the community as a founding member of Local Matters, a nonprofit that works to transform the food system through education and increased access to healthful, affordable and sustainable food; now, therefore

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

That this Council does hereby honor and recognize Jeni's Splendid Ice Cream for their 2013 Gold soft Award for Outstanding Product Line.

Legislation Number: 0183X-2013

Drafting Date: 7/12/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To commemorate Columbus Children's Theater on their 50th anniversary inspiring and enriching the lives of

children and families through live theatre and education.

WHEREAS, Sis Bloom and Edie Mae Herrell founded what today is known as Columbus Children’s Theater to offer classes in theatre and production for children throughout central Ohio in 1963; and

WHEREAS, Columbus Children’s Theatre since its inception has staged thousands of productions traveling the State of Ohio and abroad to serve as a cultural steward of the Columbus community; and

WHEREAS, the theatre education involves young people from diverse backgrounds to foster self-esteem and discovery by emphasizing discipline, integrity, team building and communication skills in a positive and creative environment; and

WHEREAS, The Child Writing Project was started in cooperation with Columbus City Schools and now serves students from around the state, encouraging young people to write scripts, songs, or poems; ultimately competing to see works mounted on a professional stage and shown throughout Ohio as part of the Columbus Children’s Theatre Professional Touring Company; and

WHEREAS, Columbus Children’s Theatre Academy provides exciting, fun and enriching classes focusing on theatre arts education for children and teens ages 3 through 18 by theatre professionals that gives individual attention and feedback while inspiring young performers; and

WHEREAS, Columbus Children’s Theater became the Resident Company of the newly renovated Lincoln Theater in 2009 performing *The Wizard of Oz*, which was the first major production in the Lincoln Theater; and

WHEREAS, the 50th anniversary Columbus Children’s Theatre will embark upon a strategic planning process setting the stage for the beginning of the next fifty years, includes plans to build a new state of the art theatre space; now, therefore

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

That this Council does hereby honor and recognize Columbus Children’s Theatre for 50 years of providing an invaluable cultural asset to our community and improving the quality of life for residents in central Ohio.

Legislation Number: 0185X-2013

Drafting Date: 7/17/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To honor, recognize, and celebrate the life of David Gary, and to extend our sincerest condolences to his family and friends on the occasion of his passing Tuesday, July 2, 2013.

WHEREAS, David Gary was born on May 28, 1939, in Brownsville, Pennsylvania, to Joseph and Marie Gary. Mr. Gary was a loving and committed husband, father of four, grandfather of six, and great grandfather of one; and

WHEREAS, Mr. Gary was a U.S. Air Force Veteran, a licensed funeral director and embalmer by trade. David is a graduate of Cincinnati College of Mortuary Science where he served as the class president. Mr. Gary went on to establish the David Gary Funeral home in Mansfield, Ohio, in 1971 and the Gary Memorial Chapel in Bexley, Ohio, in 1991; and

WHEREAS, Mr. Gary was a mentor to many Funeral Directors/Embalmers in the Mansfield, Cincinnati and Columbus, Ohio area. Mr. Gary's warmth, encouragement and civic leadership made him a prominent figure and a role model to many in his field; and

WHEREAS, Mr. Gary was a devoted and faithful member of Love Zion Baptist Church, where he served as an usher. Mr. Gary was a member of Merry Makers, Inc., and was a member of the African American Funeral Professionals of Central Ohio and served as Chaplain; and

WHEREAS, Mr. Gary will be greatly missed and remembered by his family, friends, and the Ohioans he proudly served. "For God so loved the world that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life." John 3:16 KJV; now, therefore

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

That we hereby honor, recognize, and celebrate the life and legacy of David Gary, and extend our sincerest condolences to his family and friends on the occasion of his passing Tuesday, July 2, 2013.

Legislation Number: 0186X-2013

Drafting Date: 7/17/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To commemorate the 9th Annual African American Male Wellness Walk and to honor its organizers, supporters, volunteers, and participants.

WHEREAS, Columbus City Council is honored to recognize occasions of outstanding significance; and

WHEREAS, it was recognized by John H. Gregory, that African American Males have been dying earlier and at a higher rate from preventable illnesses than any other ethnic group; and

WHEREAS, the African American Male Wellness Walk, AAMWW was founded in Columbus, Ohio by John H. Gregory in 2004 in response to a health crisis in the Urban Community; and

WHEREAS, The Five Mile Walk/Run continues to be a dramatic illustration of the importance of taking control of African American Male's Health and Wellness; and

WHEREAS, African American Male Health and Wellness has become a priority throughout the State of Ohio and since 2013 now includes walks in Akron, Dayton, Toledo, Warren and Youngstown; and

WHEREAS, The AAMWW is the largest urban health initiative of its kind in Central Ohio providing the largest numbers of Free Screenings of any event of its type; and

WHEREAS, this is the 9th Annual African American Male Wellness Walk; and

WHEREAS, The African American Male Wellness Walk will be held at Livingston Park on Saturday, August 10th, with the Five Mile Walk/Run stepping off at 9:00 a.m. opening with Free Screenings beginning at 7:00 a.m.; now, therefore

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

That this Council hereby commemorates John H. Gregory and the 9th Annual African American Male Wellness Walk and expresses our appreciation for its organizers, supporters, volunteers, and participants.

Legislation Number: 0188X-2013

Drafting Date: 7/22/2013

Current Status: Passed

Version: 1

Matter Type: Ceremonial Resolution

To honor, recognize, and thank Father Michael Watson for his years of service as co-chaplain of Columbus City Council, and to wish him well in his new duties as pastor of St. Mary Delaware.

WHEREAS, Bishop James A. Griffin appointed Father Watson pastor of St. Andrew Parish in November 2000; and

WHEREAS, a Central Ohio native, Father Watson was raised in Worthington and graduated from Bishop Watterson High School and The Ohio State University, then went on to serve at St. Mary's in German Village before his appointment to St. Andrew Parish; and

WHEREAS, while at St. Andrew, Father Watson initiated significant community-building events and activities within the parish, including the parish festival, a Parish Council, a Master Plan Committee which has led to a strategic plan for the parish, and the parish-wide RENEW program; and

WHEREAS, Father Watson has remained true in service to his alma maters, and was named Bishop Watterson's 2012 Eagle Auction Honoree, and has been fondly referred to by students as "Father Watterson"; and

WHEREAS, Father Watson is leaving St. Andrew to become the new pastor of St. Mary Delaware, which, despite the distance, is also affiliated with Bishop Watterson High School; and

WHEREAS, Father Watson's assignment to a larger parish presents challenges and opportunities, but among the most exciting is the chance to become a Bishop, as the parish property abuts the campus of the "Battling Bishops" of Ohio Wesleyan University; and

WHEREAS, unfortunately, Father Watson must forgo his post as co-chaplain of Council, though he will be welcomed back whenever he would like; and

WHEREAS, Father Watson has faithfully served his congregation and the residents of Columbus, and has dutifully served as Council co-chaplain in good times and bad; and

WHEREAS, Father Watson's dedication to and compassion for the least among us has always shined through in his service to Council; his blessings have been infused with a unique sense of humor that offers perspective in the face of weighty issues; and he has helped to humble us all in our service to the residents of Columbus; now, therefore

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

That this Council does hereby honor, recognize, and thank Father Michael Watson for his years of service as co-chaplain of Columbus City Council, and wishes him well in his new duties as pastor of St. Mary Delaware.

Legislation Number: 0345-2013

Drafting Date: 1/31/2013

Current Status: Passed

Version: 2

Matter Type: Ordinance

Council Variance Application: CV12-050

APPLICANT: Weinland Park Properties, LLC; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor, Columbus, OH 43215.

PROPOSED USE: To conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSISON RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Applicant proposes to rehabilitate 23 vacant, boarded residential buildings on the north and south side of East 11th Avenue between North Fourth Street and Grant Avenue for market rate housing. There is no change in the existing number of dwelling units. In conjunction with the building rehabilitation, applicant proposes to build new parking lots behind the buildings, accessed from public alleys to replace existing inadequate parking areas. The development project is a major investment in the E. 11th Avenue corridor which is identified as a redevelopment site in the *Weinland Park Neighborhood Plan* (2006) to create a new "Front Door" to the neighborhood. Because the site is in the New Indianola Historic District, buildings will be preserved with the building interiors brought up to current code requirements with the rehabilitation of all the buildings. Variances are included to conform existing conditions to current code requirements and also technical variances related to the design of parking across internal property lines for more efficient layout, while the intent of the code is maintained.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3333.12, AR-1 and AR-4 Area District Requirements; 3332.14, R-2F Area District Requirements; 3333.09, Area Requirements; 3333.22, Maximum Side Yard Required; 3333.23, Minimum Side Yard Permitted; 3333.24, Rear Yard; 3312.09, Aisle; 3312.13, Driveway; 3312.17, Parking Setback Line; 3312.21(B)(D), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking Space; and 3321.01, Dumpster Area, of the Columbus City Codes; for the property located at **362 EAST 11th AVENUE (43201)**, to conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District **and to declare an emergency** (Council Variance # CV12-050).

WHEREAS, by application No. CV12-050, the owner of property at **362 EAST 11th AVENUE (43201)**, is requesting a Council Variance to conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District; and

WHEREAS, 3356.03, C-4 Permitted Uses, does not permit buildings used exclusively for residential purposes or any ground level residential use, while the applicant proposes to conform the existing dwellings at 393-395 East 11th Avenue, 397-403 East 11th Avenue and 394-396 East 11th Avenue which were built prior to the C-4 zoning district but are exclusively used for residential purposes and contain four (4), four (4), and two (2)

dwelling units, respectively, in the C-4, Commercial District; and

WHEREAS, the site is within the University Planning Overlay (UPO), but applicability of the UPO is limited to changes of use and/or increases in habitable area of 200 sq. ft. or more, while neither is occurring with rehabilitation of the existing buildings with the number of dwelling units in each building remaining the same as the use of record and no increase in habitable area, so certain citations, like required lot area/dwelling unit, reducing the width of parking spaces to 8.5' and 8' and parking lot screening, are necessary, even though the UPO only requires lot area of 700 sq. ft./dwelling unit, permits 8' wide parking spaces and doesn't require parking lot screening in the AR, Apartment Residential District when the UPO applies; and

WHEREAS, 3333.12, AR-1 and AR-4 Area District Requirements, requires 1,200 square feet of lot area per dwelling unit, other than corner lots, while 1500-1502 North Fifth Street is an existing four (4) unit dwelling on a 4,226 +/- sq. ft. lot, thereby providing 1,050 +/- sq. ft. of lot area per dwelling unit; and

WHEREAS, 3332.14, R-2F Area District Requirements, establishes area requirements for a two (2) unit dwelling in the AR-4, Apartment Residential District on a lot that was separately owned and of record on January 14, 1959 as 6,000 square feet, while the applicant proposes to maintain existing lot sizes at 312-314 E. 11th Avenue, 360-362 E. 11th Avenue, 366-366 ½ E. 11th Avenue and 379 E. 11th Avenue which are all developed with two (2) family dwellings and have lot areas of 5,416 sq. ft., 5,317 sq. ft., 5,306 sq. ft. and 3,740 sq. ft., respectively; and

WHEREAS, 3333.09, Area Requirements, requires a lot of no less than 50 feet in width, while the applicant proposes to maintain lot widths at 305 E. 11th Avenue, 309-311 E. 11th Avenue, 337-339 E. 11th Avenue, 379 E. 11th Avenue, 383-385 E. 11th Avenue, 387-389 E. 11th Avenue, 366-366 ½ E. 11th Avenue, 360-362 E. 11th Avenue, 338-340 E. 11th Avenue, 318 E. 11th Avenue and 312-314 to be E. 11th Avenue which are 40 foot wide lots except 379 E. 11th Avenue, which is a 27 foot wide lot; and;

WHEREAS, 3333.22, Maximum Side Yard Required, requires 20% of the lot width to be provided in total side yard, while the applicant proposes to maintain existing total side yards of less than 20% on the parcels; and

WHEREAS, 3333.23, Minimum Side Yard Permitted, requires a five (5) foot minimum side yard, the applicant proposes to maintain existing lots which have less than five (5) feet side yard; and

WHEREAS, 3333.24, Rear Yard, requires at least 25% of lot area behind the rear facing plane of a principal building to be open from grade to sky, while the applicant proposes parking lots that will occupy required rear yard area; and

WHEREAS, 3312.09, Aisle, requires a minimum twenty (20) foot wide aisle for 90 degree parking spaces, while applicant proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain aisles will be divided by existing property lines, thereby creating aisles on each side of a property line that are less than twenty (20) feet, as well as certain parking spaces will be configured in a stacked arrangement, while the overall aisle width will meet or exceed twenty (20) feet and easements as applicable will be provided for the aisle to function as a single aisle divided by a property line and stacked spaces will be assigned in pairs to the same dwelling unit; and

WHEREAS, 3312.13, Driveway, requires a minimum twenty (20) foot wide driveway, while applicant proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain driveways will be divided by existing property lines, thereby creating driveways divided by property lines with

each part of the driveway less than twenty (20) feet wide, while the overall driveway width will meet or exceed twenty (20) feet and easements as applicable will be provided for each driveway to function as a single driveway even though divided by a property line; and

WHEREAS, 3312.17, Parking Setback Line, requires a minimum parking setback line of ten (10) feet regardless of permitted calculated building setback, while applicant proposes a parking lot at 361-369 East 11th Avenue that is behind the established building setback (2') on North Sixth Street, but five (5) feet from the North Sixth Avenue right of way and a parking lot at 397-403 E. 11th Avenue where the building setback along Grant Avenue is zero (0) and applicant proposes a parking setback of zero (0); and

WHEREAS, Section 3312.21 (B)(D), Landscaping and screening, requires screening for parking lots that are within eighty (80) feet of residentially-zoned property headlight screening along a public street, while the applicant proposes parking lots are within 80 feet of residentially zoned property that will not be screened to code but will be screened as depicted on the Site Plan, and applicant proposes to develop expanded parking from what presently exists at 397-403 E. 11th Avenue on the Grant Avenue frontage of the corner lot, no screening presently exists, pavement is required to the property line for the design of the parking lot and, with permission of the Public Service Department during the Site Compliance Plan process, applicant will provide headlight screening (landscaping) in the Grant Avenue right of way; and

WHEREAS, 3312.25, Maneuvering, requires minimum twenty (20) feet of maneuvering area for 90 degree parking spaces, while applicant proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain maneuvering areas will be divided by existing property lines, thereby creating maneuvering area on each side of a property line that is less than twenty (20) feet and applicant while the overall maneuvering area will meet or exceed twenty (20) feet and easements as applicable will be provided for the maneuvering area to function as a single maneuvering area divided by a property line; and

WHEREAS, 3312.29, Parking Space, requires 90 degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes certain 8 foot wide parking spaces, as otherwise permitted by the University Planning Overlay, and also proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain new parking spaces will be divided by existing property lines, thereby creating part of a parking space on each side of an existing property line, while the overall parking space will meet or exceed the required dimensions and easements as applicable will be provided for the divided parking spaces to function as single parking spaces divided by a property line; and

WHEREAS, 3321.01, Dumpster Area, treats a dumpster box as a structure, while the location of certain dumpster boxes may be across existing property lines and, for purposes of locating dumpster boxes, property lines will be disregarded and no parcel combination shall be required; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, City Departments recommend approval because applicant proposes a major investment in the E. 11th Avenue corridor by rehabilitating 23 vacant, boarded buildings and the site is identified as a redevelopment site in the *Weinland Park Neighborhood Plan* (2006) to create a new "Front Door" 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 owners of the property located at **362 EAST 11th AVENUE (43201)**, 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 3356.03, C-4 Permitted Uses; 3333.12, AR-1 and AR-4 Area District Requirements; 3332.14, R-2F Area District Requirements; 3333.09, Area Requirements; 3333.22, Maximum Side Yard Required; 3333.23, Minimum Side Yard Permitted; 3333.24, Rear Yard; 3312.09, Aisle; 3312.13, Driveway; 3312.17, Parking Setback Line; 3312.21 (B)(D), Landscaping and Screening; 3312.25, Maneuvering; 3312.29, Parking Space; and 3321.01, Dumpster Area, of the Columbus City Codes, is hereby granted for the property located at **362 EAST 11th AVENUE (43201)**, insofar as said sections prohibit three (3) dwellings in the C-4, Commercial District; reduction of required lot area from 1,200 sq. ft./dwelling unit to 1,050 +/- sq. ft./dwelling unit for 1500-1502 North Fifth Street; reduction of required lot area of 6,000 sq. ft. (3,000 sq. ft./dwelling unit) to 5,416 sq. ft. +/-, 5,317 sq. ft. +/-, 5,306 sq. ft. +/- and 3,740 +/- sq. ft. for 312-314 E. 11th Avenue, 360-362 E. 11th Avenue, 366-366 ½ E. 11th Avenue and 379 E. 11th Avenue, respectively; reduction of required minimum lot width from 50 feet to existing lot (parcel) widths, including existing 42', 41', 40' and 27', as shown on the Site Plan; reduce maximum side yards; permit existing minimum side yards of less than five (5) feet; permit parking lots to occupy required rear yard; permit aisles to be divided by property lines subject to total aisle width being a minimum of 20 feet; permit a driveways to be divided by property lines subject to total driveway width being a minimum of 20 feet; to reduce the minimum required parking setback from ten (10) feet to five (5) feet for the North Sixth Street frontage of 361-369 E. 11th Avenue and to zero (0) feet for the Grant Avenue frontage of 397-403 E. 11th Avenue; no parking lot screening within 80 feet of residential districts except as noted on the Site Plan referenced in Section 4 and no headlight screening along the Grant Avenue frontage of 397-403 E. 11th Avenue; to permit parking space maneuvering area to be divided by a property lines subject to total maneuvering area being a minimum of 20 feet; to permit certain parking spaces to be 8' and 8.5 feet wide as designated on the Site Plan, and to permit property lines to divide parking spaces subject to the total parking space being the full required dimensions; to permit dumpster boxes to be placed across property lines, in the C-4, Commercial and AR-4, Apartment Residential Districts; said property being more particularly described as follows:

362 EAST 11th (43201), being 3.9 ± acres located on the north and south side of East 11th Avenue between North Fourth Street and Grant Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio: Being Lot or Parcel Number Thirty (30) in New Indianola Parcels as the same is numbered and delineated upon the Auditor's Plat (not recorded) on file in Auditor's Office, Franklin County, Ohio: And being more particularly bounded and described as follows:

Being at a point in the North line of East Eleventh Avenue, which is 560 feet East of the East line of North Fourth Street; thence Northerly parallel with the East line of North Fourth Street, 132.65 feet to the South line of a 15 foot Alley; thence Easterly along the South line of said Alley Forty (40) feet to a point; thence Southerly parallel with the East line North Fourth Street, 132.39 feet to the North line of East Eleventh Avenue; thence Westerly along said North line of East Eleventh Avenue Forty (40) feet to the point of beginning. Being known as 370 E. 11th Avenue, Columbus, Ohio 43201, PID: 010-003051

Situated in the County of Franklin, the State of Ohio and the City of Columbus and bounded and described as follows: Being Lot No. 11 and 30.75 feet off the west end of Lot No. 12 of New Indianola Addition as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, and also being known as 351-357 East 11th Avenue. Parcel No.: 010-018193.

Situated in the County of Franklin, the State of Ohio and the City of Columbus and bounded and described as follows: Being Lot No. 25 as the same is numbered and delineated in New Indianola Parcels, in the City of Columbus, Ohio, the same as is shown upon the recorded plat of said subdivision on file in the Auditors' Office of Franklin County, Ohio, and also known as 394-396 East 11th Avenue. Parcel No.: 010-030539.

Situated in the State of Ohio, County of Franklin, and the City of Columbus, and being Lot Number 3 in New Indianola Addition to the said City of Columbus, Ohio as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 305 E 11th Avenue, Parcel No.: 010-014444.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus and bounded and described as follows: Being Lot or Parcel Numbers 28, 29, and 9.50 feet of the west side of Lot or Parcel no. 27 of New Indianola Parcels as the same are numbered and delineated upon the Auditor's Plat thereof, not recorded, on file in the Auditor's Office, Franklin County, Ohio, and also being known as 374-382 East 11th Avenue. Parcel No.: 010-053429.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus and bounded and described as follows: Being Lot Numbers 6 and 7 except 63 feet off of the north ends thereof, of the New Indianola Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, and also being known as 1499-1505 North 5th Street. Parcel No.: 010-024505.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus and being parts of Lot Numbers 8 and 9 of New Indianola Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin in the southwest corner of Lot No. 8 of the above mentioned subdivision, said iron pin also being in the intersection of the east right-of-way of North 5th Street with the north right-of-way of a 15.00 foot alley;

Thence North with the east right-of-way line of North 5th Street, a distance of 54.90 feet to an iron pin, said iron pin being 82.00 feet south of the south right-of-way line of East 11th Avenue;

Thence East, a distance of 77.00 feet to an iron pin, said iron pin being in the east line of Lot No. 9 of the above-mentioned subdivision, a distance of 82.00 feet south of the south right-of-way line of East 11th Avenue;

Thence South with the east line of Lot No. 9, a distance of 54.90 feet to an iron pin in the southeast corner of Lot No. 9 and the north line of a 15.00 foot alley;

Thence with the north right-of-way line of said 15.00 foot alley, West, a distance of 77.00 feet to the place of

beginning, containing 4227.30 square feet or 0.09704 acres, more or less. Also known as 1500-1502 North 5th Street. Parcel No.: 010-047770.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus, and being Parcel No. 31 as the same is numbered and designated in New Indianola Parcels in said City of Columbus, as the same is shown upon the recorded plat of said subdivision on file in the Auditor's Office, Franklin County, Ohio, and also known as 366 East 11th Avenue. Parcel No.: 010-003052.

Situated in City of Columbus, County of Franklin, State of Ohio, and being Parcel Number Thirty-two (32) of New Indianola Parcels, as the said Lot is numbered and delineated upon the Auditor's Plat (not recorded) Franklin County, Ohio. Also known as 360-362 East 11th Avenue. Parcel No.: 010-003053.

Situated in the County of Franklin, City of Columbus, State of Ohio, and being Parcel No. 26 and 30.5 feet off the east side of Lot No. 27, as the same are numbered and designed in the New Indianola Parcels in the City of Columbus, as the same is shown upon the recorded plat of said Subdivision on file in the Auditor's Office, Franklin County, Ohio. Also known as 386-392 East 11th Avenue. Parcel No.: 010-053428.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Parcel Numbers 40 and 41 as the same are numbered in Indianola Parcels in the City of Columbus, the same as is shown upon the unrecorded plat of said Subdivision on file in the Auditor's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin in the Southwest corner of Lot 41 of the above-mentioned Subdivision, said point being in the North right-of-way line of East 11th Avenue and also being 120.00 feet East of the East right-of-way line of North 4th Street;

Thence North, a distance of 135.69 feet to an iron pin in the South line of a 15 foot alley;

Thence with said alley right-of-way South 89 deg. 36' 56" East, a distance of 80.002 feet to a railroad spike;

Thence South, a distance of 135.13 feet to an iron pin in the North right-of-way of East 11th Avenue;

Thence West with said right-of-way, a distance of 80.00 feet to the place of beginning, containing 10832.80 sq. ft. or 2487 acres, more or less.

Also known as 312-314 East 11th Avenue and 318 East 11th Avenue. Parcel Nos.: 010-018591 and 010-024454.

Situated in the City of Columbus, County of Franklin, State of Ohio and being eight and one-fourth (8 ¼) feet off the East side of Lot Number Twelve (12), all of Lot Numbers Thirteen (13) and Fourteen (14) of New Indianola Addition, to the City of Columbus, as said Lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 12, Page 35, Recorder's Office, Franklin County, Ohio. Also being known as 361-369 East 11th Avenue. Parcel No: 010-043486.

Situated in the State of Ohio, County of Franklin, City of Columbus and being Lot Numbers 33, 34 and 35 of the NEW INDIANOLA parcels as said lots are numbered and delineated upon the Auditor's Plat on file in the Auditor's Office, Franklin County, Ohio. Also being known as 343-354 East 11th Avenue. Parcel No: 010-002602.

Situated in the City of Columbus, State of Ohio, being part of Lots 8, and 9 of New Indianola Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 337-339 East 11th Avenue and being more particularly described as follows:

Beginning at the northwest corner of said Lot Number 8; thence southerly along the west line of said Lot Number 8, 82 feet to a point; then easterly and parallel with the north line of Lot Numbers 8 and 9, 47 feet to a point; thence northerly and parallel with the west line of said Lot Number 9, 82 feet to the north line of said

Lot Number 9; thence westerly along the north line of Lot Numbers 8 and 9, 47 feet to the place of beginning. Also known as 337 - 339 E Eleventh Avenue, being Parcel Number 010-063819.

Situated in the State of Ohio, County of Franklin, City of Columbus and being Lot Number Ten (10) and part of Lot Number Nine (9) of the NEW INDIANOLA ADDITION to the City of Columbus, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at the northeast corner of Lot No. 10, thence west along the north line of Lots Nos. 9 and 10, to a point 30 feet west of the northeast corner of Lot No. 9, 82 feet; thence east on a line parallel with the north line of Lot No. 9, 30 feet to the east line of Lot No. 9; thence south on the east line of Lot No. 9; thence south on the east line of Lot No. 9, 55.34 feet to the southeast corner of said lot; thence east on the south line of Lot No. 10 to the southeast corner thereof; thence north on the east line of said Lot No. 10, 137.56 feet to the place of beginning. Also know as 341-345 E 11th Avenue, Parcel Number 010-047771.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Number 36 of the New Indianola Parcels as the same is numbered and delineated upon the record plat of said addition on file in the Auditor's Office, of Franklin County, Ohio. Also known as 338-340 East 11th Avenue. Parcel No.: 010-24606.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Number 15 and part of Lot Number 16 of the New Indianola Addition as the same are numbered and delineated upon the recorded plat thereof, or record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, being also known as 379-385 ½ East 11th Avenue, being more particularly described as follows:

Beginning at an iron pin in the southerly right-of-way of East 11th Avenue and the easterly right-of-way of 6th Street at the northwest corner of Lot Number 15;

Thence North 89 deg. 56' 16" East with the southerly right-of-way of East 11th Avenue and the north line of Lot Number 15 and Lot Number 16, a distance of 69 feet to a cross mark in the sidewalk 6 feet west of the northeast corner of Lot Number 16;

Thence South on a line parallel to the east line of Lot Number 16 and 6 feet west of the east line of Lot Number 16, a distance of 138.90 feet to an iron pin in the southerly line of Lot Number 16 and the northerly right-of-way of a 15 foot alley;

Thence North 89 deg. 56' 16" West with the northerly right-of-way of said alley, a distance of 69 feet to an iron pin at the southwest corner of Lot Number 15 at the intersection of the easterly right-of-way of 6th Street and the northerly right-of-way of said alley;

Thence North with the easterly right-of-way of 6th Street and the westerly line of Lot Number 15, a distance of 138.75 feet to the place of beginning, containing 0.220 acres (9578.9 sq. ft.), more or less. Parcel Nos.: 010-063695 and 010-063712.

Situated in the City of Columbus, County of Franklin, State of Ohio and being six (6) feet off the East Side of Lot Number Sixteen (16) and all of Lot Number Seventeen (17) of New Indianola Addition to said City, as the same are numbered and delineated upon the recorded plat thereof or record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, EXCEPTING from the above described Lot Number Seventeen (17) and a piece of land six (6) feet east and west and ten (10) feet north and south out of the southeast corner thereof, ALSO EXCEPTING three (3) feet off of the east side of said Lot Number 17. Also known as 387-389 ½ East 11th. Parcel No: 010-24508.

Situated in the City of Columbus, County of Franklin, State of Ohio and being Lot Number Eighteen (18) of New Indianola Addition to said City, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, together with a strip six (6) six feet east and west and ten (10) feet north and south out of the southwest corner thereof, together with a strip

three (3) feet wide taken off the entire east side excepting the south ten (10) feet of Lot Number Seventeen (17) of said New Indianola Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 393-395 ½ East 11th Avenue. Parcel No: 010-024509.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Numbers 19 and 20 of New Indianola Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 397-403 East 11th Avenue. Parcel Number: 010-024510.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Number Four (4) in New Indianola Addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 309-311 East 11th Avenue, Parcel No.: 010-018590.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lots Numbered Five (5) and the North 63 feet of Lots Six (6) and Seven (7) in New Indianola Addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 315 - 327 East 11th Avenue, Parcel No.: 010-024504.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a total of 90 dwelling units and accessory parking or those uses permitted in the C-4 and AR-4, Apartment Residential Districts.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**WEINLAND PARK, E. 11TH AVENUE,**" drawn by Architectural Alliance, dated June 13, 2013 and signed June 13, 2013 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 applicant installing a 3' tall wood fence or other 75% opaque screen along the Grant Avenue property line of 397-403 E. 11th Avenue if the Public Service Department does not grant permission to place landscaping for headlight screening in the Grant Avenue right of way.

SECTION 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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.**

Drafting Date: 3/8/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

The Division of Planning and Operations is engaged in the Alley Rehabilitation - Miscellaneous project for the rehabilitation of City Alleys. As part of this project, Division of Planning and Operations Crews will perform work such as clearing, surface grading and leveling, drainage improvements and selective repaving.

The rehabilitation of these alleys requires several commodities. These commodities include asphalt emulsion, asphalt concrete, and limestone and gravel aggregates. The Purchasing Office has solicited formal competitive bids for the purchase of these commodities and have established universal term contracts (UTC). Some commodity contracts are in the process of being established, but it is necessary to secure funding for these commodities as soon as possible to start the alley rehabilitation project on time.

This legislation authorizes the expenditure of \$383,200.00 for the purchase of Asphalt Emulsion per the terms and conditions of the established UTC (SA004724/FL005448), Asphalt Concrete per terms and conditions of an established UTC (SA004716/FL005454), and Limestone and Gravel Aggregates per the terms and conditions of an established UTC (SA004747/FL005553).

2. CONTRACT COMPLIANCE:

Phillips Oil Co. of Central Ohio Inc. contract compliance number is 208200717 and expires 11/08/13

Shelly Materials, Inc. contract compliance number is 311574851 and expires 12/14/2013.

Kokosing Materials contract compliance number is 310980603 and expires 11/18/2013.

3. FISCAL IMPACT

Funds for this alley work are budgeted within the 2013 Capital Improvement Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$383,200.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency legislation is requested to have funding available for this project so materials purchases can be made at the earliest possible time to maintain project schedule.

To authorize and direct the City Auditor to appropriate and transfer \$383,200.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Finance and Management to establish purchase orders for the purchase of Asphalt Emulsion, Asphalt Concrete and Limestone and Gravel Aggregates per the terms of conditions of current UTCs to be used for the Alley Rehabilitation - Miscellaneous Project for the Division of Planning and Operations; to authorize the expenditure of \$383,200.00 from the Streets and Highways G.O. Bonds Fund for purchase of these materials, and to declare an emergency. (\$383,200.00)

WHEREAS, the Division of Planning and Operations is engaged in a project to rehabilitate City Alleys; and

WHEREAS, it is necessary to purchase Asphalt Emulsion, Asphalt Concrete, and Limestone and Gravel Aggregates to be used for this project; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$383,200.00; 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, this ordinance authorizes the Director of Finance and Management to establish purchase orders per the terms and conditions of existing or soon to be existing UTCs for asphalt emulsion, limestone and gravel aggregates, and asphalt concrete; 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 establish funding for the purchase of these materials to make them available for this project this construction season, 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. The sum of \$383,200.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6600 / 740404 / \$383,200.00

SECTION 3. That the Director of Finance and Management be and hereby is authorized to establish purchase orders totaling \$520,000.00 per the terms and conditions of existing or soon to be existing UTCs for Asphalt Emulsion, Asphalt concrete, and Limestone for the Alley Rehabilitation Project for the Division of Planning and Operations.

1. Asphalt Emulsions

\$200,200.00

Phillips Oil Company of Central Ohio Inc.
1877 McKinley Ave.
Columbus, OH 43222
FL005448 (SA004724)

2. Various Asphalt Concretes

\$57,000.00

Kokosing Materials
P.O. Box 334
Fredricktown, OH 43019
FL005454 (SA004716)

Shelly Materials, Inc.
1771 Harmon Avenue
Columbus, OH 43223
FL005453 (SA004716)

3. Limestone and Gravel Aggregates

\$126,000.00

Shelly Materials, Inc.
1771 Harmon Avenue
Columbus, OH 43223
FL005553 (SA004747)

Total UTC Expenditure: \$383,200.00

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$383,200.00 (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 7. That the expenditure of \$383,200.00 be and hereby is authorized as follows from the Streets and Highways G.O. Bonds Fund, Fund 704, Dept.-Div. 59-11, Division of Planning and Operations, to pay the cost thereof.

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

704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6621 / 740404 / \$383,200.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1108-2013

Drafting Date: 4/29/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

The Department of Public Utilities entered into a contract with Resource International, Inc. to provide Oracle WAM Database and System Administration Services for the Department of Public Utilities. The project scope entails administration of the Department of Public Utilities' "Work and Asset Management (WAM)" system with a full enterprise license. The goal is to leverage the Department's mission critical data and systems in order to empower them to provide service to their customers that are more proactive, transparent, and data driven. The consultant will provide database administration and system administration duties, and facilitate performance tracking and reporting. This contract is the result of a Request for Proposal received on January 28, 2011. The original contract covers a five-year period with each phase subject to review and approval by the City Council, the Mayor, and the Auditor's certification of funds.

This is the second modification of the contract and will add funding in 2013 and fund Phase 3 as defined in the original proposal. All terms and conditions of the original agreement remain in full force and effect.

SUPPLIER: Resource International, Inc. 31-0669793, expires May 23, 2014
Resource International, Inc. holds FBE status.

1. Amount of additional funds: The amount of additional funds needed for Phase 3 is \$250,000.00. The original contract ("Phase 1") was established for \$300,000.00. The first modification of contract ("Phase 2") was established for \$154,460.00. This modification would ADD \$250,000.00 to the contract total cost of \$704,460.00. The need for increased funding is to cover anticipated contract billings from December 1, 2013 through November 30, 2014.

2. Reason additional needs were not foreseen: The need for additional funds was foreseen and is outlined in the original agreement and identified as Phase 3. This legislation is to encumber the funds required for Phase 3.

3. Reason other procurement processes not used: The same exact service is required as originally proposed. 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: \$250,000.00 is needed and budgeted for this service.

The following amounts were encumbered for similar services:

2012: \$69,352.54 Division of Power and Water; \$85,107.46 Division of Sewerage and Drainage

2011: \$134,700.00 Division of Power and Water; \$165,300.00 Division of Sewerage and Drainage

To authorize the Director of Public Utilities to enter into a planned modification with Resource International, Inc. for Oracle WAM Database and System Administration Services for the Department of Public Utilities, to authorize the expenditure of \$15,250.00 from the Electricity Operating Fund, \$97,000.00 from the Water Operating Fund, \$108,750.00 from the Sewer System Operating Fund and \$29,000.00 from the Stormwater Operating Fund (\$250,000.00).

WHEREAS, the Department of Public Utilities has a contract with Resource International, Inc., for Oracle WAM Database and System Administration Services, and

WHEREAS, a need exists to provide administration of the Department's "Work and Asset Management (WAM)" system with a full enterprise license, with the goal to leverage the Department's mission critical data and systems in order to empower them to provide service to their customers that are more proactive, transparent, and data driven. The consultant will provide database administration and system administration duties, and facilitate performance tracking and reporting, and

WHEREAS, the vendor has agreed to provide these additional services as part of the Phase 3 modification as outlined under the terms of the original contract; **NOW, THEREFORE**

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

SECTION 1. That the Public Utilities Director be and is hereby authorized and directed to modify and increase EL013664 in order to implement this modification with Resource International, Inc. Total amount of modification #2 is ADD \$250,000.00. Total contract amount including all modifications is \$704,460.00.

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

SECTION 3. That the expenditure of \$250,000.00 or so much thereof as may be needed, be and the same hereby is authorized as follows:

Fund No. 550-Electricity

OCA 600023
Object Level 1: 03
Object Level 03: 3336
Amount: \$15,250.00

Fund No. 600-Water

OCA 600049
Object Level 1: 03
Object Level 03: 3336
Amount: \$97,000.00

Fund No. 650-Sewers

OCA 600056
Object Level 1: 03

Object Level 03: 3336
Amount: \$108,750.00

Fund No. 675-Stormwater

OCA 600065
Object Level 1: 03
Object Level 03: 3336
Amount: \$29,000.00

TOTAL: \$250,000.00

SECTION 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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

Legislation Number: 1253-2013

Drafting Date: 5/15/2013

Current Status: Passed

Version: 2

Matter Type: Ordinance

Rezoning Application Z13-001

APPLICANT: Tom Bell Properties; c/o Michael T. Shannon, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Disapproval (1-4) on April 11, 2013.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested L-AR-12, Limited Apartment Residential District will allow a ~~44~~ **38**-unit apartment complex. The plan and limitation text include development standards in consideration of the adjacent residential development. The site is located within Subarea J5 of *The Far North Plan* (1994), which is currently undergoing update. Current recommendations include supporting a mixture of single- and multi-unit residential development as the most appropriate land use for the subarea. Additional provisions include preserving the wooded land that is located in the subarea, and projects fitting the scale of the community. The Planning Division supports the use and proposed density of the project, but does not feel that enough emphasis has been given to the tree stand in the western portion of the site. The Zoning Staff believes that the 0.8-acre perimeter yard area dedicated to tree preservation is sufficient, and will also aid in buffering and screening the adjacent single-unit residential development to the north. Staff has determined that this proposal complies with the recommendations of *The Far North Plan*.

To rezone **9440 SOUTH OLD STATE ROAD (43035)**, being 4.09± acres located on the west side of South Old State Road, 392± feet south of Erin Drive, **From:** R, Rural District, **To:** L-AR-12, Limited Apartment Residential District (Rezoning # Z13-001).

WHEREAS, application #Z13-001 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.09± acres from R, Rural District, to L-AR-12, Limited Apartment Residential District; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that this development will contain safe pedestrian means (texturized pavement, stripping, and/or signage) provided at key points within the development where pedestrians encounter cars; and

WHEREAS, the Development Commission recommends disapproval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested L-AR-12, Limited Apartment Residential District commits to a site plan and limitation text that include development standards in consideration of the adjacent residential development, and incorporates tree preservation. Staff has determined that this proposal complies with the recommendations of *The Far North Plan*; 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:

9440 SOUTH OLD STATE ROAD (43035), being 4.09± acres located on the west side of South Old State Road, 392± feet south of Erin Drive, and being more particularly described as follows:

DESCRIPTION OF A 4.089 ACRE TRACT
LYING WEST OF SOUTH OLD STATE ROAD
AND SOUTH OF SANVILLE DRIVE

Situated in the State of Ohio, County of Delaware City of Columbus, lying in Farm Lot 2, Quarter Township 3, Township 3, Range 18, United States Military Lands, and being part of the original 4.257 acre tract of land (Parcel Number 31834402001000) conveyed as Parcel One to Karen E. Helmlinger, of record in Deed Book 490, Page 599 and Official Record 4, Page 478, and part of the original 1.243 acre tract of land (Parcel Number 31834402002000) conveyed as Parcel Two to Karen E. Helmlinger, of record in Deed Book 490, Page 599 and Official Record 4, Page 478, records of the Recorder's Office, Delaware County, Ohio and being bounded and more particularly described as follows:

Beginning for reference at an iron pin set at the common corner of said original 4.257 acre tract and Lot 4 of WYNSTONE VILLAGE, of record in Plat Cabinet 3, Page 235 and in the easterly line of the tract of land conveyed to New York Central Lines of record in Deed Book 671, Page 206, said iron pin set being referenced by a ½ inch iron pin found North 89° 58' 23" West, a distance of 0.95';

Thence South 89° 58' 23" East, a distance of 395.79 feet, along the line common to said 4.257 acre tract and WYNSTONE VILLAGE, to an iron pin set at the POINT OF TRUE BEGINNING;

Thence South 89° 58' 23" East, a distance of 1296.14 feet, passing a ¾inch iron pin found at a distance of 1285.86 feet, along the line common to said 4.257 acre tract and WYNSTONE VILLAGE, to an iron pin set at the southwesterly corner of the 0.282 acre tract as conveyed to City of Columbus, Ohio, of record in Official

Record 89, Page 1418 and the northwesterly corner of 0.134 acre tract as conveyed to City of Columbus, Ohio, of record in Official Record 109, Page 1974 and being in the westerly right-of-way line of South Old State Road (right-of-way varies);

Thence south 13° 30' 00" West, a distance of 94.65 feet, along the line common to the remainder of said original 4.257 acre and 0.134 acre tracts and the westerly right-of-way line of said South Old State Road, 40 feet westerly from, as measured perpendicular, to the centerline of said South Old State Road, to an iron pin set;

Thence South 26° 26' 30" West, a distance of 49.53 feet along the line common to the remainder of said original 4.257 acre and 1.243 acre tracts and said 0.134 acre tract and the westerly right-of-way line of said South Old State Road, to an iron pin set at the common corner of said original 1.243 acre and 0.134 acre tracts and the northwesterly corner of the 0.142 acre tract as conveyed to City of Columbus, Ohio, of record in Official Record 432, Page 586, and in the northerly line of the original 10.511 acre tract conveyed to Korean Presbyterian Church of Columbus, of record in Official Record 1049, Page 504;

Thence South 89° 45' 00" West, a distance of 1252.07 feet, along the line common to said 1.243 and 10.511 acre tracts, to an iron pin set;

Thence North 00° 01' 37" East, a distance of 142.46 feet, across said 1.243 acre and 4.257 acre tracts, to the POINT OF TRUE BEGINNING, containing 4.089 acres, more or less, of which 3.163 acres lie in Parcel Number 31834402001000 and 0.926 acres line in Parcel Number 31834402002000 and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of South 89° 58' 23" East for the Northerly line of a 4.257 acre tract, of record in Official Record 4, Page 478, Recorder's Office, Delaware County, Ohio;

All iron pins set are 3/4inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in November of 2011.

LANDMARK SURVEY GROUP, INC.
Scott D. Grunde, P.S.
Registered Surveyor No. 8047

To Rezone From: R, Rural District,

To: L-AR12, Limited Apartment Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the L-AR-12, Limited Apartment Residential District 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 L-AR-12, Limited Apartment Residential District and Application among the records of the Department of Building and Zoning Services as required by Section 3370.03 of the Columbus City Codes; said plans being titled, "**EXHIBIT A - S. OLD STATE MULTI-FAMILY,**" "**EXHIBIT B - SITE PLAN,**" dated

July 11, 2013, and text being titled, "LIMITATION TEXT," both dated ~~April 10~~ July 17, 2013, and signed by Michael T. Shannon, Attorney for the Applicant.

LIMITATION TEXT

Property Address: 9440 South Old State Road, Columbus, Ohio 43035

Property Size: 4.089 ± Acres

Current Zoning District: Residential, R-1

Proposed Zoning District: L-AR-12

Current Owner: Karen Helmlinger; 9440 South Old State Road; Columbus, Ohio 43035

Applicant: Bell Properties, Ltd., c/o CRABBE, BROWN & JAMES, LLP, Michael T. Shannon, Esq.; 500 South Front Street, Suite 1200; Columbus, Ohio 43215; mshannon@cbjlawyers.com

Date of text: ~~April 10, 2013~~ July 16, 2013

Application Number: Z13-001

1. INTRODUCTION

The subject property site ("Site") is located in north Columbus, Ohio, near the intersection of South Old State Road and Polaris Parkway. The Site's address is 9440 South Old State Road, Columbus, Ohio 43035, located on the west side of South Old State Road. The Site is a single parcel and measures 4.089 ± acres in size. The Parcel ID Number is 31834402001000.

The Site is situated within the City of Columbus boundaries by means of annexation. The Site is within the Orange Township-Columbus City-Olentangy Local School District Tax District [46] and the Olentangy Local School District [2104].

The Site is currently zoned Annex-Residential-R. The Site is bordered on the east (across South Old State Road) by L-M parcels, on the north by R-2 parcels (Wynstone subdivision), on the south by one Annex-Residential-R parcel (Korean Presbyterian Church of Columbus), and on the west by one Annex-Residential-R parcel (telecommunications tower).

The Site is currently contains a single family residence with an outlying structure. The remainder of the Site is covered with grass and some trees.

The Site is not subject to a Commercial Overlay, Graphic Commission, Area Commission, or Planning Overlay. The Site is located within the Far North Columbus Communities Coalition civic group and subject to the Far North Area Plan. The Far North Area Plan classification for the Site is Low-Medium Density.

Applicant proposes rezoning the Site from Annex-Residential-R to L-AR-12 for multi-family residential dwelling development. The multi-family development will contain a maximum of ~~41~~ 38 total units with private streets, private water service, and public sanitary sewers. Each unit will have a one or two car garage. The units will not exceed a maximum height of 35 feet and will stand two stories tall.

Permanent access to the Site will remain South Old State Road. Garrett Street shall not be used for permanent access to the site by residents of the apartment complex.

Unless otherwise specified herein, the Site will be developed in accordance with the AR-12 district standards of Chapter 3333 of the Columbus City Code.

2. **PERMITTED USES - C.C. § 3333.02**

- i. The Site shall permit all AR-12 uses.

3. **DEVELOPMENT STANDARDS - C.C. § 3333.01, et seq.**

- i. Unless otherwise indicated herein, the development standards of C.C. § 3312 (Off-Street Parking and Loading), § 3321 (General Site Development), and § 3333 (Apartment Districts) shall apply.

A. **Density, Height, Lot, and/or Setback Commitments.**

- i. The Site is currently designated H-35 and the buildings shall be a maximum of two (2) stories in height.
- ii. The Site shall provide a perimeter yard setback of 25 feet on the north and west and 15 feet on the south.
- iv. The multi-family development will contain a maximum of ~~44~~ **38** total units.

B. **Access, Loading, Parking and/or other Traffic-Related Commitments.**

- i. South Old State Road provides access to the Site. The access point will be located as far to the north as possible to ensure there is adequate space available to the existing two way left turn lane on S. Old State to serve north bound left turning vehicles entering the site. Garrett Street shall not be used for permanent access to the site by residents of the apartment complex. However, any and all traffic-related commitments, including access, shall be designated and located to the specifications of the City of Columbus, Department of Public Services.
- ii. The Applicant shall provide emergency access to Garrett Street on the southwest perimeter of the site, as requested by the Department of Public Safety Division of Fire, and as shown on the attached site plan. **Knock down bollards or other devices approved by the Division of Fire shall be used for emergency access.**

C. **Buffering, Landscaping, Open Space and/or Screening Commitments.**

- i. The Northern perimeter of the site will contain a 25 ft. greenspace buffer which will include a 22 ft. tree preservation area measured from the Northern property line as shown on the site plan. Additional trees shall be planted to fill in areas where trees are thin or non-existent.
- ii. On the southern perimeter a board on board privacy fence shall be extended from the eastern property line approximately 425 ft. to the west to provide adequate buffering for the Church parking lot as shown on the site plan. **On the northern property line, the existing wood privacy fence shall be extended from the eastern property line.**
- iii. On the Western perimeter, Applicant agrees to a tree preservation area of approximately 9,500 sq. ft., **and an additional +/- .20 acres of green space** as shown on the site plan (**Exhibit B**).
- iv. Within the perimeter yards on the North and West, all existing trees shall be preserved other than for utility crossings. Trees deemed to be unhealthy by the Urban Forestry Division of the Columbus Recreation and Parks Department may be removed.

D. Building Design and/or Interior-Exterior Treatment Commitments.

- i. The apartment buildings shall be constructed in accordance with the submitted building elevations (Exhibit A). The building elevations may be slightly adjusted to reflect architectural, engineering, topographical or other site data developed at the time that development and architectural plans are completed. Any slight adjustment to the building elevations shall be reviewed and may be approved by the Director of Building and Zoning Services or a designee upon submission of the appropriate data regarding the proposed development.
- ii. Each unit will have a one or two car garage.
- iii. Exterior building materials shall be either Hardy-Plank or an equivalent siding, brick, stucco, stone, stucco stone, cast stone, vinyl imitation wood lap or Dutch lap vinyl imitation wood shakes, vinyl imitation vertical baton or vinyl lap siding upgrade 0.042 0.0042 gauge or greater, or glass. Asphalt shingles shall be dimensional.
- iv. All external lighting shall not exceed 14 feet in height, and shall be fully shielded or fully cut-off fixtures that are from the same or similar manufacturers' type to insure compatibility. Ground-mounted lighting (parking and/or drive lanes) shall be post-top style decorative fixtures, and will not be placed within the northern perimeter 22-foot tree preservation area.

E. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.

- i. It is Applicant's intention to obtain a Dumpster Waiver. Subject to approval of a Dumpster Waiver, refuse collection shall be provided by a private hauler. All residents shall have a private refuse container(s). If a Dumpster Waiver is not granted or if revoked by the City of Columbus or if the owner requests refuse service by the City of Columbus, dumpsters will be provided in accordance with applicable city code.

F. Graphics and Signage Commitments.

- i. N/A

G. Miscellaneous Commitments.

- i. Applicant shall comply with the City's Parkland Dedication Ordinance.
- ii. To ensure pedestrian safety, textured pavement, striping, and/or signage will be provided for the access point on South Old State Road, as approved by the Department of Public Service.
- iii. The Site shall be developed in accordance with the site plan labeled as ~~Attachment A~~ **Exhibit B**. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.
- iv. Applicant shall provide a sidewalk along S. Old State Road, and shall provide an internal sidewalk in accordance with the submitted site plan (Exhibit B).

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

Legislation Number: 1294-2013

Drafting Date: 5/21/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND:

Several zoning districts in the Columbus Zoning Code included, at the time of their adoption, minor standards related to the size of any single, underground bulk storage tanks for various types of fuels and petroleum products. These standards did not place any restrictions on the overall storage capacity at a site, and only placed restrictions on the size of any single, underground tank, capping them at 20,000 gallons.

Since the inception of these regulations, the Columbus Fire Code, the Ohio Fire Code, the Ohio Building Code, and the Ohio Bureau of Underground Storage Tank Regulation have all adopted and/or updated codes and regulations related to this type of bulk storage, thus rendering the single, underground bulk storage tank standards contained in the Columbus Zoning Code obsolete. This code change would repeal the antiquated, single-tank size regulations contained in various sections of the Columbus Zoning Code so that these other, more prescriptive, code standards can be applied without the potential for conflict of codes.

The Columbus Development Commission voted to recommend approval of this Columbus Zoning Code revision at its monthly public meeting on April 11, 2013

FISCAL IMPACT: No funding is required for this legislation.

To amend various sections of Title 33, the Columbus Zoning Code, in order to repeal minor regulations regarding the size of any single, underground bulk storage tanks contained therein, in order to allow other statewide systems of regulation for the bulk storage of fuels and petroleum products to be applied without creating a conflict of codes.

WHEREAS, several zoning districts in the Columbus Zoning Code include minor standards related to the size of any single, underground bulk storage tank used for various types of fuels and petroleum products; and

WHEREAS, these standards do not place any restrictions on the overall storage capacity at a site, but rather only place restrictions on the size of any single, underground tank, capping such tanks at 20,000 gallons each; and

WHEREAS, other statewide codes and regulations now regulate this type of bulk fuel storage; and

WHEREAS, this code change would repeal the antiquated, single-tank size regulation contained in various sections of the Columbus Zoning Code so that these other, more prescriptive, codes and regulations can be applied without the potential for conflict of codes; and,

WHEREAS, the Columbus Development Commission voted to recommend approval of this Columbus Zoning Code revision at its monthly public meeting on April 11, 2013; now, therefore,

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

SECTION 1. That existing section 3357.21 of the Columbus City Codes is hereby amended to read as follows:

3357.21 - Service stations, filling stations and fuel sales establishments.

Within the city, no buildings or premises shall be used and no buildings shall be erected which are arranged, intended or designed to be used as an automobile service station, filling station, or fuel sales establishment, except upon the issuance of ~~certificate of zoning clearance a conditional permit as provided herein~~, subject to all the development standards in C.C. Sections 3357.11 through 3357.18.

~~The gasoline storage facilities of such uses shall conform to the rules and regulations of the Fire Prevention Code. Underground storage in separate unit tanks not to exceed 20,000 gallons each, the location thereof to be under the direction and supervision of the fire department. Liquid fuels, petroleum products.~~

SECTION 2. That existing section 3363.02 of the Columbus City Codes is hereby amended to read as follows:

3363.02 - Warehouse, storage and sales establishment-Less objectionable uses.

Warehouses, storage and sales establishment less objectionable uses permitted in M-manufacturing districts, subject to the provisions of this Zoning Code are:

(a) Warehouse, storage in bulk or sales establishment for:

Building material sales or storage

Lumber yard

Contractors equipment or storage yard or similar storage building except an automobile wrecking or rag, paper, iron or other junk yard.

(b) Warehouse or storage in bulk for:

Clothing

Cotton

Drugs

Drygoods

Feed

Food

Fuel

Furniture

Hardware

Ice

Machinery

Metals

Paint

Paint materials

Pipe

Rubber

Shop supplies

Soil stabilizer

Tobacco

Wool

(c) ~~Underground storage in separate unit tanks not to exceed 20,000 gallons each, the location thereof to be under the direction and supervision of the fire department.~~

Liquid fuels

Petroleum products

Volatile oils

(d) Wholesaling or distributing establishment or warehouse or wholesale market.

SECTION 3. That existing section 3365.02 of the Columbus City Codes is hereby amended to read as follows:

3365.02 - Warehouse, storage and sales establishment-less objectionable uses.

Warehouse, storage and sales establishment less objectionable uses permitted in M-1 Manufacturing Districts, subject to the provisions of this Zoning Code are:

(a) Warehouse, storage in bulk or sales establishment for:

Building material sales or storage

Lumber yard

Contractors equipment or storage yard or similar storage building except an automobile wrecking or rag, paper, iron or other junk yard.

(b) Warehouse or storage in bulk for:

Clothing

Cotton

Drugs

Drygoods

Feed

Food

Fuel

Furniture

Hardware

Ice

Machinery

Metals

Paint

Paint materials

Pipe

Rubber

Shop supplies

Soil supplies

Soil stabilizer

Tobacco

Wool

(c) ~~Underground storage in separate unit tanks not to exceed 20,000 gallons each, the location thereof to be under the direction and supervision of the Fire Department:~~

Liquid fuels

Petroleum products

Petroleum

Volatile oils

(d) Wholesaling or distributing establishment or warehouse or wholesale market.

SECTION 4. That existing section 3367.02 of the Columbus City Codes is hereby amended to read as follows:

3367.02 - Warehouse, storage and sales establishment-less objectionable uses.

Warehouse, storage and sales establishment less objectionable uses permitted in M-2 manufacturing districts, subject to the provisions of this Zoning Code are:

- (a) Warehouse, storage in bulk or sales establishment for:
 - Building material sales or storage
 - Lumber yard
 - Contractors equipment or storage yard or similar storage building except an automobile wrecking or rag, paper, iron or other junk yard.
- (b) Warehouse or storage in bulk for:
 - Clothing
 - Cotton
 - Drugs
 - Drygoods
 - Feed
 - Food
 - Fuel
 - Furniture
 - Hardware
 - Ice
 - Machinery
 - Metals
 - Paint
 - Paint materials
 - Pipe
 - Rubber
 - Shop supplies
 - Soil stabilizer
 - Tobacco
 - Wool
- (c) ~~Underground storage in separate unit tanks not to exceed 20,000 gallons each, the location thereof to be under the direction and supervision of the fire department.~~
 - Liquid fuels
 - Petroleum products
 - Petroleum
 - Volatile oils.
- (d) Wholesaling or distributing establishment or warehouse or wholesale market.

SECTION 5. That prior existing sections 3357.21, 3363.02, 3365.02, and 3367.02 of the Columbus City Codes, 1959, are hereby repealed.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

Legislation Number: 1393-2013

Drafting Date: 5/31/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND

The Division of Planning and Operations utilizes various equipment for projects throughout the City of Columbus. This equipment will replace units that are beyond their useful service life and provide for more reliable equipment to carry out services provided by the Division. These purchases are consistent with the division's replacement program.

The Purchasing Office opened formal bids May 9th, 2013 for the purchase of four (4) skid steer loaders with attachments for the Division of Planning & Operations. Three complete bids were received:

<u>Company</u>	<u>Skid Steer Type</u>	<u>Total Cost</u>	<u>Status</u>
Company Wrench, LTD (Carrol, OH)	GEHL V330	\$368,340.00	Majority
Bobcat Enterprises Inc. (Hilliard, OH)	Bobcat S750	\$374,336.36	Majority
JD Equipment (London, OH)	John Deere 332	\$392,970.68	Majority

The bids were reviewed based on meeting specifications and overall cost proposals. Bids were requested for alternative fuel options, but no bids were received. Company Wrench, LTD was the low bidder; however their bid does not meet specification:

3.3.2.5: Horsepower: Minimum 85.0 HP

The Gehl V330 only has 70.7 HP.

3.3.2.7 Fuel Tank: Minimum 26.00 Gallons

The Gehl V330 only has a 20 gallon fuel tank.

Department of Public Service recommends an award be made to Bobcat Enterprises Inc. (FID No. 31-0860716) as the lowest, responsive and responsible and best bidder.

The cost for this expenditure is **\$374,336.36**.

The Purchasing Office opened formal bids April 25th, 2013 for the purchase of three (3) concrete saws for the Division of Planning & Operations. The bids were reviewed based on meeting specifications and overall cost proposals.

Department of Public Service recommends awarding bid to Concut, Inc. (FID # 91-1175267). Their bid was the lowest and product meets and/or exceeds specifications.

The cost for this expenditure is **\$62,250.00**

The Purchasing Office opened formal bids May 2nd, 2013 for the purchase of five (5) power wash trailers the Division of Planning & Operations. These units will replace the one graffiti removal truck the Division possesses. These trailers will be able to be towed with light duty trucks and more cost effective than having one truck for graffiti removal for the entire city. One bid was received:

<u>Company</u>	<u>Power Washer Type</u>	<u>Total Cost</u>	<u>Status</u>
Equipment Specialists Inc.	Hydro-Tek T250E	\$39,645.00	Majority

The bids were reviewed based on meeting specifications and overall cost proposal. The Department of Public Service recommends an award be made to Equipment Specialists Inc. (FID No. 31-1781214) as the lowest, responsive and responsible and best bidder. Award will be made for line items 1 and 2.

Total cost for this expenditure is **\$39,645.00**

The total cost of these expenditures is \$766,373.36

2. CONTRACT COMPLIANCE INFORMATION

<u>Company</u>	<u>Compliance Number</u>	<u>Expiration Date</u>
Bobcat Enterprises Inc.	31-0860716	5/9/2015
Concut Inc.	91-1175267	4/18/2015
Equipment Specialists Inc.	31-1781214	11/4/2013

3. FISCAL IMPACT

Funds for this expenditure are budgeted in the 2013 C.I.B within the Streets and Highways Bonds Fund, no. 704.

4. EMERGENCY DESIGNATION

Emergency action is requested to ensure equipment is received as soon as possible so that it can replace units that are beyond their useful life.

To authorize the Director of Finance and Management to establish purchase orders for the purchase of four (4) skid steer loaders from Bobcat Enterprises Inc., three (3) concrete saws from Concut Inc. and five (5) powerwash trailers from Equipment Specialists Inc.; to authorize the expenditure of \$476,231.36 from the Street and Highway Bond Fund; and to declare an emergency. (\$476,231.36)

WHEREAS, the Division of Planning and Operations is responsible for street and traffic maintenance throughout the City, and

WHEREAS, the Division of Planning and Operations is in need of equipment to carryout services to the citizens of Columbus, and

WHEREAS, the City of Columbus does not include this type of equipment on any Universal Term Contract, and

WHEREAS, this purchase has been approved by the Fleet Management Division, and

WHEREAS, funds are available in the Street and Highway Bond Fund for this expense, and

WHEREAS, an emergency exists in the usual daily operation of the Division of Planning and Operations to ensure this equipment is received as soon as possible, 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 is hereby authorized to establish separate purchase orders in accordance with the specifications on file in the Purchasing Office for the following equipment:

Bobcat Enterprises Inc.
3666 Lacon Rd.
Hilliard, OH 43026
Four (4) Skid Steer Loaders with Attachments & Trailers (\$374,336.36.)

Concut Diamond Products
6815 S. 220th St.

Kent, WA 98032
Three (3) Concrete Saws (\$62,250.00)

Equipment Specialists Inc.
123 US RT 42 NE
PO Box 28
London, OH 43140
Five (5) Powerwash towable trailers (\$39,645.00)

SECTION 2. That the sum of \$476,231.36 or so much thereof as may be needed is hereby authorized to be expended from the Streets and Highways G.O. Bonds Fund, number 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount.
704 / 530020-100000 / Street Equipment (Carryover) / 06-6651 / 591246 / \$476,231.36

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1431-2013

Drafting Date: 6/6/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: This legislation authorizes the Director of the Department of Finance and Management on behalf of the Franklin County Municipal Court, Clerk of Court ("Municipal Court Clerk") to establish a purchase order with TAB Products Company LLC for the purchase of case file folders.

The Municipal Court Clerk utilizes case file folders to store civil, criminal, traffic, and environmental court documents for Municipal Court Clerk's Office. The case file folders will be purchased through a State of Ohio, State Term Schedule (STS), schedule number 800023; expiration date: 8/31/2013. Ordinance 0582-87 authorizes the City of Columbus to purchase from this contract. Due to the need to have an exact match to the file folders (color coding) used in the past years, it was deemed to be in the best interest of the Clerk's Office to purchase from the State of Ohio, State Term Schedule with TAB Products Company LLC.

Contract Compliance: 52-2390162

Expiration Date: 04/17/2014

This 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.

Contracts:

Ordinance: 1310-2009; \$94,303.63; FL004454

Ordinance: 0933-2010; \$101,414.83; FL004665

Ordinance: 1517-2011; \$76,215.65; FL005010

Ordinance: 1081-2012; \$84,928.60; FL005293

2013 Contract: ED048428; \$810.60

Ordinance: 1431-2013; \$70,799.30

Fiscal Impact: Funds totaling \$70,799.30 are available within the Franklin County Municipal Court General Fund budget.

Emergency: To maintain uninterrupted storage of civil, criminal, traffic, and environmental court documents for the Municipal Court Clerk's Office.

To authorize the Director of the Department of Finance and Management on behalf of the Municipal Court Clerk to establish a purchase order with TAB Products Company LLC for the purchase of case file folders for the Municipal Court Clerk's Office; to authorize the expenditure of \$70,799.30 from the Municipal Court Clerk general fund; and to declare an emergency. (\$70,799.30)

WHEREAS, the Municipal Court Clerk has a need to purchase case file folders to store civil, criminal, traffic, and environmental court documents; and

WHEREAS, an emergency exists in the daily operation of the Municipal Court Clerk's Office in that it is immediately necessary for the Director of the Department of Finance and Management on behalf of the Municipal Court Clerk to establish a purchase order with TAB Products Company LLC, in order to maintain uninterrupted supply of case file folders, 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 Finance and Management be and hereby is authorized to establish a purchase order with TAB Products Company LLC on behalf of the Municipal Court Clerk in the amount of \$70,799.30 for the purchase of case file folders.

Section 2. That the expenditure sum of \$53,783.40 or so much as may be needed, be and hereby is authorized within the Municipal Court Clerk, department number 2601, general fund, fund number 010, oca 260158, object level 1 - 02, object level 3 - 2211.

Section 3. That the expenditure sum of \$17,015.90 or so much as may be needed, be and hereby is authorized within the Municipal Court Clerk, department number 2601, general fund, fund number 010, oca 260141, object level 1 - 02, object level 3 - 2211.

Section 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

Section 5. 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: 1438-2013

Drafting Date: 6/9/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a planned modification for professional services for General Engineering Services with Resource International, Inc. for the Division of Sewerage and Drainage (Sanitary and Storm Water). This modification is for storm and sanitary sewer design services, surveying, easement preparation and any other general design services as needed by the SSES, SMOC and TE Sections of the DOSD in the years 2011-2013.

This Ordinance authorizes an expenditure of \$200,000.00 from Sanitary Sewers and \$100,000.00 from Storm Water for a total expenditure of \$300,000.00 from the capital improvements funds from Division of Sewerage and Drainage.

1.2. Amount of additional funds to be expended: \$300,000.00

Original Contract Amount:	\$ 300,000.00
<u>Modification 1:</u>	<u>\$ 300,000.00</u>
Total (Orig. + Mods. 1)	\$ 600,000.00

1.3. Reasons additional goods/services could not be foreseen:

The original contract authorized by Ordinance No. 0597-2011, allowed for a multi-year agreement and this modification was anticipated.

1.4. Reason other procurement processes are not used:

This contract modification is an annual extension of emergency (on-call) engineering services, which are bid out under the typical RFP/SOQ process on a three-year cycle.

1.5. How cost of modification was determined:

The cost of this modification was determined by the anticipated annual needs of DOSD for emergency (on-call) engineering services.

2. **Procurement Information:** The Division advertised for Requests for Proposals on the City of Columbus's vendor Services' website and in the City Bulletin in accordance with the provisions of Section 329.14 of the Columbus City Code. The evaluation criteria for this contract included: 1. proposal quality, 2. project schedule, 3. environmentally preferable offeror, and 4. local workforce. The bid date for the Requests for Proposals (RFP's) was December 17, 2010. Fifteen (15) proposals were submitted for evaluation:

3. Contract Compliance No: 31-0669793 | FBE | Expires 05/23/2014

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's Unresolved Findings for recovery search.

4. **Emergency Designation:** Emergency designation **is not** requested at this time.
5. **Economic / Environmental Impact:** This project will mitigate sewer systems emergencies and potentially minimize social and environmental impacts.
6. **Fiscal Impact:** This legislation authorizes the expenditure of \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 664. There is sufficient cash and authority within the Storm Recovery Zone Super Build America Bonds Fund for Stormwater's portion of these expenditures.

To authorize the Director of Public Utilities to enter into a planned modification of a professional engineering services agreement with Resource International, Inc. in the amount of \$300,000 for General Engineering Services for the Division of Sewerage and Drainage; to expend \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund; and to expend \$100,000.00 from the Storm Recovery Zone Super Build America Bonds Fund. (\$300,000.00)

WHEREAS, Contract No. EL011813 was authorized by Ordinance No. 0597-2011, as passed by Columbus City Council on May 16th, 2011; was executed by the Director 06/21/11; approved by the City Attorney 06/28/11; for purposes of authorizing the Director of Public Utilities to enter into a contract for professional services with Resource International, Inc., for the 2011-2013 General Engineering Services (GES) agreement; and

WHEREAS, this modification is for storm and sanitary sewer design services, surveying, easement preparation and any other general design services as needed by the SSES, SMOC and TE Sections of the DOSD in the years 2011-2013; and

WHEREAS, it is necessary for City Council to authorize the expenditure of \$200,000.00 funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664; and

WHEREAS, it is necessary for City Council to authorize the expenditure of \$100,000.00 from the the Storm Recovery Zone Super Build America Bonds Fund, Fund 677; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to modify the aforementioned professional services agreement with Resource International, Inc., for the 2011-2013 General Engineering Services (GES) agreement, at the earliest practical date for the preservation of the public health, peace, property, safety, and;
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 enter into a planned modification of a professional services contract for General Engineering Services with Resource International, Inc., 6350 Presidential Gateway, Columbus, Ohio 43231; in the amount of \$300,000.00; in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage.

SECTION 2. That the Director of Public Utilities be and hereby is authorized to expend a total of \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund for the General Engineering Services Project | Fund 664 | Div. 60-05 | Proj. 650113-100000 | OCA 664113 | Object Level Three 6676.

SECTION 2. That the Director of Public Utilities be and hereby is authorized to expend a total of \$100,000.00 from the Storm Recovery Zone Super Builds America's Bond Fund for the General Engineering Services Project | Fund 677 | Div. 60-15 | Proj. 610762-100000 | OCA 677762 | Object Level Three 6682.

SECTION 4. That the said firm, Resource International, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 Director of Public Utilities is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1439-2013

Drafting Date: 6/9/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a modification of the professional services with for General Engineering Services with R.W. Armstrong & Associates, Inc. for the Division of Sewerage and Drainage (Sanitary and Storm Water). This modification is for storm and sanitary sewer design services, surveying, easement preparation and any other general design services as needed by the SSES, SMOC and TE Sections of the DOSD in the years 2011-2013.

This Ordinance authorizes an expenditure of \$200,000.00 from Sanitary Sewers and \$100,000.00 from Storm Water for a total expenditure of \$300,000.00 from the capital improvements funds from Division of Sewerage and Drainage.

1.2. Amount of additional funds to be expended: \$300,000.00

Original Contract Amount: \$ 300,000.00

Modification 1: \$ 300,000.00

Total (Orig. + Mods. 1) \$ 600,000.00

1.3. Reasons additional goods/services could not be foreseen:

The original contract executed through Ordinance No. 0597-2011, allows for multi-year agreement and this modification was anticipated.

1.4. Reason other procurement processes are not used:

This contract modification is an annual extension of emergency (on-call) engineering services, which are bid out under the typical RFP/SOQ process on a three-year cycle.

1.5. How cost of modification was determined:

The cost of this modification was determined by the anticipated annual needs of DOSD for emergency (on-call) engineering services.

2. **Procurement Information:** The Division advertised for Requests for Proposals on the City of Columbus's vendor Services' website and in the City Bulletin in accordance with the provisions of Section 329.14 of the Columbus City Code. The evaluation criteria for this contract included: 1. proposal quality, 2. project schedule, 3. environmentally preferable offeror, and 4. local workforce. The bid date for the Requests for Proposals (RFP's) was December 17, 2010. Fifteen (15) proposals were submitted for evaluation:

3. **Contract Compliance No:** 35-1062227-001 | MAJ | Expires 07/27/13

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's Unresolved Findings for recovery search.

4. **Emergency Designation:** Emergency designation **is not** requested at this time.

5. **Economic / Environmental Impact:** This project will mitigate sewer systems emergencies and potentially minimize social and environmental impacts.

6. **Fiscal Impact:** This legislation authorizes the expenditure of \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 664. There is sufficient cash and authority within the Storm Recovery Zone Super Build America Bonds Fund for Stormwater's portion of these expenditures.

To authorize the Director of Public Utilities to execute a planned modification of professional engineering services agreement with R.W. Armstrong & Associates, Inc. in the amount of \$300,000 for General Engineering Services for the Division of Sewerage and Drainage; to expend \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund; and to expend \$100,000.00 from the Storm Recovery Zone Super Build America Bonds Fund; (\$300,000.00)

WHEREAS, Contract No. EL011810 was authorized by Ordinance No. 0597-2011, as passed by Columbus City Council on May 16th, 2011; was executed by the Director 06/21/11; approved by the City Attorney 06/28/11; for purposes of authorizing the Director of Public Utilities to enter into a contract for professional services with R.W. Armstrong & Associates, Inc., for the 2011-2013 General Engineering Services (GES) agreement; and

WHEREAS, this modification is for storm and sanitary sewer design services, surveying, easement preparation and any other general design services as needed by the SSES, SMOC and TE Sections of the DOSD in the years 2011-2013; and

WHEREAS, it is necessary for City Council to authorize the expenditure of \$200,000.00 funds from the

Sanitary Sewer General Obligation Bond Fund, Fund 664; and

WHEREAS, it is necessary for City Council to authorize the expenditure of \$100,000.00 funds from the the Storm Recovery Zone Super Build America Bonds Fund, Fund 677; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to modify the aforementioned professional services agreement with R.W. Armstrong & Associates, Inc., for the 2011-2013 General Engineering Services (GES) agreement, at the earliest practical date for the preservation of the public health, peace, property, safety, and; **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 enter into a planned modification of professional services contract for General Engineering Services with R.W. Armstrong & Associates, Inc., 471 East Broad Street, Suite 2010, Columbus, Ohio 43215; in the amount of \$300,000; in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage.

SECTION 2. That the Director of Public Utilities be and hereby is authorized to expend a total of \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund for the General Engineering Services Project | Fund 664 | Div. 60-05 | Proj. 650113-100000 | OCA 664113 | Object Level Three 6676.

SECTION 3. That the Director of Public Utilities be and hereby is authorized to expend a total of \$100,000.00 from the the Storm Recovery Zone Super Build America Bonds Fund for the General Engineering Services Project | Fund 677 | Div. 60-15 | Proj. No. 610762-100000 | OCA 677762 | Object Level Three 6682.

SECTION 4. That the said firm, R.W. Armstrong & Associates, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 Director of Public Utilities is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1440-2013

Drafting Date: 6/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: This legislation authorizes the Director of Public Safety to modify and extend the existing contract with Redflex Traffic Systems for automated red light enforcement system. The City entered into a contract with Redflex Traffic Systems Inc. via ordinance 1015-2005 passed on 10/20/2005 for services and related equipment for a three year period which expired March 7, 2009. The original contract was extended and amended in 2009 and again in 2010. This legislation authorizes the Safety Director first to modify the terms of the original agreement and to extend the agreement from June 4, 2013 to June 3rd, 2017. The agreement is being modified to increase the current base of the City's compensation by approximately seventeen percent. The City of Columbus will pay to Redflex the least amount of money per paid citation of any jurisdiction in Ohio.

The City of Columbus contracted with Redflex Traffic Systems Inc in 2005 to help resolve the ongoing problem of motorists disobeying traffic control signals that have contributed to significant number of motor vehicle crashes. This attached agreement has assisted the city in increasing compliance with traffic control devices and has significantly reduced right angle crashes at photo equipped intersections which are selected based on years of crash data. Moreover, a significant decrease in citation also occurs over time.

Contract Compliance Number: 943292233.

Emergency Designation: Extended negotiations have resulted in an agreement over compensation that needs immediate implementation and extend a contract that expired on June 3rd 2013.

FISCAL IMPACT: This ordinance does not authorize an expenditure of funds. The contractor's compensation consists of a percentage per citation paid which was previously based on a variable fee model. This model has been modified to a fixed compensation rate and increases the city's share by approximately seventeen percent. There is no direct fiscal impact on General Fund expenditures.

To authorize the Director of Public Safety to waive the competitive bid provisions of the Columbus City code and modify and extend the current contract with Redflex Traffic Systems Inc., for an automated red light enforcement system for the Division of Police, Department of Public Safety; and to declare an emergency: (\$0.00)

WHEREAS, the City contracts for automated red light enforcement with Redflex Traffic Systems Inc., via ordinance 1015-2005 passed on October 20, 2005; and

WHEREAS, both parties agree that certain modifications to the original contract are required in order to extend this contract and to modify the compensation; and

WHEREAS, the term of this modification and extension shall commence on the 4th day of June, 2013 and expire on 3rd day of June 2017; and

WHEREAS, it is necessary to waive the competitive bid provisions of the Columbus City Code, 1959 so that

continuity of these specialized services are maintained; 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 current contract with Redflex Traffic Systems Inc. so that automated red light enforcement can continue 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 Public Safety is hereby authorized to modify and extend the existing contract between the City and Redflex Traffic Systems Inc. for the Division of Police's automated red light enforcement.

SECTION 2. That the term of this modification and extension shall commence on the 4th day of June, 2013 and shall expire on the 3rd day of June 2017.

SECTION 3. That this modification and extension agreement supplants the original agreement between the City and Redflex. All other terms and conditions of the original agreement between the City of Columbus and Redflex will remain in full force and effect. If the terms and conditions are inconsistent between this modification and the original agreement documents, this modification will control.

SECTION 4. That the Council of the City of Columbus finds it is in the best interest of the City to waive the competitive bid provisions of the Columbus City Codes, 1959, 329.06.

SECTION 5. That the City Auditor is hereby directed to continue use of the special revenue fund for the deposit of revenue generated by automated red light enforcement for the use for public safety expenses.

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: 1443-2013

Drafting Date: 6/10/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a professional engineering services agreement with MS Consultants, Inc., in the amount of \$331,181.81, for the Henderson Road Booster Station Improvements Project, Division of Water Contract No. 2030.

The purpose of this project is to perform comprehensive improvements to renovate the Henderson Road booster station. The Henderson Road booster station was constructed in 1965 and many of its critical components are approaching the end of their expected service life. These improvements are needed to ensure the reliability of the booster station for the future. A business case evaluation (BCE) was conducted and confirmed the need for the improvements to this station.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: By completing this project, the Henderson Road Booster Station will be upgraded with replacement equipment including pumps motors and electrical equipment. This booster station is critical to meet peak demands of the northwest area of the water distribution system. The project will incorporate measures such as energy efficient lighting to reduce the energy demand of this facility.

3. BID INFORMATION: The selection of the firm providing the professional engineering services has been performed in accordance with the procedures set forth in Columbus City Code, Section 329.12, "Process for awarding professional service contracts exceeding fifty thousand dollars (\$50,000.00)". Five Requests for Proposals (RFP's) were received from MS Consultants, Inc., CAD Concepts, Inc., Chester Engineers (Ohio), Stantec Consulting Services, Inc. and URS Corporation - Ohio on April 5, 2013. The evaluation criteria for this contract included: 1. proposal quality, 2. experience of team 3. ability of offerer to perform expeditiously, 4. past performance, 5. environmentally preferable offeror, and 6. local workforce.

An evaluation committee reviewed the proposals and scored them based on the criteria mentioned above. The Department of Public Utilities recommends that the contract be awarded to MS Consultants, Inc.

The Contract Compliance Number for MS Consultants, Inc. is 34-6546916 (expires 4/5/14, MAJ). 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 MS Consultants, Inc.

4. FUTURE CONTRACT MODIFICATION: A future modification is planned during the construction phase of project for the consultant to provide O&M Ready services. The scope of this work is still to be developed; therefore, the estimated cost of this future modification is not available at this time.

5. FISCAL IMPACT: A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a professional engineering services agreement with MS Consultants, Inc. for the Henderson Road Booster Station Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$331,181.81 from the Water Works Enlargement Voted Bonds Fund; and to amend the 2013 Capital Improvements Budget. (\$331,181.81)

WHEREAS, five technical proposals for professional engineering services for the Henderson Road Booster Station Improvements Project were received on April 5, 2013; and

WHEREAS, the selection of the firm providing the professional engineering services was performed in accordance with the procedures set forth in Columbus City Code, Section 329.12, "Process for awarding professional service contracts exceeding fifty thousand dollars (\$50,000.00)"; and

WHEREAS, the Department of Public Utilities recommends that the agreement be awarded to MS Consultants, Inc.; and

WHEREAS, it is necessary for this Council to authorize a transfer and expenditure of funds within the Water

Works Enlargement Voted Bonds Fund for the Henderson Road Booster Station Improvements Project, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities to authorize the Director of Public Utilities to enter into a professional engineering services agreement for the Henderson Road Booster Station Improvements Project, for the preservation of the public health, peace, property and safety;

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 enter into a professional engineering services agreement for the Henderson Road Booster Station Improvements Project with the best, most responsive, and responsible bidder, MS Consultants, Inc., 2221 Schrock Road, Columbus, Ohio 43229; in the amount of \$331,181.81; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

SECTION 2. That the City Auditor is hereby authorized to transfer \$331,181.81 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, Object Level Three 6677, as follows:

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>OCA Code</u>	<u>Change</u>
606	690428-100002 (carryover)	DRWP Cap Inc.-Recarb /Ozon.	664282	-\$331,181.81
606	690473-100006 (carryover)	Henderson Rd. Booster Sta.	664736	+\$331,181.81

SECTION 3. That the 2013 Capital Improvements Budget is hereby amended as follows:

<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>Change</u>
606	690428-100002 (carryover)	DRWP Cap Inc.-Recarb /Ozon.	\$35,671,485	\$35,340,303	-\$331,182
606	690473-100006 (carryover)	Henderson Rd. Booster Sta.	\$0	\$331,182	+\$331,182

SECTION 4. That an expenditure up to \$331,181.81 is hereby authorized for the Henderson Road Booster Station Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690473-100006 (carryover), OCA Code 664736, Object Level Three 6677.

SECTION 5. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1447-2013

Drafting Date: 6/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Beheler Excavating, Inc., in the amount of \$2,375,054.28, for the Brentnell Avenue Area Water Line Improvements Project, Division of Water Contract Number 1168.

This project consists of furnishing all materials, equipment, and labor necessary to install 6-inch and 8-inch water lines and appurtenances inclusive of approximately 13,433 linear feet of open cut trenching and 248 linear feet of 8-inch water line installed by horizontal directional drilling (HDD) methods. Project sites include: Brentnell Avenue, Holt Avenue, Sunbury Road, Avalon Place, Dartmouth Avenue, Ross Avenue, and Cumberland Avenue.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: The goal of this project is to replace or rehabilitate water lines that have a high break frequency. Replacement or rehabilitation of these water lines will decrease burden on water maintenance operations. The existing mains rehabilitated and the new lines constructed under this project should eliminate the pattern of frequent water line breaks. The Neighborhood Liaison(s) will be contacted and informed of this project during the construction phase. Further community outreach may result through the Neighborhood Liaison Program.

3. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened six bids on June 5, 2013 from: Beheler Excavating, Inc. - \$2,375,054.28; Conie Construction Co. - \$2,420,000.00; Fields Excavating, Inc. - \$2,558,877.20; Underground Utilities, Inc. - \$2,584,795.75; John Eramo & Sons, Inc. - \$2,658,781.40; and Elite Excavating Co. of Ohio - \$2,664,693.90.

Beheler Excavating, Inc. was deemed the lowest, best, most responsive and responsible bidder in the amount of \$2,375,054.28. Their Contract Compliance Number is 30-0160262 (expires 1/10/15, 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 Beheler Excavating, Inc.

4. FISCAL IMPACT: A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a construction contract with Beheler Excavating, Inc. for the Brentnell Avenue Area Water Line Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$2,375,054.28 within the Water Works Enlargement Voted Bonds Fund; and to

amend the 2013 Capital Improvements Budget. (\$2,375,054.28)

WHEREAS, six bids for the Brentnell Avenue Area Water Line Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on June 5, 2013; and

WHEREAS, the lowest, best, most responsive and responsible bid was from Beheler Excavating, Inc. in the amount of \$2,375,054.28; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Brentnell Avenue Area Water Line Improvements Project; and

WHEREAS, it is necessary for this Council to authorize a transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities to authorize the Director of Public Utilities to enter into a construction contract with Beheler Excavating, Inc. for the Brentnell Avenue Area Water Line Improvements Project, 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 hereby is authorized to award and execute a construction contract for the Brentnell Avenue Area Water Line Improvements Project with Beheler Excavating, Inc., 19545 Ankneytown Road, Fredericktown, Ohio 43019; in the amount of \$2,375,054.28; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

SECTION 2. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

SECTION 3. That the City Auditor is hereby authorized to transfer \$2,375,054.28 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, OL3 6629, as follows:

Fund No. | Project No. | Project Name | OCA Code | OL3 | Change

606 | 690428-100002 (carryover) | DRWP Cap Incr. Sludge P.S. | 664282 | -\$2,375,054.28

606 | 690236-100046 (carryover) | Brentnell Ave. WL Imp's | 663146 | +\$2,375,054.28

SECTION 4. That the 2013 Capital Improvements Budget is hereby amended as follows:

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

606 | 690428-100002 (carryover) | DRWP Cap Incr. Sludge P.S. | \$35,340,303 | \$32,965,248 |

-\$2,375,055

606 | 690236-100046 (carryover) | Brentnell Ave. WL Imp's | \$0 | \$2,375,055 | +\$2,375,055

SECTION 5. That the expenditure of \$2,375,054.28 is hereby authorized for the Brentnell Avenue Area Water Line Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept.-Div.

60-09, Project No. 690236-100046 (carryover), OCA 663146, OL3 6629.

SECTION 6. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1471-2013

Drafting Date: 6/11/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: The Franklin Soil and Water Conservation District (FSWCD) is undertaking the Crawford Farms Park Stormwater Treatment Wetland Design and Retrofit project. The project is located in the Crawford Farms subdivision in the Dysart Run watershed. The estimated total cost of the project is \$94,14.00. The project will retrofit the stormwater basin in the subdivision to reduce the rate and volume of runoff discharge and provide water quality treatment to any discharge from the basin. The Blacklick Creek Watershed Action Plan estimates that addressing the excess runoff from the impervious surface in the entire watershed will reduce sediment erosion by 929 tons/year. This particular project will reduce the runoff from 5.8% of that impervious surface, reducing sediment by 54 tons/year and total phosphorus load by 54 lbs/year. The project is located off the bend on Grandlin Park Drive between Brunfield Drive and Fairfax Loop Drive in Crawford Farms in the City of Columbus.

The FSWCD approached the Division of Sewerage and Drainage in the Spring of 2012 about the possibility of the Department contributing matching funds to aide the District in securing the Ohio EPA 319 grant. Proposals were due to the Ohio EPA on June 1, 2012. At that time the Director of Public Utilities signed a Match Commitment form that was required as part of the proposal submission. The Department communicated to the District that this match commitment was contingent upon approval of City Council.

FISCAL IMPACT: A transfer of funds within the Storm Recovery Zone Bond Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a grant agreement and provide matching funds in the amount of \$30,000.00 to the Franklin Soil and Water Conservation District for the Crawford Farms Park Stormwater Treatment Wetland Design and Retrofit Project; to authorize a transfer and expenditure up to

\$30,000.00 within the Storm Recovery Zone Bond Fund; and to amend the 2013 Capital Improvements Budget. (\$30,000.00)

WHEREAS, the Environmental Protection Agency (EPA) awarded the FSWCD an EPA 319 Grant for the Crawford Farms Park Stormwater Treatment Wetland Design and Retrofit Project; and

WHEREAS, the FSWCD requested a matching commitment of \$30,000.00 from the Department of Public Utilities, Division of Sewerage and Drainage; and

WHEREAS, the Department of Public Utilities is requesting the authority to enter into a grant agreement with FSWCD to provide the matching funds; and

WHEREAS, it is necessary to authorize the City Auditor to appropriate and transfer these funds into the Storm Recovery Zone Bond Fund, Fund 677; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to expend these funds for the purpose of matching the FSWCD EPA 319 Grant.; **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 enter into a grant agreement to provide matching grant funds in the amount of \$30,000.00 to the Franklin Soil and Water Conservation District, located at 1328 Dublin Road, Columbus, Ohio 43215, for the Crawford Farms Park Stormwater Treatment Wetland Design and Retrofit project.

SECTION 2. That the City Aditor is hereby authorized to transfer \$30,000.00 within the Storm Recovery Zone Bond Fund, Fund 677, Division of Sewerage and Drainage, Dept/Division 60-15, OL3 6621, as follows:

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

677 | 610601-100000 | Refugee Road Storm Sewer | 677601 | -\$30,000.00

677 | 610052-100000 | Crawford Farms Park Wetland | 677052 | +\$30,000.00

SECTION 3. That the 2013 Capital Improvements Budget is hereby amended as follows:

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

677 | 610601-100000 | Refugee Road Storm Sewer | \$70,773 | \$40,773 | -\$30,000

677 | 610052-100000 | Crawford Farms Park Wetland | \$0 | \$30,000 | +\$30,000

SECTION 4. That the expenditure of \$30,000.00 is hereby authorized for the Crawford Farms Park Wetland Project within the Storm Recovery Zone Bond Fund, Fund No. 677, Dept.-Div. 60-15, Project No. 610052-100000, OCA 677052, OL3 6621.

SECTION 5. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1474-2013

Drafting Date: 6/11/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a professional engineering services agreement with M-E/IBI Group, in the amount of \$197,827.83, for the East Deshler Avenue Water Line Improvements Project, Division of Water Contract No. 1187.

The purpose of this project is to construct necessary improvements to the water distribution system in the East Deshler Avenue Area. The improvements identified in the scope of work will replace or rehabilitate mains that have high break histories and require frequent maintenance. This project encompasses portions of 8 streets including East Deshler Avenue, Fairwood Avenue, Moler Road, Kossuth Street, Whittier Street, Rhoads Avenue, Bulen Avenue and East Walnut Street for a total of approximately 11,400 linear feet of 6-inch and 8-inch diameter water lines.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: The goal of this project is to replace or rehabilitate water lines that have a high break frequency and, in some cases, increase the size of currently under-sized water lines. Replacement of these water lines will decrease burden on water maintenance operations. The new lines constructed under this project should eliminate the pattern of frequent water line breaks.

The Neighborhood Liaison(s) will be contacted and informed of this project during the design phase. Further community outreach may result through the Neighborhood Liaison Program.

3. BID INFORMATION: The selection of the firm providing the professional engineering services has been performed in accordance with the procedures set forth in Columbus City Code, Section 329.14, "Awarding professional service contracts through requests for proposals." The evaluation criteria for this contract included: 1. proposal quality, 2. project schedule, 3. past performance, 4. environmentally preferable offeror, and 5. local workforce.

Requests for Proposals (RFP's) were received on March 22, 2013 from M-E/IBI Group, E.P. Ferris & Associates, and MS Consultants, Inc.

An evaluation committee reviewed the proposals and scored them based on the criteria mentioned above. The Department of Public Utilities recommends that the contract be awarded to M-E/IBI Group.

The Contract Compliance Number for M-E/IBI Group is 31-1442777 (expires 11/20/14, MAJ). 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 M-E/IBI Group.

4. FISCAL IMPACT: Funds for this project are included within the Water Works Enlargement Voted Bonds Fund.

To authorize the Director of Public Utilities to enter into an agreement with M-E/IBI Group; for professional engineering services for the East Deshler Avenue Water Line Improvements Project; and to authorize an expenditure up to \$197,827.83 from the Water Works Enlargement Voted Bonds Fund; for the Division of Water. (\$197,827.83)

WHEREAS, three technical proposals for professional engineering services for the East Deshler Avenue Water Line Improvements Project were received on March 22, 2013; and

WHEREAS, the Department of Public Utilities recommends that the agreement be awarded to M-E/IBI Group; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to expend funds within the Water Works Enlargement Voted Bonds Fund for the East Deshler Avenue Water Line Improvements Project; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a professional engineering services agreement for the East Deshler Avenue Water Line Improvements Project, for the preservation of the public health, peace, property and safety;

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 enter into a professional engineering services agreement for the East Deshler Avenue Water Line Improvements Project with the best, most responsive, and responsible bidder, M-E/IBI Group, 230 West Street, Suite 175, Columbus, OH 43215; in the amount of \$197,827.83; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

SECTION 2. That the expenditure of \$197,827.83 is hereby authorized for the East Deshler Avenue Water Line Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690236-100058 (carryover), OCA Code 623658, Object Level Three 6677.

SECTION 3. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. 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 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1480-2013

Drafting Date: 6/27/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an agreement with Stantec Consulting Services, Inc., for professional engineering services for Clintonville Stormwater Quality/Quantity Project. This project provides for storm water quality and quantity sampling needed for The Blueprint Columbus Project in the Clintonville Area.

This project will provide storm water quality and quantity data for analysis in the Blueprint Columbus Project. This sampling includes installation and maintenance of flow meters, collection of water quality and quantity data, lab analysis and reporting. The data will provide a baseline for evaluation of the environmental benefits of technologies employed in the Blueprint Columbus Project area.

2. **ENGINEERING CONTRACT AWARD:** Stantec Consulting Services, Inc. was selected in accordance with the procedures set forth in Columbus City Code, Section 329.14, "Awarding professional service contracts through Requests for Proposals". Three Requests for Proposals (RFP's) were received and opened on March 1, 2013 from firms having the experience necessary to complete the project: Stantec Consulting Services, Inc., Resource International and XCG.

Upon review of the technical proposals, the bidders were ranked using criteria specified in City Code, and more specifically: proposal quality, competence to perform required work, project schedule, and local workforce. Based upon these criteria, Stantec Consulting Services, Inc. was selected as the highest-ranked bidder and chosen for this project. Their Contract Compliance Number is 11-2167170, expires 12/21/13, majority.

3. **FISCAL IMPACT:** This legislation includes a transfer within the Storm Recovery Zone Super Build America Bonds Fund to provide sufficient funding for the project, as well as an amendment to the 2013 Capital Improvements Budget to provide sufficient budget authority.

To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with Stantec Consulting Services, Inc.; for the Clintonville Stormwater Quality/Quantity Project for the

Division of Sewerage and Drainage; to authorize the transfer of \$904,027.61 within the Storm Recovery Zone Super Build America Bonds Fund; to amend the 2013 Capital Improvements Budget and to authorize the expenditure of \$904,027.61 within the Storm Recovery Zone Super Build America Bonds Fund. (\$904,027.61).

WHEREAS, Requests for Proposals were received and opened on March 1, 2013 for engineering services for the Clintonville Stormwater Quality/Quantity Project; and

WHEREAS, Stantec Consulting Services, Inc., was selected based on the following criteria: proposal quality, competence to perform required work, project schedule, and local workforce; and

WHEREAS, it is necessary to transfer money within the Storm Recovery Zone Super Build America Bonds Fund for the Clintonville Stormwater Quality/Quantity Project; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into an agreement for professional engineering services to provide for storm water quality and quantity sampling needed for The Blueprint Columbus Project in the Clintonville Area; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to enter into an agreement for professional engineering services, for the Clintonville Stormwater Quality/Quantity Project, 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 \$904,027.61 within the Storm Recovery Zone Super Build America Bonds Fund, Fund 677, Division of Sewerage and Drainage, Division 60-15, Object Level One 06, Object Level Three 6682, as follows:

TRANSFER FROM:

Project | OCA | Project Name | Amount

610990-100001 | 679901 | Woodward, Wildwood and Woodnell Avenue | \$904,027.61

TRANSFER TO:

Project | OCA | Project Name | Amount

610750-100001 | 677501 | Clintonville Stormwater Quality/Quantity Project | \$904,027.61

SECTION 2. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the 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 no longer required for said project.

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed

appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 the Director of Public Utilities be and hereby is authorized to execute an agreement with Stantec Consulting Services, Inc., 1500 Lake Shore Drive, Suite 100, Columbus, Ohio 43204, for the Division of Sewerage and Drainage, for professional engineering services in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

SECTION 6. That the said engineering firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 7. That for the purpose of paying the cost of the professional engineering services contract, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-15, Fund 677, Project 610750-100001, Object Level One 06, Object Level Three 6682, OCA Code 677501, Amount \$904,027.61.

SECTION 8. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to provide sufficient budget authority for the execution of the engineering agreement stated in Section 7 herein:

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>(Amount of Change)</u>
610990-100001	Woodward, Wildwood and Woodnell Avenue	\$1,995,316	\$1,091,288	-\$904,028
610750-100001	Clintonville Stormwater Quality/Quantity Project	\$0	\$904,028	+\$904,028

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.

Legislation Number: 1489-2013

Drafting Date: 6/12/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND: The Department of Public Utilities, Division of Sewerage and Drainage, Stormwater Section entered into a professional engineering agreement with Korda/Nemeth Engineering, Inc. for the Marion Road Area Neighborhood Project No. 2, in accordance with Ordinance No. 1138-2012, passed June 25, 2012.

A modification to this agreement was prepared by the Division of Water in order to include design of a water line replacement on Smith Road between Lockbourne Road and Fairwood Avenue, Ordinance No. 0295-2013, passed March 4, 2013.

The Department of Public Service is requesting to modify this contract to include design of sidewalks and resurfacing on Smith Road between Fairwood Avenue and Lockbourne Road. The funding for this portion of the work will be funded with UIRF monies. The UIRF Project was approved by City Council on March 18, 2013.

The work proposed by this contract modification overlaps with the stormwater and water improvements. By combining the work into one project, the professional design services are more economical, and the disruption to the community will be minimized by having all work done under one construction contract.

2. ORIGINAL ENGINEERING CONTRACT AWARD: Korda/Nemeth Engineering, Inc. was selected in accordance with the procedures set forth in Columbus City Code, Section 329.14, "Awarding professional service contracts through Requests for Proposals". Three Requests for Proposals (RFP's) were received and opened on February 24, 2012 from firms having the experience necessary to complete the project: Korda/Nemeth Engineering, Inc., MS Consultants, Inc., and Hockaden & Associates.

Upon review of the technical proposals, the bidders were ranked using criteria specified in City Code, and more specifically: proposal quality, competence to perform required work, project schedule, and local workforce. Based upon these criteria, Korda/Nemeth Engineering, Inc. was selected as the highest-ranked bidder and chosen for this project.

The Contract Compliance Number for Korda/Nemeth Engineering, Inc. is 31-0922991 (expires 7/6/13 MAJ). 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 Korda/Nemeth Engineering, Inc.

2.1 Amount of additional funds to be expended: \$54,264.00

Original Contract Amount:	\$105,695.00 (EL013486)
Modification #1:	\$ 29,304.00 (EL014206)
<u>Modification #2 (current):</u>	<u>\$ 54,264.00</u>
Amount of original contract and Mod #1:	\$189,263.00

2.2 Reasons additional goods/services could not be foreseen:

Contract modifications were not anticipated in the original contract. The Department of Public Service requested participation in the Division of Sewerage and Drainage's project when planning coordination revealed that both departments need to construct improvements on Smith Road.

2.3 Reason other procurement processes are not used:

The work proposed by this contract modification overlaps with the previously legislated stormwater and water improvements. By combining the work into one project, the professional design services are more economical. The disruption to the community will be minimized by having all work done under one construction contract.

2.4 How cost of modification was determined:

A cost proposal was provided by Korda/Nemeth Engineering, Inc., reviewed by the Department of Public Service, and was deemed acceptable.

3. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:

This project will reduce cost by reducing system leakage. The Neighborhood Liaison(s) will be contacted and informed of this project during the construction phase. Further community outreach may result through the Neighborhood Liaison Program.

4. FISCAL IMPACT: A transfer of funds within the Streets & Highway G.O. Bonds Fund will be necessary

as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to modify the professional engineering services agreement with Korda/Nemeth Engineering, Inc. for the Smith Road Sidewalk & Resurfacing Project; to amend the 2013 Capital Improvements Budget; and to authorize a transfer and expenditure up to \$54,264.00 within the Streets & Highway G.O. Bonds Fund. (\$54,264.00)

WHEREAS, Contract No. EL013486 was authorized by Ordinance No. 1138-2012, passed June 25, 2012, was executed on August 16, 2012, and was approved by the City Attorney on August 21, 2012, with Korda/Nemeth Engineering, Inc. for the Marion Road Area Neighborhood Project No. 2, for the Division of Sewerage and Drainage, Stormwater Section; and

WHEREAS, Modification No. 1 was authorized by Ordinance No. 0295-2013, passed March 4, 2013, was executed on April 4, 2013, and approved by the City Attorney on April 10, 2013 with Korda/Nemeth Engineering, Inc. to include additional design services for a water line replacement in Smith Road between Lockbourne Road and Fairwood Avenue, for the Division of Water; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to execute a contract modification for the Smith Road Sidewalk & Resurfacing Project with Korda/Nemeth Engineering, Inc.; and

WHEREAS, it is necessary for this Council to authorize the transfer and expenditure of funds within the Streets & Highway G.O. Bonds Fund; and

WHEREAS, it is necessary to authorize an amendment to the 20130 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, to authorize the Director of Public Utilities to modify and increase the Division of Sewerage and Drainage's professional engineering services agreement with Korda/Nemeth Engineering, Inc. for the Smith Road Sidewalk & Resurfacing 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 Public Utilities is hereby authorized and directed to modify and increase the professional engineering services contract with Korda/Nemeth Engineering, Inc. for the Smith Road Sidewalk & Resurfacing Project, for the Department of Public Service, in the amount of \$54,264.00.

SECTION 2. That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

SECTION 3. That the City Auditor is hereby authorized to transfer \$54,264.00 within the Department of Development, Dept/Div. No. 44-01, Fund No. 704, Streets & Highway G.O. Bonds Fund, Object Level Three 6631, as follows:

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

704 | 440005-100001 | Urban Infra.-18th, 20, St Clair Corridor | 744501 | -\$54,264.00
704 | 440005-100020 | UIRF - Smith Rd. Sidewalk & Resurfacing | 740520 | +\$54,264.00

SECTION 4. That the 2013 Capital Improvements Budget is hereby amended as follows:

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

704 | 440005-100001 | Urban Infra.-18th, 20, St Clair Corridor (Carryover) | \$112,979.00 | \$58,715 | -\$54,264
704 | 440005-100020 | UIRF - Smith Rd. Sidewalk & Resurfacing (Carryover) | \$0 | \$54,264 | +\$54,264

SECTION 5. That an expenditure up to \$54,264.00 is hereby authorized for the Smith Road Sidewalk & Resurfacing Project within the Streets & Highway G.O. Bonds Fund, Fund No. 704, Division 44-01, Project No. 440005-100020, OCA Code 740520, Object Level Three 6631.

SECTION 6. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Korda/Nemeth Engineering, Inc.
1650 Watermark Drive, Suite 200
Columbus, Ohio 43215
John W. Panovsky, PE, Partner
(614) 487-1650

Legislation Number: 1505-2013

Drafting Date: 6/13/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

To authorize the Director of Public Utilities to enter into an agreement with HDR Engineering, Inc. for professional engineering services for the Berrell Avenue Area Water Line Improvements Project; and to

authorize an expenditure up to \$210,299.22 from the Water Works Enlargement Voted Bonds Fund; for the Division of Water. (\$210,299.22)

WHEREAS, three technical proposals for professional engineering services for the Berrell Avenue Area Water Line Improvements Project were received on March 22, 2013; and

WHEREAS, the Department of Public Utilities recommends that the agreement be awarded to HDR Engineering, Inc.; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to expend funds within the Water Works Enlargement Voted Bonds Fund for the Berrell Avenue Area Water Line Improvements Project; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a professional engineering services agreement for the Berrell Avenue Area Water Line Improvements Project, for the preservation of the public health, peace, property and safety;

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 enter into a professional engineering services agreement for the Berrell Avenue Area Water Line Improvements Project with the best, most responsive, and responsible bidder, HDR Engineering, Inc., 2800 Corporate Exchange Drive, Suite 270, Columbus, Ohio 43231; for an expenditure up to \$210,299.22; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

SECTION 2. That an expenditure up to \$210,299.22 is hereby authorized for the Berrell Avenue Area Water Line Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690236-100057 (carryover), OCA Code 623657, Object Level Three 6677.

SECTION 3. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. 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 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1508-2013

Drafting Date: 6/13/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND:

The City of Columbus Planning Division, working with the Department of Building and Zoning Services, has drafted the East Franklinton District as a new zoning tool to implement the adopted *East Franklinton Creative Community District Plan* (2012). The East Franklinton District is an urban, mixed use zoning classification that provides flexibility for development consistent with the adopted plan. It creates the East Franklinton Review Board, which issues Certificates of Approval to ensure new development, expansion of existing development, site improvements and graphics are consistent with the adopted plan. The companion rezoning ordinance (Ordinance No. 1569-2013, Z13-043) reclassifies 551 parcels to the East Franklinton District. The rezoning proposal is endorsed by the Franklinton Area Commission and the Columbus Development Commission has recommended its adoption.

FISCAL IMPACT: No funding is required for this legislation.

To enact a new Chapter 3323 of the Columbus City Codes, 1959, entitled “East Franklinton District;” to repeal the East Franklinton Overlay and the portion of the West Broad Street/Franklinton Urban Commercial Overlay east of State Route 315; to establish an appeals path to the Board of Commission Appeals, to appoint the initial membership of the East Franklinton Review Board; and to make other needed code changes in various sections of Title 33 and Title 41 in order to accommodate the new East Franklinton District.

WHEREAS, East Franklinton is a unique and valued part of the City of Columbus by virtue of its history, urban character and architectural scale; and

WHEREAS, the *East Franklinton Creative Community District Plan* was adopted by Columbus City Council on November 12, 2012, to establish a new vision to guide development and redevelopment in the district; and

WHEREAS, the goal of this new zoning classification is to provide a flexible set of regulations that will ensure new development is consistent with the character of East Franklinton and the vision recommended in the adopted plan; and

WHEREAS, it is necessary and appropriate for the general welfare for the City of Columbus to undertake this creation of a new zoning code chapter and area wide rezoning to promote appropriate development and redevelopment, preserve the neighborhood’s character, and protect the value of existing and neighboring properties; and

WHEREAS, all affected property owners and those within 125 feet of the area to be rezoned were notified by mail of an informational public meeting in the neighborhood and of the Development Commission meeting during which the code change and rezoning proposal was reviewed; and

WHEREAS, the Franklinton Area Commission endorses the proposed East Franklinton District and the Development Commission voted to recommend its approval by City Council; now, therefore,

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

(See ORD1508-2013Attachment1 for Sections 1-11)

SECTION 12. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

Legislation Number: 1509-2013

Drafting Date: 6/13/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a Guaranteed Maximum Reimbursement agreement with 1354 Ida Avenue LLC for the Ida Avenue Water Line Improvements Project, Division of Water Contract No. 2058.

The 1.5-inch and 2-inch water mains along Ida Avenue were installed in the early 1920's and are near the end of their expected useful life. Using asset management principles, the mains were identified to be replaced as part of the Division of Water's Capital Improvement Plan. This project will replace the water mains with a 6-inch water main.

Upon passage of this Ordinance, the City of Columbus will agree to pay a guaranteed maximum reimbursement of \$230,185.00 to 1354 Ida Avenue LLC. The developer has agreed to construct the improvements at their cost and then obtain reimbursement from the City. Funding for the reimbursement is provided by the Department of Public Utilities.

A guaranteed maximum cost reimbursement with 1354 Ida Avenue LLC provides that they construct the public improvement on the City's behalf; and that the project is publicly bid and subject to reimbursement agreement with the City.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: By entering into an agreement with the developer, water mains that are inadequately sized and have reached the end of their useful life will be replaced.

3. BID INFORMATION: The Department of Public Utilities will assist the developer with competitively bidding this project through the Vendor Services website.

4. CONTRACT COMPLIANCE NO.: 46-2617685 | exp. 6/27/15 | MAJ

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against 1354 Ida Avenue LLC.

5. FISCAL IMPACT: A transfer within the Water Works Enlargement Voted Bonds Fund will be necessary as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a Guaranteed Maximum Reimbursement agreement with 1354 Ida Avenue LLC, pursuant to Section 186 of the Columbus City Charter for replacement of water mains as part of the Ida Avenue Water Line Improvements Project for the Division of Water; to authorize a transfer and expenditure of up to \$230,185.00 within the Water Works Enlargement Voted Bonds Fund, and to amend the 2013 Capital Improvements Budget. (\$230,185.00)

WHEREAS, the Director of Public Utilities needs to enter into a Guaranteed Maximum Reimbursement agreement with 1354 Ida Avenue LLC for the Ida Avenue Water Line Improvements Project; and

WHEREAS, the City will pay, with funds provided by the Department of Public Utilities, a guaranteed maximum reimbursement of \$230,185.00; and

WHEREAS, it is necessary for this Council to authorize a transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it is necessary for Council to authorize the Director of Public Utilities to enter into a Guaranteed Maximum Reimbursement Agreement with 1354 Ida Avenue LLC, for the Ida Avenue Water Line Improvements Project, for the preservation of 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 is authorized to enter into a Guaranteed Maximum Reimbursement Agreement with 1354 Ida Avenue LLC, 5179 Baypointe Drive, Powell, Ohio 43065; in an amount up to \$230,185.00, pursuant to Section 186 of the Columbus City Charter for construction of a 6-inch water main for the Ida Avenue Water Line Improvements Project, for the Division of Water

SECTION 2. That the City Auditor is hereby authorized to transfer \$230,185.00 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, Object Level Three 6698, as follows:

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>OCA Code</u>	<u>Change</u>
606	690428-100001 (carryover)	DRWP Cap. Incr.-DD/Constr.	664281	-\$230,185.00
606	690236-100083 (carryover)	Ida Ave. Area WL Imp's	663683	+\$230,185.00

SECTION 3. That the 2013 Capital Improvements Budget is hereby amended as follows:

<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>Change</u>
606	690428-100001 (carryover)	DRWP Cap. Incr.-DD/Constr.	\$8,470,541	\$8,240,356	-\$230,185
606	690236-100083 (carryover)	Ida Ave. Area WL Imp's	\$0	\$230,185	+\$230,185

SECTION 4. That for the purpose of reimbursing 1354 Ida Avenue LLC the costs associated with construction of a 6-inch water main along Ida Avenue, an expenditure up to \$230,185.00 is hereby authorized as follows: Division of Water, Dept./Div. No. 60-09, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Project 690236-100083 (carryover), OCA Code 663683, Object Level Three 6698.

SECTION 5. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this ordinance shall take effect and be in force from and after the earliest date allowed by law.

Legislation Number: 1514-2013

Drafting Date: 6/13/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND: This Ordinance authorizes the Director of Public Utilities to modify and increase the professional engineering services agreement with ARCADIS US, Inc. for the Alum Creek Pump Station Improvements Project, for the Division of Water Contract No. 1174.

This project entails professional consulting/engineering services for the work associated with the Alum Creek Pump Station. The work to be performed includes the evaluation, design, preparation of bidding documents for construction and installation of renovations and upgrades to the Alum Creek Pump Station facility including, but not limited to: existing pumps & drives, screens, gates and valves, instrumentation & controls, HVAC, electrical systems, and ancillary equipment necessary to operate the pump station in a reliable and sustainable fashion.

The original contract provided funds for preliminary engineering services. This contract modification (No. 1) will provide funds for detailed design and preparation of bidding documents for construction and installation of renovations and upgrades to the Alum Creek Pump Station facility including, but not limited to: existing pumps & drives, screens, gates and valves, instrumentation & controls, HVAC, electrical systems, and ancillary equipment necessary to operate the pump station in a reliable and sustainable fashion.

1.1 Amount of additional funds to be expended: \$834,588.00

Original Contract Amount:	\$ 257,592.00
Modification No. 1 (current)	<u>\$ 834,588.00</u>
Total (Orig. + Mod 1)	\$1,092,180.00

1.2. Reasons additional goods/services could not be foreseen:

This was a planned contract modification identified in the original contracting legislation under Ordinance No. 1917-2011. Another future contract modification is anticipated for engineering services during construction.

1.3. Reason other procurement processes are not used:

This contract was anticipated to be funded in phases per the original authorized legislation under Ordinance No. 1917-2011. The consultant team is very familiar with the details of the project and has performed an evaluation and condition assessment on the equipment and structure of the Alum Creek Pump Station. They have compiled a Preliminary Design Report detailing their findings and recommendations. The process of selecting and contracting with a new consultant team at this time and having them start with the report

prepared by another consultant would further delay the design and construction of the upgrades needed to ensure the reliable operation of the Alum Creek Pump Station.

1.4. How cost of modification was determined:

The consultant prepared an estimate based on the scope of work for this contract modification. City staff reviewed and approved this cost estimate.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: This project is critical to maintaining a redundant water source for the City's largest water plant (Hap Cremean Water Plant {HCWP}) and providing safe, reliable drinking water to our customers. When Hoover Reservoir water levels are dropping, Alum Creek Pump Station is used to pump water from the Alum Creek Reservoir to Hoover Reservoir. As this is a secure site on property owned by DPU-DOW, no community outreach or input was sought in the development of the project. This project will evaluate more cost effective and efficient methods to operate and run the pump station in the most sustainable manner possible.

3. CONTRACT COMPLIANCE INFO: 57-0373224, expires 8/25/13, Majority Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against ARCADIS US, Inc.

4. FUTURE CONTRACT MODIFICATION: A future contract modification is anticipated for engineering services during construction.

5. FISCAL IMPACT: A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a planned modification of the professional engineering services agreement with ARCADIS US, Inc. for the Alum Creek Pump Station Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$834,588.00 from the Water Works Enlargement Voted Bonds Fund, and to amend the 2013 Capital Improvements Budget. (\$834,588.00)

WHEREAS, Contract No. EL012446 was authorized by Ordinance No. 1917-2011, passed December 12, 2011, was executed on February 14, 2012, and approved by the City Attorney on February 22, 2012; and

WHEREAS, Modification No. 1 is needed for detailed design services and preparation of bidding documents for construction and installation of renovations and upgrades to the Alum Creek Pump Station facility; and

WHEREAS, it is necessary for this Council to authorize the transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it is necessary for this Council to authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with ARCADIS US, Inc. for continued professional engineering services within the Water Works Enlargement Voted Bonds Fund; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Water, to authorize the Director of Public Utilities to modify and increase the professional

engineering services agreement with ARCADIS US, Inc., for the Alum Creek Pump Station Improvements 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 Public Utilities is hereby authorized and directed to modify and increase the professional engineering services agreement with ARCADIS US, Inc. for the Alum Creek Pump Station Improvements Project, in an amount up to \$834,588.00.

SECTION 2. That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

SECTION 3. That the City Auditor is hereby authorized to transfer \$728,588.00 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, OL3 6677, as follows:

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>OCA Code</u>	<u>OL3</u>	<u>Change</u>
606	690428-100004 (carryover)	DRWP Cap Incr.-Recarb & Ozon.	664284		-\$728,588
606	690441-100000 (carryover)	Alum Creek P.S.	690441		+\$728,588

SECTION 4. That the 2013 Capital Improvements Budget is hereby amended as follows:

<u>Fund No.</u>	<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>Change</u>
606	690428-100004 (carryover)	DRWP Cap Incr.-Recarb & Ozon.	\$40,000,000	\$39,271,412	-\$728,588
606	690441-100000 (carryover)	Alum Creek P.S.	\$750,000	\$1,478,588	+\$728,588

SECTION 5. That an expenditure up to \$834,588.00 is hereby authorized for the Alum Creek Pump Station Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept.-Div. 60-09, Project No. 690441-100000 (carryover), Object Level Three 6677, OCA Code 690441.

SECTION 6. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1529-2013

Drafting Date: 6/13/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. Background: This legislation authorizes the Director of Public Utilities to enter into an engineering agreement with Varo Engineers, Inc. for the Williams Rd/Castle Rd. Sanitary Pump Station Control Valve Upgrade Project. The City desires to replace the existing sanitary pump discharge control valves because the manufacture has discontinued all field support of the currently installed system. Newer technology installed at the City sewerage treatment plants has made the current system obsolete and the new systems are more reliable and easier to maintain and trouble shoot. The consultant shall prepare a report for the City containing cost estimates to replace these valves. Upon successful review of the report, the consultant will then prepare construction documents and plans to replace the discharge control valves at this station.

An 'Arc Flash Hazard Analysis Study' was performed by Lewellyn Technology of all City pump stations and it was found that this station has many arc flash hazards that may be corrected/reduced by installation of a faster acting fuse or other device(s) to reduce the arc flash hazard. The City wishes to reduce all 'Dangerous!' categories for this station to a category 2 rating and investigate the merits of reducing category 3 and 4 ratings to a category 2 rating level. The consultant shall confirm the results from this previous study and prepare a report for the City containing cost estimates to mitigate these rating categories. Upon successful review of the report, the consultant will then prepare construction documents and plans to reduce the 'as authorized' arc flash hazards at this station. At the conclusion of the construction improvements, the consultant shall provide an updated 'Arc Flash Hazard Analysis' for this station.

Currently the existing SCADA system at this station provides only monitored results from key flow levels and operational parameters back to the Sewer Maintenance Operations Center. The City desires to update the existing SCADA system to provide real time control of all operational functions via the SCADA system to the Sewer Maintenance Operations Center. Coordinate with City staff and the City's Instrumentation and Controls Consultant to investigate and recommend alternatives where installation of flow meters, advanced electronic measurement devices, or sensors would enhance system knowledge thru the existing SCADA system. The consultant shall prepare a report for the City containing cost estimates to update the SCADA system. Upon successful review of the report, the consultant will then prepare construction documents and plans to upgrade the existing SCADA system at this station.

2. Project Timeline: One year, approximately 365 days.

3. Procurement Information: The Division advertised for Requests for Proposals on the City of Columbus's vendor Services' website and in the City Bulletin in accordance with the provisions of Section 329.14 of the Columbus City Code. The submission date for the Requests for Proposals (RFP's) was February 22, 2013. Three proposals were submitted for evaluation.

4. Contract Compliance No: 31-0722508 | MAJ | Expires 02/15/2015

5. Emergency Designation: Emergency designation **is not** requested at this time.

6. Economic / Environmental Impact: This project will primarily consists of capital costs, with beneficial

social and environmental costs thru the elimination of potential stormwater pollution to the City MS4 system caused by a sanitary sewer overflow at a City maintained pump station. In addition, there are various environmental fines, sanctions, and clean-up costs associated with a sanitary sewer overflow and/or WIB's in residential and commercial facilities.

- 7. Fiscal Impact:** This legislation authorizes the transfer within of \$111,770.88 and the expenditure of up to \$411,770.88 from the Sanitary Sewer General Obligation Bond Fund, Fund 664, and to amend the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a professional engineering agreement with Varo Engineers, Inc. for the Williams Road / Castle Road Sanitary Pump Station Control Valve Upgrade Project for the Division of Sewerage and Drainage; to transfer within \$111,770.88 and expend up to \$411,770.88 from the Sanitary Sewer General Obligation Bond Fund; and to amend the 2013 Capital Improvements Budget. (\$411,770.88)

WHEREAS, the City The City desires to replace the existing sanitary pump discharge control valves because the manufacture has discontinued all field support of the currently installed system; and

WHEREAS, the newer technology installed at the City sewerage treatment plants has made the current system obsolete and the new systems are more reliable and easier to maintain and trouble shoot; and

WHEREAS, it is necessary for City Council to authorize the transfer within of \$111,770.88 and the expenditure of up to \$411,770.88 from the Sanitary Sewer General Obligation Bond Fund, Fund 664; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for purposes of providing sufficient budget authority for the project expenditures; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to into a professional engineering agreement with Varo Engineers, Inc. for the Williams Road / Castle Road Sanitary Pump Station Control Valve Upgrade Project for the Division of Sewerage and Drainage, at the earliest practical date for the preservation of the public health, peace, property, safety, and; **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 enter into a professional engineering agreement with Varo Engineers, Inc., 2751Tuller Parkway, Dublin, Ohio 43017 for the Williams Road / Castle Road Sanitary Pump Station Control Valve Upgrade Project; in the amount of \$411,770.88; in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor be and hereby is authorized and directed to transfer up to \$111,770.88 from within the Sanitary Sewer General Obligation Bond Fund | Fund No. 664 | Division 60-05 | Object Level Three 6676:

From:

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

664 | 650749-100000 | Second Ave Pump Station Replacement | 664749 | -\$111,770.88

To:

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

664 | 650751-100000 | Williams Rd/Castle Rd Sanitary Pump Station Control Valve Upgrade | 647512 |
+111,770.88

SECTION 3. That the 2013 Capital Improvements budget Ordinance No. 0645-2013 is hereby amended as follows, to provide sufficient budget authority for the project expenditures stated in the ordinance herein.

Project No. | Proj. Name | Current | Revised | (Change)

650749-100000 | Second Ave Pump Station Replacement | \$167,854 | \$56,083 | (-\$111,771)
650751-100000 | Williams Rd/Castle Rd Sanitary Pump Station Control Valve Upgrade | \$300,000 | \$411,771 |
(+\$111,771)

SECTION 4. That the Director of Public Utilities be and hereby is authorized to expend up to a total of \$411,770.88 from the Sanitary Sewer General Obligation Bond Fund for the General Engineering Services Project | Fund 664 | Div. 60-05 | Proj. 650751-100000 | 647512 | Object Level Three 6676.

SECTION 5. That the said firm, Varo Engineers, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 Director of Public Utilities is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1541-2013

Drafting Date: 6/17/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

The purpose of this ordinance is to authorize the Director of Public Utilities to pay for wireless fees to ADS

LLC for wireless flow meters.

Flow meters are used to monitor flows through sanitary and combined sewer lines throughout the City. The information allows the Division of Sewerage and Drainage to track development and the capacity of the system and is instrumental in the development and on-going Wet Weather Management Program. Since June of 2006 the Division of Sewerage and Drainage has purchased meters that are LAN line capable. Through various CIP projects mostly Inflow and Infiltration (I&I) studies, contractors purchased wireless meters through ADS LLC. It has now become necessary for the Division of Sewerage and Drainage to take ownership and become responsible for the payment of the monthly wireless fees for 130 meters, which is an increase of 15 meters for 2014. The cost per month is \$25.00 per meter. The agreement is for one (1) year from January 1, 2014 through December 31, 2014.

ADS LLC has negotiated a custom level service with AT&T for the wireless technology for the flow meters to perform. This process includes a fixed IP address for each SIM card within the flow meter. Assigning individual meters with a fixed IP address allows the Division of Sewerage and Drainage to call individual meters any time to collect data or perform diagnostics. Furthermore, ADS has developed flow meter communication hardware and software around this technology and the flow meters will not function under any other system. Having said that, this ordinance is being submitted in accordance with the Sole Source provisions of Columbus City Code, 1959 Section 329.07 (e).

SUPPLIER: ADS LLC (80-0355805), Expires 4/2/14

FISCAL IMPACT: \$39,000.00 is needed for these payments.

\$42,150.00 was spent in 2012.

\$19,350.00 was spent in 2011.

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.

To authorize the Director of Public Utilities to enter into an agreement with ADS LLC for flow meter wireless fees in accordance with Sole Source provisions of the Columbus City Code for the Division of Sewerage and Drainage, and to authorize the expenditure of \$39,000.00 from the Sewerage System Operating Fund. (\$39,000.00)

WHEREAS, the Division of Sewerage and Drainage has taken ownership of 115 wireless flow meters and will add an additional 15 meters in 2014 for a total of 130 meters, and is now responsible for the payment of monthly fees of \$25.00 per month per meter, and

WHEREAS, the agreement is for one (1) year from January 1, 2014 through December 31, 2014, and

WHEREAS, flow meters are used to monitor flows through sanitary and combined sewer lines throughout the City. The information allows the Division of Sewerage and Drainage to track development and the capacity of the system and is instrumental in the development and on-going Wet Weather Management Program, and

WHEREAS, since June of 2006 the Division of Sewerage and Drainage has purchased meters that are LAN

line capable. Through various CIP projects mostly I&I studies and Model Update studies, contractors purchased wireless meters through ADS LLC as part of those studies, and

WHEREAS, ADS LLC has negotiated a custom level service with AT&T for the wireless technology for the flow meters to perform. This process includes a fixed IP address for each SIM card within the flow meter, and

WHEREAS, assigning individual meters with a fixed IP address allows the Division of Sewerage and Drainage to call individual meters any time to collect data or perform diagnostics. Furthermore, ADS has developed a flow meter communication hardware and software around this technology and the flow meters will not function under any other system, and

WHEREAS, this ordinance is being submitted in accordance with the provisions of Columbus City Code 1959, Section 329.07 (e); 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 ADS LLC for flow meter fees in accordance with Sole Source provisions of the Columbus City Code for the Division of Sewerage and Drainage.

SECTION 2. That the expenditure of \$39,000.00 or so much thereof as may be needed, be and the same hereby is authorized from the Sewerage System Operating Fund, Fund No. 650 as follows:

OCA: 605113
Object Level 1: 03
Object Level 03: 3321

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. That this Council finds it in the best interest to enter into the agreement in accordance with the Sole Source provisions of Columbus City Code, Section 329.07 (e).

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

Legislation Number: 1552-2013

Drafting Date: 6/17/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: This legislation authorizes the Director of Public Utilities to modify to the professional engineering services agreement Chester Engineers, Inc. for the General Engineering Consultant agreement.

The General Engineering Consultant (GEC) Services are necessary to provide technical and engineering assistance to the Department of Public Utilities (DPU). Initial services are for Division of Sewerage and Drainage (DOSD) facilities. Additional DPU facilities may be added in the future.

Services performed include design for improvements to the Jackson Pike Wastewater Treatment Plant (JPWWTP) Security Gates and Camera System, JPWWTP B-Plant Final Clarifier Influent Distribution Channel, and JPWWTP B-Plant Final Clarifier Baffle Modification. The GEC has performed an evaluation of the JPWWTP Aeration Control Buildings A & B Heating Alternatives and is preparing a Wastewater Treatment Facilities Roof Survey.

The GEC services may include the following tasks for small projects: investigations, inspections and evaluations of existing conditions, surveying, preparation of engineering or architectural drawings and specifications, review of contractors' submittals including shop drawings, maintenance and operation (M&O) manuals, Standard Operating Procedures (SOPs). The GEC services may also include assistance with new equipment or systems start-up and commissioning, instrumentation & control (I&C) work such as Human Machine Interface (HMI) and Programmable Logic Controller (PLC) programming, uploading documents onto the City's Project Management Information System (PMIS), computerized maintenance software, preparation of record plan drawings for small projects, technical assistance in the preparation of Facilities/Equipment Maintenance (FEM) documents, and other similar related tasks. Small projects that may, on occasion, require engineering services under this contract include small Capital Improvement Projects (formerly known as "Plant Improvement Projects" or "PIPs") and FEM service contracts. The small Capital Improvement Projects (CIP) will vary in nature and can include replacement and upgrade of equipment, materials, structural features, electrical, or instrumentation & control (I&C) work and their associated appurtenances that have served its useful life.

The actual construction and commissioning of upgrades in the several facilities will generally be accomplished by others.

Project Timeline: This modification is planned to provide the services listed above until the next planned modification in 2014.

MODIFICATION:

1.2. Amount of additional funds to be expended: \$350,000.00

Original Contract Amount:	\$250,000.00
Proposed Modification #1:	\$350,000.00
Future Modification #2: (2014)	<u>\$250,000.00</u>
	\$850,000.00

1.3. Reasons additional goods/services could not be foreseen:

This Contract Modification No. 1 was planned and anticipated, and so stated in the original contract's legislation. It is a planned continuation of the services originally included within the existing contract's scope of service.

1.4. Reason other procurement processes are not used:

This work was planned for and anticipated within the original procurement and due to the highly complex and technical nature of the engineering assistance provided to the City, it is not reasonable or cost efficient to undertake a new procurement effort to acquire these services.

1.5. How cost of modification was determined:

The cost of this modification was determined by the Division of Sewerage and Drainage, based upon current estimated needs. The cost of this contract modification is consistent with the direct labor, and overhead, rates established within the original proposal.

2. Contract Compliance No: 20-2401674 | MBE | Expires 05/01/2015

3. Emergency Designation: Emergency designation **is not** requested at this time.

4. Economic / Environmental Impact:

The performance of this project's activities to provide engineering and technical services for CIPs and FEMs at DPU facilities will help them maintain peak operational performance. If left unperformed, the required work could become larger and more expensive that could produce a major impact to the budget. No community outreach is considered for this project.

5. Fiscal Impact: This legislation authorizes the expenditure of \$350,000.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 664. There is sufficient cash and authority within the Storm Build America Bonds Fund for Stormwater's portion of these expenditures.

To authorize the Director of Public Utilities to enter into a planned modification for an engineering agreement with Chester Engineers, Inc. for the General Engineering Consultant Services agreement for the Division of Sewerage and Drainage; to authorize the expenditure of \$350,000.00 in funds from the Sanitary Sewer General Obligation Bond Fund. (\$350,000.00)

WHEREAS, Contract No. EL013738 was authorized by Ordinance No. 2156-2012, as passed by Columbus City Council on November 19, 2012; was executed by the Director 12/07/2012; approved by the City Attorney 12/13/2012; and

WHEREAS, this modification number one (1) is a planned continuation of the services originally included within the existing contract's scope of service; and

WHEREAS, it is necessary to authorize the expenditure in the amount of \$350,000.00 from the Sanitary Sewer General Obligation Fund, Fund 664; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into a professional engineering service agreement with Chester Engineers, Inc. in connection with the General Engineering Consultant (GEC) Services agreement 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 Public Utilities be, and hereby is, authorized to enter into a professional engineering service agreement with Chester Engineers, Inc., 88 East Broad Street, Suite 1980, Columbus, Ohio 43215 for the General Engineering Consultant (GEC) Services agreement in accordance with the terms and conditions as shown in the contract on file in the office of the Division of Sewerage and Drainage.

SECTION 2: That the Director is hereby authorized to expend up to \$350,000.00 in the following manner: Sanitary Sewer G.O. Bond Fund | Fund 664 | CIP 650260-100000 | General Engineering Consultant (GEC) Services Agreement | 650260 | Obj Lvl Three: 6676

SECTION 3: That the said engineering company, Chester Engineers, Inc., shall perform the work to the

satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 4. That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 said firm shall perform the work to the satisfaction of the Director of Public Utilities and to the Administrator of the Division of Sewerage and Drainage.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1561-2013

Drafting Date: 6/18/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND: The Purchasing Office has established Universal Term Contracts for flocculator replacement parts, basin collector parts, and flocculation tank/sedimentation basin shaft bearings, with the companies listed below. These parts are needed to refurbish the settling basins and flocculation channels at the Hap Cremean Water Plant. The Division of Water would like to establish Blanket Purchase Orders, based on these contracts, in the amount of \$325,000.00. The parts to be purchased from the contract will be used for the Hap Cremean Water Plant capital project which includes the replacement and installation of settling basins and chemical mixing of flocculators.

Vendor

UTC# & Expiration Date

Applied Industrial Technologies

FL005042 - 8/31/13

Hoffman's Machining & Repair LLC

FL005342 - 9/30/14

*Siemens Water Technologies, LLC

FL005022 - 7/31/14

(*fka Siemens Industry, Inc.; name change going through under Ordinance No. 1781-2013)

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

2. CONTRACT COMPLIANCE:

Applied Industrial Technologies, 34-0117420 expires 6/14/15, Majority

Hoffman's Machining & Repair LLC, 34-1898313, expires 5/14/14, Majority
*Siemens Water Technologies, LLC, 80-0909020, expires x/xx/xx
(*fka Siemens Industry, Inc. former C.C# was 13-2762488, currently inactive, Majority)

3. FISCAL IMPACT: Funds for these expenditures are included the Water Works Enlargement Voted Bonds Fund.

To authorize the Finance and Management Director to establish Blanket Purchase Orders for Basin and Flocculator Parts at the Hap Cremean Water Treatment Plant; based on existing Universal Term Contracts; for the Division of Water; and to authorize an expenditure up to \$325,000.00 from the Water Works Enlargement Voted Bonds Fund. (\$325,000.00)

WHEREAS, the Purchasing Office has established Universal Term Contracts with Applied Industrial Technologies, Siemens Industry Inc. (name change to Siemens Water Technologies, LLC currently in process under Ordinance No. 1781-2013), and Hoffman's Machining and Repair LLC for flocculator replacement parts, basin collector parts, and flocculation tank/sedimentation basin shaft bearings; and

WHEREAS, the Division of Water needs to purchase these parts as part of a capital project at the Hap Cremean Water Plant to refurbish the settling basins and flocculation channels at the Hap Cremean Water Treatment Plant; and

WHEREAS, it is necessary for this Council to authorize the Finance and Management Director to establish Blanket Purchase Orders for parts needed to refurbish settling basins and flocculation channels based on existing Universal Term Contracts, and said expenditures are to come from the Water Works Enlargement Voted Bonds Fund; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities to authorize the Finance and Management Director to establish Blanket Purchase Orders for parts needed to refurbish settling basins and flocculation channels, 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 Finance and Management Director be and is hereby authorized to establish Blanket Purchase Orders for flocculator replacement parts, basin collector parts, and flocculation tank/sedimentation basin shaft bearings, from established Universal Term Contracts with Applied Industrial Technologies, Siemens Industry Inc. (name change to Siemens Water Technologies, LLC currently in process under Ordinance No. 1781-2013), and Hoffman's Machining and Repair LLC, in a total amount of \$325,000.00, for the Division of Water, Department of Public Utilities.

SECTION 2. That an expenditure up to \$325,000.00 is hereby authorized for parts needed to refurbish settling basins and flocculation channels within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690507-100000 (carryover), Object Level Three 6690, OCA Code 665070, as designated below:

<u>Vendor Name</u>	<u>Amount</u>
--------------------	---------------

Applied Industrial Technologies	\$ 46,000.00
Siemens Water Technologies, LLC (fka Siemens Industry Inc.)	\$144,000.00
Hoffman's Machining and Repair LLC	<u>\$135,000.00</u>
	\$325,000.00

SECTION 3. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. 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 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1568-2013

Drafting Date: 6/18/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

- Need.** This legislation authorizes the Director of Public Utilities to execute a planned contract modification (Mod 3 of 5) for professional construction management services with Black and Veatch Corporation for the OSIS Augmentation and Relief Sewer (OARS), Phase I and II project. The proposed contract modification will provide construction administration and management services including construction inspection, construction and startup coordination, reporting, budgeting, scheduling, document tracking, and other related tasks to ensure the City receives a quality product in conformance with Contract Documents.

1.1 Amount of additional funds to be expended: \$8,843,373.00

2010 Original Contract	\$ 2,663,185.00
2011 Modification No. 1	\$ 6,048,867.00
2012 Modification No. 2	\$ 8,322,762.00
2013 Modification No. 3 (current)	\$ 8,843,373.00
2014 Modification No. 4 (future)	\$ 6,185,975.00
<u>2015 Modification No. 5 (future)</u>	<u>\$ 249,423.00</u>

CURRENT PROPOSED TOTAL \$32,313,585.00

1.2 Reasons additional goods/services could not be foreseen:

This modification is the third of the five originally planned yearly modifications. This modification's time period covers August 2013 - July 2014. It is expected that future modifications will cover years 2014 and 2015.

1.3 Reason other procurement processes are not used:

This modification is a yearly extension of the original contract, as originally planned. The city would incur additional cost and time delays by re-bidding this process.

1.4 How cost of modification was determined:

The cost was determined by the Construction Management Team using the best knowledge about anticipated work during the time period covered by this Modification, available at this time.

2. **Project Timeline:** This is modification number three of five planned contract modifications and covers the time period from August 2013 through July 2014.
3. **Contract Compliance No.:** 43-1833073 | MAJ | Expires 10/31/2013
4. **Emergency Designation:** Emergency designation **is not** requested at this time.
5. **Economic Impact:** The cost of this contract modification was planned in the original contract legislation so the economic impact was minimized.

6. FISCAL IMPACT:

This ordinance authorizes the Director of Public Utilities to transfer within and expend up to \$7,626,798.97 from the Sanitary Sewer General Obligation Fund, Fund 664, to transfer within and expend up to \$1,216,574.03 from the Sanitary Sewer Revenue Bond Fund, Fund 665, for a total expenditure of up to \$8,843,373.00, and to amend the 2013 Capital Improvements Budget to establish sufficient budget authority for this expenditure for the Division of Sewerage and Drainage.

To authorize the Director of Public Utilities to enter into a planned contract modification with Black and Veatch for professional construction management services for the OSIS Augmentation and Relief Sewer (OARS), Phase I and II Project for the Division of Sewerage and Drainage; to transfer within and expend up to \$7,626,798.97 from the Sanitary Sewer General Obligation Fund, to transfer within and expend up to \$1,216,574.03 from the Sanitary Sewer Revenue Bond Fund for a total expenditure of up to \$8,843,373.00, and to amend the 2013 Capital Improvements Budget; and to amend the 2013 Capital Improvements Budget (\$8,843,373.00)

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities, hereby requests this City Council to authorize the Director of Public Utilities to enter into planned contract modification for professional engineering services with Black and Veatch in the amount of \$8,843,373.00 in order to continue to provide construction management services for the OSIS Augmentation and Relief Sewer (OARS), Phase I & II Project; and

WHEREAS, Contract No. EL010729 was authorized by Ordinance No. 0617-2010, passed by the Columbus City Council on May 24, 2010; executed by the Director on July 27, 2010; approved by the City Attorney on

July 30, 2010 in the amount of \$2,663,185.00; and

WHEREAS, Contract No. EL011929 was authorized by Ordinance No. 0658-2011, passed by the Columbus City Council on June 06, 2011; executed by the Director on July 19, 2011; approved by the City Attorney on August 1, 2011 in the amount of \$6,048,867.00; and

WHEREAS, Contract No. EL012897 was authorized by Ordinance No. 0404-2012, as passed by the Columbus City Council on April 02, 2012; ; executed by the Director on June 15, 2012; approved by the City Attorney on June 18, 2012 in the amount of \$8,322,762.00; and

WHEREAS, it is necessary to authorize the transfer within and of expend up to \$7,626,798.97 from the Sanitary Sewer General Obligation Fund, Fund 664, to transfer within and expend up to \$1,216,574.03 from the Sanitary Sewer Revenue Bond Fund, Fund 665; and

WHEREAS, it is necessary to amend the 2013 Capital Improvements Budget to provide sufficient authority for increasing a capital project account; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into planned contract modification for professional construction management services with Black and Veatch for the OSIS Augmentation and Relief Sewer (OARS), Phase I & II Project, at the earliest practical date 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 Public Utilities be, and hereby is, authorized to modify Contract EL010729 for professional engineering services with Black and Veatch, 4016 Townsfair Way, Suite 200, Columbus, Ohio 43219, in order to provide professional construction management services for the OSIS Augmentation and Relief Sewer (OARS), Phase I & II Project in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor be and hereby is authorized and directed to transfer up to \$7,626,798.97 from within the Sanitary Sewer General Obligation Bond Fund | Fund No. 664 | Division 60-05 | Object Level Three 6676:

From:

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

664 | (See Attached Spreadsheet)

To:

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

664 | 650704-100001 | OSIS Augmt. & Relief Sewer (OARS) Ph. I & II | 647041 | +\$5,482,860.26

664 | 650704-100002 | OSIS Augmt. & Relief Sewer (OARS) Ph. I & II | 647042 | +\$2,143,938.71

SECTION 3. That the City Auditor be and hereby is authorized and directed to transfer up to \$1,216,574.03 from within the Sanitary Sewer General Obligation Bond Fund | Fund No. 664 | Division 60-05 | Object Level Three 6676:

From:

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

665 | (See Attached Spreadsheet for Cash Xfr)

To:

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

665 | 650704-100002 | OSIS Augmt & Relief Sewer (OARS) Ph. I & II | 647042 | +\$1,216,574.03

SECTION 4. That the 2013 Capital Improvements budget Ordinance No. 0645-2013 is hereby amended as follows, to provide sufficient budget authority for the project expenditures stated in the ordinance herein.

Project No. | Proj. Name | Current | Revised | (Change)

See Attached Spreadsheet for Authority)

SECTION 5. That the Director of Public Utilities be and hereby is authorized to expend up to \$8,843,343.00 from the Sanitary Sewer General Obligation and the Sanitary Sewer Revenue Bond Funds for the General Engineering Services Project Div. 60-05 | Object Level Three 6676

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

664 | 650704-100001 | OSIS Augmt. & Relief Sewer (OARS) Ph. I & II | 647041 | +\$5,482,860.26

664 | 650704-100002 | OSIS Augmt. & Relief Sewer (OARS) Ph. I & II | 647042 | +\$2,143,938.71

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

665 | 650704-100002 | OSIS Augmt & Relief Sewer (OARS) Ph. I & II | 657042 | +\$1,216,574.03

SECTION 6. That the said firm, Black and Veatch, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 7. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 the Director of Public Utilities is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 11. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Drafting Date: 6/18/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND:

The City of Columbus Planning Division, working with the Department of Building and Zoning Services, has drafted the East Franklinton District (Ordinance No. 1508-2013) as a new zoning tool to implement the adopted *East Franklinton Creative Community District Plan* (2012). The East Franklinton District is an urban, mixed use zoning classification that provides flexibility consistent with the adopted plan. It creates the East Franklinton Review Board, which issues Certificates of Approval to ensure new development, expansion of existing development, site improvements and graphics are consistent with the adopted plan. The rezoning reclassifies 551 parcels to EF, East Franklinton District. The rezoning proposal has been endorsed by the Franklinton Area Commission, and the Columbus Development Commission recommended its adoption on June 13, 2013.

FISCAL IMPACT:

No funding is required for this legislation.

To rezone certain portions of East Franklinton as defined herein to the EF, East Franklinton District (Rezoning # Z13-043).

WHEREAS, East Franklinton is a unique and valued part of the City of Columbus by virtue of its history, urban character and architectural scale; and

WHEREAS, the *East Franklinton Creative Community District Plan* was adopted by Columbus City Council on November 12, 2012, to establish a new vision to guide development and redevelopment in the district; and

WHEREAS, the goal of this new zoning classification is to provide a flexible set of rules that will ensure new development that is consistent with the character of East Franklinton and the vision recommended in the adopted Plan; and

WHEREAS, it is necessary and appropriate for the general welfare for the City of Columbus to undertake this rezoning to promote appropriate development and redevelopment, preserve the neighborhood's character, and protect the value of existing and neighboring properties; and

WHEREAS, all affected property owners and those within 125 feet of the area to be rezoned were notified by mail of an informational public meeting in the neighborhood, and of the Development Commission meeting during which the rezoning proposal was reviewed; and

WHEREAS, the Franklinton Area Commission has endorsed the proposed EF, East Franklinton District; and

WHEREAS, the Development Commission recommends approval of said zoning change; 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 described in the boundary below, including sub-districts, from their existing zoning classification to the EF, East Franklinton District.

LEGAL DESCRIPTION

The East Franklinton District is the area bounded as follows:

- A. Beginning at the point where the eastern right-of-way boundary of State Route 315 intersects with the northern right-of-way boundary of I-70;
- B. Thence easterly to the intersection of the northern right-of-way boundary of I-70 and the northern bank of the Scioto River;
- C. Thence easterly along the northern bank of the Scioto River to its intersection with the western boundary of the Downtown District;
- D. Thence northerly along the western boundary of the Downtown District;
- E. Thence westerly along the southern boundary of the Downtown District until it intersects with the eastern boundary of State Route 315;
- F. Thence southerly until the place of the beginning.

The East Franklinton District is divided into the following three sub-districts.

- A. **Arts and Innovation Sub-District.** Beginning at the point where the northern bank of the Scioto River intersects with the western boundary of the Downtown District, thence northerly along the western bank of the Downtown District until it intersects with the centerline of West State Street, thence westerly until the centerline of West State Street intersects with the centerline of South Mill Street, thence south until the centerline of South Mill Street intersects with the centerline of West Chapel Street, thence westerly until the centerline of West Chapel Street intersects with the centerline of South Gift Street, thence southerly until the centerline of South Gift Street intersects with the centerline of West Rich Street, thence easterly until the centerline of West Rich Street intersects with the centerline of May Avenue, thence southerly until that line intersects with the northern bank of the Scioto River, thence easterly until the place of the beginning.
- B. **Dodge Park Sub-District.** Beginning at the point where the eastern right-of-way boundary of State Route 315 intersects with the centerline of Culbertson Street, thence easterly until the centerline of Culbertson Street intersects with the centerline of South Mill Street, thence southerly until the centerline of South Mill Street intersects with the centerline of West Chapel Street, thence westerly until the centerline of West Chapel Street intersects with the centerline of South Gift Street, thence southerly until the centerline of South Gift Street intersects with the centerline of West Rich Street, thence easterly until the centerline of West Rich Street intersects with the centerline of May Avenue, thence southerly until that line intersects with the northern bank of the Scioto River, thence southerly until the northern bank of the Scioto River intersects with the northern right-of-way boundary of I-70, thence westerly until the northern right-of-way boundary of I-70 intersects with the western right-of-way boundary of State Route 315, thence northerly until the place of the beginning.
- C. **Broad Street Sub-District.** Beginning at the point where the eastern right-of-way boundary of State Route 315 intersects with the centerline of Culbertson Street, thence northerly along the eastern right-of-way boundary of State Route 315 until it intersects with the southern boundary of the Downtown District, thence easterly along the southern boundary of the Downtown District until it intersects with the centerline of West State Street, thence westerly along the centerline of West State Street until it intersects with the centerline of South Mill Street, thence northerly along the centerline of South Mill Street until it intersects with the centerline of West Culbertson Street, thence westerly until the place of the beginning.

This description was prepared from records and does not represent an actual survey.

SECTION 2. That a Height District of sixty (60) feet is hereby established on the Arts and Innovation and Broad Street Sub-Districts, and Height District of thirty-five (35) feet is hereby established on the Dodge Park Sub-District 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 in the office of the Department of Building and Zoning Services.

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

Legislation Number: 1572-2013

Drafting Date: 6/18/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: This ordinance authorizes the Director of the Department of Public Safety to enter into an Agreement on behalf of the Division of Fire, with OhioHealth Corporation acting on behalf of its Experimental Learning Business Unit, for the use of one medic unit owned by the City in exchange for Emergency Medical Service (EMS) simulation training for Fire's EMS Personnel.

The Department of Public Safety, Division of Fire and the OhioHealth Corporation are seeking authorization to enter into an agreement in a joint venture that will improve simulation training for the Division of Fire personnel. OhioHealth will allow the Columbus Division of Fire access to all three of their simulation labs (at Riverside, Doctor's West and Grant Medical Hospitals), and any mobile lab on a routine basis. In exchange for this access, a used Fire Medical Unit, owned and maintained by the City of Columbus, will be made available to OhioHealth's Experimental Learning Business Unit to be used to expand its EMS outreach training.

Fiscal impact: The City will be responsible for the maintenance of the Medic and for a replacement vehicle if needed for the duration of the agreement.

To authorize and direct the Director of the Department of Public Safety to enter into an Agreement between the City of Columbus, Division of Fire, and OhioHealth Corporation, on behalf of its Experiential Learning Business unit for the use of one medic unit owned by the City, to expand their EMS outreach training in exchange for Emergency Medical Service (EMS) simulation training for Division of Fire Personnel.(\$0.00)

WHEREAS, EMS Simulation training is the industry standard for proficiency and evaluation of EMS providers, and

WHEREAS, through a successful partnership between the Columbus Division of Fire and Ohio Health Corporations Experiential Learning business unit, Columbus Fire personnel will receive simulation training in OhioHealth's state of the art training center in exchange for the City providing and maintaining a Medic vehicle loaned to OhioHealth's Experiential Learning Business Unit, and

WHEREAS, due to changes in State and National training requirements simulation training and testing have become required benchmarks for EMS provider initial certification and recertification, and

WHEREAS, the Division of Fire, Department of Public Safety, requests to enter into an agreement with

OhioHealth Corporation for EMS simulation training in exchange for providing a medic vehicle for their Experimental Learning Business Unit, 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 to enter into and execute an Agreement with OhioHealth Corporation, on behalf of its Experiential Learning business unit.

SECTION 2. That the finalized copy of the scope of the agreement with OhioHealth Corporation will allow Division of Fire members to receive state of the art EMS simulation training in facilities operated by OhioHealth. This program will improve the professionalism of the Division and in turn assure professional EMS care is offered to the citizens of Columbus in times of medical emergencies.

SECTION 3. That in return for the simulation training for the Division of Fire Personnel, a used Medic Unit will be made available to OhioHealth's Experimental Learning Business Unit to be used to expand the unit's EMS outreach training.

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

Legislation Number: 1576-2013

Drafting Date: 6/18/2013

Current Status: Passed

Version: 3

Matter Type: Ordinance

Rezoning Application: Z13-023

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 9, 2013.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Given the predominance of multi-unit dwellings in this area developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning and development pattern of the area. Furthermore, Staff finds the proposed use to be consistent with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009).

To rezone **1424 CHESAPEAKE AVENUE (43212)**, being 0.34± acres located on the north side of Chesapeake Avenue, 915± feet west of North Star Road, **From:** R, Rural District, **To:** AR-1, Apartment Residential District **and to declare an emergency** (Rezoning # Z13-023).

WHEREAS, application #Z13-023 is on file with the Department of Building and Zoning Services requesting rezoning of 0.34± acres from R, Rural District, to the AR-1, Apartment Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change finding it compatible with the zoning and development pattern in the area given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009); 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:

1424 CHESAPEAKE AVENUE (43212), being 0.34± acres located on the north side of Chesapeake Avenue, 915± feet west of North Star Road and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 56 and 57 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Guy Williams, Jr. and described as follows:

Beginning in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 56 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 80 feet to the southeast corner of said Lot 57;

Thence Northerly, along the east line of said Lot 57, about 175 feet to the northeast corner of said Lot 57, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 80 feet to the northwest corner of said Lot 56;

Thence Southerly, along the west line of said Lot 56, about 175 feet to the *Point of Beginning*. Containing approximately .34 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-001396, 130-000500.

To Rezone From: R, Rural District,

To: AR-1, Apartment Residential District

SECTION 2. That a Height District of ~~thirty five (35)~~ **sixty (60)** feet is hereby established on the AR-1, Apartment Residential District 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 in the office of the Department of Building and Zoning Services.

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: 1579-2013

Drafting Date: 6/19/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND:

This legislation authorizes the Director of the Department of Technology and the Director of the Department of Public Utilities to renew an annual software maintenance and support agreement with Hach Company for the Water Information Management System (WIMS). The original agreement (EL011006) was authorized by ordinance 1318-2010, passed October 4, 2010. The agreement was most recently renewed by authority of ordinance 1807-2012, passed September 10, 2012, through purchase order EL013564. This renewal will provide another year of maintenance and support for the period October 1, 2013 to September 30, 2014, at a cost of \$8,136.00.

WIMS enables the Division of Sewerage and Drainage (DOSD) and the Division of Power and Water (DOPW) to manage water quality sample information, incorporate input from plant operations data sources, track 79,000 tests on 16,000 different samples annually, and transfer approved results to end users automatically. The WIMS system has replaced out dated information systems, allowing DOSD and DOPW to satisfy their regulatory reporting requirements more efficiently.

This ordinance also requests approval to continue services provided by Hach Company in accordance with sole source procurement provisions of Section 329 of the Columbus City Code; as it has been determined the Hach Company is the sole distributor of WIMS, and does not utilize distributors or re-sellers to provide support for its WIMS software product.

FISCAL IMPACT:

In 2011 and 2012, the Department of Technology legislated \$11,532.00 and \$17,707.00 respectively with Hach Company for software maintenance and support services. This request in the amount of \$8,136.00, has been budgeted and identified within the Department of Technology Internal Services Fund. The aggregate contract total including this request is \$50,996.00.

CONTRACT COMPLIANCE:

Vendor Name: Hach Company
04/03/2014

F.I.D/C.C.#: 42 - 0704420

Expiration Date:

To authorize the Director of the Department of Technology and the Director of Public Utilities to renew an annual contract with Hach Company for software maintenance and support on the WIMS system; in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$8,136.00 from the Department of Technology Internal Services Fund. (\$8,136.00)

WHEREAS, the Director of the Department of Technology and the Director of the Department of Public Utilities have a need to renew an annual contract for software maintenance and support with Hach Company; to enable the Division of Sewerage and Drainage (DOSD) and the Division of Power and Water (DOPW) to manage water quality sample information and reporting, and

WHEREAS, this contract renewal provides software maintenance and support on the Water Information Management System (WIMS) and obligates the vendor to provide upgrades, new releases and technical support for the software licensed to the Department of Public Utilities for a one (1) year term period from October 1, 2013 through September 30, 2014, in the amount of \$8,136.00, and

WHEREAS, WIMS enables the Division of Sewerage and Drainage (DOSD) and the Division of Power and Water (DOPW) to manage water quality sample information, incorporate input from plant operations data sources, track 79,000 tests on 16,000 different samples annually, and transfer approved results to end users automatically. The WIMS system has replaced out dated information systems, allowing DOSD and DOPW to satisfy their regulatory reporting requirements more efficiently, and

WHEREAS, this contract renewal is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07, and

WHEREAS, it is necessary to renew a contract with Hach Company to provide software maintenance and support on the WIMS system, so as not to negatively impact the operation of the services provided by the Department of Public Utilities 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 Directors of the Department of Technology and the Department of Public Utilities are hereby authorized to renew an annual contract with Hach Company, to provide software maintenance and support on the Water Information Management System (WIMS), of which the contract also obligates Hach Company to provide upgrades, new releases and technical support on the software licensed to the Department of Public Utilities, in the amount of \$8,136.00, for a one (1) year term period from October 1, 2013 through September 30, 2014.

SECTION 2: That the expenditure of \$8,136.00 or so much thereof as may be necessary is hereby authorized to be expended from Div.:47-01|Fund:514 as follows:

Division: 47-01| Fund: 514| Subfund: 550| OCA Code: 514550| OBJ Level 1: 03| OBJ Level 03: 3369| Amount: \$496.30| Electricity/Power

Division: 47-01| Fund: 514| Subfund: 600| OCA Code: 514600| OBJ Level 1: 03| OBJ Level 03: 3369| Amount:

\$3,156.77| Water

Division: 47-01| Fund: 514| Subfund: 650| OCA Code: 514650| OBJ Level 1: 03| OBJ Level 03: 3369| Amount: \$3,539.15| Sanitary Sewers & Drains

Division: 47-01| Fund: 514| Subfund: 675| OCA Code: 514675| OBJ Level 1: 03| OBJ Level 03: 3369| Amount: \$943.78| Storm Water

SECTION 3: That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4: That the City Auditor is authorized to make any changes to revise the funding source for any contract or contract modifications associated with this ordinance.

SECTION 5: That this contract renewal is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

SECTION 6: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1580-2013

Drafting Date: 6/19/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. Background:

The City of Columbus, Department of Public Service, received a request from Emmanuel Memorial Progressive Neo-Pentecostal Church (hereafter, “the Church”) asking that the City sell the right-of-way identified as a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues. Transfer of this right-of-way will allow for the expansion of an existing building as well as enhancements to property adjacent to the above noted right-of-way currently owned by the Church located at 2727 Bulen Avenue. 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. 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. A value of \$2,927.00 was established for this right-of-way. The Church submitted a request for mitigation of the established value of the aforementioned right-of-way. After review of the request, the Land Review Commission voted to recommend a fifty (50) per cent mitigation of cost and that the above referenced right-of-way be transferred to the Church for \$1,463.50.

2. FISCAL IMPACT:

The City will receive a total of \$1,463.50 that will be deposited in Fund 748, Project 537650, as consideration for the transfer of the requested right-of-way.

To authorize the Director of the Department of Public Service to execute those documents required to transfer

a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues to Emmanuel Memorial Progressive Neo-Pentecostal Church.

WHEREAS, the City of Columbus, Department of Public Service, received a request from Emmanuel Memorial Progressive Neo-Pentecostal Church, asking that the City transfer the right-of-way identified as a 0.1626 acre portion of the undeveloped right-of-way between Fairwood and Bulen Avenues to the Church; and

WHEREAS, acquisition of the right-of-way will allow the Church to expand an existing structure and perform enhancements on property that is adjacent to the above noted right-of-way, located at 2727 Bulen Avenue; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Planning and Operations, by this transfer, extinguishes its need for this public right-of-way; 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 the Church; 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 \$2,927.00 was established for this right-of-way; and

WHEREAS, Emmanuel Memorial Progressive Neo-Pentecostal Church has submitted a request for mitigation of the established value for this right-of-way; and

WHEREAS, the Land Review Commission voted to recommend a fifty (50) percent mitigation of the established value and that the aforementioned right-of-way be transferred to the Church for the amount of \$1,463.50; and 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 the Church; to-wit:

DESCRIPTION OF 0.1626 ACRE
BEING A PORTION OF DEWBERRY ROAD EAST
OF AN UNIMPROVED PUBLIC ALLEY (16') WEST OF
BULEN AVENUE (50') COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, being a 50 foot wide strip of an unimproved portion of Dewberry Road located west of the westerly right-of-way line of Bulen Avenue (50') and east of the easterly right-of-way line of a 16 foot wide unimproved alley, all being shown and delineated on the plat entitled "Opportunity Farms", a subdivision of record in Plat Book 15, Page 28, all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

BEGINNING at a 1" iron pipe found at the southeasterly corner of Lot 112 of said "Opportunity Farms" as described in a deed to Lany J. Silcott, of record in Instrument No. 200106250142797, also being a point at the intersection of the northerly right-of-way line of Dewberry Road (50') with the westerly right-of-way line of Bulen Road (50');

Thence South 3° 44' 13" West, through the right-of-way of said Dewberry Road a distance of 50.00 feet to an iron pin set at the northeasterly corner of Lot 111 of said "Opportunity Farms" as described in a deed to Barbara Ayers, of record in Instrument No. 199803310074687, also being a point at the intersection of the southerly right-of-way line of Dewberry Road and the westerly right-of-way line of Bulen Avenue;

Thence North 86° 02' 24" West, along the southerly right-of-way line of said Dewberry Road, the northerly line of said Lot III and northerly line of said Ayers tract, a distance of 141.71 feet to an iron pin set at the northwesterly corner of said Lot III, also being a point in the easterly right-of-way line of a 16 foot wide unimproved alley and the northwesterly corner of said Ayers tract;

Thence North 3° 44' 13" East, through the right-of-way of said Dewberry Road, a distance of 50.00 feet to an iron pin set the southwesterly corner of said Lot 112, also being a point at the intersection of the easterly right-of-way line of said 16 foot wide alley and the northerly right-of-way line of said Dewberry Road and being the southwesterly corner of said Silcott tract;

Thence South 86° 02' 24" East, along the southerly line of said Lot 112, the northerly right-of-way line of said Dewberry Road and the southerly line of said Silcott tract, a distance of 141.71 feet to the PLACE OF BEGINNING and containing 0.1626 acre of land (7085 square feet).

Bearings herein are based on a bearing of N 3° 44' 13" E for the westerly line of Bulen Avenue derived from GPS observations in conjunction with the Ohio Department of Transportation VRS network, being the Ohio State Plane Coordinate System, South Zone, NAD 1983.

Iron pins set consist of a 5/8" x 30" rebar with a plastic cap inscribed "Jon B. Adcock, P.S. 8461."

This description was prepared by American Land Surveyors, LLC, by Jon B. Adcock, Ohio P.S. No. 8461 and is based on a field survey performed in May, 2013.

Section 2. That the above referenced real property shall be considered excess road right-of-way and the public right 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 \$1,463.50 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1585-2013

Drafting Date: 6/19/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. Background:

This legislation authorizes the Director of Public Utilities to enter into an engineering modification agreement (Mod #1) with Chester Engineers, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems Project. It has been determined that the protective coatings on many structures, buildings and process items at the Jackson Pike Wastewater Treatment Plant and the Whittier Street Storm Tanks are in need of rehabilitation. This project will implement a study to determine the specific areas, structures and process items in need of attention, determine the procedures necessary for the rehabilitation, and determine the steps necessary to inhibit deterioration in the future. The Scope of Work for this project, at the City's discretion, will consist of the following elements:

- A. Conduct a detailed survey of the condition of the coatings and determine the required remedies.
- B. Prepare a report with determinations on the survey results and recommendations.
- C. Prepare a General Corrosion Prevention and Protective Coating Specification.
- D. Prepare electronic bid documents for Corrosion Prevention and Protective Coating applications to the locations selected by the City. Three construction contracts are planned for the work.
- E. Provide services during construction.

The detailed survey, Condition Assessment Report, and the specification have been completed. The project contracting plan determined. The actual emplacement of the work will be by construction contract. The first of three Corrosion Prevention and Protective Coating construction contracts, Contract J218, has been bid.

Future contract modifications are required for construction-phase engineering, the 2014 Corrosion Prevention and Protective Coating Phase 2 contract and the 2015 Corrosion Prevention and Protective Coating Phase 3 contract. Construction Management services are being performed by others.

1.1 Amount of additional funds to be expended: \$428,316.28

Original Contract	\$343,287.23
Proposed Modification No. 1	\$428,316.28
Future Modification No. 2 (Phase 2 & 3 2014)	\$420,000.00
Future Modification No. 3 (Phase 3, 2015)	<u>\$180,000.00</u>
CURRENT PROPOSED TOTAL	\$1,371,603.51

1.2 Reasons additional goods/services could not be foreseen.

This Contract Modification No. 1 was planned and anticipated, and so stated in the original contract's legislation.

1.3 Reason other procurement processes are not used:

Due to the highly complex and technical nature of this wastewater treatment plant infrastructure project, it is not reasonable or cost efficient to undertake a new procurement effort to acquire these services.

1.4 How cost of modification was determined:

A cost proposal was provided by Chester Engineers, Inc. and reviewed by the Division of Sewerage and Drainage and was deemed acceptable. The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal.

2. Emergency Designation: Emergency designation **is not** requested for this legislation.

3. Contract Compliance No.: 20-2401674 | MBE | Expiration Date: 05/01/2015

4. Economic Impact:

This project will provide protective coatings on many structures, buildings and process items at the wastewater treatment plant, that are in need of rehabilitation and it will inhibit their deterioration in the future.

Many of these items are an integral part of the wastewater treatment process at the wastewater treatment plants. Without this required work, the plant processes would lose capacity due to corrosion making equipment inoperable and could result in an NPDES Permit violation.

5. Fiscal Impact:

This ordinance authorizes the transfer within and the expenditure of up to \$428,316.28 from the Build America Bond Fund, Fund 668; and amends the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a planned contract modification for professional engineering and design services with Chester Engineers, Inc. in connection with the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems; to transfer within and expend up to \$428,316.28 from the Sanitary Sewers Build America Bond Fund; and amend the 2013 Capital Improvements Budget. (\$428,316.28)

WHEREAS, it is necessary to authorize a planned contract modification for professional engineering services with Chester Engineers, Inc. for the Division of Sewerage and Drainage for the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems; and

WHEREAS, Contract No. EL011602 was authorized by Ordinance No. 0042-2011, passed by the Columbus City Council on February 14, 2011, executed by the Director of Public Utilities April 29, 2011, approved by the City Attorney on May 11, 2011 in the amount of \$500,000; and

WHEREAS, it is necessary to authorize the transfer within and expenditure of \$428,316.28 in funds from the Sanitary Sewer Build America Bond Fund, Fund 668, for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of creating and providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into a contract modification agreement for

professional engineering services with Chester Engineers, Inc. in connection with the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems, at the earliest practicable date for the preservation of the public health, 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 modify Contract No. EL011602 with Chester Engineers, Inc., 88 East Broad St., Suite 1980, Columbus, Ohio 43215 for professional engineering services in connection with the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems in accordance with the terms and conditions as shown in the original contract on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor be and hereby is authorized and directed to transfer up to \$428,316.28 from within the Sanitary Sewers Build America Bond Fund | Fund No. 668 | Division 60-05 | Object Level Three 6630:

From: Fund 668

Proj. No. | Proj. Name | OCA | Amount

650618-100001 | Naghten St Sewers Rehabilitation | 681618 | -\$290,690.77

650404-100039 | Riverside Phase II | 654439 | -\$137,625.51

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

650261-101000 | WWTFs Professional Construction Management | 668261 | +\$428,316.28

SECTION 3. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to create and provide sufficient budget authority for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650618-100001 | Naghten St Sewers Rehabilitation | \$69,057 | \$290,691 | (+\$221,634) (from cancellation)

650618-100001 | Naghten St Sewers Rehabilitation | \$290,691 | \$0 | (-\$290,691)

650404-100039 | Riverside Phase II | \$189,412 | \$51,787 | (-\$137,626)

650261-101000 | WWTFs Professional Construction Management | \$0 | \$428,317 | \$428,317

SECTION 4. That the Director of Public Utilities is authorized to expend up to \$428,316.28 or as much thereof as may be needed, on the following:

Project No. | Project Name | Amount (\$) | OCA Code | Object Level Three

650261-101000 | WWTFs Professional Construction Management | 668261 | 6676 | +\$428,316.28

SECTION 5. That the said company, Chester Engineers (Ohio), Inc. shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 Director of Public Utilities is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1588-2013

Drafting Date: 6/19/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: The Board of Health has been awarded grant funds from the Ohio Department of Health to fund the Child and Family Health Services (CFHS) Perinatal Program for the period July 1, 2013 through June 30, 2014. Columbus Public Health has a need to make funds available for the CFHS program to provide for high risk perinatal services from The Ohio State University Research Foundation.

The Ohio State University Research Foundation has a continuous relationship of providing high risk perinatal care services under the Child and Family Health Services Perinatal Program. Many women seen in the

perinatal program are high-risk and uninsured patients, and it is necessary that they be provided access to this specialized service.

These services were advertised through the City's Vendor Services website (SA003307) and the OSU Research Foundation was the only submitted bid. This contract is for the fifth year of a five-year contract. The Ohio State University Research Foundation's FID Number is 31-6401599. It is a non-profit organization and is therefore exempt from contract compliance.

Emergency action is requested in order to avoid any delays in providing program services.

FISCAL IMPACT: Funding for this expenditure is provided with Grant Funds from the Ohio Department of Health in the amount of \$100,000.00.

To authorize and direct the Board of Health to enter into a contract with The Ohio State University Research Foundation for the provision of high risk perinatal care services; to authorize the expenditure of \$100,000.00 from the Health Department Grants Fund; and to declare an emergency. (\$100,000.00)

WHEREAS, the Board of Health has a need for The Ohio State University Research Foundation to provide high risk perinatal care services in Franklin County for the period of July 1, 2013 through June 30, 2014, and,

WHEREAS, The Ohio State University Research Foundation has the expertise and has had a long history of providing high risk perinatal care services to patients in the Child and Family Health Services Perinatal Program, and,

WHEREAS, an emergency exists in the usual daily operation of the Health Department in that it is immediately necessary to enter into this contract for the immediate preservation of the public health, peace, property, safety and welfare, and to avoid any delays in providing services; 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 enter into a contract with The Ohio State University Research Foundation to provide high risk perinatal care services for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$100,000.00.

SECTION 2. That to pay the cost of said contract, the expenditure of \$100,000.00 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Department of Health, Department No. 50, Object Level One 03, Object Level Three 3351, Grant No. 501337, OCA Code 501337.

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 records.

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.

Drafting Date: 6/19/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: Columbus Public Health has the need for promotoras/interpretation services for non-English speaking clients at Columbus Public Health's Women's Health Services Clinic, for both intake and regular clinics. This ordinance authorizes the Board of Health to enter into a contract with the Ohio Hispanic Coalition for promotoras/interpretation services for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$37,000.00.

These services were advertised through the City's Vendor Services system (SA003306) and the Ohio Hispanic Coalition was the sole bidder. This contract is for the fifth year of a five-year contract. The Ohio Hispanic Coalition's FID Number is 31-1477946. It is a non-profit organization and is therefore exempt from contract compliance.

Emergency action is requested in order to avoid any delays in providing program services.

FISCAL IMPACT: Funding for this contract is provided with grant funds from the Ohio Department of Health in the amount of \$37,000.00.

To authorize and direct the Board of Health to enter into a contract with the Ohio Hispanic Coalition for the provision of promotoras/interpretation services for Columbus Public Health's Women's Health Services Program, to authorize an expenditure of \$37,000.00 from the Health Department Grants Fund, and to declare an emergency. (\$37,000.00)

WHEREAS, Columbus Public Health has a need for promotoras/interpretation services for non-English speaking clients at the Women's Health Services clinic; and,

WHEREAS, Columbus Public Health currently has a contract with Ohio Hispanic Coalition which provides promotoras/interpretation and written translation services for clients of CHD Women's Health clinic; and,

WHEREAS, contracting with community-based organizations has proven beneficial to CHD clients, the organizations, and to the City of Columbus; and,

WHEREAS, this ordinance authorizes the Board of Health to enter into a contract with the Ohio Hispanic Coalition for the period of July 1, 2013 through June 30, 2014; and,

WHEREAS, an emergency exists in the usual daily operation of Columbus Public Health in that it is immediately necessary to contract with the Ohio Hispanic Coalition for the provision of interpretation services 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 the Board of Health is hereby authorized to enter into a contract with the Ohio Hispanic Coalition for the provision of promotoras/interpretation services for the period of July 1, 2013 through June 30, 2014.

SECTION 2. That to pay the cost of said contract, the expenditure of \$37,000.00 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Department of Health, Department No. 50, Object Level One 03, Object Level Three 3445, Grant No. 501337, OCA Code 501337.

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 records.

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: 1590-2013

Drafting Date: 6/19/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: The Board of Health has been awarded grant funds from the Ohio Department of Health to fund the Child and Family Health Services (CFHS) Women's Health Services program for the period July 1, 2013 through June 30, 2014. Columbus Public Health has a need to make funds available for the CFHS program to provide for child and adolescent services from the Council on Healthy Mothers and Babies.

Council on Healthy Mothers and Babies will provide staffing for ongoing activities to address the prenatal care capacity crisis in Franklin County, including staffing and support to community meetings and committee work, and assessing system capacity among providers who serve un- and underinsured women including Medicaid eligible women. Council will also provide staffing to ongoing community group addressing SIDS risk reduction and safe sleep and provide for materials for educating the community.

These services were advertised through the City's Vendor Services website (SA003309) and the Council on Healthy Mothers and Babies was the only submitted bid. This contract is for the fifth year of a five-year contract. The Council on Healthy Mothers and Babies' FID Number is 42-1546970. It is a non-profit organization and is therefore exempt from contract compliance.

Emergency action is requested in order to avoid any delays in providing program services.

FISCAL IMPACT: Funding for this expenditure is provided with Grant Funds from the Ohio Department of Health in the amount of \$45,000.00.

To authorize and direct the Board of Health to enter into a contract with Council for Healthy Mothers and Babies for the provision of child and adolescent services for the Women's Health Services program; to authorize the expenditure of \$45,000.00 from the Health Department Grants Fund; and to declare an emergency. (\$45,000.00)

WHEREAS, the Board of Health has a need for Council on Healthy Mothers and Babies to provide child and adolescent services for the Child and Family Health Services program for the period of July 1, 2013 through June 30, 2014, and,

WHEREAS, Council for Healthy Mothers and Babies has the expertise to provide such services to patients in the Child and Family Health Services Women's Health Services Program; and,

WHEREAS, an emergency exists in the usual daily operation of Columbus Public Health in that it is immediately necessary to enter into this contract for the immediate preservation of the public health, peace, property, safety and welfare, and to avoid any delays in providing services; 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 enter into a contract with Council on Healthy Mothers and Babies to provide child and adolescent services for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$45,000.00.

SECTION 2. That to pay the cost of said contract, the expenditure of \$45,000.00 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Department of Health, Department No. 50, Object Level One 03, Object Level Three 3351, Grant No. 501337, OCA Code 501337.

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 records.

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: 1592-2013

Drafting Date: 6/19/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND: This Ordinance authorizes the Director of Public Utilities to modify and increase the construction contract with The Righter Co., Inc. for the Watershed Miscellaneous Improvements - Sewer Lateral Repair Project, for the Division of Water.

The original contract was established in 2011, under Ordinance No. 1584-2011, and consisted of repairs, modifications, and/or replacement of various Division of Sewerage and Drainage (DOSD) facility components and associated equipment. The original contract was for a duration of one year with the option to renew for two additional years, on a year to year basis. The contract allows for other Department of Public Utilities to

utilize the contract.

The original contract and Modification No. 1 provided funds for services to be provided at DOSD facilities.

Modification No. 2 provided funds for services at DOSD and Division of Power (DOP) facilities.

Modification No. 3 (Ord# 1619-2013 in process) is requesting DOW Operations & Maintenance Funds for compressor repair at the Division of Water Parsons Avenue Water Treatment Plant (PAWP).

Modification No. 4 (current) will provide DOW Capital Improvement Funds needed to furnish all materials, equipment, and labor necessary for the replacement of two 6” sanitary sewer laterals at the DOW Hoover Reservoir Maintenance/Ranger Facility, the replacement of one 6” sanitary sewer lateral at the DOW Griggs Maintenance Facility, and such other work as may be necessary to complete the contract in accordance with the plans and specifications.

1.1 Amount of additional funds to be expended: \$114,011.00

Original Contract Amount:	\$ 400,000.00	(EL012263)
Modification 1:	\$ 675,000.00	(EL013743)
Modification 2:	\$ 650,000.00	(EL014329)
Modification 3 (Ord# 1619-2013 pending):	\$ 20,000.00	(TBD)
Modification 4 (current):	<u>\$ 114,011.00</u>	(TBD)
Total (Orig. + Mods.1-4)	\$1,859,011.00	

1.2. Reasons additional goods/services could not be foreseen:

The original legislation, under Ordinance No. 1584-2011, anticipated the contract would be funded incrementally with modifications on an approximate annual basis. It was also anticipated that if unforeseen issues or difficulties were encountered that would require additional funding, a modification would be requested (see attachment to original Ordinance 1584-2011 Contract Information Form.) The original contract also anticipated that various facilities throughout the Department would utilize the services of this contract when needed and would add their sites when maintenance repairs were required. The Division of Water anticipated performing work under this contract and as a result of this modification has added their sites to the scope.

1.3. Reason other procurement processes are not used:

The same service is required as originally bid. No lower pricing/more attractive terms and conditions are anticipated at this time.

1.4. How cost of modification was determined:

A Request for Proposal was prepared by the City and forwarded to the contractor. The contractor prepared a detailed proposal; the original contract provided allowable labor rates and mark-ups. The City project manager and design consultant reviewed the proposal and determined the price to be acceptable.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:

This Modification (No. 4) will provided needed replacement for two sanitary sewer laterals at the DOW Hoover Reservoir Maintenance/Ranger Facility and one sanitary sewer lateral at the DOW Griggs Maintenance Facility. The replacement of these sanitary sewer laterals will help to ensure that there is no pollution of the environment. There was no community outreach or input in the development of this project.

3. CONTRACT COMPLIANCE INFO: 31-0889208, expires 1/7/15, Majority

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against The Righter Co., Inc.

4. FUTURE MODIFICATIONS: It is anticipated that this contract will be modified a fifth time in 2014 for the Division of Sewerage and Drainage.

5. FISCAL IMPACT: Funds for this expenditure are included within the Water Works Enlargement Voted Bonds.

To authorize the Director of Public Utilities to execute a planned modification for the construction contract with The Righter Co., Inc. for the Watershed Miscellaneous Improvements - Sewer Lateral Repair Project; for the Division of Water; and to authorize an expenditure up to \$114,011.00 within the Water Works Enlargement Voted Bonds Fund. (\$114,011.00)

WHEREAS, Contract No. EL012263, under Ordinance No. 1584-2011, with The Righter Co., Inc. was certified by the Auditor's Office on December 2, 2011, for maintenance on various Division of Sewerage and Drainage (DOSD) facility components and associated equipment; and

WHEREAS, the contract was for a duration of one year with the option to renew for two additional years, and that additional Public Utility facilities may be added in the future; and

WHEREAS, Modification No. 1, known as Contract No. EL013743, under Ordinance No. 1969-2012, with The Righter Co., Inc. was certified by the Auditor's Office on December 4, 2012 for year two of services needed for various DOSD facilities; and

WHEREAS, Modification No. 2, known as Contract No. EL014329, under Ordinance No. 0809-2013, with The Righter Co., Inc. was certified by the Auditor's Office on May 6, 2013 for year three of services needed for various DOSD facilities, and also included Division of Power (DOP) facilities; and

WHEREAS, Modification No. 3, currently being legislated under Ordinance No. 1619-2013 (using O&M funds), with The Righter Co., Inc. for compressor repair at the Division of Water's (DOW) Parsons Avenue Water Treatment Plant; and

WHEREAS, Modification No. 4, (current) to the contract is necessary in order to replace 6" sanitary sewer laterals at DOW's Hoover Reservoir Maintenance/Ranger and Griggs Maintenance facilities; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to execute a modification to the construction contract for the Watershed Miscellaneous Improvements - Sewer Lateral Repair Project with The Righter Co., Inc.; and

WHEREAS, it is necessary for this Council to authorize an expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Water, to authorize the Director of Public Utilities to modify and increase the construction contract with The Righter Co., Inc. for the Watershed Miscellaneous Improvements - Sewer Lateral Repair 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 Public Utilities is hereby authorized and directed to modify and increase the construction contract with The Righter Co., Inc., 2424 Harrison Road, Columbus, Ohio 43204; for the Watershed Miscellaneous Improvements - Sewer Lateral Repair Project, in the amount of \$114,011.00.

SECTION 2. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

SECTION 3. That an expenditure up to \$114,011.00 is hereby authorized for the Watershed Miscellaneous Improvements - Sewer Lateral Repair Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690411-100000 (carryover), Object Level Three 6630, OCA Code 606411.

SECTION 4. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 establish proper project accounting numbers as appropriate.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1603-2013

Drafting Date: 6/20/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: The Board of Health has been awarded grant funds from the Ohio Department of Health to fund the Child and Family Health Services (CFHS) Women's Health Services program for the period July 1, 2013 through June 30, 2014. The grant funds awarded provide for a contract with CityMatCH/University of Nebraska Medical Center to provide for leadership for the Ohio Institute for Equity in Birth Outcomes.

The Ohio Equity Institute (OEI) is a 3-year collaborative of key partners, promoting the work of local public health departments (LHDs) in Ohio and their multi-sector, community partners. The OEI will assist participating LHDs and their stakeholders in developing plans, tools, and strategies for implementing non-clinical or a combination of clinical and non-clinical interventions to reduce disparities in infant mortality and birth outcomes into practice. The OEI will provide in-person, Equity Institute Trainings (EITs) as well as

distance-based trainings, one-to-one technical assistance and site visits to ensure that teams gain both knowledge and skills needed for success. Over the course of this 3-year project, Columbus Public Health (CPH) will select, implement and evaluate initiatives to (1) improve birth outcomes in vulnerable populations (e.g., racial, ethnic, socioeconomic, etc.), and (2) improve the evidence-base needed to eliminate disparities in birth outcomes. CPH will focus efforts in the Southside of Columbus.

The contract compliance number for CityMatCH/University of Nebraska Medical Center is 47-0049123. They are a not-for-profit, therefore, this contract was awarded in compliance with Section 329.15 of the Columbus City Code. Emergency action is requested in order to avoid any delays in providing program services.

FISCAL IMPACT: Funding for this expenditure is budgeted in the Health Department Grants Fund.

To authorize and direct the Board of Health to enter into a contract with CityMatCH/University of Nebraska Medical Center for the provision of leadership services for the Ohio Institute for Equity in Birth Outcomes; to authorize the expenditure of \$35,000.00 from the Health Department Grants Fund; to waive the provisions for competitive bidding; and to declare an emergency. (\$35,000.00)

WHEREAS, the Board of Health has a need for CityMatCH/University of Nebraska Medical Center to provide leadership services for the Ohio Institute for Equity in Birth Outcomes for the Child and Family Health Services program for the period of July 1, 2013 through June 30, 2014, and,

WHEREAS, CityMatCH/University of Nebraska Medical Center has the expertise to provide such services for the Child and Family Health Services Program; and,

WHEREAS, an emergency exists in the usual daily operation of Columbus Public Health in that it is immediately necessary to enter into this contract for the immediate preservation of the public health, peace, property, safety and welfare, and to avoid any delays in providing services; 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 enter into a contract with CityMatCH/University of Nebraska Medical Center to provide leadership services for the Ohio Institute for Equity in Birth Outcomes for the period of July 1, 2013 through June 30, 2014, in an amount not to exceed \$35,000.00.

SECTION 2. That to pay the cost of said contract, the expenditure of \$35,000.00 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Department of Health, Department No. 50, Object Level One 03, Object Level Three 3351, as follows:

Grant No. 501337, OCA Code 501337, Amount: \$15,000.00

Grant No. 508001, OCA Code 500066, Amount: \$20,000.00

SECTION 3. That the provisions of Section 329.15 of the Columbus City Code are hereby met.

SECTION 4. 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 records.

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, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1607-2013

Drafting Date: 6/20/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

The purpose of this legislation is to authorize the Director of Finance and Management to establish a Blanket Purchase Order for Sludge Grinder Parts and Services from an established Universal Term Contract for the Division of Sewerage and Drainage, Jackson Pike Wastewater Treatment Plant, Sewer Maintenance Operations Center and Southerly Wastewater Treatment Plant. The equipment is used to reduce solids for pump protection in the sewerage collection and processing system. This contract includes the cost to repair and/or refurbish the equipment.

Sludge Grinder parts are required for repairs and rehabilitation of the sludge grinders located at the Jackson Pike and Southerly Wastewater Treatment Plants. Primary sludge is processed by these grinders which are placed in areas to reduce the down time of pumps, pipe lines, and valves, and to protect them from damage or stoppage from large material in the sludge. The Sewer Maintenance Operations Center is in need of services to repair and/or refurbish equipment used in the sewerage collection process.

The Division of Sewerage and Drainage desires to establish a Blanket Purchase Order in accordance with an established Universal Term Contract. This contract, from Solicitation #SA004284, will expire on May 31, 2014.

SUPPLIER: JWC Environmental, Contract Compliance No. (45-2771126) Expires 4/2/2014

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: \$240,000.00 is needed and budgeted for this purchase.

\$167,530.20 was spent in 2011

\$112,280.89 was spent in 2012

To authorize the Director of Finance and Management to establish a Blanket Purchase Order for Sludge Grinder Parts and Service from an established Universal Term Contract with JWC Environmental; and to authorize the expenditure of \$240,000.00 from the Sewerage System Operating Fund. (\$240,000.00)

WHEREAS, the Purchasing Office has an established Universal Term Contract for the option to obtain Sludge Grinder Parts and Services from Solicitation #SA004284 with JWC Environmental that will expire on May 31, 2014; and

WHEREAS, sludge grinder parts are required for the sludge grinders located at the Jackson Pike and

Southerly Wastewater Treatment Plants. Primary sludge is processed by these grinders which are placed in areas to reduce the down time of pumps, pipe lines, and valves, and to protect them from damage or stoppage from large material in the sludge, and

WHEREAS, the Sewer Maintenance Operations Center is in need of services to repair and/or refurbish equipment used in the sewerage collection process, and

WHEREAS, a blanket purchase order will be issued in accordance with the terms, conditions and specifications of the established Universal Term Contract that is on file in the Purchasing Office, for use by the Division of Sewerage and Drainage; 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 to establish a Blanket Purchase Order for the purchase of Sludge Grinder Parts and Services from an established Universal Term Contract with JWC Environmental for the Division of Sewerage and Drainage, Department of Public Utilities.

Section 2. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

Section 3. That the expenditure of \$240,000.00, or so much thereof as may be needed, is hereby authorized from the Sewerage System Operating Fund, Fund No. 650, as follows:

Jackson Pike Wastewater Treatment Plant

OCA: 605030
Object Level 1: 02
Object Level 3: 2245
Amount: \$100,000.00

Southerly Wastewater Treatment Plant

OCA: 605063
Object Level 1: 02
Object Level 3: 2245
Amount: \$5,000.00

OCA: 605063
Object Level 1: 03
Object Level 3: 3372
Amount: \$70,000.00

Sewer Maintenance Operations Center

OCA: 605089
Object Level 1: 03
Object Level 3: 3375
Amount: \$65,000.00

TOTAL REQUEST: \$240,000.00

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by

law.

Legislation Number: 1608-2013

Drafting Date: 6/20/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

This ordinance seeks authorization for the Director of the Department of Public Service to enter into a Design Guaranteed Maximum Reimbursement Agreement with Central Ohio Housing Development Organization (COHDO) for up to \$336,354.99 to design Phases 2 and 3 public roadway improvements within the American Addition neighborhood for the American Addition Infrastructure (Phases 2 and 3) project.

The City of Columbus and the Central Ohio Housing Development Organization (COHDO) are engaged in a Public-Private Partnership (3P) to redevelop the American Addition neighborhood. The American Addition is located in the northeast quadrant of Columbus and is contained within the boundaries of Joyce Avenue to the west, Petrel Alley to the east, the alley north of 12th Avenue to the north and Dewey and Dolphin Alleys to the south.

On November 3, 2011, the City and COHDO entered into an Economic Development Agreement (EDA) under the authorization of Ordinance No. 1200-2011, passed by its Council on July 25, 2011, through which the City agreed to participate in building and maintaining public infrastructure improvements up to a maximum amount of \$10 million and COHDO agreed to cause the redevelopment of all or a portion of the American Addition.

American Addition public infrastructure improvements will be completed in 4 phases. Phase 1 is anticipated to complete design in July 2013 for construction to start this fall. Phases 2 and 3 have been combined and are ready to begin design. Phase 4 public improvements will move forward based on the market's absorption of the new housing.

Upon completion, the redevelopment of the American Addition will include construction of up to 120 new homes, renovation of existing homes and the construction of improvements to public rights-of-way that will provide more adequate storm water dispersal, street lights, provide fire protection and offer multiple mobility options for the neighborhood.

The scope of public improvements for the American Addition Infrastructure (Phases 2 and 3) project includes, but is not limited to, upgrading existing public infrastructure, coordinating the adjustment of private utilities, and clearing public right-of-way to accommodate public and private utility upgrades on the following roadways and alleys: Twelfth Avenue, Helena Alley, Woodford Avenue, Katahdin Alley, Key West Avenue, Olympia Alley, Puritan Avenue, Petrel Alley, and Dewey Avenue.

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Central Ohio Housing Development Organization (COHDO) is 311579335. The expiration date is 4/18/14.

3. FISCAL IMPACTS

This project is funded in the 2013 Capital Improvements Budget. Bonds have yet to be sold for this project therefore it is necessary to certify funds needed in the amount of \$336,354.99 against the Special Income Tax

Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

The Department of Public Service is requesting this ordinance to be considered an emergency measure in order to allow for immediate execution of this design guaranteed maximum reimbursement agreement, which is necessary to facilitate the design of these improvements to maintain the project schedule and meet community commitments; thereby immediately preserving the public health, peace, property, safety and welfare.

To authorize and direct the City Auditor to appropriate and transfer \$336,354.99 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to appropriate \$336,354.99 within the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into a Design Guaranteed Maximum Reimbursement Agreement with Central Ohio Housing Development Organization (COHDO) for up to \$336,354.99 for the American Addition Infrastructure (Phases 2 and 3) project within the American Addition neighborhood; to authorize the expenditure of \$336,354.99 from the Streets and Highways Bond Fund and to declare an emergency. (\$336,354.99)

WHEREAS, The City of Columbus and the Central Ohio Housing Development Organization (COHDO) are engaged in a Public-Private Partnership (3P) to redevelop the American Addition neighborhood and the American Addition Infrastructure (Phases 2 and 3) project in particular; and

WHEREAS, the City and the Central Ohio Housing Development Organization (COHDO) entered into an Economic Development Agreement (EDA) on November 3, 2011, under the authorization of Ordinance No. 1200-2011, passed by its Council on July 25, 2011, through which the City agreed to participate in building and maintaining public infrastructure improvements up to a maximum amount of \$10 million and COHDO agreed to cause the redevelopment of all or a portion of the American Addition; and

WHEREAS, American Addition Phase 1 is anticipated to complete design in July 2013 for construction to start this fall and American Addition Phases 2 and 3 have been combined and are ready to begin design; and

WHEREAS, public infrastructure improvements for the American Addition Infrastructure (Phases 2 and 3) project includes, but are not limited to, upgrading existing public infrastructure, coordinating the adjustment of private utilities and clearing public right-of-way to accommodate public and private utility upgrades on the following roadways and alleys: Twelfth Avenue, Helena Alley, Woodford Avenue, Katahdin Alley, Key West Avenue, Olympia Alley, Puritan Avenue, Petrel Alley, and Dewey Avenue; and

WHEREAS, the Department of Public Service has identified the need to enter into a design guaranteed maximum reimbursement agreement with Central Ohio Housing Development Organization (COHDO) for the American Addition Infrastructure (Phases 2 and 3) project; and

WHEREAS, this ordinance authorizes the Director of the Department of Public Service to enter into a design guaranteed maximum reimbursement agreement with Central Ohio Housing Development Organization (COHDO), in an amount up to \$336,354.99 for the design of public infrastructure improvements in connection with the American Addition Infrastructure (Phases 2 and 3) project; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to fund 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$336,354.99; 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, in that it is immediately necessary to authorize said design guaranteed maximum reimbursement agreement and the expenditure of such funds to maintain the project schedule and meet community commitments; 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. The sum of \$336,354.99 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, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590131-100003 / American Addition Infrastructure / 06-6631 / 743103 / \$336,354.99

SECTION 3. That the Director of Public Service be and is hereby authorized enter into a design guaranteed maximum reimbursement agreement with Central Ohio Housing Development Organization (COHDO), in an amount up to \$336,354.99 for the design of public infrastructure improvements in connection with the American Addition Infrastructure (Phases 2 and 3) project.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 2 above.

SECTION 7. 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 \$336,354.99 (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 8. That for the purpose stated in Section 3, the expenditure of up to \$336,354.99 from the Public Service Department, Division 59-09, Fund No. 704, Project No. 590131-100003 American Addition Infrastructure, OCA Code 743103, Object Level 06-6631 is hereby authorized.

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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: 1610-2013

Drafting Date: 6/20/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: Since 1974, the Columbus Health Department ("City") has provided primary health care services to the City's medically underserved residents through contracts with community-based health providers. More specifically, since 1998 the Columbus Health Department has contracted with the Columbus Neighborhood Health Center, Inc. ("CNHC"), a not-for-profit corporation, to provide primary health care services to medically underserved patients at the City's neighborhood health centers.

The City and CNHC now desire to enter into a lease agreement for the use of the City's new medical office facility located at 1905 Parsons Avenue, commonly known as the John R. Maloney Family Health & Wellness Center. The proposed lease is for a period of five (5) consecutive one (1) year terms, commencing upon completion of the construction of the facility and the issuance of a final certificate of occupancy estimated for Fall 2013, and subject to the renewal of CNHC's annual contract with the Department of Health as the City's provider of primary health care services at the City's neighborhood health centers.

This ordinance authorizes the Director of the Department of Finance and Management to execute those documents necessary to enter into a lease agreement with CNHC for that real property located at 1905 Parsons Avenue, commonly known as the John R. Maloney Family Health & Wellness Center. The rent proceeds will be deposited in the City's "Neighborhood Health Center Capital Reserve Fund" that has been established for the support of the City's neighborhood health center facilities to provide for building interior and exterior repairs and replacements, or for the replacement of the associated capital equipment or furnishings that have reached the end of their useful life as defined by IRS depreciation guidelines.

Fiscal Impact: The City will receive rental funds for the term of the lease which shall be deposited in Neighborhood Health Center Capital Reserve Fund.

To authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a lease agreement with the Columbus Neighborhood Health Centers, Inc. for the use of the City's neighborhood health center located at 1905 Parsons Avenue, commonly known as John R. Maloney Family Health & Wellness Center, to provide primary health care and related health services to the City's medically underserved residents.

WHEREAS, since 1974, the Columbus Health Department ("City") has provided primary health care and related health services to the City's medically underserved residents through contracts with community-based health centers; and

WHEREAS, more specifically, the Columbus Health Department has contracted with the Columbus Neighborhood Health Center, Inc. ("CNHC"), a not-for-profit corporation, to provide health care services to medically underserved patients at the City's neighborhood health centers since 1998; and

WHEREAS, the City and CNHC now desire to enter into a lease agreement for the use of that City-owned medical office facility located at 1905 Parsons Avenue, currently under construction and nearing completion, commonly known as the John R. Maloney Family Health & Wellness Center; and

WHEREAS, the proposed lease is for a period of five (5) consecutive one (1) year terms commencing upon the completion of construction and the issuance of a final certificate of occupancy, subject to the renewal of CNHC's annual contract as the City's provider of health care services at its neighborhood health centers; and

WHEREAS, it is necessary to authorize the Director of the Department of Finance and Management to execute, on behalf of the City, those documents necessary to enter into a lease agreement with the Columbus Neighborhood Health Center, Inc., a Ohio non-profit corporation, for that real property known as 1905 Parsons Avenue, commonly known as John R. Maloney Family Health & Wellness Center, to be used for the provision of health care and wellness programs to benefit the public health; now, therefore:

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

Section 1. That the Director of the Department of Finance and Management, on the behalf of the City, be, and hereby is, authorized to execute those documents as approved by the Department of Law, Division of Real Estate, necessary to enter into a lease agreement by and between the City of Columbus, , and the Columbus Neighborhood Health Center, Inc., a Ohio non-profit corporation for that real property known as 1905 Parsons Avenue, John R. Maloney Family Health & Wellness Center, to be used as a neighborhood health and wellness center for the provision of health care and wellness programs to benefit the public health.

Section 2. That the terms and conditions of the lease shall be in form approved by the City Attorney's Office and shall include the following:

The lease shall be effective for a period of five (5) consecutive one (1) year terms commencing upon the completion of construction and the issuance of a final certificate of occupancy, with two options to renew, subject to the renewal of CNHC's annual contract with the Columbus Health Department as its provider of primary health care services for its neighborhood health centers.

The Lessee's annual rent shall be deposited in Neighborhood Health Center Capital Reserve Fund held by the City, and established for the support of the City's neighborhood health centers, to assist in covering the expenses related to the repair and replacements of building interior and exterior components, or for the replacement cost of the associated equipment or furnishings that have reached the end of their useful life as defined by IRS depreciation guidelines.

Such other terms and conditions as agreed to and approved by the City Attorney.

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

Legislation Number: 1615-2013

Drafting Date: 6/20/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: This legislation authorizes the payments to employers who have met the requirements of their Jobs Growth Incentive Program (JGI) agreement and are eligible for payment for the 2012 reporting (tax) year. For tax year 2012, the City of Columbus had a total of twenty-four (24) active JGI projects for which employers have met the requirements of their JGI agreements and thus are eligible to receive their payments for 2012. The total dollar amount to be disbursed for these twenty-four (24) 2012 JGI payments is \$5,499,071.77. The twenty-four (24) projects with the JGI payment subtotals are as follows: \$13,146.96 to Apelles, LLC; \$6,591.00 to Castor Connection, Inc.; \$15,905.14 to ComResource, Inc.; \$3,429.94 to ContactUS, LLC; \$169,841.31 to Express LLC; \$2,355.01 to FIMM USA, Inc.; \$107,126.31 to Grange Mutual Casualty Company; \$23,944.96 to Health Care DataWorks, Inc.; \$732,192.57 to The Huntington National Bank; \$94,677.40 to Information Control Corporation; \$16,956.27 to International Technical Coatings, Inc.; \$11,641.38 to Joseph T. Ryerson & Son, Inc.; \$2,092,774.14 to JPMorgan Chase Bank N.A.; \$120,053.31 to La Senza, Inc., \$87,378.64 to The Limbach Company, LLC; \$22,613.55 to Manta Media, Inc.; \$56,816.99 to Mission Essential Personnel LLC; \$1,776,505.71 to Nationwide Children's Hospital, Inc.; \$23,302.32 to OVCS, Inc.; \$1,523.09 to Pactiv LLC; \$13,047.13 to Sequent, Inc.; \$95,195.97 to Simonton Windows, Inc.; \$5,331.57 to Syscom Advanced Materials, Inc.; and \$6,721.10 to Zyvex Performance Materials, Inc.

FISCAL IMPACT: The 2013 General Fund budget (citywide account) includes funding for these payments. A transfer equal to 25 percent (25%) of the payments will be transferred from the Special Income Tax Fund. The transfer amount of \$1,374,767.94 has been factored into the current special income tax analysis and resultant capital capacity.

To authorize and direct the City Auditor to transfer \$5,499,071.77 within the General Fund; to authorize and direct the City Auditor to appropriate and transfer \$1,374,767.94 in cash from the Special Income Tax Fund to

the General Fund; to authorize and direct the City Auditor to make payments totaling \$5,499,071.77 in accordance with the Jobs Growth Incentive Program agreements; and to authorize the expenditure of \$5,499,071.77 from the General Fund. (\$5,499,071.77)

WHEREAS, the Columbus Jobs Growth Incentive Program is one of the development tools utilized by the City of Columbus to encourage new job creation; and

WHEREAS, it is necessary to authorize payments to employers who have met the requirements under their Jobs Growth Incentive Program agreement; and

WHEREAS, the City of Columbus had a total of twenty-four (24) active JGI projects for which employers have met the requirements of their JGI agreements and thus are eligible to receive their payments for 2012 and the total dollar amount to be disbursed for these twenty-four (24) 2012 JGI payments is \$5,499,071.77; and

WHEREAS, it is necessary at this time to authorize payment of \$13,146.96 to Apelles, LLC; \$6,591.00 to Castor Connection, Inc.; \$15,905.14 to ComResource, Inc.; \$3,429.94 to ContactUS, LLC; \$169,841.31 to Express LLC; \$2,355.01 to FIMM USA, Inc.; \$107,126.31 to Grange Mutual Casualty Company; \$23,944.96 to Health Care DataWorks, Inc.; \$732,192.57 to The Huntington National Bank; \$94,677.40 to Information Control Corporation; \$16,956.27 to International Technical Coatings, Inc.; \$11,641.38 to Joseph T. Ryerson & Son, Inc.; \$2,092,774.14 to JPMorgan Chase Bank N.A.; \$120,053.31 to La Senza, Inc., \$87,378.64 to The Limbach Company, LLC; \$22,613.55 to Manta Media, Inc.; \$56,816.99 to Mission Essential Personnel LLC; \$1,776,505.71 to Nationwide Children's Hospital, Inc.; \$23,302.32 to OVCS, Inc.; \$1,523.09 to Pactiv LLC; \$13,047.13 to Sequent, Inc.; \$95,195.97 to Simonton Windows, Inc.; \$5,331.57 to Syscom Advanced Materials, Inc.; and \$6,721.10 to Zyvex Performance Materials, Inc.; and **NOW, THEREFORE**,

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

Section 1. That the City Auditor be and is hereby authorized and directed to transfer \$5,499,071.77 within the General Fund, Fund No. 010 from the Department of Finance & Management, Department/Division 45-01, Object Level One 10, Object Level Three 5501, OCA 904508 to the Department of Development, Economic Development Division, Division No. 44-02, Object Level One 05, Object Level Three 5513, OCA 440314.

Section 2. That the sum of \$1,374,767.94 is hereby appropriated from the un-appropriated 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5501.

Section 3. That the City Auditor is hereby authorized to transfer \$1,374,767.94 in cash only to the General Fund, Economic Development Division, Division 44-02, Object Level One 05, Object Level Three 5513, OCA 440314.

Section 4. That the City Auditor is hereby authorized and directed to make payments in accordance with the Jobs Growth Incentive Program agreements as follows: \$13,146.96 to Apelles, LLC; \$6,591.00 to Castor Connection, Inc.; \$15,905.14 to ComResource, Inc.; \$3,429.94 to ContactUS, LLC; \$169,841.31 to Express LLC; \$2,355.01 to FIMM USA, Inc.; \$107,126.31 to Grange Mutual Casualty Company; \$23,944.96 to Health Care DataWorks, Inc.; \$732,192.57 to The Huntington National Bank; \$94,677.40 to Information Control Corporation; \$16,956.27 to International Technical Coatings, Inc.; \$11,641.38 to Joseph T. Ryerson & Son,

Inc.; \$2,092,774.14 to JPMorgan Chase Bank N.A.; \$120,053.31 to La Senza, Inc., \$87,378.64 to The Limbach Company, LLC; \$22,613.55 to Manta Media, Inc.; \$56,816.99 to Mission Essential Personnel LLC; \$1,776,505.71 to Nationwide Children's Hospital, Inc.; \$23,302.32 to OVCS, Inc.; \$1,523.09 to Pactiv LLC; \$13,047.13 to Sequent, Inc.; \$95,195.97 to Simonton Windows, Inc.; \$5,331.57 to Syscom Advanced Materials, Inc.; and \$6,721.10 to Zyvex Performance Materials, Inc.

Section 5. That the expenditure of \$5,499,071.77, or so much as may be necessary, be and is hereby authorized from the Development Department, Department 44-02, General Fund, Fund 010, OCA Code 440314, Object Level Three 5513.

Section 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1628-2013

Drafting Date: 6/21/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to execute a planned contract modification to the Construction Administration and Construction Inspection Services Agreement with Stantec Consulting Services, Inc. Funding for this modification will be for the Division of Water's Brentnell Avenue Area Water Line Improvements Project, Contract No. 1168.

1.1. Amount of additional funds to be expended: \$293,929.90

Original Contract Amount: \$ 487,493.38 (EL011930)

Modification 1: \$ 315,572.67 (EL012721)

Modification 2: \$ 366,140.09 (EL014207)

Modification 3 (current): \$ 293,929.90

Total (Orig. + Mods 1-3) \$1,463,136.04

1.2. Reasons additional goods/services could not be foreseen:

Future modifications for additional upcoming construction projects will be processed for approval by Columbus City Council as stated in the the ordinances for Modification 1 and Modification 2.

1.3. Reason other procurement processes are not used:

The original contract selected three firms to provide Construction Administration and Construction Inspection Services for projects in 2011, 2012, and 2013.

1.4. How cost of modification was determined:

A cost proposal was provided by Stantec Consulting Services, Inc. and reviewed by Division of Water staff and was deemed acceptable.

2. MULTI-YEAR CONTRACT:

This contract establishes fixed direct labor, overhead, and fixed fee rates for various Department of Public Utilities projects for the period of 2011-2013. This ordinance will authorize an expenditure up to \$293,929.90

for the Brentnell Avenue Area Water Line Improvement project. As the need for additional contract administration and inspection are needed for upcoming projects the Department anticipates requesting additional appropriations to this contract for the 2013 fiscal year, authorized by City Council. Under the terms of this contract, the City has the right to contract for additional services to fulfill capital improvement related needs subject to the approval of a contract modification by City Council. The rate schedules established within this contract will remain in force throughout the life of the contract.

3. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: The goal of this project is to replace or rehabilitate water lines that have a high break frequency. Replacement or rehabilitation of these water lines will decrease burden on water maintenance operations. The existing mains rehabilitated and the new lines constructed under this project should eliminate the pattern of frequent water line breaks. The Neighborhood Liaison(s) will be contacted and informed of this project during the construction phase. Further community outreach may result through the Neighborhood Liaison Program.

4. FISCAL IMPACT: A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

5. CONTRACT COMPLIANCE INFO: 11-2167170 | MAJ | Expires 12/21/13

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Stantec Consulting Services, Inc.

To authorize the Director of Public Utilities to execute a planned contract modification of the Construction Administration and Construction Inspection Services agreement with Stantec Consulting Services, Inc. for the Brentnell Avenue Area Water Line Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$293,929.90 from the Water Works Enlargement Voted Bonds Fund; and to amend the 2013 Capital Improvements Budget. (\$293,929.90)

WHEREAS, the original contract number EL011930 for \$487,493.38 was authorized by Ordinance No. 0468-2011, passed April 25, 2011, was executed on July 19, 2011, and was approved by the City Attorney on July 27, 2011; and

WHEREAS, Modification No. 1 under contract number EL012721, for \$366,140.09, was authorized by Ordinance No. 0516-2012, passed April 2, 2012, was executed on May 2, 2012, and was approved by the City Attorney on May 4, 2012; and

WHEREAS, Modification No. 2 under contract number EL014207, for \$366,140.09, was authorized by Ordinance No. 0329-2013, passed March 18, 2013, was executed on April 18, 2013, and was approved by the City Attorney on April 26, 2013; and

WHEREAS, Modification No. 3 is needed for the Brentnell Avenue Area Water Line Improvements Project, to provide additional monies to cover the cost of needed additions to the contract work in accordance with the Department's design requirements in order to ensure the continued operation of its water infrastructure; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to execute a contract modification for said Division of Water project with Stantec Consulting Services, Inc.; and

WHEREAS, it is necessary for this Council to authorize the transfer and expenditure of funds within the

Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Water, to authorize the Director of Public Utilities to modify and increase the Construction Administration and Construction Inspection Services agreement with Stantec Consulting Services, Inc. for the Brentnell Avenue Area Water Line Improvements 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 Public Utilities be and hereby is authorized to modify and increase the Construction Administration and Construction Inspection Services agreement with Stantec Consulting Services, Inc., 1500 Lake Shore Drive, Suite 100, Columbus, Ohio 43204; that will continue to provide Construction Administration and Construction Inspection Services for water improvement projects in accordance with the terms and conditions of the contract on file in the offices of the Division of Water.

SECTION 2. That the City Auditor is hereby authorized to transfer \$293,929.90 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, Object Level Three 6686, as follows:

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

606 | 690236-100057 (carryover) | Berrell Ave. Area WL | 623657 | -\$39,700.78
606 | 690236-100058 (carryover) | E. Deshler Ave. Area WL | 623658 | -\$52,172.17
606 | 690428-100004 (carryover) | DRWP Cap. Incr.-Recarb/Ozon. | 664284 | -\$202,056.95
606 | 690236-100046 (carryover) | Brentnell Ave. Area WL | 663146 | +\$293,929.90

SECTION 3. That the 2013 Capital Improvements Budget is hereby amended as follows:

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

606 | 690236-100057 (carryover) | Berrell Ave. Area WL | \$250,000 | \$250,001 | +\$1
(establish authority to match cash)
606 | 690236-100057 (carryover) | Berrell Ave. Area WL | \$250,001 | \$210,300 | -\$39,701
606 | 690236-100058 (carryover) | E. Deshler Ave. Area WL | \$250,000 | \$250,001 | +\$1
(establish authority to match cash)
606 | 690236-100058 (carryover) | E. Deshler Ave. Area WL | \$250,001 | \$197,828 | -\$52,173
606 | 690428-100004 (carryover) | DRWP Cap. Incr.-Recarb/Ozon. | \$39,271,412 | \$39,069,355 | -\$202,057
606 | 690236-100046 (carryover) | Brentnell Ave. Area WL | \$2,375,055 | \$2,668,986 | +\$293,931

SECTION 4. That an expenditure up to \$293,929.90 is hereby authorized for the Brentnell Avenue Area Water Line Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690236-100046 (carryover), OCA Code 663146, Object Level Three 6686.

SECTION 5. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1652-2013

Drafting Date: 6/24/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: This ordinance will authorize the modification and increase of the current contract, ED048217, with Paul Werth Associates, Inc. for the time period ending February 28, 2014, in an amount not to exceed \$50,000.00 (new contract total \$65,000.00).

The purpose of the contract is to provide continued development of an infant mortality taskforce. The initial contract was implemented as a Phase One and the additional funds will provide further development of the infant mortality taskforce. Paul Werth Associates Inc., a Female Business Enterprise (FBE), developed the initial ground work and it is in the best interest of the City to have this vendor continue on this project with their already established community partners. The additional funds will provide for the hours necessary to develop key stakeholders, present to neighborhood leaders and affected communities, and to provide continued strategic counsel on this project.

Emergency action is requested to facilitate and expedite the continued work on infant mortality prior to the end of the current contract. The contract compliance number for Paul Werth Associates, Inc. is 310726286 and it expires on February 7, 2014.

FISCAL IMPACT: Additional Funds were made available for this contract modification through Ordinance 1202-2013.

To authorize the Board of Health to modify and increase the contract with Paul Werth Associates, Inc. to continue services on the development of an infant mortality taskforce for the period of March 21, 2013 through February 28, 2014; to authorize the expenditure of \$50,000.00 from the Health Special Revenue Fund to pay the costs thereof; and to declare an emergency. (\$50,000.00)

WHEREAS, Columbus Public Health has a need to continue work on the development of an infant mortality taskforce; and,

WHEREAS, a contract modification and increase to the contract with Paul Werth Associates, Inc. is necessary to meet the deliverables of establishing an infant mortality taskforce; and,

WHEREAS, an emergency exists in the usual daily operation of Columbus Public Health in that it is immediately necessary to modify and increase the Paul Werth Associates, Inc. contract prior to the contract's initial end date and 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 to modify and increase the contract with Paul Werth Associates, Inc. for the continued development of an infant mortality taskforce for the period March 21, 2013 through February 28, 2014.

SECTION 2. That to pay the cost of said contract the expenditure of \$50,000.00 is hereby authorized from the Health Special Revenue Fund, Fund No. 250, Department No. 50, OCA 501618, Object Level One 03, Object Level Three 3336.

SECTION 3. This ordinance is in accordance with Section 329.16 of the Columbus City Code.

SECTION 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 5. 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: 1658-2013

Drafting Date: 6/24/2013

Version: 3

Current Status: Passed

Matter Type: Ordinance

Council Variance Application: CV13-016

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Concurrent Council variance with Rezoning Z13-023 to reduce development standards for proposed multiple-unit dwellings.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The subject site is proposed to be rezoned to the AR-1, Apartment Residential District. The applicant is requesting this concurrent Council variance along with the rezoning Z13-023 to allow one 3-unit building and one 2-unit building on each lot with reduced development standards. Given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Furthermore, Staff finds the proposed use to be consistent with the land use recommendations of the *Fifth by Northwest Neighborhood Plan* (2009). Staff views the variances to allow buildings containing just two dwelling units and the variance to permit dwellings with frontage on a public street as technicalities which will have no negative effect on the development or the surrounding area. The proposed building line reduction is in keeping with similar variances already granted elsewhere to the applicant along Chesapeake Avenue. Staff can support a side yard setback reduction along with allowing parking in the side yards without screening in this instance since this site abuts the applicant's properties on either side and once developed the applicant would only be impacting himself and his buyers or tenants.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at **1424 CHESAPEAKE AVENUE (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance # CV13-016).

WHEREAS, by application #CV13-016, the owner of property at **1424 CHESAPEAKE AVENUE (43212)**, is requesting a Variance concurrent with rezoning Z13-023 to permit multiple-unit dwellings with reduced development standards; and

WHEREAS, Section 3333.02, AR-1, Apartment Residential District, prohibits two and one unit dwellings, while the applicant proposes to have one building containing two dwelling units and one building containing three dwelling units on each of the two lots;

WHEREAS, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes lot widths of forty (40) feet; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes a building line of twelve (12) feet Chesapeake Avenue; and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be five feet, while the applicant proposes minimum side yards of three and one half feet; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25%) percent of the total lot area, while the applicant proposes rear yards of sixteen percent (16%); and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires side **and rear** yards to be open to the sky while the applicant proposes to allow parking in the proposed side **and rear** yards; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **1424 CHESAPEAKE AVENUE (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. Variances from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, are hereby granted for the property located at **1424 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District on lots forty (40) feet in width, with building setback of twelve (12) feet, with two buildings without frontage on a public street, with side yards of 3 and one half (3 ½) feet, with a rear yard comprising sixteen percent (16%) of the entire lot, with vehicular maneuvering across property lines and parking in the side yard and without parking lot screening, said property being more particularly described as follows:

1424 CHESAPEAKE AVENUE (43212), being 0.34± acres located at the north side of Chesapeake Avenue,

915± feet west of North Star Road, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 56 and 57 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Guy Williams, Jr. and described as follows:

Beginning in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 56 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 80 feet to the southeast corner of said Lot 57;

Thence Northerly, along the east line of said Lot 57, about 175 feet to the northeast corner of said Lot 57, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 80 feet to the northwest corner of said Lot 56;

Thence Southerly, along the west line of said Lot 56, about 175 feet to the *Point of Beginning*. Containing approximately .34 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-001396, 130-000500.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for one building containing two dwelling units and one building containing three dwelling units on each of the two lots or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS**," signed by David L. Hodge, attorney for the applicant, and dated June 10, 2013. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

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: 1661-2013

Drafting Date: 6/24/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Rezoning Application: Z12-030

APPLICANT: Dwight Bailey; 982 Hill Road North; Pickerington, OH 43147.

PROPOSED USE: Concrete salvage use.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on July 12, 2012.

SOUTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Staff supports rezoning this site to the M, Manufacturing District because the existing R-4, Residential lots are not consistent with the zoning and land use patterns in the area. The site is too close per the Zoning Code to the existing dwellings to the north to be used for the actual concrete salvage operation, but it could be used for vehicular access or buffering for the concrete salvage operation. The applicant will still need to seek and be granted a Special Permit for the concrete salvage operation. This rezoning merely replaces outdated zoning on the site with the appropriate zoning and will also allow the applicant the opportunity to seek the required Special Permit.

To rezone **1155 BONHAM AVENUE (43211)**, being 0.24± acres located on the south side Bonham Avenue, at the southern terminus of Dolle Avenue, **From:** R-4, Residential District, **To:** M, Manufacturing District (Rezoning # Z12-030).

WHEREAS, application #Z13-030 is on file with the Department of Building and Zoning Services requesting rezoning of 0.24± acres from R-4, Residential District, to the M, Manufacturing District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the South Linden Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the existing R-4, Residential lots are not consistent with the zoning and land use patterns in the area, 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:

1155 BONHAM AVENUE (43211), being 0.24± acres located on the south side Bonham Avenue, at the southern terminus of Dolle Avenue, and being more particularly described as follows:

EXHIBIT A

Description of a 0.240 Acre Lot Split

Situated in City of Columbus, Franklin County, Ohio, Being in the Fourth Quarter, Township 1, Range 18, United States Military Lands, and Being Divided out of Parcel 3 AX.A. Lots 60 through 62 of Sinks and

Hoover's St. Clair Addn, P.B. 5, pg. 464, also a Part of Stevenson Heir's Partition (Original Destroyed by Fire) as Copied from Chancery Records, Book 2, pg. 322 and Recorded in P.B. I, pg. 11, as Conveyed to Phil Ro Company inc. in Inst.li 200503240054545 at the Franklin County Recorder's Office. Being Bounded and Described as Follows;

Commencing at a Monument Box Found at the Intersections of Cleveland Ave. and Eleventh Ave., Thence S.39°29'25"W. a Distance of 190.64' with the Centerline of Cleveland Ave. to a Point at the Intersections of Cleveland Ave. and Bonham Ave.;

Thence S.63°42'37"E. a Distance of 477.89', with the Centerline of Bonham Ave., To a Point;

Thence S.86°26'29"E. a Distance of 1453.32', with the Centerline of Bonham Ave. To a Point;

Thence S.03°33'31"W. a Distance of 25.0', leaving the Centerline of Bonham Ave., to an Iron Pin Set at the North West Corner of Lot 62 of Said Sinks and Hoover's S1. Clair S1. Addn. Said Pin being the True Point of Beginning;

Thence S.86°26'29"E. a Distance of 90.00' with South Right of Way Line of Bonham Ave., to an Iron Pin Set at the North East Corner of Lot 60 as Shown on said Plat Said Set Pin also being the North West Corner of a 15' Alley as Shown on Said Plat;

Thence S.03°33'31"W. a Distance of 116.25', with the East Line of Said Lot 60, and the West Line of Said Alley, to an Iron Pin Set at the South East Corner of Said Lot 60. Said Set Pin also being in the South West corner Shown on Said Plat;

Thence N.86°26'29"W. a Distance of 90.00', with the South Line of Lots 60 through 62, and to an Iron Pin Set at the South West Corner of Lot 62. as Shown on Said Plat;

Thence N.03°33'31"E. a Distance of 116.25', with the West Line of Lot 62, and the WestLine of said Plat, to the Point of Beginning. Containing 0.240 Acres.

Acreage Breakdown

010-055637 Lot 60 = 0.080

010-055714 Lot 61 = 0.080

010-015305 Lot 62 = 0.080

The Basis of Bearings Being the South Right of Way Line of Bonham Ave. as S.86°26'29"E. and was Determined through G.P.S. Observations Utilizing the OD.OT V.R.S. Network (NAD 83) and Should be Used to Denote Angles Only.

Deed References and Documents as Recorded in the Franklin County Recorder's Office, Columbus, Ohio.

All Iron Pins set are 5/8" X 30" rebar with a yellow plastic cap reading Ackison Surveying.

The above description was prepared by **Ackison Surveying, LLC (614-866-4600)** from the best available County Records. The information displayed was derived from an actual field survey performed in March 2012.

To Rezone From: R-4, Residential District,

To: M, Manufacturing District on this property.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the M, Manufacturing District 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 in the office of the Department of Building and Zoning Services.

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

Legislation Number: 1670-2013

Drafting Date: 6/25/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to enter into an engineering modification (Mod #1) agreement with Pomeroy and Associates, Inc. for professional engineering services in connection with the Portage Grove Area Sewer Improvements Project.

This modification is for 2013 for new home septic treatment systems that were identified in the area and developed under the City of Columbus Septic Treatment Elimination Program which encourages homeowners to connect to the sanitary sewer. The Septic Treatment Elimination Program was not part of the original scope and this modification will address the additional work associated with it. By addressing the additional homes with this modification, there is a time and cost savings to the City and residents. It will provide for the preparation of construction plans and specifications for the extension of sanitary sewer service to the Portage Grove Area.

This contract will provide a planned modification for construction plans and specification for the extension of sanitary sewer service to the Portage Grove Area project area that is located in the northwest quadrant of the city of Columbus, north of Bethel and Godown Roads.

Amount of additional funds to be expended: \$103,454.15

2006 Original Contract Amount	\$175,385.65 (EL006706, Authorized 1-18-07)
<u>2013 Modification No. 1 (Current)</u>	<u>\$103,454.15</u>
Current Proposed Total	\$278,839.80

Reasons additional goods/services could not be foreseen:

This modification is the second of the five originally planned yearly modifications. This modification's time period covers August 2013 - August 2015.

Reason other procurement processes are not used:

This modification is an extension of the original contract, as originally planned. The city would incur additional cost and time delays by re-bidding this process.

2. Emergency Designation: Emergency designation **is not** requested for this legislation.

3. Contract Compliance Information: 31-1568332 | MAJ | Expiration Date: 12/132013

4. Economic Impact: The Septic Treatment Elimination Program will provide financial assistance to homeowners to help defer the costs of the assessment and tap fees. This project will eliminate septic systems which can fail and pollute the streams and rivers. Also, converting from a septic system to sanitary sewer service has a positive impact to the property values. The community is aware of this project and the City has worked closely with the residents to ensure that the sewer alignment and construction will have as minimal an impact as possible.

5. Fiscal Impact: This ordinance authorizes the Director of Public Utilities to transfer within and expend up to \$103,454.15 from the Sanitary Sewer Build America Bond, Fund 668, and to amend the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a contract modification agreement for professional engineering services with Pomeroy and Associates, Inc. for the Portage Grove Area Sewer Improvements Project; to transfer within and expend up to \$103,454.15 from the Sanitary Sewer Build America Bond Fund for the Division of Sewerage and Drainage; and to amend the 2013 Capital Improvements Budget. (\$103,454.15)

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities, hereby requests this City Council to authorize the Director of Public Utilities to enter into planned contract modification for professional engineering services with Pomeroy & Associates in the amount of \$103,454.15 in order to continue to provide construction management services for the Portage Grove Project Area.

WHEREAS, Contract No. EL006706 was authorized by Ordinance No. 2012-2006, as passed on January 18, 2007, executed by the Director on January 12, 2007, and approved by the City Attorney on January 19, 2007 in the amount of \$175,385.65; and

WHEREAS, it is necessary to authorize the transfer within and expend up to \$103,454.15 from the Sanitary Sewer Build America Bond, Fund 668, for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to amend the 2013 Capital Improvements Budget to provide sufficient authority for increasing a capital project account; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into planned contract modification for professional engineering services with Pomeroy & Associates for the Portage Grove Project Area at the earliest practical date 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 Public Utilities be, and hereby is, authorized to modify Contract EL006706 for professional engineering services with Pomeroy & Associates, 599 Scherers Ct. Worthington, Ohio 43085, in order to provide professional engineering services for the Portage Grove Project Area with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor is hereby authorized to transfer \$103,454.15 within the Department of Public Utilities, Division of Sewerage and Drainage | Dept./Div. No. 60-05 | Sanitary Sewer Build America Bond Fund | Fund No. 668 | Object Level Three 6676, as follows:

From: Fund 668

Proj. No. | Proj. Name | OCA | Amount

650353-100000 | SWWTP Digester Rehab | 668353 | -\$74,981.11
650691-100000 | OSIS Downtown Odor Control | 668691 | -\$28,473.04

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

650700-100000 | Portage Grove Area Sewer Assessment | 687000 | +\$103,454.15

SECTION 3. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to create and provide sufficient budget authority for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

668 | 650353-100000 | SWWTP Digester Rehab | \$0 | \$74,982 | +\$74,982 (from cancellation)

668 | 650353-100000 | SWWTP Digester Rehab | \$74,982 | \$0 | (-\$74,982)

668 | 650691-100000 | OSIS Downtown Odor Control | \$0 | \$37,913 | +\$37,913

668 | 650691-100000 | OSIS Downtown Odor Control | \$37,913 | \$9,440 | (-\$28,474)

668 | 650700-100000 | Portage Grove Area Sewer Assessment | \$0 | \$103,455 | (+\$103,455)

SECTION 4. That the Director of Public Utilities is authorized to expend up to \$103,454.15 or as much thereof as may be needed, on the following: Sanitary Sewer Build America Bond Fund | Fund No. 668 Division 60-05 | Object Level Three 6676:

Project No. | Project Name | Amount (\$) | OCA Code | Object Level Three

650700-100000 | Portage Grove Area Sewer Assessment | 687000 | +\$103,454.15

SECTION 5. That the said firm, Pomeroy & Associates, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1674-2013

Drafting Date: 6/25/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Rezoning Application Z13-004

APPLICANT: Costco; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Follow up rezoning to CV12-042 to permit gasoline sales.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on March 14, 2014.

NORTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Staff supports this follow-up rezoning required by Council variance CV12-042, passed December 17, 2012. The proposal is consistent with CV12-042 and with the development and zoning patterns of the area.

To rezone **3940 STELZER ROAD (43219)**, being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z13-004).

WHEREAS, application #Z13-004 is on file with the Building and Zoning Services Department requesting rezoning of 1.9± acres from CPD, Commercial Planned Development District, to CPD, Commercial Planned Development District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the North East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the proposal is consistent with CV12-042, passed December 17, 2012 and with the development and zoning patterns of the area; 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:

3940 STELZER ROAD (43219), being 1.9± acres located on the east side of Stelzer Road, 1444± feet south of Morse Road, and being more particularly described as follows:

1.902 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Townships 1 and 2, Township 1, Range 17, United State Military Lands, being out that 46.400 acre tract as conveyed to Morso Holding Co. by deed of record in Instrument Number 200902170020898 and part of that tract conveyed as Parcel 10 to Morso Holding Co. by deed of record in Official Record 30846G11 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, in the easterly right-of-way line of Stelzer Road at the southeasterly corner of

said Parcel 10;

thence with a curve to the left in said easterly right-of-way line, said westerly line, having a central angle of 03°20'57", a radius of 1499.92 feet, an arc length of 87.67 feet and a chord bearing and distance of South 06°25'11" East, 87.66 feet to the TRUE POINT OF BEGINNING;

thence continuing with said easterly right-of-way line, the westerly line of said Parcel 10 and said 46.400 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 00°31'07", a radius of 1499.92 feet, an arc length of 13.57 feet and a chord bearing and distance of North 08°21'13" West, 13.57 feet to a point;

North 04°43'23" East, a distance of 10.60 feet to a point; and

with the arc of a curve to the left, having a central angle of 08°11'14", a radius of 1502.40 feet, an arc length of 214.68 feet and a chord bearing and distance of North 13°05'59" West, 214.50 feet to a point;

thence across said 46.400 acre tract, the following courses and distances:

South 87°41'33" East, a distance of 309.10 feet to a point;

North 02°18'27" East, a distance of 40.00 feet to a point;

South 87°41'33" East, a distance of 55.00 feet to a point;

South 02°18'27" West, a distance of 310.10 feet to a point;

North 76°10'47" West, a distance of 69.90 feet to a point;

with the arc of a curve to the left, having a central angle of 02°34'47", a radius of 349.80 feet, an arc length of 15.75 feet and a chord bearing and distance of North 80°57'30" West, 15.75 feet to a point;

North 76°39'37" West, a distance of 56.07 feet to a point;

North 82°17'35" West, a distance of 130.78 feet to a point;

with the arc of a curve to the left, having a central angle of 07°20'59", a radius of 228.00 feet, an arc length of 29.25 feet and a chord bearing and distance of North 86°59'26" West, 29.23 feet to a point; and

with the arc of a curve to the right, having a central angle of 09°16'18", a radius of 40.00 feet, an arc length of 6.47 feet and a chord bearing and distance of North 86°01'46" West, 6.47 feet to the TRUE POINT OF BEGINNING, containing 1.902 acres of land, more or less.

To Rezone From: CPD, Commercial Planned Development District

To: CPD, Commercial Planned Development District

SECTION 2. That a Height District of one hundred ten (110) feet is hereby established on the CPD, Commercial Planned Development District 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 change on the said original zoning map and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Department of Building and Zoning Services as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**COSTCO WHOLESALE PRELIMINARY LANDSCAPE PLAN**," signed by Jeffrey L. Brown, Attorney for the Applicant, dated November 7, 2012, and text titled, "**CPD TEXT**," signed by Jeffrey L. Brown, Attorney for the Applicant, dated February 21, 2013, and reading as follows:

CPD TEXT

PROPOSED DISTRICTS: CPD, Commercial Planned District

PROPERTY ADDRESS: 3940 Stelzer Road

OWNER: Morso Holding Co.

APPLICANT: Costco

DATE OF TEXT: February 21, 2013

APPLICATION: Z13-004

1. **INTRODUCTION:** This zoning will add gas sales as a permitted use. CV12-042 which was approved by City Council in December 2012 to permit gas sales required a zoning application be filed on the subject site.

2. **PERMITTED USES:** The following uses shall be permitted: Gas Sales, Public parking garage(s) and those uses listed in Chapter 3356 (C-4, Commercial District) of Columbus City Code.

1. Excepting therefrom:

a. new or used car lot except in connection with a new automobile salesroom

3. **DEVELOPMENT STANDARDS:** Except as otherwise noted above and herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to the subject property.

A. Density, Height, Lot and/or Setback Requirements

1. Setback from Relocated Stelzer Road shall be 10 feet for all parking, loading and maneuvering areas and 10 feet for buildings.

2. All other publicly dedicated interior streets shall have a zero foot parking, loading and maneuvering setback and a zero foot building setback.

3. The setback required in Section 3A shall not apply to any pedestrian bridges, any building or structure parking garage which is connected to a pedestrian bridge as part of an elevated pedestrian system, and any motor bus shelter; the setback for said items shall be zero.

4. Entry features may be established within the subject site and may contain signage. Minimum setback for entry features shall be 5 feet from right-of-way line. In no case, shall entry features interfere with maintaining safe clear sight distances at intersections. Depending on the final form of the entry features, appropriate variances from the Columbus City Code may be required.

B. Access, Loading, Parking and/or Traffic Related Commitments

1. Parking

Due to the mixed use nature of the proposed development it would be impossible to have each use on its own tax parcel with all its required parking spaces and loading spaces. In addition the mixture of the proposed uses would make it appropriate to consider the effect of a shared parking analysis on determining the required number of parking spaces. From a zoning clearance standpoint the city shall review the number of parking spaces for the subject site as one tax parcel even if there are separate tax parcels.

The following parking ratios shall be provided unless varied by a shared parking analysis or by the Board of Zoning Adjustment:

Retail	1 parking space for every 300 sq. ft. of gross floor area
Restaurant, without pick up unit or greater than 5000 sq. ft	1 parking space for every 75 sq. ft. of gross floor area
Restaurant, with pick up unit and seating (less than 5000 sq. ft)	1 parking space for every 175 sq. ft. of gross floor area
Restaurant, with pick up unit no seating (less than 5000 sq. ft)	1 parking space for every 175 sq. ft. of gross floor area
Restaurant, patio/outdoor dining areas	Ratio is 50% of ratio required for primary structure
Office (general)	1 parking space for every 450 sq. ft. of gross floor area
Office (medical)	1 parking space for every 300 sq. ft of gross floor area
Theater	1 parking space for every 3 seats

In order to arrive at the final required parking figure it is necessary to reduce the parking demand for each use by recognizing three reduction factors that are used in the ULI shared parking analysis. The reduction factors are vacancy allowance, non-auto transportation (walk, COTA, cab, bike) and captive market allowance (% of people visiting more than one business).

<u>Reduction Factor</u>	<u>Retail</u>	<u>Restaurant</u>	<u>Office</u>	<u>Theater</u>
Vacancy	2%	0%	9%	10%
Non-auto transportation	4%	4%	4%	4%
Captive market allowance	18%	15%	15%	15%

The parking figures calculated from the ratios are then reduced by the appropriate reduction factor for each use to arrive at the total required number of parking spaces.

If the applicant wished to provide fewer parking spaces than calculated by the above method then the applicant shall prepare a shared parking analysis for the proposed project pursuant to the requirements of the City's Department of Public Service. The Department of Public Service shall review this shared parking analysis and

if the Department approves the study then the applicant shall provide the number of parking spaces shown in the study. If the Department does not approve the study, then the applicant may file a variance request with the Board of Zoning Adjustment.

Public parking garages may be constructed on the subject property. The number of parking spaces within any garage(s) shall count toward meeting the overall parking requirement of the entire development on the subject property.

2. When the site is developed the property owner shall grant to the property owner of tax parcel 520-105165 (currently owned by Aladdin Temple Aaonms) a non exclusive access easement in a form which is customary for the area to give said parcel access to a signalized intersection along Stelzer Road.

C. Buffering, Landscaping, Open Space and/or Screening Commitments

1. A tree row shall be established along Relocated Stelzer Road frontage containing one tree for every 30 feet of road frontage. Trees shall be equally spaced or grouped together.

2. The landscaping requirements of this section may be satisfied or offset by the preservation of existing vegetation.

D. Building Design and/or Interior-Exterior Treatment Commitments

N/A

E. Dumpsters, Lighting, Outdoor Display Areas, and/or other Environmental Commitments

1. No outside storage or display shall be permitted.

F. Graphics and Signage Commitments

1. All signage and graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District classification. Any variance to the sign requirements shall be submitted to the Columbus Graphics Commission.

G. Miscellaneous

1. Site Plan

The subject shall be in the accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time that development and engineering plans are completed. Any slight adjustment to the site plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

2. CPD Criteria

a. Natural Environment

The natural environment of the subject site is limited to relatively flat terrain with slopes of one to two percent.

Drainage flow naturally runs from the west along Stelzer Road to I-270. The Bennington series soils on site are suitable for development.

b. Existing Land Use

Existing land use consist of commercially zoned property north and east of the site; commercial development and undeveloped commercially zoned ground to the west across Stelzer Road and Aladdin Temple Shrine, a large multi-purpose facility to the south.

c. Visual Form

The visibility of the site will be considered in the design of the buildings.

d. Visibility

This area has high freeway visibility and good visibility from Relocated Stelzer Road.

e. Proposed Development

Commercial, gas sales.

f. Behavior Patterns

The proposed development will provide additional commercial opportunities to both local residents, office works and to other individuals who can access this area via the I-270 / Morse Road interchange.

g. Emissions

1. This development would conform to the City requirements for light levels, sounds, smells and dust. It is anticipated that this development would not adversely effect proposed adjacent uses in this regard.

3. Variances

a. Section 3356.11C-4 district setback line: to reduce the building setback: along Stelzer Road from 50 feet to 10 feet.

b. Section 3312.27 Parking setback line to reduce the parking setback: along Stelzer Road from 35 feet to 10 feet.

c. Section 3312.49 Maximum number of parking spaces required: to reduce the minimum number of parking spaces, and to eliminate a maximum number of parking spaces. See text for parking ratio.

d. Section 3312.03D Administrative requirements to allow parking spaces for a use to not be on the same parcel as the use. Section 3312.51 Loading spaces to allow loading spaces for a use to not be on the same parcel as the use.

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

Legislation Number: 1677-2013

Drafting Date: 6/26/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. Background: This legislation authorizes the Director of Public Utilities to execute a contract modification, Mod #1, with H.R. Gray-A Haskell Co. (formerly H.R. Gray and Associates) for the Wastewater Treatment Facilities Professional Construction Management project for the Division of Sewerage and Drainage. The contract provides construction administration and management services including, construction inspection, construction and startup coordination, reporting, budgeting, scheduling, document tracking, and related tasks associated with a multi-project program for the following construction contracts.

This is a multi-project program which now includes eight new construction contracts included in this modified agreement with potential new projects added with subsequent annual contract modifications over the next 4 (four) years:

CIP 650261-101000 WWTFs Professional Construction Management	
CIP 650261-101001 General Contingency	\$170,000.00
CIP 650261-101002 WWTFs Ash Lagoon Improvements	\$200,353.00*
CIP 650261-101003 WWTPs CSO Reduction Improvements	\$246,379.00*
CIP 650261-101004 JPWWTP Corrosion Prevention & Protective Coatings	\$115,681.00*
CIP 650261-101005 SWWTP Support Facilities S77	\$192,486.00
CIP 650261-101006 SWWTP Sludge Thickening Impr. & Add. Renovations	\$220,478.00
And JPWWTP Polymer System Renovations	
CIP 650261-101007 SWWTP Headworks Decommissioning, Waste	\$292,878.00
Digester Gas Utilization Improvements	
CIP 650261-101008 SWWTP Corr. Prev. & Proc. Coatings Sys Ph2 S82	\$170,574.00
CIP 650261-101009 Fairwood Facilities Improvements, Phase1 F36	\$109,636.00
CIP 650261-101010 Small Capital Projects	<u>\$150,000.00</u>
Estimated Project Cost:	\$1,868,465.00

*: These three project amounts were part of the cancelled purchase order EL012903 and their funds are being utilized to fund this project series.

Note: Cancellation of purchase order number EL012903 (\$562,413.00) - the original CIP number for this project was 650361-100003. To better organize and track the Wastewater Treatment Facilities projects, new project series was created, 650261-101000. The contract for EL012903 was created, executed, and approved, but no invoices were submitted or paid. It was decided to cancel the purchase order, appropriate the funds, and use them in the new PCM Project Series. The cancellation number was OX146481.

Project Modification Data:

1.1 Amount of additional funds to be expended:

Original Contract	\$ 0
Current Modification No. 1	\$ 1,868,465.00
Proposed Modification No. 2 (estimated 2014 funding)	\$ 2,945,000.00
Proposed Modification No. 3 (estimated 2015 funding)	\$ 1,704,000.00
Proposed Modification No. 4 (estimated 2016 funding)	<u>\$ 2,945,000.00</u>

CURRENT PROPOSED TOTAL

\$ 9,462,465.00

1.2 Reasons additional goods/services could not be foreseen:

Contract Modification No. 1 was planned and anticipated, and so stated in the original contract's legislation. It is a planned continuation of the services originally included within the existing contract's scope of service.

1.3 Reason other procurement processes are not used:

The funding provided by this contract modification is for continuation of the existing work of the contract. It is not reasonable or cost effective to undertake a new procurement to acquire these services.

1.4 How cost of modification was determined:

A cost proposal was provided by H.R. Gray-A Haskell Co. and reviewed by the Division of Sewerage and Drainage and was deemed acceptable. The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal.

2. Project Timeline: This contract modification is for 2013 services. The duration of the contract may extend into subsequent years based on the complexity and progress of the assigned work.

3. Contract Compliance No.: 31-1050479 | MAJ | Exp 10/31/2013

4. Emergency Designation: Emergency designation **is not requested** at this time.

5. Economic or Environmental Impact: The performance of this professional contract management services for the subject construction contracts will help to prevent or reduce number of construction claims, and minimize charge amount of the unavoidable claims.

6. Fiscal Impact:

This ordinance authorizes the transfer within and the expenditure of up to \$1,868,465.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 664; and amends the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a planned contract modification with H.R. Gray-A Haskell Co. for the Wastewater Treatment Facilities Professional Construction Management Contract; to transfer within and expend of up to \$1,868,465.00 from the Sanitary Sewer General Obligation Fund for the Division of Sewerage and Drainage; and to amend the 2013 Capital Improvements Budget. (\$1,868,465.00)

WHEREAS, the original contract, EL012903 was authorized by Ordinance 0373-2013 which passed April 02/2012; executed by the Director of Public Utilities on June 15, 2012, approved the City attorney on June 18, 2012, and issued by the City Auditor's office June 25, 2012; and

WHEREAS, it is necessary to authorize the City Auditor to cancel EL012903 and transfer the funds and authority to the new PCM CIP project series, 650261-101000; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to execute a contract modification with H.R. Gray-A Haskell Co. (formerly H.R. Gray and Associates) for the Wastewater Treatment Facilities (WWTF) Professional Construction Management (PCM) Contract; and

WHEREAS, it is necessary for City Council to authorize the transfer within and the expenditure of funds from

the Sanitary Sewer General Obligation Fund, Fund 664; and

WHEREAS, this is a multi-year agreement with subsequent annual contract modifications; and

WHEREAS, it is necessary to amend the 2013 Capital Improvements Budget; and

WHEREAS, the Department of Public Utilities, Division of Sewerage and Drainage, is requesting that this Council authorize the Director of Public Utilities to enter into contract modification, Mod #1, with H.R. Gray-A Haskell Co. (formerly H.R. Gray and Associates) for the Wastewater Treatment Facilities Professional Construction Management project for 2012-2016, at the earliest practical date 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 Public Utilities be, and hereby is, authorized to enter into an agreement for professional construction management services with H.R. Gray-A Haskell Co., 3770 Ridge Mill Drive, Columbus, OH 43026, in connection with Wastewater Treatment Facilities Professional Construction Management project, in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor be and hereby is authorized and directed to transfer up to \$1,868,465.00 from within the Sanitary Sewer General Obligation Bond Fund | Fund No. 664 | Division 60-05 | Object Level Three 6630:

From: Fund 664

Proj. No. | Proj. Name | OCA | Amount

650259-100001 | JPWWTP Corr. Prev. & Prot. Coatings Sys. Ph. 1 | 650259 | -\$115,681.00
650333-100000 | Ash Lagoons Improvements | 664333 | -\$200,353.00
650347-100001 | WWTP's CSO Reduction Improvements | 650347 | -\$246,379.00
650361-100003 | WWTF Professional Construction Management | 643613 | -\$1,280,700.00
650015-100000 | Long Street Sewer GMRA | 640015 | -\$25,352.00

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

650261-101000 | WWTFs Professional Construction Management | 664261 | +\$1,868,465.00

SECTION 4. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to create and provide sufficient budget authority for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650259-100001 | JPWWTP Corr. Prev. & Prot. Coatings Sys. Ph. 1 | \$450,000 | \$565,000 | (+\$115,681)*
650259-100001 | JPWWTP Corr. Prev. & Prot. Coatings Sys. Ph. 1 | \$565,000 | \$450,000 | (-\$115,681)
650333-100000 | Ash Lagoons Improvements | \$72,350 | \$272,703 | (+\$200,353)*
650333-100000 | Ash Lagoons Improvements | \$272,703 | \$72,350 | (-\$200,353)
650347-100001 | WWTP's CSO Reduction Improvements | \$62,000 | \$308,379 | (+\$246,379)*
650347-100001 | WWTP's CSO Reduction Improvements | \$308,379 | \$62,000 | (-\$246,379)
650361-100003 | WWTF Professional Construction Management | \$1,280,700 | \$0 | (-\$1,280,700)
650015-100000 | Long Street Sewer GMRA | \$0 | \$26,015 | (+\$26,015)*
650015-100000 | Long Street Sewer GMRA | \$26,015 | \$663 | (-\$25,352)

650261-101000 | WWTFs Professional Construction Management | \$0 | \$1,868,465 | (+\$1,868,465)

*: from cancellation

SECTION 5. That the Director of Public Utilities is authorized to expend up to \$1,868,465.00 or as much thereof as may be needed, on the following: Sanitary Sewer General Obligation Bond Fund | Fund No. 664 | Division 60-05 | Object Level Three 6630:

Project No. | Project Name | Amount (\$) | OCA Code | Object Level Three

650261-101000 | WWTFs Professional Construction Management | 664261 | +\$1,868,465.00

SECTION 6. That the said firm, H.R. Gray-A Haskell Co., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 7. That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1680-2013

Drafting Date: 6/26/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the Office of the City Auditor to modify a contract with Computer Aid Inc. (State Term Contract) for staff augmentation services. This legislation will authorize the contract and expenditure of \$75,000 or so much as may be necessary; and to declare an emergency (75,000.00).

Background:

This staff augmentation will assist in the implementation of various projects. In order to maintain continuity of work, these funds will be used to provide payment for personnel that will assist in implementing financial systems for the city. The contract compliance number for Computer Aid Inc. is 23-2180878, which expires 10/26/2014.

Fiscal Impact:

Funds are available in the 2013 budget from the general fund in the amount of \$75,000.

To authorize the Office of the City Auditor modify and increase the maximum obligation to Computer Aid Inc. for staff augmentation services; to authorize the expenditure of \$75,000.00; and to declare an emergency (\$75,000.00).

WHEREAS, the Office of the City Auditor requires staff augmentation services to assist with the implementation of various projects; and,

WHEREAS, the current authorized contract with Computer Aid Inc. for augmentation services is for \$70,574.47; and,

WHEREAS, it is necessary to increase and modify the contract from the State Department of Administrative Services for the City of Columbus and staff augmentation services from Computer Aid Inc. and,

WHEREAS, an emergency exists in the usual operation of the Office of the City Auditor, in that to ensure continuity of services, there is an immediate need to provide additional funding to an existing contract; 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 City Auditor be and is hereby authorized and directed to modify a contract with Computer Aid Inc.

SECTION 2. That the expenditure of \$75,000.00 or so much thereof as may be necessary is hereby authorized from Department 22-01, General Fund 010, Character 03, Minor Object 3336, OCA 220111, to pay the cost thereof.

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: 1681-2013

Drafting Date: 6/26/2013

Version: 3

Current Status: Passed

Matter Type: Ordinance

Rezoning Application: Z13-013

APPLICANT: Metropolitan Holdings LLC; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 9, 2013.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Given the predominance of multi-unit dwellings in the area developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Staff will work with the applicant to ensure an appropriate side yard and buffer for the single-unit dwelling to the east as part of the concurrent Council variance. Furthermore, Staff finds the proposed use to be consistent with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009).

To rezone **1437 CHESAPEAKE AVENUE (43212)**, being 0.64± acres located on the south side of Chesapeake Avenue, 750± feet east of North Star Avenue, **From:** R, Rural District, **To:** AR-1, Apartment Residential District **and to declare an emergency** (Rezoning # Z13-013).

WHEREAS, application #Z13-013 is on file with the Department of Building and Zoning Services requesting rezoning of 0.64± acres from R, Rural District, to the AR-1, Apartment Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Staff will work with the applicant to ensure and appropriate side yard and buffer for the single-unit dwelling to the east as part of the concurrent Council variance. Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009); 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:

1437 CHESAPEAKE AVENUE (43212), being 0.64± acres located on the south side of Chesapeake Avenue, 750± feet east of North Star Avenue, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 76, 77, 78, and 79 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Matt Vekasy and described as follows:

Beginning in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 76 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 160 feet to the northeast corner of said Lot 79;

Thence Southerly, along the east line of said Lot 79, about 163 feet to the southeast corner of said Lot 79, and in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 160 feet to the southwest corner of said Lot 76;

Thence Northerly, along the west line of said Lot 76, about 163 feet to the *Point of Beginning*. Containing approximately .64 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-007169, 130-001397, 130-005040, 130-003898.

To Rezone From: R, Rural District,

To: AR-1, Apartment Residential District

SECTION 2. That a Height District of ~~thirty-five (35)~~ **sixty (60)** feet is hereby established on the AR-1, Apartment Residential District 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 in the office of the Department of Building and Zoning Services.

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: 1688-2013

Drafting Date: 6/26/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to modify and increase an engineering services agreement with Pomeroy and Associates, Ltd., for professional engineering services for Fountain Square Stormwater System Improvements Project.

Work performed to date includes the Business Case Evaluation process, during which it was discovered that there is additional stormwater entering the Fountain Square tributary area than originally anticipated. This contract modification will address the areas in which additional stormwater issues are occurring in the Fountain Square tributary.

1.1 Amount of additional funds for Modification 1 to be expended: \$130,580.30

Original Contract Amount Ord. 0816-2012	\$446,008.85
Modification #1- Current	<u>\$130,580.30</u>
Total (Original + Modification #1)	\$576,589.15

1.2. Reasons additional goods/services could not be foreseen:

The additional stormwater that is entering the Fountain Square tributary area was not known during the original scope development and was only discovered during the detailed design.

1.3. Reason other procurement processes are not used:

Pomeroy and Associates, Ltd. is familiar with the area and the additional work came about as a result of an ongoing Business Case Evaluation that the Consultant is currently engaged in.

1.4. How cost of modification was determined:

The additional stormwater tributary area was evaluated to determine the amount of hours required to investigate and develop plans to mitigate. The Department utilized its experience with previous projects to determine the amount of effort needed to complete the additional required work.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:

This project is being undertaken to mitigate severe street stormwater flooding that is occurring along the Morse Rd service road in front of the Fountain Square shopping center and ODNR entrance drive. The City has been in talks with ODNR in regards to the issues at hand and is coordinating its efforts with them. It is anticipated that green infrastructure will play a vital role in eliminating the flooding through the use of bio-swales and basins.

3. CONTRACT COMPLIANCE INFO: 61-1352158, expires 10/5/13, Majority

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Pomeroy and Associates, Ltd.

4. FISCAL IMPACT: There is sufficient funding for this project. No amendment to the Capital Improvements Budget is needed.

To authorize the Director of Public Utilities to modify an agreement for professional engineering services with Pomeroy and Associates, Ltd. for the Fountain Square Stormwater System Improvements Project; for the Division of Sewerage and Drainage; and to authorize the expenditure of \$130,580.30 within the Storm Recovery Zone Super Build America Bonds Fund. (\$130,580.30).

WHEREAS, Contract No. EL013100 was authorized by Ordinance No. 0816-2012, passed May 7, 2012, was executed July 9, 2012, and approved by the City Attorney on July 13, 2012; and

WHEREAS, the Division of Sewerage and Drainage would like to modify and increase the engineering services agreement with Pomeroy and Associates, Ltd. for the Fountain Square Stormwater System

Improvements Project; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Storm Recovery Zone Super Build America Bonds Fund to create Stormwater flood routing and eliminate structural and roadway flooding issues; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to modify an agreement for professional engineering services, for the Fountain Square Stormwater System Improvements Project, 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 is hereby authorized and directed to modify and increase the professional engineering services agreement with Pomeroy and Associates, Ltd. for the Fountain Square Stormwater System Improvements Project, for the Division of Sewerage and Drainage, in the amount of \$130,580.30.

SECTION 2. That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

SECTION 3. That for the purpose of paying the cost of the professional engineering services contract, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-15, Fund 677, Project 610050-100000, Object Level One 06, Object Level Three 6682, OCA Code 677050, Amount \$130,580.30.

SECTION 4. That the said engineering firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 5. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 this ordinance shall take effect and be in force from and after the earliest date allowed by law.

Legislation Number: 1691-2013

Drafting Date: 6/26/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Need: The Civil Service Commission needs to modify the contract and increase the maximum authorized expenditure in the contract with the Ohio State University for pre-employment physicals and cardiovascular stress testing of public safety recruits for Police and Fire Academy classes.

Bid Information: In 2010, the City of Columbus Civil Service Commission published a Request for Proposals (SA003768) for these services and accepted proposals through December 16, 2010. Three proposals were submitted; an evaluation committee reviewed these proposals and selected The Ohio State University (Ordinance 0272-2011). This contract has been renewed in accordance with the requirements in the initial contract.

Emergency Designation: Emergency legislation is requested in order to cover expenses incurred as a result of services rendered and required for filling the June 2013 Police and Fire recruit classes.

Contract Compliance Number: 31-6025986, governmental agency, no expiration date.

FISCAL IMPACT: Funding for this service was budgeted in the Civil Service Commissions 2013 general fund budget.

To authorize and direct the Executive Director of the Civil Service Commission to modify and increase the contract with The Ohio State University for the administration of pre-employment physicals and cardiovascular stress testing of public safety recruits, and to authorize the expenditure of \$10,000 from the General Fund; and to declare an emergency (\$10,000.00).

WHEREAS, the City of Columbus Civil Service Commission accepted proposals from qualified companies for medical services; and

WHEREAS, the Civil Service Commission awarded the new contract to The Ohio State University; and

WHEREAS an emergency exists in the usual daily operation of the Civil Service Commission, in that it is immediately necessary to modify and increase the contract with Ohio State University in order to cover expenses incurred as a result of services rendered and required for filling the June 2013 Police and Fire recruit classes, and 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 Executive Director of the Civil Service Commission be and is hereby authorized to modify and increase the contract with The Ohio State University for the purpose of administering pre-employment physicals and cardiovascular stress tests to public safety recruits for the Divisions of Police and Fire.

SECTION 2. That the expenditure of \$10,000.00 or so much thereof as may be needed, and the same is hereby authorized as follows:

DIV	FUND	OBJ LEV (1)	OBJ LEV (3)	OCA NO
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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: 1692-2013

Drafting Date: 6/26/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to execute a contract modification with Korda/Nemeth Engineering, Inc. for professional engineering services for the Merwin Hill Area Sewer Assessment Project.

This modification is for 2013 for new home septic treatment systems that were identified in the area and developed under the City of Columbus Septic Treatment Elimination Program which encourages homeowners to connect to the sanitary sewer. The Septic Treatment Elimination Program was not part of the original scope and this modification will address the additional work associated with it. By addressing the additional homes with this modification, there is a time and cost savings to the City and residents. It will provide for the preparation of construction plans and specifications for the extension of sanitary sewer service to the Merwin Hill neighborhood.

1.1 Amount of additional funds to be expended: \$85,581.44

- 1) Original Contract Amount = \$52,897.65 (EL006638, Authorized 12-13-2006)
- 2) Cost of Each Modification to Date = MOD1 \$16,909.84 (Authorized 09-17-07)
- 3) Cost of Modification being requested = \$85,581.44
- 4) Cost of any future known modifications = None anticipated
- 5) Total estimate of the contract cost = \$155,388.93

1.2 Reasons additional goods/services could not be foresee.

New home septic treatment systems were identified in the area and the City developed the Septic Treatment Elimination Program to encourage homeowners to connect to the sanitary sewer. The Septic Treatment Elimination Program was not part of the original scope and this Modification will address the additional work associated with it. By addressing the additional homes with this Modification, there is a time and cost savings to the City and residents.

1.3 Reason other procurement processes are not used:

The Consultant is familiar with the area and the area is conducive to being performed as a single construction project. This will save money in both the design and construction phases of the project.

1.4 How cost of modification was determined:

The additional project area was evaluated to determine the amount of hours required to complete each of the project tasks. The City utilized its experience with previous projects to determine the amount of effort needed to complete the additional required work.

2. Emergency Designation: Emergency designation is not requested for this legislation.

3. Contract Compliance Information: 31-0922991 | MAJ | Expiration Date: 5-9-2015

4. Economic Impact: The Septic Treatment Elimination Program will provide financial assistance to homeowners to help defer the costs of the assessment and tap fees. This project will eliminate Septic Systems which can fail and pollute the streams and rivers. Also, converting from a septic system to Sanitary Sewer Service has a positive impact to the property values. The community is aware of this project and the City has worked closely with the residents to ensure that the sewer alignment and construction will have as minimal an impact as possible.

5. Fiscal Impact: This ordinance authorizes the Director of Public Utilities to transfer within \$67,325.98 and expend up to \$85,581.44 from the Sanitary Sewer General Obligation Fund, Fund 664, and to amend the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a planned contract modification with Korda/Nemeth Engineering, Inc. for professional engineering services for the Merwin Hill Area Sewer Assessment Project; to authorize the Director of Public Utilities to transfer within \$67,325.98 and expend up to \$85,581.44 from the Sanitary Sewer General Obligation Fund and to amend the 2013 Capital Improvements Budget.

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities, hereby requests this City Council to authorize the Director of Public Utilities to enter into planned contract modification for professional engineering services with Korda Nemeth in the amount of \$85,581.44 in order to continue to provide professional engineering services for the Merwin Hill Area Sewer Assessment; and

WHEREAS, Contract No. EL006638 was authorized by Ordinance No. 1949-2006, as passed on December 4, 2006, executed by the Director on December 14, 2006, and approved by the City Attorney on December 21, 2006 in the amount of \$52,987.65

WHEREAS, it is necessary to authorize the transfer within \$67,325.98 and expend up to \$85,581.44 from the Sanitary Sewer General Obligation Bond Fund, Fund 664, for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to amend the 2013 Capital Improvements Budget to provide sufficient authority for increasing a capital project account; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into an engineering agreement with Korda /Nemeth for the Merwin Hill Sewer Assessment Project, at the earliest practical date 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 Public Utilities be, and hereby is, authorized to enter into an engineering services agreement with Korda/Nemeth Engineering, Inc., 1650 Watermark Drive, Suite 200, Columbus, Ohio 43215 in order to provide professional engineering services for the Merwin Hill Area Sewer Assessment Project in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor is hereby authorized to transfer \$67,325.98 within the Department of Public Utilities, Division of Sewerage and Drainage | Dept./Div. No. 60-05 | Sanitary Sewer General Obligation Bond Fund | Fund No. 664 | Object Level Three 6676, as follows:

From: Fund 664

Proj. No. | Proj. Name | OCA | Amount

650745-100000 | 2009 General Construction | 646745 | -\$40,660.09
650625-100000 | Beulah Road Trunk Sewer Rehab | 664625 | -\$16,356.80
650014-100000 | Sanitary Sewer Construction | 664140 | -\$10,309.09

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

650699-100000 | Merwin Hill Area Sewer Assessment | 664699 | +\$67,325.98

SECTION 3. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to create and provide sufficient budget authority for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650745-100000 | 2009 General Construction | \$40,661 | \$0 | (-\$40,661)
650625-100000 | Beulah Road Trunk Sewer Rehab | \$16,357 | \$0 | (-\$16,357)
650014-100000 | Sanitary Sewer Construction | \$16,450 | \$6,141 | (-\$10,310)
650699-100000 | Merwin Hill Area Sewer Assessment | \$18,256 | \$85,582 | (+\$67,326)

SECTION 4. That the Director of Public Utilities is authorized to expend up to \$85,581.44 or as much thereof as may be needed, on the following: Sanitary Sewer Build America Bond Fund | Fund No. 668 Division 60-05 | Object Level Three 6676:

Project No. | Project Name | Amount (\$) | OCA Code | Object Level Three

650699-100000 | Merwin Hill Area Sewer Assessment | 664699 | \$85,581.44

SECTION 5. That the said firm, Korda/Nemeth, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 Director of Public Utilities is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Drafting Date: 6/26/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

This ordinance authorizes the reimbursement to the Franklin County Engineer's Office \$335,791.64 for snow and ice removal services for the 2012-2013 winter season from existing appropriation authority within this Fund.

To capture operating efficiencies, County and City forces occasionally service portions of the others' roadways that lie within the other's jurisdiction. The County always services more city roadways than the City services county roadways. The entities settle up once each year and this payment represents the net amount due the County.

2. FISCAL IMPACT

The Division of Planning and Operations has budgeted \$335,791.64 in the 2013 Municipal Motor Vehicle License Tax Fund appropriation for contracted services. This ordinance authorizes an expenditure of \$335,791.64.

3. EMERGENCY DESIGNATION

Emergency action is requested to provide reimbursement to the Franklin County Engineer as soon as possible in the interest of good inter-jurisdictional relations.

To authorize the Director of Public Service to reimburse the Franklin County Engineer for snow and ice removal services rendered to the City of Columbus during the 2012-2013 winter season; to authorize the expenditure of \$335,791.64 from the Municipal Motor Vehicle License Tax Fund for the Division of Planning and Operations; and to declare an emergency. (\$335,791.64)

WHEREAS, services were performed for the removal of snow and ice from certain city streets by Franklin County Engineering Department forces and the removal of snow and ice from certain county streets by City of Columbus Division of Planning and Operations forces; and

WHEREAS, subsequent to the conclusion of this activity every year, the parties equitably distribute the mutually benefitting services; and

WHEREAS, the net cost to the city is \$335,791.64 for the winter of 2012-2013; 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 provide for the reimbursement of this expense by the City to the County as soon as possible in the interest of good inter-jurisdictional relations, 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 hereby is authorized to make payment of \$335,791.64 to the Franklin County Engineer's Office for snow and ice removal services rendered by the County Engineer on city streets during the 2012-2013 winter season for the Division of Planning and Operations.

SECTION 2. That for the purposes of making this payment, the expenditure of \$335,791.64 be and hereby is authorized from the Municipal Motor Vehicle License Tax Fund, Fund 266, Department No. 59-11, Division of Planning and Operations, Object Level One Code 03, Object Level Three Code 3375 and OCA Code 591128.

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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: 1704-2013

Drafting Date: 6/26/2013

Current Status: Passed

Version: 3

Matter Type: Ordinance

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision clearance; **3333.055, Exception for single- or two-family dwelling**, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at **1437 CHESAPEAKE AVENUE (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance #CV13-007).

WHEREAS, by application #CV13-007, the owner of property at **1437 CHESAPEAKE AVENUE (43212)**, is requesting a Variance concurrent with rezoning Z13-013 to permit multiple-unit dwellings with reduced development standards; and

WHEREAS, Section 3333.02, AR-1, Apartment Residential District, prohibits two and one unit dwellings, while the applicant proposes to have to allow two separate 2-unit buildings on four separate lots;

WHEREAS, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots; and

WHEREAS, Section 3312.12, Driveway, requires driveways to be at least 10 feet wide on a lot or a total of 20 feet wide, while the applicant proposes to have 9 foot wide driveways for a total of 18 feet; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines; and

WHEREAS, Section 3321.05, Vision clearance, requires a ten foot clear vision triangle at the intersection of a driveway and the right-of-way, while the applicant proposes a porch post and second floor balcony support within the clear vision triangle as shown on the site plan; and

WHEREAS, Section 3333.055, **Exception for single- or two-family dwelling**, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct two (2) two-unit dwellings on the same lot on all of the lots; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes lot widths of forty (40) feet; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for one of the buildings on each lot; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes a building line of eight (8) feet Chesapeake Avenue; and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be five feet, while the applicant proposes minimum side yards of three and one tenth of a foot (3.1); and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25%) percent of the total lot area, while the applicant proposes rear yards of six percent (6%); and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires side yards to be open to the sky while the applicant proposes to allow parking in the proposed side yards; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **1437 CHESAPEAKE AVENUE (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. Variances from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision clearance; **Exception for single- or two-family dwelling**, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, are hereby granted for the property located at **1437 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit single and two unit dwellings in the

AR-1, Apartment Residential District on lots forty (40) feet in width, with building setback of twelve (12) feet, with two buildings without frontage on a public street, with side yards of 3 and one tenth (3 1/10) feet, with a rear yard comprising six percent (6%) of the entire lot, with vehicular maneuvering across property lines and parking in the side yard and without parking lot screening, said property being more particularly described as follows:

1437 CHESAPEAKE AVENUE (43212), being 0.64± acres located on the south side of Chesapeake Avenue, 750± feet east of North Star Avenue, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 76, 77, 78, and 79 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Matt Vekasy and described as follows:

Beginning in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 76 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 160 feet to the northeast corner of said Lot 79;

Thence Southerly, along the east line of said Lot 79, about 163 feet to the southeast corner of said Lot 79, and in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 160 feet to the southwest corner of said Lot 76;

Thence Northerly, along the west line of said Lot 76, about 163 feet to the *Point of Beginning*. Containing approximately .64 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-007169, 130-001397, 130-005040, 130-003898.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two two-unit buildings on a lot or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN FOR 1437 CHESAPEAKE AVENUE,**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS FOR 1437 CHESAPEAKE AVENUE,**" both signed by David L. Hodge, attorney for the applicant, and both dated June 10, 2013. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

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.**

Drafting Date: 6/26/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1- Contract J218 Project. This construction contract, Contract J218 Corrosion Prevention and Protective Coating Systems Phase 1, consists of surface preparation and painting of process piping and equipment, pipe demolition, pipe insulation, repair of leaky concrete expansion joints and cracks, asbestos removal, replacement of leaking equipment hatches and other miscellaneous work for the designated areas of the Jackson Pike Wastewater Treatment Plant. All work shall be performed in accordance with the provisions, specifications and drawings. This is the first of three separate corrosion prevention construction contracts to be performed under this project. The second phase will be bid in 2014 and the third phase will be bid in 2015.

2. Procurement Information: The Division advertised for competitive bid proposals on the City of Columbus's Vendor Services website and in the City Bulletin in accordance with the provisions of Section 329.09 of Columbus City Codes. The Division of Sewerage and Drainage opened the responding bids on June 5, 2103 from the following companies:

<u>Name</u>	<u>C.C. No. /Exp. Date</u>	<u>City/State</u>	<u>Status</u>
Kenmore Construction Company, Inc.	34-0802152 08/03/13	Akron, Ohio	MAJ
The Righter Company	31-0889208 01/07/15	Columbus, Ohio	MAJ

The bid was reviewed and ranked utilizing the Bid Tab and Quality Factor Form evaluation process. After careful consideration, the committee recommended that Kenmore Construction Company, Inc. be award the construction contract for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1- Contract J218.

3. The Engineer's construction cost estimate was totaled: \$3,395,850.35

The Award is recommended to the lowest Responsive, Responsible, and Best Bidder.

4. CONTRACT COMPLIANCE NO.: 34-0802152 | MAJ | Expires 08/03/2013

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

5. EMERGENCY DESIGNATION: Emergency designation **is not** requested.

6. FISCAL IMPACT: This ordinance authorizes the transfer within \$1,487,100.00 and an expenditure of up to \$1,937,100.00 in funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664 and an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1; to transfer within \$1,487,100.00 and an expenditure of up to \$1,937,100.00 in funds from the Sanitary Sewer General Obligation Bond Fund; and amend the 2013 Capital Improvements Budget. (\$1,937,100.00)

WHEREAS, the Division advertised for competitive bid proposals on the City of Columbus's Vendor Services website and in the City Bulletin in accordance with the provisions of Section 329.09 of Columbus City Codes for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1- Contract J218; and

WHEREAS, the Division of Sewerage and Drainage engineering personnel have determined it necessary to enter into a construction contract with the Kenmore Construction Company, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1- Contract J218; and

WHEREAS, it is necessary for City Council to authorize the transfer within and the expenditure of funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664; and

WHEREAS, it is necessary to amend the 2013 Capital Improvements Budget for purposes of providing sufficient budget authority for the project expenditure; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1- Contract J218, at the earliest practical date; **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 enter into a construction contract with the Kenmore Construction Company, Inc., 808 Frank Road, Columbus, Ohio 43223, for the Jackson Pike Waste Water Treatment Plant, Corrosion Prevention and Protective Coating Systems, Phase 1- Contract J218 in accordance with the terms and conditions as shown on the contract on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That the City Auditor is hereby authorized to transfer \$1,487,100.00 within the Department of Public Utilities, Division of Sewerage and Drainage | Dept. /Div. No. 60-05 | Sewerage and Drainage Sanitary Sewer General Obligation Bond Fund | Fund 664 | Object Level Three 6630, as follows:

From:

Project No. | Project Name | OCA Code | Change

See the attached Cash Transfer Sheet

To:

Project No. | Project Name | OCA Code | Change

650259-100001 | JPWWTP Corr. Prev. & Prot. Coatings J218 | 650259 | +\$1,487,100.00

SECTION 3. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to provide sufficient budget authority for the Capital Improvement Projects listed herein:

Proj. No. | Proj. Name | Current Authority | Revised Authority | (Change)

650745-100004 | General Construction 2012 | \$375,399 | \$0 | (-\$375,399)

650751-100001 | Williams Rd Sanitary Pump St. Force Main | \$425,000 | \$75,000 | (-\$350,000)

650754-100000 | Whetstone Pk of Roses Wet Weather Treatment | \$273,476 | \$0 | (-\$273,476)

650100-100001 | Sanitary Sewer Contingency | \$205,174 | \$0 | (-\$205,174)

650333-100000 | WWTFs Ash Lagoon Improvements | \$72,350 | \$0 | (-\$72,350)

650347-100001 | CSO Improvements | \$62,000 | \$0 | (-\$62,000)

650749-100000 | Second Ave. Pump Station | \$56,083 | \$0 | (-\$56,083)
650510-100000 | Sewer Maintenance Facility | \$46,148 | \$0 | (-\$46,148)
650359-100000 | SWWTP Sludge Thickening Imp. & Renov. | \$34,577 | \$0 | (-\$34,577)
650698-100000 | Sewer System I&I Elimination | \$13,703 | \$1,807 | (-\$11,896)
650259-100001 | JPWWTP Corr. Prev. & Prot. Coating - J218 | \$450,000 | \$1,937,103 | (+\$1,487,103)

SECTION 4. That the Director of Public Utilities be and hereby is authorized to expend up to \$1,937,100.00 in the following manner:

Div. 60-05| Fund 664 | 650259-100001 | JPWWTP Corrosion Prevention & Protective Coatings Systems, Phase 1, J218 | Object Level Three 6630 | 650259 | \$1,937,100.00

SECTION 5. That said construction company, Kenmore Construction Company, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. That the City Auditor is hereby authorized to transfer the unencumbered balance in a 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.

SECTION 7. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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

Legislation Number: 1736-2013

Drafting Date: 6/28/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with K & W Roofing, Inc., in the amount of \$502,430.50, for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project, Division of Water Contract Number 1178-Part 3.

This project consists of furnishing of all materials, equipment and labor necessary to provide for the installation of urethane coating roofing restoration system over a properly prepared mineralized built-up roof system; the restoration of a gravel surface built-up roofing system; miscellaneous metal flashing; the removal of communications tower and install antenna tower at the Hap Cremean Water Plant.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: This project is necessary to meet maintenance needs at the Hap Cremean Water Plant (HCWP).

Public informational meetings are not anticipated for this project, all proposed work is within the boundaries of the water treatment facility. The roof restoration product being utilized is a highly reflective waterproofing membrane, "White-Knight Plus". The high solar reflectance of the coating will reduce energy usage compared to the existing black roof system. Restoring the existing roofing system with new membrane coatings will extend the life of the current roof by 15 years delaying the need to re-roof the facilities. The roofing surface is specified to be supplied as a white, elastomeric, urethane coating with an Energy Star approval rating.

3. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened six bids on June 26, 2013 from: K&W Roofing, Inc. - \$502,430.50*; BK Contracting - \$506,000.00; Re-Construction Industries (Trubuilt Construction Svcs. dba) - \$541,481.60; Team Roofing, Inc. - \$553,047.00*; Smith Roofing and Sheet Metal* - \$580,313.80; and Kalkreuth Roofing and Sheet Metal - \$666,875.00*. (*after internal adjustments were made)

K & W Roofing's total bid price is \$502,430.50. Upon review of the bid, on item number five, a lump sum was used by K & W Roofing rather than a unit price as requested. If the unit price was applied, the total bid would be over \$297 million, indicating an obvious error had been made by K & W Roofing.

K & W Roofing has clarified its bid that a lump sum was mistakenly provided for that item, and has clarified how the lump sum it provided translates to the unit price. This clarification does not change the total bid amount and K & W Roofing is still the lowest bidder.

In addition, K & W Roofing did not indicate receipt of Addendum #2 in the bid proposal document. K & W Roofing, Inc. has clarified its bid did include the provisions of Addendum #2. This clarification does not change the total bid amount.

In order to allow the Department of Public Utilities to award to the lowest bidder notwithstanding the obvious error, the Director of Public Utilities believes it is in the City's best interest to waive the provisions of competitive bidding, in order that the Division of Water can contract with K & W Roofing, Inc. The City Attorney's office was consulted on this matter and supports this request.

K & W Roofing, Inc.'s Contract Compliance Number is 31-1606825 (expires 2/21/14, 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 K & W Roofing, Inc.

4. FISCAL IMPACT: A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a construction contract with K & W Roofing, Inc. for the Hap Cremean Water Plant Roof Restoration Project; for the Division of Water; to authorize a transfer and expenditure up to \$502,430.50 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; and to waive the provisions of competitive bidding. (\$502,430.50)

WHEREAS, six bids for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project were received and publicly opened in the offices of the Director of Public Utilities on June 26, 2013; and

WHEREAS, the lowest bidder, K & W Roofing, Inc., used a lump sum rather than a unit price, for item number five, resulting in a bid total of over \$297 million, indicating an obvious error; and

WHEREAS, K & W Roofing has clarified that a lump sum was mistakenly provided for that item, and has clarified how the lump sum it provided translates to the unit price. K & W also did not indicate receipt of Addendum #2 in the bid proposal document. K & W Roofing, Inc. has clarified its bid did include the provisions of Addendum #2. Both clarifications do not change the total bid amount and K & W Roofing is still the lowest bidder; and

WHEREAS, the Director of Public Utilities believes it is in the City's best interest to waive the provisions of competitive bidding, in order that the Division of Water can contract with K & W Roofing, Inc., notwithstanding the obvious lump sum error; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project to K & W Roofing, Inc.; and

WHEREAS, it is necessary for this Council to authorize the transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a construction contract with K & W Roofing, Inc. for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project, 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 hereby is authorized to award and execute a construction contract for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project with the lowest, best, responsible bidder, K & W Roofing, Inc., 8356 National Road, Pataskala, Ohio 43062; in the amount of \$502,430.50; in accordance with the terms and conditions of the contract on file in the Office of the Division of 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 the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project, and such provisions are hereby waived.

SECTION 3. That the City Auditor is hereby authorized to transfer \$502,430.50 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, Object Level Three 6623, as follows:

Fund No. | Project No. | Project Name | OCA Code | Change
606 | 690428-100004 (carryover) | DRWP Cap. Incr.-Recarb/Ozone | 664284 | -\$10,830.05

606 | 690446-100002 (carryover) | GES-Griggs Reservoir | 664462 | -\$10,175.30
606 | 690428-100002 (carryover) | DRWP Cap. Incr.-Sl. P.S./Elect. Sub. | 664282 | -\$481,425.15
606 | 690500-100000 (carryover) | HCWP Roof Restoration - 2013 | 606500 | +\$502,430.50

SECTION 4. That the 2013 Capital Improvements Budget is hereby amended as follows:

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

606 | 690428-100004 (carryover) | DRWP Cap. Incr.-Recarb/Ozone | \$39,069,355 | \$39,069,356 | +\$1
(establish authority to match cash)
606 | 690428-100004 (carryover) | DRWP Cap. Incr.-Recarb/Ozone | \$39,069,356 | \$39,058,525 |
-\$10,831
606 | 690446-100002 (carryover) | GES-Griggs Reservoir | \$76,953 | \$87,129 | +\$10,176
(establish authority to match cash)
606 | 690446-100002 (carryover) | GES-Griggs Reservoir | \$87,129 | \$76,953 | -\$10,176
606 | 690428-100002 (carryover) | DRWP Cap. Incr.-Sl. P.S./Elect. Sub. | \$25,457,100 | \$26,311,803 |
+\$854,703
(establish authority to match cash)
606 | 690428-100002 (carryover) | DRWP Cap. Incr.-Sl. P.S./Elect. Sub. | \$26,311,803 | \$25,830,377 |
-\$481,426
606 | 690500-100000 (carryover) | HCWP Roof Restoration - 2013 | \$0 | \$502,433 | +\$502,433

SECTION 5. That the expenditure of \$502,430.50 is hereby authorized for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept.-Div. 60-09, Project No. 690500-100000 (carryover), OCA 606500, OL3 6623.

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 Water.

SECTION 7. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 8. 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 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1738-2013
Drafting Date: 6/28/2013
Current Status: Passed

1. BACKGROUND:

This ordinance authorizes the Director of Public Service to modify a purchase contract with IPS Group, Inc. by increasing the amount authorized for expenditure for single space parking meter mechanisms and components provided by IPS Group, Inc. for this contract for the Department of Public Service.

This contract was authorized by ordinance 1041-2010 and provides the City with the ability to replace its entire inventory of over 4,000 parking meters, which have exceeded their designed service life, and to allow for expansion of the meter program. The contract terms include fixed costs for the parking meters and related services over the five-year contract period and are subject to the availability of funding and the approval of City Council.

This planned contract modification will provide single space parking meter mechanisms and components as established under the contract. The source of funding for these is the 2013 Capital Improvement Budget.

The original amount of this contract authorized in ordinance 1041-2010 was \$749,965.00 (EL010977).
The amount of the 1st modification was \$521,000.00, authorized by ordinance 0360-2011 (EL011657).
The amount of the 2nd modification was \$385,000.00, authorized by ordinance 0710-2012 (EL012678).
The amount of the 3rd modification was \$500,000.00, authorized by ordinance 0775-2012 (EL012734).
The amount of the 4th modification was \$73,500.00, authorized by ordinance 2022-2012 (EL013622).
The amount of the 5th modification was \$529,000.00, authorized by ordinance 0934-2013(EL014228).
The amount of this 6th modification will be \$935,000.00.
The total amount of the contract, including this modification is \$3,693,465.00.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against IPS Group, Inc.

2. PLANNED CONTRACT MODIFICATION

This is a planned modification of the contract with IPS Group, Inc. to fund the purchase of additional single space parking meter mechanisms and components by this vendor for the City's parking meter program.

2. CONTRACT COMPLIANCE

IPS Group, Inc. contract compliance number is 233028164 and it expires 4/25/2014.

3. EMERGENCY DESIGNATION

Emergency action is requested to allow the order of these commodities so they may be installed at the earliest possible time.

4. FISCAL IMPACT:

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$935,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

To authorize and direct the City Auditor to appropriate and transfer \$935,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to modify an existing contract with IPS Group, Inc. by increasing the authorized expenditure amount, to provide single space parking meter mechanisms and components for the City's Parking Meter Program; to authorize the

expenditure of up to \$935,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$935,000.00)

WHEREAS, ordinance 1041-2010 authorized the Director of Public Service to enter into contract with IPS Group, Inc., and authorized the expenditure of \$749,965.00 for the purchase of single space parking meters, ancillary equipment, and management and training services; and

WHEREAS, ordinance 0360-2011 authorized the Director of Public Service to execute a planned modification in the amount of \$521,000.00 for approximately 1,000 meter mechanisms, associated extended warranty costs, and related components and services; and

WHEREAS, ordinance 0710-2012 authorized the Director of Public Service to execute a planned modification in the amount of \$385,000.00 for management services necessary for the operation of the City's Parking Meter Program in 2012; and

WHEREAS, ordinance 0775-2012 authorized the Director of Public Service to execute a planned modification in the amount of \$500,000.00 for approximately 1,000 meter mechanisms, associated extended warranty costs, and related components and services; and

WHEREAS, ordinance 2022-2012 authorized the Director of Public Service to execute a planned modification in the amount of \$73,500.00 for additional meter mechanisms and related components and services; and

WHEREAS, ordinance 0934-2013 authorized the Director of Public Service to execute a planned modification in the amount of \$529,000.00 for management services necessary for the operation of the City's Parking Meter Program in 2013; and

WHEREAS, this ordinance authorizes modification number 6 in the amount of \$935,000.00 for single space parking meter mechanisms and components; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$935,000.00; 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 in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to replace existing meters so the City can operate an effective, efficient parking meter program, 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. The sum of \$935,000.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 540001-100000 / Parking Meters - Commodities / 06-6600 / 591087 / \$935,000.00

SECTION 3. That the Director of Public Service be and is hereby authorized to execute a contract modification to pay for single space parking meter mechanisms and components for 2013 with IPS Group, Inc, 6195 Cornerstone Ct. East, Suite 114, San Diego, CA, 92121.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$935,000.00 (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 7. That the expenditure of \$935,000.00 is hereby authorized for the above described purchase as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 540001-100000 / Parking Meters - Commodities / 06-6651 / 591087 / \$935,000.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 approvals by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1743-2013

Drafting Date: 6/28/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

The purpose of this legislation is to authorize the Director of Finance and Management to enter into a contract with Brown Enterprise Solutions for the purchase of SCADA Servers and Tape Reloader Replacements. The SCADA Servers and Tape Reloader Replacements will replace existing SCADA Domain Servers and Tape Autoloaders at the Jackson Pike and Southerly Wastewater Treatment Plants.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation SA004994). Two Hundred Thirty-Five (235) vendors (216 MAJ/6 MBR/7 M1A/1 HL1/ 3 F1/2 AS1) were solicited and four (4) bids (1 M1A/3 MAJ) were received and opened on June 20, 2013. The award is recommended to Brown Enterprise Solutions as the lowest, responsive, responsible, and best bidder for all items in the amount of \$72,841.18. The bid tabulation is attached for your review.

Supplier: Brown Enterprise Solutions (90-0353698), Expires 1-31-14

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: \$72,841.18 is budgeted and needed for this purchase.

\$48,961.50 was spent in 2012.

\$78,812.54 was spent in 2011.

To authorize the Director of Finance and Management to establish a contract with Brown Enterprise Solutions for the purchase of SCADA Servers and Tape Reloader Replacements for the Division of Sewerage and Drainage, and to authorize the expenditure of \$72,841.18 from the Sewerage System Operating Fund. (\$72,841.18)

WHEREAS, the Division of Sewerage and Drainage, has a need to purchase SCADA Servers and Tape Reloader Replacements that will be used to replace existing SCADA Domain Servers and Tape Autoloaders at

the Jackson Pike and Southerly Wastewater Treatment Plants, and

WHEREAS, the Purchasing Office opened formal bids on June 20, 2013 for the purchase of SCADA Servers and Tape Reloader Replacements, four (4) bids were received, and

WHEREAS, a recommendation was made to the lowest, responsive and responsible and best bidder, Brown Enterprise Solutions for all bid items, and

WHEREAS, a contract will be issued by the Purchasing Office in accordance with the terms, conditions and specifications of Solicitation Number: SA004994 on file in the Purchasing Office; 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 to establish a contract with Brown Enterprise Solutions for the purchase of SCADA Servers and Tape Reloader Replacements for the Division of Sewerage and Drainage, in accordance with specifications on file in the Purchasing Office

SECTION 2. That the expenditure of \$72,841.18 or so much thereof as may be needed, be and the same hereby is authorized from the Sewerage System Operating Fund, Fund No. 650, Division 60-05 as follows:

OCA 605022
Object Level 1: 02
Object Level 03: 6649
\$36,420.59

OCA 605055
Object Level 1: 02
Object Level 03: 6649
\$36,420.59

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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

Legislation Number: 1746-2013

Drafting Date: 6/28/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

For the option to lease forty-eight (48) multi-function devices (MFDs) or more over a term of three (3) years with the option to purchase the equipment for \$1.00 each with associated maintenance/service and supplies (except paper) for the same three (3) years with an option to extend for two (2) additional years if the devices are purchased. These devices will replace a variety of printers, copiers, scanners and facsimile machines currently in use and provide the Division of Fire with fewer devices throughout the Division resulting in less

variety of supplies and contracts to manage. The term of the proposed option contract will be for three (3) years with an option to extend for two (2) additional one (1) year terms if the purchase option is exercised for continued maintenance/service and supplies. The Purchasing Office opened bids on April 25, 2013.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06, Solicitation SA004895. Seventy-five (75) bids were solicited (MBR: 2, M1A: 2). Eight (8) bidders responded with two (2) bidders providing alternate bids.

The Purchasing Office is recommending award of the contract to the lowest, responsive, responsible and best bidder:

JFT Business Systems, CC# 54176434 (Expires 2/15/2015), \$1.00, All Items.
Total Estimated Annual Expenditure (first three years): \$97,000.00

The company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings For Recovery Database.

This ordinance is being submitted as an emergency because, without emergency saction, no less than 37 days will be added to this procurement cycle 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. The Division of Fire will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

To authorize the Finance and Management Director to enter into a contract for the option to lease multi-function devices (MFDs) over a term of three (3) years with the option to purchase the equipment for \$1.00 each with associated maintenance/service and supplies (except paper) for three (3) years with the option to extend for an additional two (2) years if the devices are purchased with JTF Business Systems; to authorize the expenditure of one (1) dollar to establish the contract from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on April 25, 2013 and selected the lowest, responsive, responsible and best bid; and

WHEREAS, this ordinance addresses Purchasing objective of 1) maximizing the use of City resources by obtaining optimal products/services at low prices and 2) encouraging economic development by improving access to City bid opportunities and 3) providing effective option contracts for City agencies to efficiently maintain their supply chain and service to the public; and

WHEREAS, the sooner the contract can be put in place, the sooner current equipment can be replaced with more cost effective equipment with increased capability throughout the Division of Fire; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Fire in that it is immediately necessary to enter into a contract for an option to lease MFDs with an option to purchase and associated maintenance/service and supplies, 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 in hereby authorized to enter into the following contract for the option to lease MFDs over a three (3) year term with an option to purchase each for \$1.00 and associated maintenance/service over the same term with the an option to extend maintenance/service and supplies for two (2) additional years on a year for year basis for the Division of Fire, in accordance with Solicitation No. SA004895 as follows:

JTF Business Systems, All items, Amount: \$1.00

SECTION 2. That the expenditure of \$1.00 is hereby authorized from the Mail, Print Services and UTC Fund, Organizational 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: 1747-2013

Drafting Date: 6/28/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: This legislation authorizes the Finance and Management Director to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan for project management services.

The original contract was authorized by Ordinance No. 1126-2010, passed July 21, 2010, for project management services and was subsequently modified by Ordinance No. 1129-2011, passed June 25, 2011 and again by Ordinance No. 1921-2012, passed October 3, 2012. This contract was bid and established with the understanding that it could be modified from time to time with the authority City Council. A modification is necessary to allow for continued project management services. The requested consulting services are for contract administration and other project management tasks necessary to perform work associated with the renovation and repair of City buildings. The work will be executed on behalf of the Office of Construction Management, in order to meet the operational needs of various departments of the City of Columbus.

Due to the fact that Miles McClellan was awarded the original contract, a modification with Miles McClellan is the logical and most expeditious option for addressing the additional project management services. Involving another firm at this point would likely lead to logistical problems, the possibility of errors, and the need to redesign and reengineer many items already completed. Therefore, it would not be in the best interests of the City to rebid. Prices already established in the contract were used to determine the cost of this

modification.

Emergency action is requested so that project management services necessary to perform work associated with the renovation and repair of City buildings can occur.

Miles McClellan Construction Company Contract Compliance No. 31-0987415, expiration date February 31, 2015.

Fiscal Impact: This project is funded in the 2013 Capital Improvement Budget. Bonds have not yet to be sold for his project; therefore it is necessary to certify funds needed in the amount of \$200,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

To authorize and direct the City Auditor to appropriate and transfer \$200,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the City Auditor to appropriate \$200,000.00 within the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan Construction Company for project management services; to authorize the expenditure of \$200,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$200,000.00)

WHEREAS, Ordinance No. 1126-2010, passed July 21, 2010, authorized the original contract with Miles McClellan for project management services; and

WHEREAS, Ordinance No. 1129-2011, passed June 25, 2011, authorized the contract to be modified for additional project management services; and

WHEREAS, Ordinance No. 1921-2012, passed October 3, 2012, authorized the contract to be modified for additional project management services; and

WHEREAS, various unexpected facility renovations will likely become necessary within the Finance and Management Department; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to fund 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$200,000.00; 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, the services are for contract administration and other project management tasks necessary to perform work associated with the renovation and construction of various City projects; now, therefore:

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management, Office of Construction Management, in that it is immediately necessary to authorize the Finance and Management Director to modify and increase a contract with Miles McClellan Construction Company, so that project management services necessary to perform work associated with the renovation and repair of City buildings can occur, thereby protecting the public health, property, peace, safety, and welfare of the City; now, therefore:

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

SECTION 1. The sum of \$200,000.00 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, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Construction Management Capital Improvement Fund as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
733 / 570030-100203 / Staff Augmentation / 06-6681 / 733203 / \$200,000.00

SECTION 3. That the Finance and Management Director is hereby authorized to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan Construction Company for project management services.

SECTION 4. That the monies appropriated in the foregoing Section 2 shall be paid upon order of the Director of Finance and Management 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 5. That upon obtaining other funds for this project for the Department of Finance and Management, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 2 above.

SECTION 7. 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 \$200,000.00 (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 8. That for the purpose of paying the cost of this contract and inspection, the sum of \$200,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Construction Management Capital Improvement Budget, Fund 733 as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
733 / 570030-100203 / Staff Augmentation / 06-6681 / 733203 / \$200,000.00

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 10. 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1748-2013

Drafting Date: 6/28/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Sign Upgrading - Streetname Signs - Freeway Sign Upgrading project and to provide payment for construction administration and inspection services.

The Sign Upgrading - Streetname Signs - Freeway Sign Upgrading project consists of freeway guide sign upgrading and pole painting.

The estimated Notice to Proceed date is August 7, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Two bids were received on June 18, 2013, (two majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
M.P. Dory Co.	\$287,979.45	Columbus, OH	Majority
Lake Erie Construction Co.	\$326,920.00	Norwalk, OH	Majority

Award is to be made to M.P. Dory Co. as the lowest, responsive, responsible and best bidder. The contract amount will be \$287,979.45. The amount for construction administration and inspection services will be

\$43,196.92. The legislated amount is \$331,176.37.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against M.P. Dory Co.

2. CONTRACT COMPLIANCE

The contract compliance number for M.P. Dory Co. is 311115885 and expires 11/18/13.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$331,176.37 against the Special Income Tax Fund. Upon sale of the 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 and to allow the improvements to be available to the public for the highest provision of vehicular safety.

To authorize and direct the City Auditor to appropriate and transfer \$331,176.37 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with M.P. Dory Co., and to provide for the payment of construction administration and inspection services in connection with the Sign Upgrade/Street Name - Sign Upgrade project; to authorize the expenditure of up to \$331,176.37 from the Streets and Highways Bond Fund; and to declare an emergency. (\$331,176.37)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the Sign Upgrading - Streetname Signs - Freeway Sign Upgrading project; and

WHEREAS, this project consists of freeway guide sign upgrading and pole painting; and

WHEREAS, M.P. Dory Co. will be awarded the contract for the Sign Upgrading - Streetname Signs - Freeway Sign Upgrading project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$331,176.37; 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 in order to maintain the project schedule and provide the improvements planned in this project to provide the highest level

of vehicular safety possible 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. The sum of \$331,176.37 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 540008-100001 / Sign Upgrade/Street Name - Sign Upgrade / 06-6600 / 740801 / \$331,176.37

SECTION 3. That the Director of Public Service be and is hereby authorized to enter into contract with M.P. Dory Co. 2001 Integrity Drive South, Columbus, Ohio 43209 for the construction of the Sign Upgrading - Streetname Signs - Freeway Sign Upgrading project in the amount of \$287,979.45 or so much thereof as may be needed 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 \$43,196.92.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$331,176.37.00 (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 7. That for the purpose of paying the cost of the contract, the sum of \$331,176.37 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bond Funds, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12, as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 540008-100001 / Sign Upgrade/Street Name - Sign Upgrade / 06-6631 / 740801 / \$287,979.45
704 / 540008-100001 / Sign Upgrade/Street Name - Sign Upgrade / 06-6687 / 740801 / \$43,196.92

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1749-2013

Drafting Date: 6/28/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Curb Replacement - Citywide Curb Rehabilitation - 2013 Project 1 project and to provide payment for construction administration and inspection services.

The Curb Replacement - Citywide Curb Rehabilitation - 2013 Project 1 consists of the removal and replacement, at potentially 20 locations, of the curb and/or curb and gutter and constructs ADA curb ramps along those streets when warranted. The works consists of removing curb at the locations listed, replacing in kind, and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

The estimated Notice to Proceed date is August 14, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on June 25, 2013, (three majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
G&G Cement Contractors, LLC	\$876,084.00	Columbus, OH	Majority
Columbus Asphalt Paving, Inc.	\$1,023,783.90	Columbus, OH	Majority
Decker Construction Company	\$1,028,826.75	Columbus, OH	Majority

The proposal materials also contain SP-146 which states, "It is the City's intent to fully utilize the available funding provided to its Curb Program within the approved Capital Improvements Budget. Therefore, the City reserves the right to increase or decrease the base bid amount, up to or down to a maximum of \$909,000.00. The total amount of the work and other incidentals will not exceed the total amount of the contract (maximum

of \$909,000.00). In the event that the City does add curbs and ramps to the original list in order to use the remaining available funds, the contractor shall be bound by all bid specifications and other terms and conditions contained in this contract document. The contract will be awarded to the lowest (determined by the base bid, not including additional funds to equal the maximum of \$909,000.00), responsive and responsible and best bidder per Columbus City Code Section 329”.

Award is to be made to G&G Cement Contractors, LLC as the lowest, responsive, responsible and best bidder. The contract amount will be \$909,000.00. The amount for construction administration and inspection services will be \$91,000.00. The legislated amount shall be \$1,000,000.00.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against G&G Cement Contractors, LLC.

2. CONTRACT COMPLIANCE

The contract compliance number for G&G Cement Contractors, LLC is 262560462 and expires 4/17/14.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$1,000,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding to prevent unnecessary delays in the Department of Public Service’s Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$1,000,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; 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 Curb Replacement - Citywide Curb Rehabilitation; to authorize the expenditure of up to \$1,000,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$1,000,000.00)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the Curb Replacement - Citywide Curb Rehabilitation - 2013 Project 1 project; and

WHEREAS, this project consists of the removal and replacement, at potentially 20 locations, of the curb and/or curb and gutter and constructs ADA curb ramps along those streets when warranted; and

WHEREAS, G&G Cement Contractors, LLC will be awarded the contract for the Curb Replacement - Citywide Curb Rehabilitation - 2013 Project 1 project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$1,000,000.00; 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 in order to maintain the project schedule and provide the improvements planned in this project to provide the highest level of vehicular and pedestrian safety possible 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. The sum of \$1,000,000.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530210-100015 / Curb Reconstruction - Citywide Curb Reconstruction / 06-6600 / 742103 /
\$1,000,000.00

SECTION 3. 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 Curb Replacement - Citywide Curb Rehabilitation - 2013 Project 1 project in the amount of \$909,000.00 or so much thereof as may be needed 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 \$91,000.00.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$1,000,000.00 (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 7. That for the purpose of paying the cost of the contract and inspection, the sum of \$1,000,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and 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 / 530210-100015 / Curb Reconstruction - Citywide Curb Reconstruction / 06-6631 / 742103 / \$909,000.00

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

704 / 530210-100015 / Curb Reconstruction - Citywide Curb Reconstruction / 06-6687 / 742103 / \$91,000.00

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.

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1750-2013

Drafting Date: 6/28/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: The Department of Development is proposing to enter into a Columbus Downtown Office Incentive Agreement with Pillar Technology Group, Inc. Pillar Technology Group, Inc. is a software development and strategic business consulting company that creates innovative software solutions for companies across the United States. The company was founded in 1996 by Gary Gentry, current Chairman of the Board, in Ann Arbor, Michigan. The company maintains multiple operations in several states including: California, Colorado, Georgia, Iowa, Michigan, Nebraska and Ohio. The company has developed a unique approach to development in that the company focuses on how to improve the operation of a client's business, then designs a software solution around those recommendations. With this concept, Pillar Technology Group, Inc. has created its own approach to agile software development called Speed to Value (S2V) that shorten the time in which Pillar's solutions show a positive return for its customers.

Pillar Technology Group, Inc. is proposing to expand its Columbus operation by investing approximately

\$600,000 which includes leasehold improvements, furniture and fixtures, to expand its office space from 5,000 square feet to 8,000 square feet, enter into a long-term lease agreement, retain 56 full-time jobs and create 40 full-time permanent positions with annual payroll of approximately \$3,000,000. Pillar Technology Group, Inc. qualifies for the Columbus Downtown Office Incentive in an amount equal to fifty percent (50%) of the payroll taxes paid on the new positions or approximately \$187,500.00 over a term up to five (5) years. The Development Department recommends granting the Columbus Downtown Office Incentive Program to Pillar Technology Group, Inc.

FISCAL IMPACT: No funding is required for this legislation.

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

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, Resolution 0088X-2007, adopted June 4, 2007, authorized the Department of Development to continue the Columbus Downtown Office Incentive program as amended; and

WHEREAS, the Department of Development received a completed application for the Columbus Downtown Office Incentive Program from Pillar Technology Group, Inc.; and

WHEREAS, Pillar Technology Group, Inc. is proposing to expand its Columbus downtown operation by entering into a long-term lease agreement on its current office space, going from 5,000 square feet to 8,000 square feet, adding an additional 3,000 square feet of office space; and

WHEREAS, Pillar Technology Group, Inc. plans to invest approximately \$600,000 in leasehold improvements, which includes furniture and fixtures, retain 56 full-time jobs and create 40 new full-time permanent positions at 580 N. Fourth Street, Columbus, Ohio 43215, with an estimated annual payroll of \$3,000,000, generating approximately \$75,000 annually in new City of Columbus income tax revenue; **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 Pillar Technology Group, Inc., pursuant to Columbus City Council Resolution Number 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 up to five (5) years on the estimated job creation of 40 new full-time permanent positions located at 580 N. Fourth Street, Columbus, Ohio 43215.

Section 2. Each year of the term of the agreement with Pillar Technology Group, Inc. 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 3. That the City of Columbus Downtown Office Incentive Agreement is signed by Pillar Technology

Group, Inc. within 90 days of passage of this ordinance, or this ordinance and the credit herein shall be null and void.

Section 4. The City Council hereby extends authority to the Director of Development to amend the Pillar Technology Group, Inc. City of Columbus Downtown Office Incentive Agreement for non-substantive modifications to the agreement requested in writing by the company and or the City and deemed appropriate by the Director of Development with these non-substantive modifications being specifically limited to reductions in length of term, methods of calculating the incentive, or adding or deleting business entities associated with the employment commitments related to this incentive. All other requested amendments must be approved by City Council.

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

Legislation Number: 1751-2013

Drafting Date: 6/28/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background:

This ordinance represents an authorization necessary to comply with Internal Revenue Service regulations related to arbitrage earnings on proceeds of certain of the City's bond issues and other IRS related matters.

Fiscal impact:

Costs of these legal services are not paid from the City's General Fund. These costs have been paid from the Debt Service Income Tax Fund.

To authorize the City Auditor to enter into contract(s) for services regarding rebates to the Internal Revenue Service with respect to various bond issues and other IRS related matters; and to authorize an appropriation and expenditure not to exceed \$100,000.00 from the Debt Service Fund. (\$100,000.00)

WHEREAS, the City must comply with Internal Revenue Service regulations regarding rebate amounts due the IRS related to various bond issues; and

WHEREAS, other IRS related matters arise at various times requiring the need for special counsel; and

WHEREAS, in the usual daily operation of the Office of City Auditor it is necessary to enter into contract(s) for services regarding rebates to the Internal Revenue Service with respect to various bond issues and other IRS related matters to ensure compliance with its regulations, 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 City Auditor is hereby authorized to enter into contract(s) to provide services regarding rebate with respect to various bond issues and other IRS related matters.

SECTION 2. That all monies necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 3. That the appropriation and expenditure not to exceed \$100,000 are hereby authorized from the Debt Service Fund 430, 22-01, OCA 220772, Object Level One 03, Object Level Three 3324.

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

Legislation Number: 1757-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify a contract for construction of the NCR - Litter Receptacles project and provide for contract administration and inspection services.

The original contract allowed for the installation of approximately 13 new litter receptacles at various locations around the City, along with 14 litter receptacles being removed and replaced at various locations around the City; a majority of the replaced receptacles were on West Broad Street and Parsons Avenue.

This modification shall install additional litter receptacles at miscellaneous locations around the City. Receptacle locations shall be based on neighborhood plans, 311 calls, or replacement receptacles requested by Refuse Collection Division. Because the exact number to be installed and location are not known at this time, it would be inefficient and cost prohibitive to procurement small numbers of receptacles. This modification allows the City to have the means to install the items when and where they are needed in a timely manner. The contractor will maintain the same unit prices as included in the original contract.

The contract modification shall be for \$95,000; the amount for contract administration and inspection services shall be \$5,000.00; the total legislated amount shall be \$100,000.00

Original contract amount: \$80,000.00 (Ord. 1234-2012, EL013008)

Modification no. 1 amount: \$95,000.00

Total contract amount, including modification: \$175,000.00

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

The contract compliance number for Columbus Asphalt Paving, Inc. is 310857095 and expires 1/5/14.

3. FISCAL IMPACT

Funds in the amount of \$100,000.00 are available for this project in the Streets and Highways Bond Fund within the Department of Development. An amendment to the 2013 Capital Improvements fund is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure and will be reimburse after the 2013 Bond Sale.

4. EMERGENCY DESIGNATION

Emergency action is necessary to allow for timely execution of this contract and construction to protect the

safety and welfare of the public.

To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets & Highways Bond Fund; to authorize the Director of Public Service to modify a contract with Columbus Asphalt Paving, Inc. to provide for the payment of construction administration and inspection services, in connection with the NCR - Litter Receptacles project; to authorize the expenditure of up to \$100,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$100,000.00)

To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets & Highways Bond Fund; to authorize the Director of Public Service to modify a contract with Columbus Asphalt Paving, Inc. to provide for the payment of construction administration and inspection services, in connection with the NCR - Litter Receptacles project; to authorize the expenditure of up to \$100,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$100,000.00)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the NCR - Litter Receptacles project and has an existing contract with Columbus Asphalt Paving, Inc.; and

WHEREAS, the original contract included the installation of approximately 13 new litter receptacles at various locations around the City, along with 14 litter receptacles being removed and replaced at various locations around the City; a majority of the replaced receptacles were on West Broad Street and Parsons Avenue; and

WHEREAS, this modification shall install additional litter receptacles at miscellaneous locations around the City with receptacle locations being based on neighborhood plans, 311 calls, or replacement receptacles requested by Refuse Collection Division; and

WHEREAS, it is necessary to authorize an amendment to the 2013 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 Department of Public Service in that it is immediately modify said contract in order to protect the safety and welfare of the public 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 2013 Capital Improvement Budget, authorized by Ordinance 0645-2013, be amended as follows to provide sufficient budget authority for this expenditure:

<u>Fund / Project No. / Project Name / C.I.B. Amount / Amended Amount / New C.I.B. Amount</u>
704 / 440104-100006 / 2012 Neighborhood Infrastructure (carryover) / \$25,086.00 / (\$25,086.00) / \$0
704 / 440104-100002 / Misc. Econ Dev-Cols Coated Fabrics (carryover) / \$60,696.00 / (\$60,696.00) / \$0.00
704 / 440005-100017 / Urban Infra-ENB & High Street (carryover) / \$41,040.00 / (\$14,218.00) / \$26,822.00
704 / 530058-101008 / NCR - Litter Receptacles (carryover) / \$0.00 / \$100,000.00 / \$100,000.00

SECTION 2. That in order to have sufficient cash for this project the City Auditor is authorized to transfer cash between projects within the Streets and Highways G.O. Bonds Fund 704 as follows:

Transfer from:

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

704 / 440104-100006 / 2012 Neighborhood Infrastructure / 06-6631 / 751046 / \$25,086.53
704 / 440104-100002 / Miscellaneous Econ Dev-Cols Coated Fabrics / 06-6631 / 592104 / \$60,696.95
704 / 440005-100017 / Urban Infra-ENB & High Street / 06-6631 / 740517 / \$14,216.52

Transfer to:

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

704 / 530058-101008 / NCR - Litter Receptacles / 06-6621 / 758008 / \$100,000.00

SECTION 3. That the Director of Public Service be and is hereby authorized to modify a contract with Columbus Asphalt Paving, Inc., 1196 Technology Drive Gahanna, OH 43230 for the construction of the NCR - Litter Receptacles project in the amount of \$95,000.00 and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$5,000.00.

SECTION 4. That for the purpose of paying the cost of this contract the sum of up to \$100,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways Bond Fund as follows:

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

704 / 530058-101008 / NCR - Litter Receptacles / 06-6621 / 758008 / \$100,000.00

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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.

SECTION 8. 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: 1758-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into contract with Patrick Engineering, Inc. in the amount of up to \$206,000.00 for the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract.

This project includes preliminary and final engineering for improvements to install sidewalk curb ramps at three locations: Kenny Road from Upper Arlington corporation line to Francisco Road, Dierker Road from Henderson Road to Bethel Road, and Campus View Boulevard between High Street and Huntington Park

Drive and Huntington Park Drive between Campus View Boulevard and the COTA Park and Ride.

Design will proceed in two parts with Part 1 consisting of preliminary engineering and Part 2 to consist of final design. The project will include ROW acquisition and improvements necessary to accommodate drainage, if needed.

The Department of Public Service, Office of Support Services, solicited Requests for Proposals for the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract. The project was formally advertised on the Vendor Services web site from April 26, 2013, to May 9, 2013. The city received five (5) responses. All proposals were deemed responsive and were fully evaluated when the Evaluation Committee met on May 22, 2013.

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE/ASN /PHC</u>
ADR & Associates, Ltd.	Columbus, OH	MAJ
Dynotec, Inc.	Columbus, OH	AFA
E.P. Ferris & Associates, Inc.	Columbus, OH	MAJ
Jones-Stuckey Ltd., Inc.	Columbus, OH	MAJ
Patrick Engineering, Inc.	Columbus, OH	MAJ

Patrick Engineering, Inc. received the highest score by the evaluation committee and will be awarded the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Patrick Engineering, Inc.

2. CONTRACT COMPLIANCE

Patrick Engineering, Inc.'s contract compliance number is 363008281 and expires 12/2/14.

3. PLANNED CONTRACT MODIFICATION

This ordinance authorizes funding for Part 1 of this design contract. A planned modification will be executed at the completion of part 1 to add additional funding and scope.

4. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$206,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

5. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding and prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$206,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with Patrick Engineering, Inc. for engineering, technical, and surveying services in connection with the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract; to authorize the expenditure of up to \$206,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$206,000.00)

WHEREAS, the Director of Public Service has identified the need to enter into a professional service contract

to provide for engineering and design services for improvements for the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into contract with Patrick Engineering, Inc. for the provision of engineering and design services described above in the amount of up to \$206,000.00; and

WHEREAS, the Director anticipates executing a planned contract modification at a later date; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$1,000,000.00; 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 in that this contract should authorized immediately so that funding can be made available for necessary engineering and design services for capital improvement 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. The sum of \$206,000.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100042 / Pedestrian Safety Improvements - COTA Sidewalks Ph. 2 / 06-6600 / 740542 /
\$206,000.00

SECTION 3. That the Director of Public Service be and is hereby authorized to enter into contract with Patrick Engineering, Inc. for the Pedestrian Safety Improvements - COTA Sidewalks Phase 2 contract for engineering and design services in an amount of up to \$206,000.00.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$206,000.00 (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 7. That for the purpose of paying the cost of this contract the sum of up to \$206,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways Bond Fund as follows:

Fund / Project Detail / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100042 / Pedestrian Safety Improvements - COTA Sidewalks Ph. 2 / 06-6682 / 740542 / \$206,000.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1759-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the professional engineering services contract for the Bikeway Development - General Engineering Design contract with Korda/Nemeth Engineering, Inc. in the amount of \$123,577.00.

This contract has been used for various projects that spent down the total value. The intent of this contract was to provide the Department of Public Service with continuing, contractual access to additional resources that are necessary to perform various professional engineering, survey, and technical expertise for the department to complete its capital and operating budget commitments.

The projects developed under this program are typically small to moderate size improvements, and frequently include a significant emphasis on bikeway needs and related aesthetic improvements. This contract has been used for quick response design services.

Work to be performed under this contract modification includes, but is not limited to, providing National Environmental Policy Act (NEPA) services for the SR-161 Shared Use Path project. Completion of NEPA documentation is required by the Federal Highway Administration for the use of Transportation Alternatives Program funding.

All current design work for the SR-161 Shared Use Path project has been performed by Korda/Nemeth Engineering, Inc. and procuring new design services would not be economical and would delay the project.

Original contract amount: \$500,000.00 (Ord. 1355-2010, EL011147)

Modification 1 amount: \$123,577.00

Total contact amount, including modifications: \$623,577.00

Searches in the Systems for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Korda/Nemeth Engineering, Inc.

2. CONTRACT COMPLIANCE

Korda/Nemeth Engineering, Inc. contract compliance number is 310922991 and expires 5/9/15.

3. FISCAL IMPACT

Funding for this project is available within the Streets and Highways G.O. Bond Fund, No. 704. A transfer of cash and budget authority is necessary for this project.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and services and to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriate between projects within the Streets & Highways Bond Fund; to authorize the Director of Public Service to execute a professional engineering services contract modification with Korda/Nemeth Engineering, Inc. in connection with Bikeway Development - General Engineering Design contract; to appropriate \$123,577.00 within the Street & Highway Bond Fund; to authorize the expenditure of \$123,577.00 from the Street and Highway Improvement Fund; and to declare an emergency. (\$123,577.00)

WHEREAS, the Department of Public Service currently maintains the Bikeway Development - General Engineering Design contract with Korda/Nemeth Engineering, Inc; and

WHEREAS, the original contract in the amount of \$500,000.00 (EL011147) was authorized by Ordinance No. 1355-2010; and

WHEREAS, the Director of Public Service has identified the need to modify and increase this professional service contract; and

WHEREAS, this legislation authorizes this first modification to this contract in the amount of \$123,577.00; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, emergency action is requested to provide necessary engineering and services and to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program 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 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be amended to provide sufficient authority in the appropriate project detail number for this project as follows:

Fund / Project / Project Name / Current C.I.B. / Change / C.I.B. as amended

704 / 530103-100005 / Arterial Street Rehab. - Fairwood Ave - Watkins Rd - Koebel Rd (Voted Carryover) / \$151,420.00 / (\$123,577.00) / \$27,843.00

704 / 540002-100009 / Bikeway Development - Bikeway Design (Voted Carryover) / \$0.00 / \$123,577.00 / \$123,577.00

SECTION 2. That the transfer of cash and appropriation within the Streets and Highways G.O. Bond Fund be authorized as follow:

Transfer from:

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

704 / 530103-100005 / Arterial Street Rehab. - Fairwood Ave - Watkins Rd - Koebel Rd / 06-6600 / 740305 / \$123,577.00

Transfer to:

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

704 / 540002-100009 / Bikeway Development - Bikeway Design / 06-6600 / 740209 / \$123,577.00

SECTION 3. That the Director of the Department of Public Service be and is hereby authorized to modify and increase the Bikeway Development - General Engineering Design contract with Korda/Nemeth Engineering, Inc. at 1650 Watermark Dr., Ste. 200, Columbus, Ohio 43215 in an amount not to exceed \$123,577.00.

SECTION 4. That for the purpose of paying for the work included in this agreement up to \$123,577.00, or so

much thereof as may be necessary, be and hereby is authorized to be expended from the Street and Highway G.O. Bond, Fund 704, Department No. 59-12, Division of Design and Construction as follows:

Fund / Project # / Project Name / O.L. 01-03 Codes / OCA Code / Amount
704 / 540002-100009 / Bikeway Development - Bikeway Design / 06-6682 / 740209 / \$123,577.00

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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.

SECTION 8. 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: 1760-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - 2013 Brick Rehabilitation project and to provide payment for construction administration and inspection services.

The Resurfacing - 2013 Brick Rehabilitation project will potentially repair eight (8) city streets. The work consists of repairing and replacing brick bases and surface courses.

The estimated Notice to Proceed date is August 14, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Two bids were received on June 25, 2013, (two majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
G&G Cement Contractors, LLC	\$535,704.00	Columbus, OH	Majority
Columbus Asphalt Paving, Inc	\$728,497.27	Columbus, OH	Majority

The proposal materials also contain SP-146 which states, "It is the City's intent to fully utilize the available

funding provided to its Street Program within the approved Capital Improvements Budget. Therefore, the City reserves the right to increase or decrease the base bid amount, up to or down to a maximum of \$562,000.00. The total amount of the work and other incidentals will not exceed the total amount of the contract (maximum of \$562,000.00). In the event that the City does add brick streets and/or ramps to the original list in order to use the remaining available funds, the contractor shall be bound by all bid specifications and other terms and conditions contained in this contract document. The contract will be awarded to the lowest (determined by the base bid, not including additional funds to equal the maximum of \$562,000.00), responsive and responsible and best bidder per Columbus City Code Section 329.”

Award is to be made to G&G Cement Contractors, LLC as the lowest, responsive, responsible and best bidder. The contract amount will be \$562,000.00. The amount for construction administration and inspection services will be \$55,000.00. The legislated amount shall be \$617,000.00.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against G&G Cement Contractors, LLC.

2. CONTRACT COMPLIANCE

The contract compliance number for G&G Cement Contractors is 262560462 and expires 4/17/14.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$617,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding to prevent unnecessary delays in the Department of Public Service’s Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$617,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; 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 Resurfacing - 2013 Brick Rehabilitation project; to authorize the expenditure of up to \$617,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$617,000.00).

WHEREAS, the City of Columbus, Department of Public Service is engaged in the Resurfacing - 2013 Brick Rehabilitation project; and

WHEREAS, this project consists of potentially repairing eight (8) city streets. The work consists of repairing and replacing brick bases and surface courses; and

WHEREAS, G&G Cement Contractors, LLC will be awarded the contract for the Resurfacing - 2013 Brick Rehabilitation project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$617,000.00; 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 in order to maintain the project schedule and provide the improvements planned in this project to provide the highest level of vehicular and pedestrian safety possible 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. The sum of \$617,000.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6600 / 748251 / \$617,000.00

SECTION 3. 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 Resurfacing - 2013 Brick Rehabilitation project in the amount of \$562,000.00 or so much thereof as may be needed 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 \$55,000.00.

SECTION 4. That the monies appropriated in the foregoing Section 3 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

SECTION 6. 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 \$617,000.00 (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 7. That for the purpose of paying the cost of the contract and inspection, the sum of \$617,000 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and 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 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6631 / 748251 / \$562,000.00

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

704 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6687 / 748251 / \$55,000.00

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.

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1762-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into contract with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group) in the amount of up to \$382,376.00 for the Intersection Improvements - Georgesville Road at Holt Road project. Design is partially funded by the Ohio Department of Transportation (ODOT) and is also known as FRA-GEORGESVILLE/HOLT (PID Number 94913).

This project will provide improvements to the intersection of Georgesville Road at Holt Road/Automall Drive and to the Holt Road corridor from Georgesville Road to Georgesville Square South/Holt Run Drive.

The primary purpose of the project is to improve safety at the Georgesville Road at Holt Road and Georgesville Square North at Holt Road intersections. The project will improve capacity of the intersections and the Holt Road corridor and will address deficiencies in the pedestrian and bikeway system.

The Department of Public Service, Office of Support Services, solicited Requests for Proposals for the Intersection Improvements - Georgesville Road at Holt Road contract. The project was formally advertised on the Vendor Services web site from February 21, 2013, to March 14, 2013. The city received three (3) responses. All proposals were deemed responsive and were fully evaluated when the Evaluation Committee met on March 22, 2013.

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE/ASN /PHC</u>
W.E. Stilson Consulting Group, LLC	Columbus, OH	MAJ
ADR & Associates, Ltd.	Columbus, OH	MAJ
Stantec Consulting Services, Inc.	Columbus, OH	MAJ

W.E. Stilson received the highest score by the evaluation committee.

Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group) acquired W.E. Stilson on June 1, 2013, and will be awarded the Intersection Improvements - Georgesville Road at Holt Road contract.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against W.E. Stilson or Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

2. CONTRACT COMPLIANCE

The contract compliance number for Glaus, Pyle, Schomer, Burns & DeHaven, Inc. is 34-1134715 and expires 3/25/15.

3. FISCAL IMPACT

Funding for this contract is available as follows:

\$382,376.00	contract amount
<u>\$344,138.00</u>	ODOT grant
\$ 38,238.00	DPS share - Street and Highway Bond Fund (704)

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding and prevent unnecessary delays in the Department of Public Service’s Capital Improvement Program.

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation within the Streets and Highways Bond Fund; to authorize the City Auditor to transfer \$38,238.00 between funds; to authorize the City Auditor to appropriate \$382,376.00 within the Fed-State Highway Engineering Fund; to authorize the Director of Public Service to enter into contract with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group) for engineering, design, technical, and surveying services in connection with the Intersection Improvements - Georgesville Road at Holt Road project (FRA-GEORGESVILLE/HOLT (PID Number 94913)); to authorize the expenditure of up to \$382,376.00 from the Fed-State Highway Engineering Fund for this contract; and to declare an emergency. (\$382,376.00)

WHEREAS, the Director of Public Service has identified the need to enter into a professional service contract

to provide for engineering and design services for improvements to the intersection of Georgesville Road at Holt Road, the Intersection Improvements - Georgesville Road at Holt Road (FRA-GEORGESVILLE/HOLT (PID Number 94913)) project; and

WHEREAS, The Department of Public Service, Office of Support Services, solicited Requests for Proposals for this project; and

WHEREAS, W.E. Stilson Consulting Group, LLC received the highest score by the evaluation committee and will be awarded the contract for this project; and

WHEREAS, Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group), acquired W.E. Stilson Consulting Group, LLC after proposals were received; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into contract with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group) for the provision of engineering and design services described above in the amount of up to \$382,376.00; and

WHEREAS, it is necessary to authorize an amendment to the 2013 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 Department of Public Service in that this contract should be authorized immediately so that funding can be made available for necessary engineering and design services for capital improvement projects possible 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 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be amended to provide sufficient authority in the appropriate project detail number for this project as follows:

Fund / Project / Project Name / Current C.I.B. / Change / C.I.B. as amended

704 / 530103-100005 / Arterial Street Rehab. - Fairwood Ave - Watkins Rd - Koebel Rd (Voted Carryover) / \$322.00 / \$189,426.00 / \$189,748.00 (cancellation)

704 / 530103-100005 / Arterial Street Rehab. - Fairwood Ave - Watkins Rd - Koebel Rd (Voted Carryover) / \$189,748.00 / (\$38,328.00) / \$151,420.00

704 / 530086-100020 / Intersection Improvements - Georgesville Rd/Holt Rd (Voted Carryover) / \$0.00 / \$38,238.00 / \$38,238.00

SECTION 2. That the transfer of cash and appropriation within the Streets and Highways G.O. Bond Fund, fund 704, be authorized as follow:

Transfer from:

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

704 / 530103-100005 / Arterial Street Rehab. - Fairwood Ave - Watkins Rd - Koebel Rd / 06-6600 / 740305 / \$38,238.00

Transfer to:

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

704 / 530086-100020 / Intersection Improvements - Georgesville Rd/Holt Rd / 10-5501 / 748620 / \$38,238.00

SECTION 3. That the City Auditor is hereby authorized to transfer cash between the Streets and Highways G.O. Bond, No. 704 and the Fed-State Highway Eng. Fund, No. 765, as follows:

Transfer from:

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

704 / 530086-100020 / Intersection Improvements - Georgesville Rd/Holt Rd / 10-5501 / 748620 / \$38,238.00

Transfer to:

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

765 / 591307-100000 / Georgesville @ Holt (PID 94913)/ 80-0886 / 591307 / \$38,238.00

SECTION 4. That from the unappropriated monies in the Federal-State Highway Engineering Fund, No. 765, and from any and all sources estimated to come into said fund and unappropriated for any other purpose during the period ending December 31, 2013, the sum of \$382,376.00 is appropriated for the Department of Public Service as follows:

Dept-Div / Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA / Amount

59-12 / 765 / 591307-100000 / Georgesville @ Holt (PID 94913)/ 06-6600 / 591307 / \$382,376.00

SECTION 5. That the Director of Public Service be and is hereby authorized to enter into contract with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. (dba GPD Group) for the Intersection Improvements - Georgesville Road at Holt Road contract (FRA-GEORGESVILLE/HOLT (PID Number 94913) for engineering and design surveying services in an amount of up to \$382,376.00.

SECTION 6. That for the purpose of paying the cost of this contract the sum of up to \$382,376.00 or so much thereof as may be needed, is hereby authorized to be expended from the Federal-State Highway Engineering Fund, No. 765 as follows:

Dept-Div / Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA / Amount

59-12 / 765 / 591307-100000 / Georgesville @ Holt (PID 94913)/ 06-6682 / 591307 / \$382,376.00

SECTION 7. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1764-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the ADA Curb Ramps - Citywide Curb Ramps 2013 Project 1 project and to provide payment for construction administration and inspection services.

The ADA Curb Ramps - Citywide Curb Ramps 2013 Project 1 project consists of building ADA curb ramps at various locations in the City of Columbus; these are high priority ramps based on 311 Service Requests received.

The estimated Notice to Proceed date is August 14, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Two bids were received on June 25, 2013, (two majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Decker Construction Company	\$966,961.60	Columbus, OH	Majority
Shelly and Sands, Inc.	\$1,229,002.50	Columbus, OH	Majority

The proposal materials also contain SP-146 which states, "It is the City's intent to fully utilize the available funding provided to its Curb Ramp Program within the approved Capital Improvements Budget. Therefore, the City reserves the right to add funds to the base bid amount, up to a maximum of \$892,850.00. The total amount of the work and other incidentals will not exceed the total amount of the contract (maximum of \$892,850.00). In the event that the City does add ramps to the original list in order to use the remaining available funds, the contractor shall be bound by all bid specifications and other terms and conditions contained in this contract document. The contract will be awarded to the lowest (determined by the base bid, not including additional funds to equal the maximum of \$892,850.00), responsive and responsible and best bidder per Columbus City Code Section 329."

Award is to be made to Decker Construction Company as the lowest, responsive, responsible and best bidder. The contract amount will be \$892,950.00. The inspection amount will be \$107,050.00. The total legislated amount is \$1,000,000.00.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Decker Construction Company.

2. CONTRACT COMPLIANCE

The contract compliance number for Decker Construction Company is 310983557 and expires 2/3/14.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$1,000,000.00 against the Special

Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$1,000,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company, and to provide for the payment of construction administration and inspection services in connection with the ADA Curb Ramps - Repair project; to authorize the expenditure of up to \$1,000,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$1,000,000.00)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the ADA Curb Ramps - Citywide Curb Ramps 2013 Project 1 project; and

WHEREAS, this project consists of building ADA curb ramps at various locations in the City of Columbus; these are high priority ramps based on 311 Service Requests received; and

WHEREAS, Decker Construction Company will be awarded the contract for the ADA Curb Ramps - Citywide Curb Ramps 2013 Project 1 project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$1,000,000.00; 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 in order to maintain the project schedule and provide the improved intersections planned in this project to provide the highest level of vehicular and pedestrian safety possible 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. The sum of \$1,000,000.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530087-100005 / ADA Curb Ramps - Repair / 06-6600 / 748705 / \$1,000,000.00

SECTION 3. That the Director of Public Service be and is hereby authorized to enter into contract with Decker Construction Company, 3040 McKinley Avenue, Columbus, Ohio 43204, for the construction of the ADA Curb Ramps - Repairs project in the amount of \$892,950.00 or so much thereof as may be needed 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 \$107,050.00.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$1,000,000.00 (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 7. That the expenditure of \$1,000,000.00 is hereby authorized for the above described purchase as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530087-100005 / ADA Curb Ramps - Repair / 06-6631 / 748705 / \$892,950.00
704 / 530087-100005 / ADA Curb Ramps - Repair / 06-6687 / 748705 / \$107,050.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1765-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify a design contract with Burgess and Niple, Inc. for the Roadway Improvements - Downtown Action Plan Project. This project is being designed to implement concepts from the 2010 Downtown Columbus Strategic Plan. The concepts include providing on-street parking on High Street, converting Front Street to two-way operation north of Broad Street, reducing the number of travel lanes on Broad Street and including complete streets concepts, evaluating the one-way pairs for complete streets concepts, and reviewing on-street parking throughout downtown.

Several of the tasks associated with this project have been completed. Parking meters have been added to High Street, which now allows parking during off-peak hours. Front Street and Marconi Boulevard are currently being designed to be converted to two-way, which will include new signals and upgrades to the Municipal Campus. Analysis has confirmed the ability to install bicycle facilities on Broad Street between High Street and Washington Boulevard. Analysis is continuing on evaluating the current parking restrictions on many of the streets in the downtown. Data collection has begun on an update of the Bicentennial Bikeway Plan and the Thoroughfare Plan.

This modification allows for the continuation of previously approved work and adds additional work which may include, but is not limited to, development of complete streets concepts for the Third Street and Fourth Street corridors, stakeholder meetings, and design of the concepts on the corridors to be included in a scheduled urban paving project; finalization of parking and bikeway recommendations for downtown, design of improvements on Broad Street between High Street and Washington Boulevard, and coordination with the Scioto Greenways and Scioto Peninsula projects.

Original amount of this contract \$500,000.00 (Ord. 1398-2011, EL012184)

Modification number 1 \$515,000.00 (Ord. 0720-2012, EL012736)

Modification number 2 \$500,000.00 (Ord. 1980-2012, EL014072)

Modification number 3 \$426,500.00

The Total amount of the contract, including this modification is \$1,941,500.00

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

2. CONTRACT COMPLIANCE

The contract compliance number for Burgess and Niple, Inc. is 310885550 and expires 10/4/14.

3. EMERGENCY DESIGNATION

Emergency action is requested to allow the project schedule for this contract to proceed as planned.

4. FISCAL IMPACT

Funds in the amount of \$426,500.00 are available for this project in the Streets and Highways Bond Fund within the Department of Public Service.

To authorize the Director of Public Service to modify an existing contract with Burgess and Niple, Inc. for the Roadway Improvements - Downtown Action Plan contract; to authorize the expenditure of up to \$426,500.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$426,500.00)

WHEREAS, ordinance 1398-2011 authorized the Director of Public Service to enter into contract with Burgess and Niple, Inc. for the Roadway Improvement - Downtown Action Plan project in the amount of \$500,000.00; and

WHEREAS, ordinance 0720-2012 authorized the Director of Public Service to enter into a planned contract modification with Burgess and Niple, Inc. for the Roadway Improvement - Downtown Action Plan project in the amount of \$515,000.00; and

WHEREAS, ordinance 1980-2012 authorized the Director of Public Service to enter into a planned contract modification with Burgess and Niple, Inc. for the Roadway Improvement - Downtown Action Plan project in the amount of \$500,000.00; and

WHEREAS, it is necessary to execute an additional design modification to this contract for continuation of previously approved work and adding additional work which may include, but is not limited to, development of complete streets concepts for the Third Street and Fourth Street corridors, stakeholder meetings, and design of the concepts on the corridors to be included in a scheduled urban paving project; finalization of parking and bikeway recommendations for downtown, design of improvements on Broad Street between High Street and Washington Boulevard, and coordination with the Scioto Greenways and Scioto Peninsula projects; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to meet the project schedule for improvements to downtown roadways 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 execute a contract modification with Burgess and Niple, Inc., 5085 Reed Road, Columbus, OH 43220, to increase the authorized expenditure amount for this project by up to \$426,500.00 for continued design services required for this project.

SECTION 2. That the expenditure of up to \$426,500.00 is hereby authorized for the above described modification as follows:

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

704 / 530161-100021 / Roadway Improvements - Downtown Action Plan / 06-6682 / 746121 / \$426,500.00

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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: 1766-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND:

This ordinance authorizes the Director of Public Service to execute a modification for a professional engineering services contract with Gannett Fleming Engineers & Architects (Gannett Fleming) for the Roadway Improvements - Lazelle Road project. This is the second modification to the original contract.

The original contract and first modification's scope of work focused on improving Lazelle Road from a point west of Flint Road to Sancus Boulevard, and will include improvements to the intersections of Lazelle Road at Flint Road and South Old State Road and replacement of the railroad underpass. This is known as Lazelle Road - Phase B.

The Department of Public Service applied for and received MORPC Attributable Funds (federal funds) in early 2013 to improve areas adjacent to the portion of Lazelle Road described above. The portion of Lazelle Road west of Phase B, from N. High St. to a point west of Flint Road where Phase B began, is known as Phase A. Phase C will be to the east, from Sancus to Worthington-Galena Rd. The City will receive over \$27 million in federal funds for all phases of improvements to the Lazelle Road corridor from N. High St. to Worthington-Galena Road.

Gannett Fleming was selected through the request for proposal process to prepare the preliminary engineering document for the corridor. After completion of the preliminary engineering document, the department solicited requests for proposal for detail design of Phase B. Gannett Fleming was the only firm to submit a proposal. They were selected to perform the detailed design for Phase B.

Because of Gannett Flemings extensive knowledge of the area, the Director of the Department of Public Service seeks authorization to expand the scope of work of the original contract to include Phases A and C. Based upon the response from the RFP process for Phase B, it would not be efficient to solicit proposals for Phase A and C. Additionally, ODOT is considering treating all phases as one project and in doing so would require certain documents submitted that cover the entire corridor. This would be difficult to do if there were multiple firms working on multiple phases.

Phase A improvements include, but are not limited to, pavement reconstruction, addition of sidewalk along the south side, addition of a shared use path along the north side, addition of curb and gutter, addition of curb ramps, addition of lanes, addition of street trees, public and private utility work as needed, and stormwater infrastructure improvements.

Phase C will be broken into three subsections, each with its own types of improvement. Improvements from Sancus intersection (East Leg) to the reduction to 3-lanes east Sancus include pavement resurfacing, addition of sidewalk along the south side, addition of a shared use path along the north side, and public and private utility work as needed. Improvements from the end of the previous section to the east leg of Sirius Street (Private) include pavement reconstruction, addition of sidewalk along the south side, addition of a shared use path along the north side, addition of curb and gutter, addition of curb ramps, addition of lanes, addition of street trees, public and private utility work as needed, and stormwater infrastructure improvements. Improvements from the end of the previous section to Worthington-Galena Rd. include the addition of sidewalk along the south side and addition of street trees.

That Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Gannett Fleming Engineers & Architects.

2. PLANNED CONTRACT MODIFICATION

The Department is working with Gannett Fleming to complete the scope of work for Phases A and C. This contract modification will allow Gannett Fleming to begin surveying and doing some preliminary environmental work. The Director anticipates returning to Council in fourth quarter 2013 to request a planned modification to this agreement once the scope is finalized.

Original contract amount: \$900,000.00 (Ord. 2120-2011, EL012427)
Modification 1 amount: \$1,100,000.00 (Ord. 2274-20123, EL013728)
Modification 2 amount: \$250,000.00
The contract amount, including all modifications: \$2,250,000.00.

2. CONTRACT COMPLIANCE

Gannett Fleming's contract compliance number is 232935505 and expires 3/14/14.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$250,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to allow for the Department of Public Service to make funding for the design of this project available and allow the project schedule to proceed as planned thereby preserving the public health, peace, property, safety, and welfare.

To authorize and direct the City Auditor to appropriate and transfer \$250,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to modify and increase an existing contract with Gannett Fleming Engineers & Architects for professional services for the Roadway Improvements - Lazelle Road project; to authorize the expenditure of up to \$250,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$250,000.00)

WHEREAS, Ordinance 2120-2011, authorized the Director of Public Service to enter into contract with Gannett Fleming Engineers & Architects for the Roadway Improvement - Lazelle Road project; and

WHEREAS, Ordinance 2274-2013, authorized the Director of Public Service modify and increase the contract amount with Gannett Fleming Engineers & Architects for the Roadway Improvement - Lazelle Road project; and

WHEREAS, additional engineering and design services are needed for the Roadway Improvements - Lazelle Road project; and

WHEREAS, it is necessary to execute a planned contract modification to Contract No. EL012427 to authorize additional funds and expanded scope for the professional services required for the engineering and design of this project; and

WHEREAS, this ordinance authorizes the Director of Public Service to execute a professional services contract modification for the Roadway Improvements - Lazelle Road project; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$250,000.00; 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 in that it is necessary to provide additional funding for engineering design services to allow the schedule of this project to proceed as planned 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. The sum of \$250,000.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530161-100000 / Roadway Improvements / 06-6600 / 590046 / \$250,000.00

SECTION 3. That the Director of Public Service is hereby authorized and directed to modify and increase an existing professional engineering services contract with Gannett Fleming Engineers & Architects, 4151 Executive Parkway, Suite 350, Westerville, OH 43081, for the Roadway Improvements - Lazelle Road project, in the amount of up to \$250,000.00.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$1,000,000.00 (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 7. That the expenditure of \$250,000.00 is hereby authorized for the above described purchase as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530161-100000 / Roadway Improvements / 06-6682 / 590046 / \$250,000.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1767-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This ordinance authorizes the Director of Public Service to enter into an agreement to participate and fund a project with the Ohio Department of Transportation (ODOT) to produce a system wide School Travel Plan for Columbus City Schools (CCS), focusing on approximately 63 elementary and 20 middle schools. Other agencies participating in the plan include the City of Columbus Department of Public Health and Division of Police and the Mid Ohio Regional Planning Commission.

Upon completion of the plan, a list of infrastructure improvements (e.g. sidewalks, curb extensions, etc.) will be generated that can then be used by the Department of Public Service to request ODOT Safe Route To School grant funds. Projects resulting from this travel plan and selected through the SRTS application process are then eligible to receive up to 80% ODOT funding for construction.

It is estimated that the project would be completed in about 12 months.

2. FISCAL IMPACT

The total contract amount for the plan is \$200,000. The consultant's fee is \$155,000 and \$45,000 is to fund the salary of the Travel Plan Coordinator at the Department of Public Health. ODOT will fund 50% or \$100,000. MORPC will fund 80% of the balance (\$80,000) and the City of Columbus Department of Public Service will fund 20% of the balance (\$20,000).

Funding for this project is available within the Streets and Highways Bond Fund, No. 704. An amendment to the 2013 Capital Improvements Budget and a transfer of cash and appropriation is necessary for this project.

4. EMERGENCY

Emergency action is requested to maintain ODOT's project schedule.

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer of cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into an agreement with the Ohio Department of Transportation for the School Travel Plan project; to authorize the expenditure of up to \$20,000.00 from the Streets and Highways Bond; and to declare an emergency. (\$20,000.00)

WHEREAS, the Department of Public Services has identified the need to participate and fund a project with the Ohio Department of Transportation to produce a system wide School Travel Plan for Columbus City Schools, focusing on approximately 63 elementary and 20 middle schools; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into agreement with Ohio Department of Transportation for the project described above in the amount of up to \$20,000.00; and

WHEREAS, it is necessary to authorize an amendment to the 2013 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 Department of Public Service in that this agreement should be authorized immediately so that funding can be made available for the study and to maintain MORPC's and ODOT's schedule, thereby preserving the public health, peace, prosperity, and welfare; now, therefore

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

SECTION 1. That the 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be amended to provide sufficient authority in the appropriate project detail number for this project as follows:

Fund / Project / Project Name / Current C.I.B. / Change / C.I.B. as amended

704 / 590105-100005 / Ped Safety Imp - Sidewalk Program (Voted Carryover) / \$20,226.00 / (\$20,000.00) / \$226.00

704 / 590105-100055 / Ped Safety Imp - District Wide School Travel Plan (Voted Carryover) / \$0.00 / \$20,000.00 / \$20,000.00

SECTION 2. That the transfer of cash and appropriation within the Streets and Highways G.O. Bond Fund, 704 be authorized as follow:

Transfer from:

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

704 / 590105-100005 / Ped Safety Imp - Sidewalk Program / 06-6600 / 741505 / \$20,000.00

Transfer to:

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

704 / 590105-100055 / Ped Safety Imp - District Wide School Travel Plan/ 06-6600 / 710555 / \$20,000.00

Section 4. That the Director of Public Service be authorized to enter into an agreement with the Ohio Department of Transportation up to \$20,000.00 to participate and fund a project with the Mid Ohio Regional Planning Commission (MORPC) to produce a system wide School Travel Plan for Columbus City Schools.

SECTION 5. That the expenditure of \$20,000.00 is hereby authorized for the above described purchase from the Streets and Highways G.O. Bond Fund, 704 as follows:

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

704 / 590105-100055 / Ped Safety Imp - District Wide School Travel Plan/ 06-6682 / 710555 / \$20,000.00

SECTION 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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.

SECTION 9. 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: 1768-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: The Columbus Department of Development is proposing to enter into a Jobs Growth Incentive Agreement with Unique Leasing, Inc. and Reynolds Transportation, Inc. equal to twenty-five percent (25%) of the amount of personal income tax withheld on new employees for a term of five (5) years. Unique Leasing, Inc. will make an investment of approximately \$1,770,000 which includes acquisition costs, real property improvements, machinery and equipment while Reynolds Transportation, Inc. will relocate and retain 37 full-time jobs, and create 43 new full-time permanent positions in the City of Columbus.

Unique Leasing, Inc. is a family owned trucking business operated by Dennis and Donna Reynolds, a husband and wife team, headquartered in San Antonio, Texas. The company provides truck freight transport services for a variety of customers, hauling goods through most of the lower United States and Canada. Unique Leasing, Inc. is divided into four different operations, kosher food grade, food grade, non- food grade and crude oil hauling. Mr. Reynolds started in the transportation business about forty years ago with one truck, which has grown into several locations including: New Castle, Delaware, Mattoon, Illinois, London, Ohio, Hereford, Houston, San Antonio, and Stephenville, Texas. Reynolds Transportation, Inc. is the payroll services of Unique Leasing, Inc. that is responsible for paying all of the employees, as well as manages their correspondent benefits. Reynolds Transportation, Inc. is owned and operated by Dennis and Donna Reynolds.

Unique Leasing, Inc. is proposing to relocate and expand its trucking operation from London, Ohio to the City of Columbus on property further known as 3879 Fisher Road, to meet its increased growth and consumer demand.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to enter into a Jobs Growth Incentive Agreement with Unique Leasing, Inc. and Reynolds Transportation, Inc. 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 \$1,770,000 and the creation of 43 new full-time permanent positions.

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 Unique Leasing, Inc. and Reynolds Transportation, Inc.; and

WHEREAS, Unique Leasing, Inc. is proposing to relocate its current operation from London, Ohio to the City of Columbus, more specifically, at 3879 Fisher Road; and

WHEREAS, Unique Leasing Inc. will invest approximately \$1,770,000 to redevelop the land and operate the business, while Reynolds Transportation, Inc. will create 43 new full-time permanent positions; and

WHEREAS, Unique Leasing Inc. and Reynolds Transportation, Inc. has indicated that a Jobs Growth Incentive is crucial to its decision to relocate the aforementioned operation in Columbus; and

WHEREAS, the City of Columbus desires to facilitate Unique Leasing Inc. and Reynolds Transportation, Inc.'s future growth at the project site; 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 Unique Leasing, Inc. and Reynolds Transportation, Inc. equal to twenty-five percent (25%) of the amount of new income tax withheld on employees for a term of five (5) years.

Section 2. Each year of the term of the agreement with Unique Leasing, Inc. and Reynolds Transportation, Inc. the City's 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 Unique Leasing, Inc. and Reynolds Transportation, Inc. within 90 days of passage of this ordinance, or this ordinance and the credit herein shall be null and void.

Section 4. The City Council hereby extends authority to the Director of Development to amend the Unique Leasing, Inc. and Reynolds Transportation, Inc. City of Columbus Jobs Growth Incentive Agreement for non-substantive modifications to the agreement requested in writing by the company and or the City and deemed appropriate by the Director of Development with these non-substantive modifications being specifically limited to reductions in length of term, methods of calculating the incentive, or adding or deleting business entities associated with the employment commitments related to this incentive. All other requested amendments must be approved by City Council.

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

Legislation Number: 1770-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: Columbus Public Health has been awarded a grant from the Ohio Department of Health originating from the Centers for Disease Control. This ordinance is needed to accept and appropriate \$1,105,130.00 in grant monies to fund the 2013/2014 Public Health Emergency Preparedness Grant Program for the period of July 1, 2013 through June 30, 2014.

The Public Health Emergency Preparedness program establishes the Franklin County and City of Columbus support network that would be required in the event of bioterrorism activity in the central region of the state of Ohio.

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 July 1, 2013. Up to date financial posting promotes accurate accounting and financial management.

FISCAL IMPACT: The program is funded by the Ohio Department of Health and does not generate revenue. The program does require ancillary mileage monies from the City, which are budgeted and available.

To authorize and direct the Board of Health to accept a grant from the Ohio Department of Health for the Public Health Emergency Preparedness Grant Program in the amount of \$1,105,130.00; to authorize the appropriation of \$1,105,130.00 to the Health Department in the Health Department Grants Fund; and to declare an emergency. (\$1,105,130.00)

WHEREAS, \$1,105,130.00 in grant funds have been made available to the Health Department through the Ohio Department of Health for the Public Health Emergency Preparedness 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 due to the grant begin date of July 1, 2013. Up to date financial posting promotes accurate accounting and financial management; and,

WHEREAS, an emergency exists in the usual daily operation of Columbus Public Health in that it is immediately necessary to accept this grant from the Ohio Department of Health, 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 \$1,105,130.00 from the Ohio Department of Health for the period July 1, 2013, through June 30, 2014.

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 period ending June 30, 2014, the sum of \$1,105,130.00 and any eligible interest earned during the grant period is hereby appropriated upon receipt of an executed grant agreement to the Health Department, Division No. 50-01, as follows:

PHEP Grant 2013-2014:

OCA: 501336 Grant No.: 501336 Obj. Level 01: 01 Amount \$646,753.09
OCA: 501336 Grant No.: 501336 Obj. Level 01: 02 Amount \$ 4,572.91
OCA: 501336 Grant No.: 501336 Obj. Level 01: 03 Amount \$453,804.00

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. At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 6. 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: 1771-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: This legislation is for the option to establish a UTC contract for Parkson Mechanical Bar Screen Parts for the Division of Sewerage and Drainage, the sole user. This contract will provide for the purchase of replacement parts to maintain bar screens that remove debris from influent wastewater entering the Jackson Pike and Southerly Wastewater Treatment Plants. The term of the proposed option contract would be approximately two years, expiring September 30, 2015, with the option to renew for one (1) additional year. The Purchasing Office opened formal bids on June 6, 2013.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA004966). Eighteen (18) bids were solicited: (M1A-0, F1-0, MBR-0). One (1) bid was received.

The Purchasing Office is recommending award to the overall lowest, responsive, responsible and best bidder as follows:

FilterONE USA, LLC, MAJ, CC# 04-3732181 expires 06/05/2015, All Items, \$1.00
Total Estimated Annual Expenditure: \$100,000.00, Division of Sewerage and Drainage, the sole user

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. This ordinance is being submitted as an emergency because, without emergency action, no less than 37 days will be added to this procurement cycle 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 Account. City Agencies will be required to obtain approval to expend from their own appropriations for

their estimated annual expenditures.

To authorize the Finance and Management Director to enter into a contract for the option to purchase Parkson Mechanical Bar Screen Parts with FilterONE USA, LLC, to authorize the expenditure of \$1.00 to establish the contract from the Mail, Print Services and UTC Fund Account; and to declare an emergency. (\$1.00)

WHEREAS, Parkson Mechanical Bar Screen Parts are utilized by the Division of Sewerage and Drainage for repairs to the bar screens that remove debris from influent wastewater at the Jackson Pike and Southerly Wastewater Treatment Plants; and,

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 6, 2013 and selected the overall lowest, responsive, responsible and best bidder; and

WHEREAS, this ordinance addresses Purchasing objective of 1) maximizing the use of City resources by obtaining optimal products/services at low prices and 2) encouraging economic development by improving access to City bid opportunities and 3) providing effective option contracts for City agencies to efficiently maintain their supply chain and service to the public; and

WHEREAS, in order to maintain a supply of Parkson Mechanical Bar Screen Parts, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into a contract for the option to purchase Parkson Mechanical Bar Screen Parts, 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 Parkson Mechanical Bar Screen Parts in accordance with Solicitation No. SA004966 for a term of approximately two years, expiring September 30, 2015, with the option to renew for one (1) additional year, as follows:

FilterONE USA, LLC, All Items, \$1.00

SECTION 2. That the expenditure of \$1.00 is hereby authorized from 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 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: 1775-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: This legislation authorizes the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities. These Division of Fire facilities are Fire Station No. 5, 211 McNaughten Road; Fire Station No. 17, 2250 W Broad Street; Fire Station No. 24, 1585 Morse Road; Fire Station No. 26, 5433 Fisher Road; Fire Station No. 30, 3555 Fishinger Boulevard; and Fire Station No. 31, 5305 Alkire Road.

Formal bids were solicited and the City received two bids on June 24, 2013 as (0 FBE, 0 MBE) as follows:

Newcomer Concrete Services, Inc.	\$1,776,188.00
Columbus Asphalt Paving	\$1,905,000.00

The Office of Construction Management recommends the bid award be made to the most responsive and responsible bidder, Newcomer Concrete Services, Inc.

Emergency action is requested so that the fire pavement restoration can be completed this fall before the snow and ice exacerbate the poor conditions of the existing concrete and asphalt surfaces.

Contract Compliance No. Newcomer Concrete Services, Inc. 34-1302197, expiration date February 7, 2014.

Fiscal Impact: This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet been sold for this project; therefore it is necessary to certify funds needed in the amount of \$1,776,188.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

To authorize and direct the City Auditor to appropriate and transfer \$1,776,188.00 from the Special Income Tax Fund to the Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$1,776,188.00 within the Safety Voted Bond Fund; to authorize the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities; to authorize the expenditure of \$1,776,188.00 from the Safety Voted Bond Fund; and to declare an emergency. (\$1,776,188.00)

WHEREAS, the Finance and Management Department, Office of Construction Management needs to enter into a contract for the restoration of the parking lots and driveways at various Division of Fire facilities; and

WHEREAS, Newcomer Concrete Services, Inc. is the most responsive and responsible bidder; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to fund 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$1,776,188.00; 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 Finance and Management, Office of Construction Management, in that it is immediately necessary to authorize the Finance and Management Director to enter into a contract with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities, so that the fire pavement restoration can be completed this fall before the snow and ice exacerbate the poor conditions of the existing concrete and asphalt surfaces, thereby protecting the public health, property, peace, safety, and welfare; now, therefore:

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

SECTION 1. The sum of \$1,776,188.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Safety Voted Bond Fund, Fund 701 as follows:

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

701/330021-100000/Police Facility Renovation/ 06-6620/713321/\$250,000.00

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

701/340103-100000/Fire Facility Renovation / 06-6620/711103/\$1,526,188.00

SECTION 3. That the Director of Finance and Management is hereby authorized to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the of the parking lots and driveways at various Division of Fire facilities.

SECTION 4. That the monies appropriated in the foregoing Section 2 shall be paid upon order of the Director of Finance and Management 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 5. That upon obtaining other funds for this project for the Department of Finance and Management, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 2 above.

SECTION 7. 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 \$1,776,188.00 (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 8. That for the purpose of paying the cost of this contract, the sum of \$1,776,188.00 or so much thereof as may be needed, is hereby authorized to be expended from the Safety Voted Bond Fund as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
701/330021-100000/Police Facility Renovation/06-6620/713321/\$250,000.00

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
701/340103-100000/Fire Facility Renovation/06-6620/711103/\$1,526,188.00

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 10. 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1778-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: Columbus Public Health was awarded \$1,105,130.00 in grant monies from the Ohio Department of Health originating from the Centers for Disease Control for the Public Health Emergency Preparedness Program. This ordinance is needed to authorize a contract with Franklin County Public Health for \$324,504.00 for the time period July 1, 2013 through June 30, 2014.

The purpose of the contract is to maintain a Public Health Emergency Preparedness/Emergency Response System in the event of bioterrorism activities in Franklin County. This contract is necessary per the requirements of the Ohio Department of Health, Public Health Emergency Preparedness proposal.

Emergency action is requested to facilitate and expedite the Franklin County component of maintaining a public health emergency preparedness response in central Ohio.

FISCAL IMPACT: The Public Health Emergency Preparedness grant budget provides \$324,504.00 for a contract with Franklin County Public Health.

To authorize and direct the Board of Health to enter into contract with Franklin County Public Health for emergency preparedness activities; to authorize the expenditure of \$324,504.00 from the Health Department Grants Fund, and to declare an emergency. (\$324,504.00)

WHEREAS, Franklin County Public Health will establish a public health emergency preparedness structure; and,

WHEREAS, this contract is necessary per the requirements of the Ohio Department of Health, Public Health Emergency Preparedness proposal; and,

WHEREAS, an emergency exists in the usual daily operation of Columbus Public Health in that it is immediately necessary to authorize this contract 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 enter into contract with Franklin County Public Health for the period July 1, 2013 through June 30, 2014.

SECTION 2. This ordinance is in accordance with Section 329.02 of the Columbus City Code.

SECTION 3. That to pay the cost of said contract the expenditure of \$324,504.00 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Department No. 50, Grant Number 501336, OCA 501336, Object Level One 03, Object Level Three 3337.

SECTION 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 5. 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: 1779-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Council Variance Application: CV13-024

APPLICANT: Ronald J. and Linda Hentsch; c/o Amy K. Kuhn, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Apartment hotel (bed and breakfast) and carriage house.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow an

existing single-unit dwelling to be used as an apartment hotel (a bed and breakfast) and will conform an existing dwelling unit above the rear garage (a carriage house) in the R-3, Residential District. A variance is necessary because only the AR-2, AR-3, and AR-4, Apartment Residential Districts allow apartment hotel use, and the R-3, Residential District permits only one dwelling per lot. Variances for driveway width, maneuvering, stacked parking, striping and marking, fronting, side yard, and rear yard are included in the request. The site is located within the planning area of the *Near East Plan (2005)*, which contains a series of criteria that can be used to determine if proposed commercial uses should be supported within residential areas. Apartment hotels are usually integrated into residential neighborhoods in order for patrons to experience the ambiance and charm that the neighborhood can offer, as opposed to being located in high density multi-unit residential districts where they are currently permitted. The apartment hotel facility will function as a low impact use that is residential in nature that should integrate well with surrounding residential uses, and continuation of the carriage house use does not add a new or incompatible use since the existing structure is consistent with the surrounding character of the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.39, Striping and marking; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1616 HAWTHORNE PARK (43203)**, to permit an apartment hotel (a bed and breakfast) and a carriage house with reduced development standards in the R-3, Residential District (Council Variance # CV13-024).

WHEREAS, by application #CV13-024, the owner of the property at **1616 HAWTHORNE PARK (43203)**, is requesting a Variance to permit an apartment hotel and a carriage house with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential district, does not permit apartment hotel use, or rear dwellings above garage parking spaces (a carriage house), while the applicant proposes to convert an existing single-unit dwelling into an apartment hotel with living quarters for the owners and a maximum of four (4) guest rooms, and to conform an existing carriage house; and

WHEREAS, Section 3312.13(B), Driveway, requires a minimum width of 20 feet for driveways, while the applicant proposes to maintain the existing 8.75-foot wide driveway; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot including aisles or circulation areas, while the applicant proposes maneuvering over and through parking spaces for the four (4) garage spaces, and 19.17 feet of maneuvering area for the five (5) surface spaces where twenty (20) feet is required; and

WHEREAS, Section 3312.29, Parking space, allows stacked parking spaces only for single- and two-unit dwellings, or multi-unit dwellings with individual garage/driveway arrangements, while the applicant proposes four (4) stacked parking spaces behind four parking spaces as shown on the Site Plan; and

WHEREAS, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes to provide no striping or marking; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public

street, while the applicant proposes to maintain no frontage for the carriage house; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 3 feet, while the applicant proposes a 1.4 foot side yard along the west property line for the carriage house; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes no rear yard for the carriage house; and

WHEREAS, this variance will allow an apartment hotel (bed and breakfast) and a carriage house with reduced development standards in the R-3, Residential District; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because apartment hotels are usually integrated into residential neighborhoods in order for patrons to experience the ambiance and charm that the neighborhood can offer, as opposed to being located in high density multi-unit residential districts where they are currently permitted. The apartment hotel facility will function as a low impact use that is residential in nature that should integrate well with surrounding residential uses, and continuation of the carriage house use does not add a new or incompatible use since the existing structure is consistent with the surrounding character of the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed apartment hotel 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 **1616 HAWTHORNE PARK (43203)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.39, Striping and marking; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1616 HAWTHORNE PARK (43203)**, insofar as said sections prohibit an apartment hotel (bed and breakfast) and a carriage house, with a reduced driveway width of 8.75 feet where twenty (20) feet is required; maneuvering over parking spaces for the garage spaces, and 19.17 feet of maneuvering area for the surface spaces where twenty (20) feet is required; four (4) stacked parking spaces; no striping or marking for the surface parking spaces; no fronting on a public street for the carriage house; a reduction in the minimum side yard from five (5) feet to zero (0) feet for the carriage house; and no rear yard for the carriage house; said property being more particularly described as follows:

1616 HAWTHORNE PARK (43203), being 0.43± acres located on the north side of Hawthorne Park, 178± feet west of Woodland Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus: Being Lot Number Nine (9) and Lot Number Ten (10), of the Amended Plat of Woodlands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 343, Recorder's Office, Franklin County, Ohio.

Known as Parcel Number: 010-037029
Addressed as: 1616 Hawthorne Park Columbus, OH 43203

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an apartment hotel (a bed and breakfast) and a rear carriage house, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "SITE PLAN," drawn by DCH Architects LLC, dated June 28, 2013, and signed Amy K. Kuhn, 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 adjustment to the plan shall be reviewed and may be approved 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed apartment hotel use.

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

Legislation Number: 1782-2013

Drafting Date: 7/1/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: This ordinance authorizes the Finance and Management Director to establish purchase orders with Byers Ford, contract numbers: FL005467- Automoblie and FL005473- Light Duty Trucks, for the acquisition of seventy (70) vehicles for the Fleet Management Division to be distributed to the following divisions: Communications, Recreation and Parks, PVB, Fire, Land Bank (Development), and Police. These new vehicles will be replacing older higher mileage vehicles that will reduce maintenance costs, and reduce petroleum fuel consumption. An upfitting contract for the Police vehicles is being separately bid.

Additionally, this ordinance authorizes the Finance and Management Director, Fleet Management to establish purchase orders with Ricart Properties for ten (10) used vehicles, of mixed models, for use as undercover police vehicles, in accordance with the terms and conditions of contract number FL004444.

The vehicles that are being purchased are as follows:

- Communications- Ford Transit (2)
- Recreation and Parks- Ford F250 (3)
- PVB- Ford Transit (3)
- Fire- Ford F350 (7), Ford Explorer (4)

Land Bank- Development- Ford Transit (1)
Police- Ford Taurus (50), Various vehicles (10)

Byers Ford Contract Compliance Number is [31-4139860 <tel:31-4139860>](tel:31-4139860) and expires 02/10/2014
Ricart Properties Contract Compliance Number is [31-1282546 <tel:31-1282546>](tel:31-1282546) expires 10/11/2014

This ordinance will also authorize the Finance and Management Director, Fleet Management to establish purchase order with Parr Public Safety Equipment for the Up-fitting of twenty (20) E-350 PTV's for the Division of Police. Bid #SA004984, closed 06/13/2013 for the Up-fitting of the E-350 PTV was awarded to Parr Public Safety Equipment the lowest, responsible, responsible bidder.

Parr Public Safety Equipment Inc. Contract Compliance Number is [20-1619573 <tel:20-1619573>](tel:20-1619573) expires 12/31/2013

Upfitting for the fifty (50) Ford Taurus's will be bid and submitted for Council consideration in September.

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

Fiscal Impact: A total of \$2,352,258.40 will be spent from the Special Income Tax Fund and was adopted as part of the 2013 budget.

Emergency Action is requested so that the order for these vehicles can be placed and older high mileage vehicles can be removed from service and the twenty (20) PTV can be up-fitted and ready for service for the Division of Police.

..Title

To authorize the Finance and Management Director to establish purchase orders with Byers Ford and Ricart Properties for the purchase of eighty (80) vehicles for use by various City divisions; to authorize the Finance and Management Director to establish a purchase order with Parr Public Safety Equipment for the up-fitting of twenty (20) PTV's; to authorize the appropriation of \$2,352,258.40 and expenditure from the Special Income Tax fund; and to declare an emergency. (\$2,352,258.40)

To authorize the Finance and Management Director to establish purchase orders with Byers Ford and Ricart Properties for the purchase of eighty (80) vehicles for use by various City divisions; to authorize the Finance and Management Director to establish a purchase order with Parr Public Safety Equipment for the up-fitting of twenty (20) PTV's; to authorize the appropriation of \$2,352,258.40 and expenditure from the Special Income Tax fund; and to declare an emergency. (\$2,352,258.40)

WHEREAS, various city divisions including Communications, Recreation and Parks, PVB, Fire, Land Bank (Development), and Police have a need to replace older and high mileage vehicles; and

WHEREAS, the replacement of some of these vehicles would greatly reduce the maintenance expense associated with older vehicles; and

WHEREAS, Twenty (20) Ford F350 PTV's will need up-fitting in order to ready for service for the Division of Police; and

WHEREAS, funding for these vehicles is available in the Special Income Tax fund; and

WHEREAS, an emergency exists in the usual daily operations of Communications, Recreation and Parks, PVB, Fire, Land Bank (Development), and Police, in that it is immediately necessary to authorize the Finance and Management Director to establish a purchase order for the purchase of these vehicles and up-fitting 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 authorized to establish a purchase order with Byers Ford in accordance with the terms and conditions of contract number FL005473, for the purchase of twenty (20) light duty trucks on behalf of various divisions of the City.

SECTION 2. That the Finance and Management Director is authorized to establish a purchase order with Byers Ford in accordance with the terms and conditions of contract number FL005467, for the purchase of fifty (50) automobiles on behalf of various divisions of the City.

SECTION 3. That the Finance and Management Director is authorized to establish a purchase order with Ricart Properties, in accordance with the terms and conditions of contract number FL004444, for the purchase of ten (10) vehicles on behalf of the Fleet Management Division.

SECTION 4. That the Finance and Management Director on behalf of the Fleet Management Division is hereby authorized to contract with Parr Public Safety Equipment Inc. for the up-fitting of twenty (20) Ford E-350 PTV's.

SECTION 5. That the City Auditor is authorized to appropriate \$2,352,258.40 within the Special Income Tax Fund as follows: Fund 430, Div 45-05; OCA 454301, Object Level Three: 6650.

SECTION 6. That the expenditure of \$\$2,352,258.40, or so much thereof as may be necessary in regard to the actions authorized in Sections 1, 2, and 3 be and is hereby authorized and approved as follows:

Department: 45-05
Fund: 430
OCA: 454301
Obj Level 01: 06
Obj Level 03: 6650
Amount: \$2,352,258.40

SECTION 7. 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: 1783-2013

Drafting Date: 7/1/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

To authorize the Director of Public Service to expend \$835,751.00 or so much thereof as may be necessary to reimburse the Street Construction, Maintenance and Repair Fund for traffic sign and signal installation, permanent pavement marking, roadway improvement design and construction expenses, salaries, overhead, overtime, materials, alley rehabilitation and other direct costs incurred by the Fund in connection with the Division of Planning and Operations' capital improvements program in 2013; to amend the 2013 C.I.B.; to authorize the transfer and expenditure of monies within the Streets and Highways G.O. Bond Fund for the Department of Public Service; and to declare an emergency. (\$835,751.00)

WHEREAS, the Department of Public Service employs personnel that are engaged in traffic sign and signal installation, permanent pavement marking activity, and roadway improvement design and construction activities and incurs various salary and material expenses within its operating fund associated with capital projects; and

WHEREAS, these costs can be capitalized; and

WHEREAS, the 2013 revenue estimate for the Street Construction, Maintenance and Repair Fund reflects and assumes this revenue; and

WHEREAS, it is necessary to amend the 2013 C.I.B. and transfer funds to the appropriate projects within the Streets and Highways G.O. Bonds Fund; and

WHEREAS, it is necessary to authorize this expenditure in order to provide adequate operating resources for the Division of Mobility Options, Division of Planning and Operations and Division of Design and Construction; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Planning and Operations and Division of Design and Construction in that this reimbursement should be authorized to provide reimbursement to the Street Construction Maintenance and Repair Fund at the earliest possible time and make this fund whole, 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 hereby is authorized to expend \$835,751.00 or so much thereof as may be necessary from The Streets and Highway G.O. Bonds Fund, 704, to reimburse the Street Construction, Maintenance and Repair Fund for traffic sign and signal installation, permanent pavement marking, roadway improvement design and construction expenses, salaries, overhead, overtime, materials and other direct cost expenses incurred in connection with the Division of Mobility Options, Dept-Div 59-10, Division of Planning and Operations, Dept.-Div., 59-11, and Division of Design and Construction 59-12, capital improvements program as follows.

Please See Attached Spreadsheet for Expenditure Breakdown, Tab 1.

Total: \$835,751.00

SECTION 2. That the 2013 Capital Improvement Budget Authorized by Ordinance 0645-2013 be amended as follows to provide sufficient authority for this project as follows:

Please see attached Spreadsheet for Amendment Breakdown, Tab 2.

SECTION 3. That the transfer of cash and appropriation within The Streets and Highways G.O. Bonds Fund,

704, be authorized, as follows:

Please See Attached Spreadsheet for Transfer Breakdown, Tab 3.

SECTION 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1785-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to modify a professional engineering services contract with Prime Engineering, Inc, for the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee project. Design is partially funded by the Ohio Department of Transportation and is also known as FRA-CR122-6.22 (PID 85017).

The original ordinance, 1222-2012, indicated that the project design would be completed in two parts and that a planned modification would be forthcoming. Part 1 consisted of preliminary engineering to determine the roadway and intersection capacity needs, to provide an updated grade separation assessment relative to the Alum Creek Drive crossing of Norfolk-Southern railroad tracks, and to determine the improvements needed to the bridge over and interchange with SR-104 to accommodate pedestrian/bikeway improvements on Alum Creek Drive.

The scope of work for Part 2 includes, but is not limited to:

1) Alum Creek Drive improvements from the end of the pavement reconstruction by FRA-C.R. 122-4.14 at the Alum Creek Dr/Performance Way/Refugee Rd S intersection to the approximate end of the existing curbed section (approx. 250' north of Refugee Rd.): pavement resurfacing, median/curb line modifications; addition of a shared use path along the east side, ADA accommodations, street trees; traffic control; public and private utility work as needed.

2) Alum Creek Drive improvements from the end of the previous section described to Frebis Ave/Integrity Dr S.: pavement reconstruction/widening; addition of a shared use path along the east side, sidewalk along the west side, curb & gutter, ADA accommodations, street trees, storm sewers; traffic control; street lighting;

public and private utility work as needed. In addition, sidewalk will be extended along both sides between Frebis/Integrity Drive South and Integrity Drive North.

Original contract amount \$ 319,870.00 (Ordinance 1222-2012, EL013382)
Modification number 1 \$1,426,514.00
Total amount of the contract, including this modification \$1,746,384.00

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

2. FISCAL IMPACT

Funding for this contract is available as follows:

\$1,426,514.00 contract amount
\$1,141,211.00 ODOT grant
\$ 285,303.00 DPS share - Street and Highway G.O. Fund (704)

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$285,303.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

3. CONTRACT COMPLIANCE

The contract compliance number for Prime Engineering, Inc., is 260546656 and Expires 2/17/14.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding to prevent unnecessary delays in the Department of Public Service’s Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$285,303.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to transfer \$285,303.00 between funds; to authorize the City Auditor to appropriate \$1,426,514.00 within the Fed-State Highway Engineering Fund; to authorize the Director of Public Service to modify a professional engineering service contract with Prime Engineering, Inc. for the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee project (also known as FRA-CR122-6.22 (PID 85017)); to authorize the expenditure of up to \$1,426,514.00 from the Fed-State Highway Engineering Fund for this contract; and to declare an emergency. (\$1,426,514.00)

WHEREAS, there is a need to modify a professional engineering services contract for the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee project (also known as FRA-CR122-6.22 (PID 85017)); and

WHEREAS, this project involves improvements to Alum Creek Drive from Performance Way/Refugee Road South to Frebis Avenue/Integrity Drive South; and

WHEREAS, a planned modification was anticipated to occur at the completion of Part 1 of the project to fund work needed to complete Part 2; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$285,303.00; 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 in that this contract should be authorized immediately so that funding can be made available for necessary engineering and design services for capital improvement 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. The sum of \$285,303.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530103-100042 / Arterial Street Rehab - Alum Creek - Frebis to Refugee / 10-5501 / 740342 /
\$285,303.00

SECTION 3. That the City Auditor is hereby authorized to transfer cash between the Street and Highway G.O. Fund, No. 704, and the Fed-State Highway Eng. Fund, No. 765, as follows:

Transfer from:
Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530103-100042 / Arterial Street Rehab - Alum Creek - Frebis to Refugee / 10-5501 / 740342 /
\$285,303.00

Transfer to:
Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
765 / 591306-100000 / Alum Crk Dr/Frebis - Ref (85017)/ 80-0886 / 591306 / \$285,303.00

SECTION 4. That from the unappropriated monies in the Federal-State Highway Engineering Fund, No. 765, and from any and all sources estimated to come into said fund and unappropriated for any other purpose during the period ending December 31, 2013, the sum of \$1,426,514.00 is appropriated for the Department of Public Service as follows:

Dept-Div / Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA / Amount
59-12 / 765 / 591306-100000 / Alum Crk Dr/Frebis - Ref (85017)/ 06-6600 / 591306 / \$1,426,514.00

SECTION 5. That the Director of Public Service be and hereby is authorized to modify a professional services contract with Prime Engineering, Inc., 3000 Corporate Exchange Drive, Suite 600, Columbus, OH, 43231, for engineering services associated with the Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee project (also known as FRA-CR122-6.22 (PID 85017)) .

SECTION 6. That the monies appropriated in the foregoing Section 2 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 project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

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 \$1,000,000.00 (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 for the purpose of paying the cost of this contract the sum of up to \$1,426,514.00 or so much thereof as may be needed, is hereby authorized to be expended from the Federal-State Highway Engineering Fund, No. 765 as follows:

Dept-Div / Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA / Amount
59-12 / 765 / 591306-100000 / Alum Crk Dr/Frebis - Ref (85017)/ 06-6682 / 591306 / \$1,426,514.00

SECTION 10. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 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.

SECTION 13. 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: 1786-2013

Drafting Date: 7/2/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the professional engineering services contract for the Roadway Improvements - 2010-2012 General Engineering Contract with Crawford, Murphy & Tilly in the amount up to \$230,000.00.

This contract has been used for various projects that spent down the total value. The intent of this contract is to provide the Department of Public Service with continuing, contractual access to additional resources that are necessary to perform various professional engineering, survey, and technical expertise for the department to complete its capital and operating budget commitments.

The projects developed under this program are typically small to moderate size improvements, and frequently include a significant emphasis on pavement rehabilitation, curb replacement, sidewalks, curb ramps, drainage, minor rehabilitations, and aesthetic improvements. This contract has been used for quick response design services.

Work to be performed as part of this modification include, but is not limited to, completion of design of sidewalk on Smoky Row Road from Hard Road to Smoky View Boulevard and design of sidewalks on Livingston Avenue from Lattimer Drive to Woodcrest Road.

Original contract amount: \$200,000.00 (Ordinance 1371-2010, EL011068)

Modification one amount: \$180,231.00 (Ordinance 1314-2011, EL012225)

Modification two amount: \$230,000.00

The total contract amount including this modification is \$610,231.00

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against with Crawford, Murphy & Tilly.

2. CONTRACT COMPLIANCE

The contract compliance number for Crawford, Murphy & Tilly, is 370844662 and expires 12/1/13.

3. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

4. FISCAL IMPACT

Funds in the amount of \$230,000.00 are available for this project in the Streets and Highways Bond Fund within the Department of Public Service through savings in other Pedestrian Safety Projects. An amendment to the 2013 Capital Improvements fund is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to execute a professional service contract modification with Crawford, Murphy & Tilly for the Roadway Improvements - 2010-2012 General Engineering contract; to authorize the expenditure of up to \$230,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$230,000.00)

WHEREAS, ordinance 1371-2010 authorized the Director of Public Service to enter into contract for the Roadway Improvements - 2010-2012 General Engineering contract with Crawford, Murphy & Tilly; and

WHEREAS, ordinance 1314-2011 authorized the Director of Public Service to modify a contract for the Roadway Improvements - 2010-2012 General Engineering contract with Crawford, Murphy & Tilly; and

WHEREAS, the Director of Public Service has identified the need to modify this contract with Crawford, Murphy & Tilly for the design of, but not limited to, sidewalks on Smoky Row Road from Hard Road to Smoky View Boulevard Livingston Avenue from Lattimer Drive to Woodcrest Road; and

WHEREAS, it is necessary to authorize an amendment to the 2013 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 Department of Public Service in that the design services contract should be modified immediately in order to design needed sidewalks to provide for maximum levels of pedestrian safety within the project area, thereby preserving the public health, peace, prosperity, and welfare; now, therefore

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

SECTION 1. That the 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be and is hereby amended to provide sufficient budget authority for the appropriate projects authorized within this ordinance as follows:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended

704 / 590105-100051 / Ped Safety Imp - Henderson Rd - Olentangy to West of Kenny (Voted Carryover) / \$0.00 / \$10,809.00 / \$10,809.00 (cancellation)

704 / 590105-100006 / Ped Safety Imp - Sidewalk Program Construction (Voted Carryover) / \$73,227.00 / (\$45,514.00) / \$27,713.00

704 / 590105-100039 / Ped Safety Imp - Weinland Park Community Mobility Plan (Voted Carryover) / \$125,000.00 / (\$100,000.00) / \$25,000.00

704 / 590105-100051 / Ped Safety Imp - Henderson Rd - Olentangy to West of Kenny (Voted Carryover) / \$10,809.00 / (\$10,809.00) / \$0.00

704 / 590105-100053 / Ped Safety Imp - Mt. Vernon-Weber Rd-Kenny Rd Sidewalks (Voted Carryover) / \$20,998.00 / (\$20,998.00) / \$0.00

704 / 590105-100058 / Ped Safety Imp - Franklinton RR Sidewalk (Voted Carryover) / \$30,029.00 / (\$30,029.00) / \$0.00

704 / 590105-100062 / Ped Safety Imp - North Broadway Sidewalks (Voted Carryover) / \$22,654.00 / (\$22,654.00) / \$0.00

704 / 590105-100068 / Smoky Row Sidewalks - Hard Road to Smoky View (Voted Carryover) / \$0.00 / \$110,000.00 / \$110,000.00

704 / 590105-100078 / Ped Safety Imp - Livingston Ave-Woodcrest to Lattimer (Voted Carryover) / \$0.00 /

\$120,000.00 / \$120,000.00

SECTION 2. That the City Auditor be and is hereby authorized to transfer cash and appropriation within the Streets and Highways G.O. Bonds Fund, No. 704, as follows:

Transfer from:

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

704 / 590105-100006 / Ped Safety Imp - Sidewalk Program Construction / 06-6600 / 710506 / \$45,513.10

704 / 590105- 100039 / Ped Safety Imp - Weinland Park Community Mobility / 06-6600 / 740539 /

\$100,000.00

704 / 590105-100051 / Ped Safety Imp - Henderson Rd - Olentangy to West of Kenny / 06-6600 / 710551 /

\$10,808.06

704 / 590105-100053 / Ped Safety Imp - Mt. Vernon-Weber Rd-Kenny Rd Sidewalks / 06-6600 / 740553 /

\$20,997.42

704 / 590105-100058 / Ped Safety Imp - Franklinton RR Sidewalk / 06-6600 / 740558 / \$30,028.42

704 / 590105-100062 / Ped Safety Imp - North Broadway Sidewalks / 06-6600 / 710562 / \$22,653.00

Transfer to:

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

704 / 590105-100068 / Smoky Row Sidewalks - Hard Road to Smoky View. / 06-6600 / 710568 / \$110,000.00

704 / 590105-100078 / Ped Safety Imp - Living. Ave-Woodcrest to Lattimer. / 06-6600 / 740578 / \$120,000.00

SECTION 3. That the Director of Public Service be and is hereby authorized to execute a professional services contract modification with Crawford, Murphy & Tilly, 8101 North High Street, Suite 150, Columbus, OH, 43235, in an amount up to \$230,000.00 for engineering services associated with the Roadway Improvements - 2010-2012 General Engineering contract.

SECTION 4. That for the purpose of paying the cost of the contract the sum of \$230,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bond Funds, No. 704, as follows:

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

704 / 590105-100068 / Smoky Row Sidewalks - Hard Road to Smoky View. / 06-6682 / 710568 / \$110,000.00

704 / 590105-100078 / Ped Safety Imp - Living. Ave-Woodcrest to Lattimer. / 06-6682 / 740578 / \$120,000.00

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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.

SECTION 8. 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: 1789-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into contract with ADR & Associates, Ltd, the amount of up to \$348,717.46 for the Pedestrian Safety Improvements - Sidewalk Design III contract.

This project includes preliminary and final engineering for improvements to install sidewalk and curb ramps at two locations in the City of Columbus: McCutcheon Road from Sunbury Road to Oak Spring Street and Reed Road from Henderson Road to Bethel Road. The project will include ROW acquisition and improvements necessary to accommodate drainage, if needed.

The Department of Public Service, Office of Support Services, solicited Requests for Proposals for the Pedestrian Safety Improvements - Sidewalk Design III contract. The project was formally advertised on the Vendor Services web site from March 21, 2013, to April 11, 2013. The city received four (4) responses. All proposals were deemed responsive and were fully evaluated when the Evaluation Committee met on April 18, 2013.

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE/ASN /PHC</u>
ADR & Associates, Ltd.	Columbus, OH	MAJ
Patrick Engineering, Inc.	Columbus, OH	MAJ
Stantec Consulting Services, Inc.	Columbus, OH	MAJ
Stone Environmental	Westerville, OH	MAJ

ADR & Associates received the highest score by the evaluation committee and will be awarded the Pedestrian Safety Improvements - Sidewalk Design III contract.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against ADR & Associates.

2. CONTRACT COMPLIANCE

ADR & Associates' contract compliance number is 311499809 and expires 12/19/14.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$348,717.46 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and design funding and prevent unnecessary

delays in the Department of Public Service's Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$348,717.46 from the Special Income Tax Fund to the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with ADR & Associates for engineering, design, technical, and surveying services in connection with the Pedestrian Safety Improvements - Sidewalk Design III contract; to authorize the expenditure of up to \$348,717.46 from the Streets and Highways Bond Fund; and to declare an emergency. (\$348,717.46)

WHEREAS, the Director of Public Service has identified the need to enter into a professional service contract to provide for engineering and design services for improvements for the Pedestrian Safety Improvements - Sidewalk Design III contract; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into contract with ADR & Associates for the provision of engineering and design services described above in the amount of up to \$348,717.46; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$348,717.46; 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 in that this contract should be authorized immediately so that funding can be made available for necessary engineering and design services for capital improvement projects, thereby preserving the public health, peace, prosperity, and welfare; now, therefore

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

SECTION 1. The sum of \$348,717.46 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100005 / Pedestrian Safety Improvements - Sidewalk Program / 06-6600 / 741505 / \$348,717.46

SECTION 3. That the Director of Public Service be and is hereby authorized to enter into contract with ADR

& Associates for the Pedestrian Safety Improvements - Sidewalk Design III contract for engineering and design surveying services in an amount of up to \$348,717.46.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$348,717.46 (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 7. That for the purpose of paying the cost of this contract the sum of up to \$348,717.46 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bond Fund as follows:

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

704 / 590105-100005 / Pedestrian Safety Improvements - Sidewalk Program / 06-6682 / 741505 / \$348,717.46

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1790-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the professional engineering services contract for the Bikeway Development - Professional Services (Bikeway Plan PE Services) project with Stantec Consulting Services Inc. in the amount of \$500,500.00.

This contract has been used for various projects that spent down the total value. The intent of this contract was to provide the Department of Public Service with continuing, contractual access to additional resources that are necessary to perform various professional engineering, survey, and technical expertise for the department to complete its capital and operating budget commitments.

Work to be performed under this contract modification include, but is not limited to, providing additional funds to complete design work and associated public involvement for the 4th and Summit Complete Streets project. Stantec Consulting Services Inc. performed the preliminary engineering work for the 4th and Summit Complete Streets project and procuring new design services would not be economical and would delay the project.

Original contract amount: \$310,000.00 (Ord. 0191-2011, EL011399)

Modification 1 amount: \$500,500.00

Total contract amount, including this modification: \$810,500.00

Searches in the Systems for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Stantec Consulting Services Inc.

2. CONTRACT COMPLIANCE

Stantec Consulting Services Inc.'s contract compliance number is 112167170 and expires 12/21/13.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$500,500.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and services ant to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$500,500.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to execute a professional engineering services contract modification with Stantec Consulting Services Inc. in connection with the Bikeway Development - Professional Services project; to authorize the expenditure of \$500,500.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$500,500.00)

WHEREAS, the Department of Public Service currently maintains the Bikeway Development - Professional Services (Bikeway Plan PE Services) contract with Stantec Consulting Services Inc.; and

WHEREAS, the original contract in the amount of \$310,000.00 (Contract No. EL011399) was authorized by Ordinance No. 0191-2011; and

WHEREAS, the Director of Public Service has identified the need to modify and increase this professional service contract for work to include, but is not limited to, providing additional funds to complete design work and associated public involvement for the 4th and Summit Complete Streets project; and

WHEREAS, this legislation authorizes the first modification to this contract in the amount of \$500,500.00; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$500,500.00; 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 operations of the Department of Public Service in that it is immediately necessary to provide engineering and services and to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program 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. The sum of \$500,500.00 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

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

704 / 540002-100033 / Bikeway Dev. - General Engineering Design / 06-6600 / 740233 / \$200,000.00

704 / 540002-100047 / Bikeway Development - Downtown Projects / 06-6600 / 740247 / \$150,000.00

704 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6600 / 748251 / \$150,500.00

SECTION 3. That the Director of the Department of Public Service be and is hereby authorized to modify and increase Contract No. EL011399 with Stantec Consulting Services Inc. at 1500 Lakeshore Drive, Columbus, Ohio 43204 in an amount not to exceed \$500,500.00.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$500,500.00 (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 7. That for the purpose of paying for the work included in this agreement up to \$500,500.00, or so much thereof as may be necessary, be and hereby is authorized to be expended from the Street and Highway Improvement Fund, Fund 704, Department No. 59-12, Division of Design and Construction as follows:

<u>Fund / Project # / Project Name / O.L. 01-03 Codes / OCA Code / Amount</u>
704 / 540002-100033 / Bikeway Dev. - General Engineering Design / 06-6682 / 740233 / \$200,000.00
704 / 540002-100047 / Bikeway Development - Downtown Projects / 06-6682 / 740247 / \$150,000.00
704 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6682 / 748251 / \$150,500.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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 ten days after passage if the mayor neither approves nor vetoes the same.

Legislation Number: 1791-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: The City of Columbus, Ohio (“City”), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the City’s Department of Public Service, Division of Design & Construction, Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E) (“Project”). The City’s Council passed Resolution 0019X-2013 on January 31st, 2013, which declared the necessity and intent to appropriate certain real property interests for the Project. Therefore, the following legislation authorizes the Columbus City Attorney to file necessary complaints for the appropriation of fee simple title and lesser interests for real estate necessary for the City of Columbus, Ohio, Department of Public Service.

FISCAL IMPACT: The Project’s funding will come from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704.

EMERGENCY JUSTIFICATION: Emergency action is requested to allow for the appropriation and subsequent acquisitions necessary for the Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare.

This ordinance authorizes the Columbus City Attorney to file complaints for the appropriation of fee simple title and lesser real property interests necessary for the Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E); authorizes the expenditure of Nine Hundred, and 00/100 U.S. Dollars from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704; and declares an emergency. (\$900.00)

WHEREAS, the City of Columbus, Ohio (“City”), an Ohio municipal corporation, is engaged in the acquisition of certain real property interests for the City’s Department of Public Service, Division of Design & Construction, Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E) (“Project”);

WHEREAS, the City’s Council passed **Columbus City Resolution № 0019X-2013**, which declared the necessity and intent to appropriate the real property interests described in this ordinance for the Project;

WHEREAS, the public purpose for this Project’s appropriation and notice of the adoption of the resolution was served according to Columbus City Code, Section 909.03;

WHEREAS, an emergency exists in the usual daily operation of the City, because it is necessary to appropriate the real property interests so there will be no delay in the Project, which immediately preserves the public peace, property, health, safety, and welfare; and **now, therefore:**

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

SECTION 1. The fee simple title and lesser real property interests associated with the parcels listed in Section 4 of this ordinance are fully described in **Columbus City Resolution № 0019X-2013**, which passed on January 31st, 2013; are fully incorporated into this legislation; and are to be appropriated for the public purpose of the Operation Safe-walks - Marion Road Project (PID 590955-10006/2601 Dr E) (“Project”).

SECTION 2. Pursuant to the power and authority granted to the City of Columbus, Ohio (“City”), by the

Ohio Constitution; Ohio Revised Code, Sections 715.01, 717.01, and 719.01 through 719.02; Charter of the City of Columbus, Ohio; and Columbus City Code (1959), Chapter 909, the City's Council declares the appropriation of the real property interests are necessary for the public Project, because the City was unable to locate the real property owner(s) or agree with the real property owner(s) regarding the amount of just compensation to be paid by the City for real property interests needed to complete the Project.

SECTION 3. The City's Council declares its intention to obtain immediate possession of the real property interests described in this ordinance for the Project.

SECTION 4. The City's Council declares that the fair market value of the fee simple title or lesser real property interests as follows:

<u>PROJECT PARCEL №</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
1-T	Katheryn M. Sweazy 2297 Rohr Rd., Lockbourne, OH 43137	\$300.00
2-T	521 Marion Road, LLC c/o Jim Gilbert, Esq. 425 Metro Place N, Dublin, OH 43017-5325	\$300.00
6-P1, P2, T1, & T2	Norfolk Southern Railway Company Attn: Solomon Jackson 8000 Ravines Edge Court, Suite 300 B Columbus, OH 43235	\$300.00
TOTAL:		\$900.00

SECTION 5. The Columbus City Attorney is authorized to file complaints for appropriation of real property in the appropriate Court of Common Pleas and impanel a jury to inquire and assess the just compensation to pay for the real property interests described in this ordinance.

SECTION 6. The Columbus City Attorney is authorized to spend Nine Hundred, and 00/100 U.S. Dollars (\$900.00), or as much that is necessary from the Department of Public Service, Streets & Highways GO Bonds Fund, Fund № 704, Project № 590955-100006, OCA Code 745506, object level 3 6601, Div № 59-12, AC 034019-001, for the Project's acquisition costs to appropriate the parcels listed in Section 4 of this ordinance.

SECTION 7. The City intends for this ordinance to constitute an "official intent" for purposes of Treasury Regulations Section 1.150-2(e) promulgated pursuant to the Internal Revenue Code of 1986, as amended.

SECTION 8. The City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 9. For the reasons stated in this ordinance's preamble, which are made a part of this legislation, 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 its passage if the Mayor neither approves nor vetoes this legislation.

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Council Variance Application: CV12-051

APPLICANT: Johnson & Fischer Inc.; c/o Kristin E. Rosan and Darcy A. Shafer; Attys.; Madison & Rosan LLP; 39 East Whittier Street; Columbus, OH 43206.

PROPOSED USE: Contractor's office and storage.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the C-4, Commercial District, and developed with a 3,200± square foot office/storage building as approved by Ordinance No. 1174-2005 (CV05-015). CV05-015 also allowed a second storage building, and prohibited outdoor storage. The office/storage building construction was completed in 2008, but the second storage building was never constructed. A tree service contractor began using the property in 2011, and has been cited for storing equipment and piles of logs outside. The requested Council variance will allow an outdoor storage area for equipment and logs/branches with appropriate height limits, screening and setbacks. The site is located within the planning area of *The Greater Hilltop Plan Amendment* (2010) which recommends "Mixed Use - Neighborhood" uses for this location. Before the Plan was amended in 2010, it recommended that "expanding the permitted uses in older commercial areas to allow for limited manufacturing uses" should be considered. With the conditions proposed, Staff supports the continuation of a contractor's office and storage facility with limited outdoor storage.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; and 3312.43, Required surface for parking, of the Columbus City Codes; for the property located at **499 DERRER ROAD (43204)**, to allow indoor storage, and limited outdoor storage on a gravel surface, in conjunction with a contractor's office in the C-4, Commercial District, and to repeal Ordinance No. 1174-2005, passed on July 18, 2005 (Council Variance # CV12-051).

WHEREAS, by application No. CV12-051, the owner of property at **499 DERRER ROAD (43204)**, is requesting a Council variance to allow indoor storage and limited outdoor storage of equipment, vehicles and supplies on a gravel surface, in conjunction with a contractor's office in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits a contractor's office with no storage of equipment or supplies, while the applicant will maintain a 3,200± square foot office/storage building and proposes an outdoor storage yard as shown on the site plan; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking or loading space, parking lot, aisle or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes to maintain an outdoor storage area for equipment, vehicles and supplies on a gravel surface as shown on the site plan; and

WHEREAS, The Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow the continuation of a contractor's office and storage facility, and Staff is comfortable with the proposed conditions addressing height, screening and setbacks for the limited outdoor storage area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance for the proposed site plan; 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 **499 DERRER ROAD (43204)**, 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; and 3312.43, Required surface for parking, of the Columbus City Codes; is hereby granted for the property located at **499 DERRER ROAD (43204)**, insofar as said sections prohibits indoor storage and limited outdoor storage on a gravel surface in conjunction with a contractor's office in the C-4, Commercial District; said property being more particularly described as follows:

499 DERRER ROAD (43204), being 0.76± acres located on the west side of Derrer Road, 148± feet north of Sullivant Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being One Hundred Fifty (150) feet off of the north end of Lots Numbered Forty (40) and Forty-One (41) of FRANKLIN HEIGHTS SUBDIVISION, in Franklin Township, Franklin County, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, pages 124 and 125, Recorder's Office, Franklin County, Ohio.

Parcel No: 010-121991

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for indoor/outdoor storage in conjunction with a contractor's office.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**EXCELLENT ARBORISTS TREE SRVICE**," drawn by Geo-Graphics, Inc., dated May 16, 2013, and signed by Kevin N. Beechy, Professional Surveyor. 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 reviewed and may be approved 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 Zoning Clearance for the proposed site plan.

SECTION 5. That this ordinance is further conditioned upon the following outdoor storage area limitations:

- a. The outside storage area shall be setback a minimum of one-hundred ten (110) feet from the east property line, fifty (50) feet from the north property line, and ten (10) feet from the south and west property lines as shown on the Site Plan.
- b. The height of the wood piles shall not exceed eight (8) feet.
- c. The existing chain link fence shall include screening to achieve opacity of 95-100%, and all barbed wire is to be removed.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. That Ordinance No. 1174-2005, passed on July 18, 2005, be and is hereby repealed.

Legislation Number: 1794-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: The City of Columbus, Ohio (“City”), an Ohio municipal corporation, is undertaking the Department of Public Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer Project (CIP 650034), which improves sanitary sewer infrastructure (“Project”). In order to complete the Project, the City must acquire certain real property interests in the vicinity of Reynoldsburg-New Albany Road, Blacklick, Ohio 43004 (collectively, “Property”). Therefore, this ordinance authorizes the Columbus City Attorney to acquire fee simple title and lesser interests, contract for professional services, and spend money for the Project’s acquisition costs of the Property.

FISCAL IMPACT: The City determined that funding for the acquisition of the Property needed for the Project will come from the transfer within and expenditure of the following funds:

1. Sanitary Sewer General Obligation Bond Fund | Fund 664
2. Sanitary Sewer Build America Bond Fund | Fund 668
3. Sanitary Sewer Super Build America Bond Fund | Fund 669

EMERGENCY JUSTIFICATION: Emergency action is requested in order for the City to immediately acquire the Property necessary for the City to complete the Project, which preserves the public health, peace, property, and safety.

To authorize the Columbus City Attorney to acquire certain fee simple title and lesser interests from portions of real property; to contract for professional services; to authorize a transfer and expenditure up to Two Hundred Forty Thousand, Four Hundred six and 06/100 U.S. Dollars for costs relating to the acquisition of certain real property interests to complete the Blacklick Creek Sanitary Interceptor Sewer Project (CIP 650034); and to declare an emergency. (\$240,406.06)

WHEREAS, the City of Columbus, Ohio (“City”), an Ohio municipal corporation, is undertaking the Department of Public Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer Project (CIP 650034), which improves sanitary sewer infrastructure (“Project”);

WHEREAS, in order to complete the Project, the City must acquire certain real property interests in the vicinity of Reynoldsburg-New Albany Road, Blacklick, Ohio 43004 (collectively, "Property");

WHEREAS, the City estimates that the total costs for acquiring the Property for this is approximately Six Hundred Thousand, and 00/100 U.S. Dollars (\$600,000.00)

WHEREAS, this ordinance authorizes a transfer and expenditure of only a portion of the Property's acquisition costs for the project, and the City intends to pass additional legislation in increase the appropriate funding for the Project;

WHEREAS, it is necessary to authorize the City Auditor to transfer and expend funds within the Sanitary Sewer Bond Funds;

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget to provide sufficient funding and expenditure authority for the project.

WHEREAS, it is presently necessary to establish an Auditor's Certificate for costs to acquire the Property for the City's Project;

WHEREAS, an emergency exists in the usual daily operation of the City, because it is immediately necessary to authorize the Columbus City Attorney to acquire fee simple title and lesser interests and contract for associated professional services relating to the acquisition of the Property for the Project, which are for the immediate preservation of the public health, peace, property, and safety; and **NOW, THEREFORE:**

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

SECTION 1. The Columbus City Attorney is authorized to acquire fee simple title and lesser interests from portions of real property located in the vicinity of Reynoldsburg-New Albany Road, Blacklick, Ohio 43004 (collectively, "Property"), which are necessary for the City of Columbus, Ohio, Department of Public Utilities, Division of Sewerage and Drainage, Blacklick Creek Sanitary Interceptor Sewer Project (CIP 650034), which improves sanitary sewer infrastructure ("Project"); and to contract for the associated professional services necessary to complete this Project.

SECTION 2. That the City Auditor be and hereby is authorized and directed to transfer up to \$240,406.06 from within the following Sanitary Sewers Bond Funds | Division 60-05 | Object Level Three 6630:

From:

Fund | Proj. No. | Proj. Name | OCA | Amount

664 | 650751-100001 | Williams Rd Sanitary Pump St Force Main Imp | 664751 | -\$5,000.00

664 | 650625-100000 | Beulah Road Trunk Sewer | 664625 | -\$25,222.37

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

664 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | 643406 | +\$30,222.37

From:

Fund | Proj. No. | Proj. Name | OCA | Amount

668 | 650742-100001 | Berliner Park Sewer Improvements | 687421 | -\$88,335.11

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

668 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | 683406 | +\$88,335.11

From:

Fund | Proj. No. | Proj. Name | OCA | Amount

669 | 650737-100001 | CSO Regulator Sluice Gate Mod | 697371 | -\$121,848.58

To:

Fund | Proj. No. | Proj. Name | OCA | Amount

669 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | 693406 | +\$121,848.58

SECTION 3. That the 2013 Capital Improvements Budget Ordinance No. 0645-2013 is hereby amended as follows, to create and provide sufficient budget authority for the award of the agreement stated herein:

Fund # | Project No. | Project Name | Current Authority | Revised Authority | (Change)

664 | 650751-100001 | Williams Rd Sanitary Pump St Force Main Imp | \$75,000 | \$70,000 | (-\$5,000)

664 | 650625-100000 | Beulah Road Trunk Sewer | \$25,223 | \$0 | (-\$25,223)

664 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | \$0 | \$30,223 | (+\$30,223)

668 | 650742-100001 | Berliner Park Sewer Improvements | \$88,336 | \$0 | (-\$88,336)

668 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | \$0 | \$88,336 | (+\$88,336)

669 | 650737-100001 | CSO Regulator Sluice Gate Mod | \$121,849 | \$0 | (-\$121,849)

669 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | \$0 | \$121,849 | (+\$121,849)

SECTION 4. That the Director of Public Utilities is authorized to expend up to \$240,406.06 or as much thereof as may be needed, on the following:

664 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | 643406 | 6601 | +\$30,222.37

668 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | 683406 | 6601 | +\$88,335.11

669 | 650034-100006 | Blacklick Creek Sanitary Interceptor Sewer | 693406 | 6601 | +\$121,848.58

SECTION 5. The Columbus 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. The Columbus City Auditor is 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 this Project when the Project is completed and the monies are no longer required for this Project, except that no transfer shall be made from a project account by monies from more than one source.

SECTION 7. The Columbus City Auditor is authorized to establish proper project accounting numbers as appropriately needed.

SECTION 8. For the reasons stated in this ordinance's preamble, which are made apart of this ordinance, 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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1798-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: The Historic Resources Commission (CC 3117) is charged, in part, with identifying structures, groups, districts and sites of historic and architectural significance. As part of this responsibility, the commission provides recommendations to City Council regarding potential listings on the Columbus Register of Historic Properties. An application (attached) has been made by Moody Nolan Architects (Applicant) in cooperation with the City of Columbus (Owner) to list the property located at 280 East Reeb Avenue (formerly the Reeb Avenue Elementary School) on the register. Listing of this property on the local register will facilitate its listing on the National Register of Historic Places. Local and national listing makes the site eligible for historic tax credits in conjunction with adaptive reuse. Public notice regarding the application was provided and the commission hosted a public hearing on June 20, 2013 at which they voted unanimously to recommend listing of the property on the Columbus Register based on the following criteria outlined in CC 3317:

“The design or style of the property’s exterior and/or interior is of significance to the historical, architectural, or cultural development of the city, state, or nation.”

“The property is identified as a significant work of an architect, artisan, engineer, landscape architect, or builder whose individual work has influenced the historical, architectural, or cultural development of the city, state, or nation.”

“The property demonstrates significant craftsmanship in architectural design, detail, or use of materials.”

“The property is closely and publicly identified with an event, or series of events, which has influenced the historical, architectural, or cultural development of the city, state, or nation.”

FISCAL IMPACT: No funding is required for this legislation.

To list the 280 East Reeb Avenue property (formerly the Reeb Elementary School), on the Columbus Register of Historic Properties.

WHEREAS, the Historic Resources Commission is charged, in part, with identifying structures, groups, districts and sites of historic and architectural significance; and

WHEREAS, as part of this responsibility, the commission provides recommendations to City Council regarding potential listings on the Columbus Register of Historic Properties; and

WHEREAS, an application has been made by Moody Nolan Architects (Applicant) in cooperation with the City of Columbus (Owner) to list the property located at 280 East Reeb Avenue (formerly the Reeb Avenue Elementary School) on the register; and

WHEREAS, listing of this property on the local register will facilitate its listing on the National Register of Historic Places. Local and national listing makes the site eligible for historic tax credits in conjunction with

adaptive reuse; and

WHEREAS, notice was given as required by City Code and a public hearing regarding the application was held on June 20, 2013; and

WHEREAS, the Historic Resources Commission has determined that 280 East Reeb Avenue is qualified for listing on the Columbus Register of Historic Properties under criteria listed in CC 3117.05 and therefore recommends approval of the nominations to Columbus City Council; **now, therefore,**

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

Section 1. That the requirements of CC 3117 regarding listing on the Columbus Register of Historic Properties have been met for the property located at 280 East Reeb Avenue.

Section 2. That the Historic Resources Commission is hereby authorized and directed to enter the 280 East Reeb Avenue property (formerly Reeb Avenue Elementary School), on the Columbus Register of Historic Properties as Listed Property CR 61.

Section 3. That the City Clerk is directed to provide a certified copy hereof to the City Historic Preservation Officer.

Section 4. That the Historic Preservation Officer shall have said designation recorded in the official records of the Franklin County Recorder.

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

Legislation Number: 1799-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: This ordinance authorizes the Finance and Management Director to enter into a contract for the option to purchase Professional Laboratory Services for testing water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants for the Division of Power and Water on an as needed basis. These tests satisfy the requirements of the Federal Safe Water Drinking Act. The term of the proposed option contract would be through August 31, 2016 with the option to renew for one (1) additional year subject to mutual agreement of both parties. The Purchasing Office opened formal bids on June 13, 2013.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA004948). Sixty Nine (69) Bids were solicited: (MBR-2, M1A-1, F1-2) Three (3) Bids were received.

The Purchasing Office is recommending award to the lowest, responsive, responsible and best bidders:

Environmental Associates Ltd. CC#161300477 (expires 5-16-2015)

UL LLC CC#943282454 (expires 6-18-2015)

Total Estimated Annual Expenditure: \$45,000.00

These companies are not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings For Recovery Database.

This ordinance is being submitted as an emergency because, the current contract will expire on August 31, 2013 and without emergency action, These tests required to satisfy the requirements of the Federal Safe Water Drinking Act will be delayed.

FISCAL IMPACT: Funding to establish this option contract is budgeted in the Mail, Print Services and UTC Fund. The Division of Power and Water will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

To authorize the Finance & Management Director to enter into a contract for the option to purchase Professional Laboratory Services for testing water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants on an as needed basis with Environmental Associates Ltd., Inc. and UL LLC; to authorize the expenditure of Two (2) dollars from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$2.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 13, 2013 and selected the lowest responsive, responsible and best bidders; and

WHEREAS, this ordinance addresses Purchasing objective of 1) maximizing the use of City resources by obtaining optimal products/services at low prices and 2) encouraging economic development by improving access to City bid opportunities and 3) providing effective option contracts for the purchase of Professional Laboratory Services for testing water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants ; and

WHEREAS, these Professional Laboratory Services are necessary to allow the Division of Power and Water to test water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Power and Water, in that it is immediately necessary to enter into contracts for an option to purchase Professional Laboratory Services for testing water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants, 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 and directed to enter into the following contracts for an option to purchase Professional Laboratory Services for testing water and environmental samples for Giardia and Cryptosporidium and other microbial contaminants for the term ending August 31, 2016 with the option to extend these contract subject to mutual agreement for One (1) year in accordance with Solicitation No. SA004948 as follows:

Environmental Associates Ltd. Items 1, 2 and 3: Amount \$1.00

UL LLC Items 4, 5, 6, 7, 8, 9 and 10: Amount \$1.00

SECTION 2. That the expenditure of \$2.00 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 the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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: 1800-2013

Drafting Date: 7/2/2013

Current Status: Passed

Version: 2

Matter Type: Ordinance

BACKGROUND: This ordinance authorizes an expenditure of \$277,226.19 for the Division of Police to pay prisoner medical bills to Grant/Riverside Methodist Hospitals, and to Mount Carmel Medical Center. The Division of Police is responsible for medical care provided to prisoners in police custody. The Division of Police works with Careworks to determine if individuals were incarcerated or in the custody of the Division of Police during the specified dates of services on the medical invoices. These invoices are also reviewed by our current contractor, Careworks, who verifies all the charges on the invoices and negotiates the cost with the hospital staff.

Contract Compliance: Grant/ Riverside 314394942 - NPO, Mt. Carmel 311439334 - NPO

Emergency Designation: Emergency legislation is requested for this ordinance in order to pay outstanding prisoner medical bills.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$277,226.19 from the General Fund for payment of prisoner medical bills (\$232,432.63) to Grant/Riverside Methodist Hospitals, and (\$44,793.56) to Mount Carmel Medical Center. The Division of Police budgeted \$811,735.00 in the 2013 General Fund budget for medical services for prisoners. With this expenditure, the Division has encumbered or spent approximately \$511,477.00 for prisoner medical claims. The Division spent approximately \$956,802.00 for prisoner medical bills in 2012.

To authorize and direct the Director of Public Safety to pay prisoner medical bills to Grant/Riverside Methodist Hospitals, and to Mount Carmel Medical Center for the Division of Police, to authorize the expenditure of \$277,226.19 from the General Fund; ~~and to declare an emergency—(\$277,226.19)~~

WHEREAS, individuals were incarcerated or in the custody of the Division of Police during the specified dates of services on the medical invoices; and

WHEREAS, pursuant to the City Attorney's office, the Division of Police findings, and Careworks, the Division is responsible for the medical bills; ~~and now therefore~~

~~WHEREAS, an emergency exists in the usual daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary for payment of medical invoices to Grant/Riverside Hospitals, and to Mount Carmel Medical Center 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 Public Safety be and is hereby authorized and directed to pay Grant/Riverside Methodist Hospitals \$232,432.63, and Mount Carmel Medical Center \$44,793.56 for prisoner medical bills.

SECTION 2. That the expenditure of \$277,226.19, or so much thereof as may be needed, be and the same is hereby authorized as follows:

<u>DIV</u>	<u>FUND</u>	<u>OBJ LEV (1)</u>	<u>OBJ LEV (3)</u>	<u>OCA#</u>
30-03	010	03	3413	301382

SECTION 3. ~~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 enforced 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: 1801-2013

Drafting Date: 7/3/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - Sidewalk Program 2013 project and to provide payment for construction administration and inspection services.

The Pedestrian Safety Improvements - Sidewalk Program 2013 project consists of the removal and replacement, at potentially 50 locations, of the sidewalk, drive approach, and gutter/curb. The estimated Notice to Proceed date is August 14, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on June 27, 2013, (three majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
George J. Igel & Co., Inc.	\$667,084.00	Columbus, OH	Majority
Columbus Asphalt Paving	\$730,781.53	Columbus, OH	Majority
G&G Cement Contractors	\$811,247.80	Columbus, OH	Majority

The proposal documents contain SP-146 which states "It is the City's intent to fully utilize the available

funding provided to its Sidewalk Program within the approved Capital Improvements Budget. Therefore, the City reserves the right to increase or decrease the base bid amount, up to or down to a maximum of \$509,000.00. The total amount of the work and other incidentals will not exceed the total amount of the contract (maximum of \$509,000.00). In the event that the City does add sidewalks to the original list in order to use the remaining available funds, the contractor shall be bound by all bid specifications and other terms and conditions contained in this contract document. The contract will be awarded to the lowest (determined by the base bid, not including additional funds to equal the maximum of \$509,000.00), responsive and responsible and best bidder per Columbus City Code Section 329.”

Award is to be made to George J. Igel & Co., Inc. as the lowest, responsive, responsible and best bidder. The contract amount will be \$509,000.00. The amount for construction administration and inspection services will be \$91,000.00. The total legislated amount shall be \$600,000.00

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against George J. Igel & Co., Inc.

2. CONTRACT COMPLIANCE

The contract compliance number for George J. Igel & Co., Inc. is 314214570 and expires 12/20/14.

3. FISCAL IMPACT

Funding for this project is available within the Street and Highway Improvement Fund, No. 766. A transfer of cash and budget authority from the unallocated balance is necessary for this project.

4. EMERGENCY DESIGNATION

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season and to allow the improved intersections to be available to the public for the highest provision of vehicular and pedestrian safety.

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer of cash and appropriation within the Street and Highway Improvements Fund; to authorize the Director of Public Service to enter into contract with George J. Igel & Co., Inc., and to provide for the payment of construction administration and inspection services in connection with the Pedestrian Safety Improvements - Sidewalk Program 2013 project; to authorize the expenditure of up to \$600,000.00 from the Street and Highway Improvements Fund; and to declare an emergency. (\$600,000.00)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the Pedestrian Safety Improvements - Sidewalk Program 2013 project; and

WHEREAS, this project consists of improving the sidewalk, drive approach, and gutter/curb by the removal and replacement, at potentially 50 locations, of the sidewalk, drive approach and gutter/curb; and

WHEREAS, George J. Igel & Co., Inc. will be awarded the contract for the Pedestrian Safety Improvements - Sidewalk Program 2013 project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

WHEREAS, it is necessary to authorize an amendment to the 2013 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 Department of Public Service in order to maintain the project schedule and provide the improved intersections planned in this project to provide the highest level of vehicular and pedestrian safety possible 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 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be amended to provide sufficient authority in the appropriate project detail number for this project as follows:

Fund / Project / Project Name / Current C.I.B. / Change / C.I.B. as amended

766 / 530161-100095 / Roadway Improvement - Stygler Rd (Street & Highway Imp Carryover) / \$0.00 / \$25,686.00 / \$25,686.00 (revenue)
766 / 530210-100034 / Curb Replacement - Downtown (Street & Highway Imp Carryover) / \$32.00 / \$1,212.00 / \$1,244.00 (cancellation)
766 / 530210-100035 / Curb Replacement - Near East (Street & Highway Imp Carryover) / \$72.00 / \$2,770.00 / \$2,842.00 (cancellation)
766 / 530210-100038 / Curb Replacement - Near South (Street & Highway Imp Carryover) / \$305.00 / \$11,773.00 / \$12,078.00 (cancellation)
766 / 530210-100044 / Curb Replacement - Citywide (Street & Highway Imp Carryover) / \$41.00 / \$1,558.00 / \$1,599.00 (cancellation)

766 / 530086-100023 / Intersection Imp Gender Road At Refugee (Street & Highway Imp Carryover) / \$82,960.00 / (\$222.00) / \$82,738.00
766 / 530103-100005 / Art Street Rehab - Fairwood/Watkins-Koebel Rd (Street & Highway Imp Carryover) / \$14,832.00 / (\$14,832.00) / \$0.00
766 / 530161-100000 / Roadway Improvements (Street & Highway Imp Carryover) / \$30,729.00 / (\$30,729.00) / \$0.00
766 / 530161-100095 / Roadway Improvement - Stygler Rd (Street & Highway Imp Carryover) / \$25,686.00 / (\$25,686.00) / \$0.00
766 / 590105-100051 / Pedestrian Safety - Henderson Rd - Olentangy to W of Kenny (Street & Highway Imp Carryover) / \$0.00 / \$8,222.00 / \$8,222.00 (cancellation)

766 / 530210-100034 / Curb Replacement - Downtown (Street & Highway Imp Carryover) / \$1,244.00 / (\$1,244.00) / \$0.00
766 / 530210-100035 / Curb Replacement - Near East (Street & Highway Imp Carryover) / \$2,842.00 / (\$2,842.00) / \$0.00
766 / 530210-100038 / Curb Replacement - Near South (Street & Highway Imp Carryover) / \$12,078.00 / (\$12,087.00) / \$0.00
766 / 530210-100044 / Curb Replacement - Citywide (Street & Highway Imp Carryover) / \$1,599.00 / (\$1,599.00) / \$0.00
766 / 530301-100000 / Bridge Rehabilitation (Street & Highway Imp Carryover) / \$60,096.00 / (\$60,096.00) / \$0.00
766 / 530301-100010 / Bridge Rehabilitation - Citywide Project 1 (Street & Highway Imp Carryover) / \$16,559.00 / (\$16,559.00) / \$0.00
766 / 540001-100000 / Parking Meters (Street & Highway Imp Carryover) / \$1,864.00 / (\$1,864.00) / \$0.00
766 / 590105-100032 / Pedestrian Safety-Hague/Valleyview SRTS(Street & Highway Imp Carryover) / \$39,082.00 / (\$39,082.00) / \$0.00
766 / 590105-100051 / Pedestrian Safety - Henderson Rd - Olentangy to W of Kenny (Street & Highway Imp Carryover) / \$8,222.00 / (\$8,222.00) / \$0.00
766 / 590132-100000 / Facility Improvements (Street & Highway Imp Carryover) / \$331,218.00 / (\$1,218.00) /

\$330,000.00

766 / 590133-100000 / COMBAT (Street & Highway Imp Carryover) / \$1,402.00 / (\$1,402.00) / \$0.00

766 / 590911-100000 / Cooper Lakes II, LLC (Street & Highway Imp Carryover) / \$50,000.00 / (\$2,438.00) / \$47,562.00

766 / 766999-100000 / Unallocated Balance (Street & Highway Imp Carryover) / \$379,893.00 / (\$379,893.00) / \$0.00

SECTION 2. The sum of \$552,976.22 be and is hereby appropriated from the unappropriated balance of the Streets and Highways Improvement Fund, Fund 766, 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, 2013 as follows:

Fund / Project / Project Name / O.L. 01/03 Codes / OCA Code / amount

766 / 530086-100023 / Intersection Imp Gender Road At Refugee / 06-6600 / 768623 / \$221.20

766 / 530103-100005 / Art Street Rehab - Fairwood/Watkins-Koebel Rd / 06-6600 / 761035 / \$14,832.00

766 / 530161-100000 / Roadway Improvements / 06-6600 / 590010 / \$30,728.59

766 / 530161-100095 / Roadway Improvement - Stygler Rd. / 06-6600 / 716195 / \$25,685.88

766 / 530301-100000 / Bridge Rehabilitation / 06-6600 / 766301 / \$60,095.88

766 / 590105-100032 / Pedestrian Safety-Hague/Valleyview SRTS/ 06-6600 / 760532 / \$39,082.00

766 / 590911-100000 / Cooper Lakes II, LLC / 06-6600 / 766911 / \$2,437.70

766 / 766999-100000 / Unallocated Balance / 06-6600 / 766999 / \$379,892.97

SECTION 3. That the transfer of cash and appropriation within the Street and Highway Improvement Fund be authorized as follow:

Transfer from:

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

766 / 530086-100023 / Intersection Imp Gender Road At Refugee / 06-6600 / 768623 / \$221.50

766 / 530103-100005 / Art Street Rehab - Fairwood/Watkins-Koebel Rd / 06-6600 / 761035 / \$14,832.00

766 / 530161-100000 / Roadway Improvements / 06-6600 / 590010 / \$30,728.59

766 / 530161-100095 / Roadway Improvement - Stygler Rd. / 06-6600 / 716195 / \$25,685.88

766 / 530210-100034 / Curb Replacement - Downtown / 06-6600 / 721034 / \$1,243.27

766 / 530210-100035 / Curb Replacement - Near East / 06-6600 / 721035 / \$2,841.76

766 / 530210-100038 / Curb Replacement - Near South / 06-6600 / 721038 / \$12,077.52

766 / 530210-100044 / Curb Replacement - Citywide / 06-6600 / 721044 / \$1,598.51

766 / 530301-100000 / Bridge Rehabilitation / 06-6600 / 766301 / \$60,095.88

766 / 530301-100010 / Bridge Rehabilitation - Citywide Project 1 / 06-6600 / 763110 / \$16,558.63

766 / 540001-100000 / Parking Meters / 06-6600 / 760100 / \$1,863.47

766 / 590105-100032 / Pedestrian Safety-Hague/Valleyview SRTS/ 06-6600 / 760532 / \$39,082.00

766 / 590105-100051 / Pedestrian Safety - Henderson Rd - Olentangy to W of Kenny / 06-6600 / 761051 / \$8,221.32

766 / 590132-100000 / Facility Improvements / 06-6600 / 591136 / \$1,217.65

766 / 590133-100000 / COMBAT / 06-6600 / 591137 / \$1,401.35

766 / 590911-100000 / Cooper Lakes II, LLC / 06-6600 / 766911 / \$2,437.70

766 / 766999-100000 / Unallocated Balance / 06-6600 / 766999 / \$379,892.97

Transfer to:

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

766 / 590105-100089 / Pedestrian Safety Improvement - NOV Assessment / 06-6600 / 710589 / \$600,000.00

SECTION 4. That the Director of Public Service be and is hereby authorized to enter into contract with George J. Igel & Co., Inc. 2040 Alum Creek Drive, Columbus, Ohio 43207 for the construction of the Pedestrian Safety Improvements - Sidewalk Program 2013 project in the amount of \$509,000.00 or so much thereof as may be needed 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 \$91,000.00.

SECTION 5. That for the purpose of paying the cost of the contract and inspection, the sum of \$600,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Street and Highway Improvements Fund, No. 766, for the Division of Design and Construction, Dept.-Div. 59-12

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

766 / 590105-100089 / Pedestrian Safety Improvement - NOV Assessment / 06-6631 / 710589 / \$509,000.00

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

766 / 590105-100089 / Pedestrian Safety Improvement - NOV Assessment / 06-6687 / 710589 / \$91,000.00

SECTION 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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.

SECTION 9. 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: 1803-2013

Drafting Date: 7/3/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: Ordinance 0842-2013, passed April 15, 2013, authorized the Director of the Department of Development to enter into contracts with various social service organizations to provide support for critical social service programs through the Neighborhood Initiatives Fund. One program included in that ordinance was the ALPHA Minority Youth Engineering Program that was to receive \$10,000 to promote engineering opportunities in education and employment for minority students.

The organization originally planned to operate the ALPHA Minority Youth Engineering Program is unable to do so. Therefore, St. Stephen's Community House will serve as the program delivery agent and will operate the ALPHA Minority Youth Engineering Program.

This ordinance amends Ordinance 0842-2013 by adding St. Stephen's Community House as the provider of the ALPHA Minority Youth Engineering Program.

Emergency action is requested so that program services can begin without further interruptions.

FISCAL IMPACT: No additional funding is required by this legislation.

To amend Ordinance 0842-2013, passed April 15, 2013, to add St. Stephen's Community House as the program provider of the ALPHA Minority Youth Engineering Program; and to declare an emergency.

WHEREAS, on April 15, 2013, Columbus City Council passed Ordinance 0842-2013, authorizing the Development Director to enter into a contract with various social service agencies and included the ALPHA Minority Youth Engineering Program; and

WHEREAS, it has been determined that the original ALPHA Minority Youth Engineering Program operator is no longer available; and

WHEREAS, St. Stephen's Community House has been identified as the organization qualified and able to deliver the ALPHA Minority Youth Engineering Program; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to authorize the amendment to Ordinance 0842-2013 so that program services can begin without further interruptions, all 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 Section 2 of Ordinance 0842-2013, passed April 15, 2013, is hereby amended to read as follows:

That the Director of the Department of Development is hereby authorized to enter into agreements with the various agencies listed below for a one year period and for the amounts indicated:

Charitable Pharmacy of Central Ohio - \$25,000.00

Maryhaven - \$32,500.00

Central Ohio Diabetes Association - \$15,000.00

Homeless Families Foundation - \$20,000.00

Jewish Family Services (Nat'l Council of Jewish Women) - \$2,500.00

St. Stephen's Community House/ALPHA Minority Youth Engineering Program - \$10,000.00

CSB for Star House - \$15,000.00

TOTAL: \$120,000.00

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: 1804-2013

Drafting Date: 7/3/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: Through the Ryan White Part A Grant, funds are available for Behavioral Health services to persons living with HIV or AIDs in Delaware, Fairfield, Franklin, Licking, Madison, Morrow, Pickaway, and Union counties. This ordinance authorizes the Board of Health to enter into contract with AIDS Resource Center Ohio and Nationwide Children’s Hospital for the provision of Behavioral Health Services for people living with HIV/AIDS.

Services for these contracts were advertised through Vendor Services (SA004967) in May, 2013. AIDS Resource Center Ohio and Nationwide Children’s Hospital will be awarded contracts.

AIDS Resource Center Ohio’s contract compliance No. is 311126780 and expires 11/30/14.
Nationwide Children’s Hospital’s contract compliance No. is 316056230 and expires 6/11/15.

FISCAL IMPACT: The funds needed for this contract are budgeted and available within the Health Department Grants Fund, Fund 251.

To authorize the Board of Health to enter into contract with AIDS Resource Center Ohio and Nationwide Children’s Hospital for the provision of behavioral health services related to HIV/AIDS for the period August 1, 2013 through February 28, 2014 and to authorize the expenditure of \$555,129.00 from the Health Department Grants Fund to pay the costs thereof. (\$555,129.00)

WHEREAS, Columbus Public Health has received funding from the U.S. Department of Health and Human Services, Health Resources and Services Administration, for the Ryan White Part A HIV Emergency Relief Grant Program; and,

WHEREAS, in order to ensure services are provided according to the needs of the program, it is necessary to enter into contracts with AIDS Resource Center Ohio and Nationwide Children’s Hospital for the provision of Behavioral Health services related to HIV/AIDS; and,

WHEREAS, the contract period is August 1, 2013 through February 28, 2014; Now, therefore,

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

SECTION 1. That the Board of Health is hereby authorized to enter into a contract with AIDS Resource Center Ohio and Nationwide Children’s Hospital for the provision of Behavioral Health services under the Ryan White Part A HIV Emergency Relief Grant Program, for the period of August 1, 2013 through February 28, 2014.

SECTION 2. That to pay the cost of said contracts, the expenditure of \$555,129 is hereby authorized from the

Health Department Grants Fund, Fund No. 251, Department of Health, Department No. 50-01, Grant No. 501314, OCA Code 501314, Object Level One 03, Object Level Three 3351, as follows:

AIDS Resource Center Ohio	\$303,099.00
Nationwide Children’s Hospital	\$252,030.00

SECTION 3. That this contract is awarded in accordance with Sections 329.12 and 329.14 of the Columbus City Code.

SECTION 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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

Legislation Number: 1805-2013

Drafting Date: 7/3/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This ordinance authorizes the Director of Public Service to enter into an agreement to participate and fund a project with the Mid Ohio Regional Planning Commission (MORPC) to conduct an initial planning level traffic study to assess the growth and traffic forecasts on the SR 161 corridor from approximately Sawmill Road to SR 315. Participants in the study include City of Columbus, Perry Township, City of Worthington, Ohio Department of Transportation (ODOT), Franklin County Engineer’s Office, and MORPC.

Working with the jurisdictions, MORPC will prepare a base 2035 network. The base network would include all projects on the MORPC FY 2014-2017 Transportation Improvement Program (TIP) and other projects in the area as identified and committed by the jurisdictions. For SR 161, the base network would assume no significant changes to SR 161 from Sawmill Road to SR 315. Due to the capacity constraints in the corridor, if significant capacity is added to SR 161, additional traffic may use the corridor than would in the base condition. For this reason 2 or 3 alternative network assumptions which include additional capacity on SR 161 may be developed as agreed upon by the jurisdictions. A final report documenting all land use, traffic forecasting and analysis information would be prepared.

2. FISCAL IMPACT

Funds in the amount of \$25,000.00 are available for this project in the Streets and Highways Bond Fund within the Department of Public Service. An amendment to the 2013 Capital Improvements fund is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

3. CONTRACT COMPLIANCE

Mid-Ohio Regional Planning Commission’s contract compliance number is 311009675 and expires 3/22/15.

4. EMERGENCY

Emergency action is requested to maintain MORPC’s project schedule.

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to transfer of cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into an agreement with the Mid Ohio Regional Planning Commission for the SR-161 Corridor Traffic Study project; to authorize the expenditure of up to \$25,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$25,000.00)

WHEREAS, MORPC shall conduct an initial planning level traffic study to assess the growth and traffic forecasts on the SR 161 corridor from approximately Sawmill Road to SR 315 and participants in the study include City of Columbus, Perry Township, City of Worthington, Ohio Department of Transportation (ODOT), Franklin County Engineer's Office, and MORPC; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into agreement with MORPC for the project described above in the amount of up to \$25,000.00; and

WHEREAS, it is necessary to authorize an amendment to the 2013 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 Department of Public Service in that this agreement should be authorized immediately so that funding can be made available for the study and to maintain MORPC's schedule, thereby preserving the public health, peace, prosperity, and welfare; now, therefore

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

SECTION 1. That the 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be amended to provide sufficient authority in the appropriate project detail number for this project as follows:

Fund / Project / Project Name / Current C.I.B. / Change / C.I.B. as amended
704 / 590127-100000 / Spring Sandusky Interchange (Voted Carryover) / \$27,988.00 / (\$25,000.00) / \$2,988.00
704 / 530161-100011 / Roadway Improvements - SR161/Sawmill-SR315 (Voted Carryover) / \$0.00 / \$25,000.00 / \$25,000.00

SECTION 2. That the transfer of cash and appropriation within the Streets and Highways G.O. Bond Fund, 704 be authorized as follow:

Transfer from:
Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590127-100000 / Spring Sandusky Interchange / 06-6600 / 590127 / \$25,000.00

Transfer to:
Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530161-100011 / Roadway Improvements - SR161/Sawmill-SR315 / 06-6682 / 746111 / \$25,000.00

Section 4. That the Director of Public Service be authorized to enter into an agreement with MORPC up to \$25,000.00 to participate and fund a project with the Mid Ohio Regional Planning Commission (MORPC) to produce a SR-161 corridor traffic study.

SECTION 5. That the expenditure of \$25,000.00 is hereby authorized for the above described purchase as

follows:

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

704 / 530161-100011 / Roadway Improvements - SR161/Sawmill-SR315 / 06-6682 / 746111 / \$25,000.00

SECTION 6. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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.

SECTION 9. 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: 1807-2013

Drafting Date: 7/3/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - Quick to Construct Project 2 (Grandview Ave., Henderson Rd., and Weinland Park) project and to provide payment for construction administration and inspection services.

The Pedestrian Safety Improvements - Quick to Construct Project 2 (Grandview Ave., Henderson Rd., and Weinland Park) project consists of sidewalk construction on both sides of Grandview Avenue between 5th Avenue and King Avenue, on the south side of Henderson Road between Kenny Road and Reed Road, and on 6th Avenue between 5th Street and 6th Street. This project will also install a curb extension and ramps on 6th Avenue at 5th Street; and curb extension, ramps, and landscaping at the intersections of Indianola Avenue and 5th Avenue, Indianola Avenue and 9th Avenue.

The estimated Notice to Proceed date is August 14, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on July 2, 2013, (three majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Newcomer Concrete Services, Inc.	\$681,394.04	Norwalk, OH	Majority

Shelly and Sands, Inc.	\$726,113.02	Columbus, OH	Majority
Columbus Asphalt Paving, Inc.	\$742,978.05	Columbus, OH	Majority

Award is to be made to Newcomer Concrete Services, Inc. as the lowest, responsive, responsible and best bidder. The contract amount will be \$681,394.04. The amount for construction administration and inspection services will be \$102,209.11. The total legislated amount shall be \$783,603.15.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Newcomer Concrete Services, Inc.

2. CONTRACT COMPLIANCE

The contract compliance number for Newcomer Concrete Services, Inc. is 341302197 and expires 2/7/14.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$783,603.15 against the Special Income Tax Fund. Upon sale of the 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, to provide engineering and services, and to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$783,603.15 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into a 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 - Sidewalk Program Construction project; to authorize the expenditure of up to \$783,603.15 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$783,603.15)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the Pedestrian Safety Improvements - Quick to Construct Project 2 (Grandview Ave., Henderson Rd., and Weinland Park) project; and

WHEREAS, this project consists of improving sidewalks on both sides of Grandview Avenue between 5th Avenue and King Avenue, on the south side of Henderson Road between Kenny Road and Reed Road, and on 6th Avenue between 5th Street and 6th Street. This project will also install a curb extension and ramps on 6th Avenue at 5th Street; curb extension, ramps and landscaping at the intersections of Indianola Avenue and 5th Avenue, Indianola Avenue and 9th Avenue; and

WHEREAS, Newcomer Concrete Services, Inc. will be awarded the contract for the Pedestrian Safety Improvements - Quick to Construct Project 2 (Grandview Ave., Henderson Rd., and Weinland Park) project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$783,603.15; 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 operations of the Department of Public Service in that it is immediately necessary to provide engineering and services and to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program 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. The sum of \$783,603.15 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 un-appropriated for any other purpose during the fiscal year ending December 31, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100006 / Pedestrian Safety Improvements - Sidewalk Program Construction / 06-6600 / 710506 / \$783,603.15

SECTION 3. . That the Director of Public Service be and is hereby authorized to enter into contract with Newcomer Concrete Services, Inc. 646 Townline Road 151, P.O. Box 672, Norwalk, Ohio 44857 for the construction of the Pedestrian Safety Improvements - Quick to Construct Project 2 (Grandview Ave., Henderson Rd., and Weinland Park) project in the amount of \$681,394.04 or so much thereof as may be needed 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 \$102,209.11.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

SECTION 6. 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 \$783,603.15 (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 7. That for the purpose of paying the cost of the contract and inspection, the sum of \$783,603.15 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and 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 / 590105-100006 / Pedestrian Safety Improvements - Sidewalk Program Construction / 06-6631 / 710506 / \$681,394.04

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

704 / 590105-100006 / Pedestrian Safety Improvements - Sidewalk Program Construction / 06-6687 / 710506 / \$102,209.11.

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.

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

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 passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1810-2013

Drafting Date: 7/3/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: Due to an inadvertent oversight, ordinance 1341-2013, passed July 1, 2013, referenced an incorrect contract number. This new ordinance reestablishes all the same provisions of what this earlier ordinance was intended to accomplish by repealing the ordinance and authorizing the purchase from the proper contract number.

This ordinance authorizes the Finance and Management Director to establish purchase orders with Byers Ford,

in accordance with the terms and conditions of contract number FL005473, for the acquisition of forty eight (48) vehicles for the Fleet Management Division to be distributed to the following divisions: Support Services, Refuse, Recreation and Parks, Parking Violations Bureau (PVB), Fire, Police, and Planning and Operations. These new vehicles will be replacing older higher mileage vehicles that will reduce maintenance costs, and reduce petroleum fuel consumption.

Additionally, this ordinance authorizes the Finance and Management Director, Fleet Management to establish purchase orders with Ricart Properties for ten (10) used vehicles, of mixed models, for use as undercover police vehicles, in accordance with the terms and conditions of contract number FL004444.

The vehicles that are being purchased are as follows:

Support Services- Ford F150 (2)

Refuse- Ford F150 (4)

Recreation and Parks- Ford E150 (2); Ford E350 (2)

PVB- Ford F150 (2); Ford E150 (2)

Police- Ford E350-PTV (20); Various vehicles (10)

Fire- Ford F150 (1); Ford F250 (1)

Planning and Operations- Ford F150 (10); Ford E350 (2)

Byers Ford Contract Compliance Number is 31-4139860 and expires 02/10/2014

Ricart Properties Contract Compliance Number is 31-1282546 and expires 10/11/2014

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

Fiscal Impact: A total of \$936,912.00 will be spent from the Special Income Tax Fund and was adopted as part of the 2013 budget.

Emergency Action is requested so that the order for these vehicles can be placed and older high mileage vehicles can be removed from service.

To authorize the Finance and Management Director to establish purchase orders with Byers Ford and Ricart Properties for the purchase of fifty eight (58) vehicles for use by various City divisions; to repeal ordinance 1341-2013, which was passed July 1, 2013; to authorize the appropriation of \$936,912.00 and expenditure from the Special Income Tax fund; and to declare an emergency (\$936,912.00)

WHEREAS, City Council has passed 1341-2013 on July 1, 2013, and inadvertently an incorrect contract was referenced; and

WHEREAS, ordinance 1341-2013 must be repealed and a new ordinance passed so as to properly reference the correct contract document; and

WHEREAS, various city divisions including Support Services, Refuse, Recreation and Parks, Parking Violations Bureau (PVB), Fire, Police, and Planning and Operations have a need to replace older and high mileage vehicles; and

WHEREAS, there is also a need for various used mixed vehicle models for undercover police work; and

WHEREAS, the replacement of some of these vehicles would greatly reduce the maintenance expense associated with older vehicles; and

WHEREAS, funding for these vehicles is available in the Special Income Tax fund; and

WHEREAS, an emergency exists in the usual daily operations of the Communication Support Service, Refuse, Recreations and Parks, Parking Violations Bureau (PVB), Fire Division, Police Division, and Planning and Operations, in that it is immediately necessary to authorize the Finance and Management Director to establish a purchase order for the purchase of these 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 authorized to establish a purchase order with Byers Ford, in accordance with the terms and conditions of contract number FL005473, for the purchase of 48 vehicles on behalf of various divisions of the City.

SECTION 2. That the Finance and Management Director is authorized to establish a purchase order with Ricart Properties, in accordance with the terms and conditions of contract number FL004444, for the purchase of 10 vehicles on behalf of the Division of Police.

SECTION 3. Ordinance 1341-2013, passed July 1, 2013, is hereby repealed.

SECTION 4. That the City Auditor is authorized to appropriate \$936,912.00 within the Special Income Tax Fund as follows: Fund 430, Division 45-05; OCA 454301, Object Level Three: 6650.

SECTION 5. That the expenditure of \$936,912.00, or so much thereof as may be necessary in regard to the actions authorized in Sections 1 and 2, be and is hereby authorized and approved as follows:

Department: 45-05
Fund: 430
OCA: 454301
Obj Level 01: 06
Obj Level 03: 6650
Amount: \$936,912.00

SECTION 6. 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: 1814-2013

Drafting Date: 7/5/2013

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 No. SA00324) in April 2009 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 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.

The City entered into a contract with Arthur J. Gallagher Risk Management Services, Inc., as authorized by Ordinance No. 0943-2009, passed on 07/8/09, for the term August 1, 2009 through July 31, 2010 for insurance brokerage and engineering services and for the associated premiums for the property (casualty), boiler and machinery, and aviation insurance. The funding for the consecutive 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 was authorized for the first renewal term by Ordinance No. 0912-2010 (August 1, 2010 through July 31, 2011), Ordinance No. 0989-2011 for the second renewal term (August 1, 2011 through July 31, 2012), and Ordinance No. 1348-2012 for the third renewal term (August 1, 2012 through July 31, 2013). During the current 2012-2013 insurance year, as authorized by Ordinance No. 2046-2012, the City added a fourth program of insurance to provide for commercial general liability coverage for the operation of its CNG facility at 4211 Groves Road.

This ordinance authorizes the Director of Finance and Management to pay the cost of the fourth and final one-year renewal term of the insurance brokerage and engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. for the term August 1, 2013 through July 31, 2014, to bind coverage for all City 2013-2014 insurance programs, and to expend up to \$386,500.00 from the Department of Finance and Management 2013 General Revenue Fund Budget and up to \$130,000.00 from the Department of Public Safety 2013 General Revenue Fund Budget.

Per the City's requirements to annually solicit underwriting quotes, Arthur J. Gallagher Risk Management Services, Inc. solicited the market for underwriting of the City's insurance programs for coverage for the fourth renewal term commencing August 1, 2013 and terminating July 31, 2014. 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 as follow: Affiliated FM Insurance Company for property (casualty) insurance; Phoenix Aviation (Old Republic Insurance Company) for aviation insurance; American Safety Indemnity Company for general liability insurance; and RSUI Indemnity for excess liability insurance. It has been determined that it is in the City's best interest to change from the incumbent boiler and machinery insurance carrier to Hartford Steam Boiler Inspection and Insurance Company based on their quote to provide the City with the same level and breadth of coverage at a significantly lower premium rate. The City's property casualty policy will include reduced flood coverage at a maximum of \$50,000,000.00. Catastrophic flood loss claims received from municipalities last year due to storms including Hurricane Sandy have resulted in insurance carriers reducing total flood coverage limits for municipalities from \$100,000,000 to \$50,000,000. The policies selected include the following deductibles: \$250,000 per occurrence for property (casualty) insurance (excluding those properties in flood areas which have a \$ deductible); \$25,000 per occurrence for boiler & machinery insurance; 1% of insured value for aviation insurance for loss events with "rotors in motion", and \$5,000 per loss occurrence for general liability coverage associated with the CNG operation. The City carries general liability coverage associated with its aviation policy at \$15,000,000 per loss occurrence and general liability coverage for CNG operations at \$2,000,000 per loss occurrence. The new insurance policies are effective from August 1, 2013 through July 31, 2014. The fee for brokerage and risk engineering services provided by Arthur J. Gallagher Risk Management Services, Inc. remains unchanged at \$30,000.

Details of the City's risk management and insurance program for the 2013-2014 term for the selected property locations, contents, stored vehicle, and scheduled aircraft and liability is detailed on the lists attached to this ordinance.

This ordinance also authorizes the Director of Finance and Management to approve changes in the City's insurance program for: additions of buildings, aircraft, vehicles; changes to coverage limits; and additional forms or lines of coverage during the 2013-2014 policy term as may be necessary.

The Contract Compliance Number for Arthur J. Gallagher Risk Management Services, Inc. is 36-2102482 with an expiration date of 01/12/2014.

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 Budget 2013 and the Department of Public Safety General Revenue Fund Budget 2013. This ordinance authorizes the expenditure of up to \$516,500 for premiums associated with insurance coverage necessary to protect City assets.

Emergency action is requested to allow for the immediate binding of the City's insurance coverage for insurance year 2013-2014 for property, boiler and machinery, general liability, and aviation to continue without interruption.

To authorize the Director of Finance and Management to expend funds for the contract with Arthur J. Gallagher Risk Management Services, Inc. for the fourth and final automatic consecutive one (1) year renewal term, to bind the City's insurance for the term commencing August 1, 2013 and terminating July 31, 2014; to authorize the expenditure of up to \$516,500.00 for the City's 2013-2014 insurance program from the General Fund; and to declare an emergency. (\$516,500.00)

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, the City of Columbus approved funding for the renewals of the insurance brokerage and engineering services contract with Arthur J. Gallagher Risk Management Services, Inc. pursuant to Ordinance No. 0912-2010 for the first renewal term (August 1, 2010 through July 31, 2011), Ordinance No. 0989-2011 for the second renewal term (August 1, 2011 through July 31, 2012), and Ordinance No. 1348-2012 for the third renewal term (August 1, 2012 through July 31, 2013); 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 fourth and final consecutive one (1) year term commencing August 1, 2013 and terminating July 31, 2014; and

WHEREAS, it may be necessary to pay additional associated premium costs during the 2013-2014 policy term due to required changes in the City's insurance program for additions to lines of coverage, buildings, aircraft, vehicles, or changes to coverage limits; 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 and machinery, and aircraft insurance programs including the underwriting cost of the City's selected insurance policies for property, stored vehicle, boiler and machinery, general liability, and aircraft insurance 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, general liability and aviation insurance premiums and to pay the costs of additional insurance premiums incurred due to changes in and additions of coverage during the 2013-2014 term.

SECTION 2. That the expenditure of \$516,500.00 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: \$386,500.00

Department/Division: 30-03
Fund: 010
OCA Code: 300707
Object Level 1: 03
Object Level 3: 3392
Amount: \$130,000.00

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 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: 1816-2013

Drafting Date: 7/7/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: Various City offices are being relocated from the 109 N. Front Street building to allow for the

demolition of that functionally obsolete structure. The majority of these offices are being moved to the Beacon Building at 50 W. Gay Street. After review of the needs of the Equal Business Opportunity Commission Office (EBOCO), it was determined that EBOCO's mission would be best served if its offices were located in office space available on the second floor of the city-owned office building located at 1393 E. Broad Street. In order to adapt the second floor space to best accommodate the office needs of EBOCO, a number of minor renovations of the second floor are necessary such as construct walls, install an ADA compliant entry to the office suite, make several adjustments to electrical and lighting fixtures, paint, and install carpeting. This ordinance establishes an auditor's certificate and authorizes the Director of Finance and Management to enter into various contracts or to establish purchase orders necessary for the renovation of the second floor of 1393 E. Broad Street and the move of the City's Equal Business Opportunity Office. Bids have been solicited and contracts will be awarded in accordance with the competitive bidding provisions of the Columbus City Codes.

Fiscal Impact: This legislation authorizes the expenditure of up to \$90,000.00 for the building and office renovations necessary. Sufficient funding is available in Capital Project: 590701 - 100000, 1393 E. Broad St. Lease Fund.

Emergency Justification: Emergency action is requested to immediately proceed with funding while the bidding is in process so that the office space can be made available as soon as possible.

To authorize the Director of Finance and Management to enter into various contracts or establish purchase orders necessary for the renovation of the second floor of 1393 E. Broad Street; to authorize the expenditure of up to \$90,000.00 from the 1393 E Broad St Lease Fund; and to declare an emergency. (\$90,000.00)

WHEREAS, facility renovations are necessary at the city-owned office building located at 1393 E. Broad Street to accommodate the Equal Business Opportunity Commission Office (EBOCO); and

WHEREAS, an Auditor's Certificate is necessary to establish funding for the cost of these renovations and the move of the EBOCO office; and

WHEREAS, funding is available for these purchases within the 1393 E. Broad St. Lease Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management in that it is immediately necessary to enter into various contracts or establish purchase orders for the renovation of the second floor of 1393 E. Broad Street and move of the Equal Business Opportunity Commission Office (EBOCO), 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 to enter into various contracts or to establish purchase orders for the renovation of the second floor of 1393 E. Broad Street and the move of the Equal Business Opportunity Commission Office (EBOCO).

SECTION 2. That the expenditure of \$90,000.00, or so much thereof as may be necessary, be and is hereby authorized from Capital Project: 590701 - 100000, 1393 E Broad St Lease fund to pay the cost thereof. All work will be done in accordance with the competitive bidding provisions of the Columbus City Codes. City Council recognizes this ordinance does not identify the contractor(s) to whom the contract(s) will be awarded and understands its passage will give the Finance and Management Director the final decision in determination of the lowest most responsive and responsible bidder for such contract(s). This Council is satisfied it is in the best interests of the City to delegate these contracting decisions to the Director of Finance and Management.

Capital Project: 590701 - 100000
Capital Project Description: 1393 E Broad St Lease
Funding Source: General Perm Imp Carryover
Fund: 748-000
OCA: 457701
OL3: 6620
Amount: \$90,000.00

SECTION 3. That this Council hereby recognizes that this ordinance does not identify specific contractors or vendors for the expenditure purposes authorized herein and hereby delegates sole and final contracting decisions relative to the determination of lowest, most responsive and responsible vendor(s) to the Director of Finance and Management.

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.

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: 1817-2013

Drafting Date: 7/7/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: Various City and non-profit offices are located in office space at the city-owned building located at 1393 E. Broad Street. This legislation authorizes the Director of Finance and Management to make various expenditures for labor, materials, and equipment in conjunction with various minor facility improvements that are unplanned but will be necessary for the proper operation of the 1393 E. Broad Street office building. These minor renovations are not part of the renovation project for the relocation of the City's Equal Business Opportunity Office. Work may include any type of minor renovation including but not limited to upgrades of electrical service, lighting, plumbing, security, fire alarm, communication, and HVAC systems. All work will be done in accordance with the competitive bidding provisions of the Columbus City Codes.

Fiscal Impact: This ordinance amends the 2013 Capital Improvement Budget and authorizes an appropriation increase to account for lease revenue income that has come from various sources into the fund. This legislation authorizes the expenditure of up to \$50,000.00 for the cost of renovations necessary for the proper operation of the 1393 E. Broad Street office building. Sufficient funding is available in the 1393 E. Broad St. Lease Fund.

Emergency Justification: Emergency action is requested so that funding for various unexpected capital

eligible expenses for the proper operation of the 1393 E. Broad Street office building can be made available as soon as possible.

To amend the 2013 Capital Improvement Budget; to authorize the City Auditor to increase appropriation in the 1393 E. Broad St. Lease Fund; to authorize the Director of Finance and Management to enter into various contracts or establish purchase orders necessary for various facility renovations at the city-owned office building located at 1393 E. Broad Street; to authorize the expenditure of up to \$50,000.00 from the 1393 E Broad St Lease Fund; and to declare an emergency. (\$50,000.00)

WHEREAS, it is necessary to amend the 2013 Capital Improvement Budget to account for lease revenue; and

WHEREAS, it is necessary to increase appropriation within the 1393 E. Broad St. Lease Fund to account for lease revenue; and

WHEREAS, various unexpected facility renovations will likely become necessary at the city-owned office building located at 1393 E. Broad Street; and

WHEREAS, an Auditor's Certificate is necessary to establish funding for the cost of these renovations; and

WHEREAS, funding is available for these purchases within the 1393 E. Broad St. Lease Fund;

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is immediately necessary to make funding available for various capital eligible expenses for the proper operation of the 1393 E. Broad Street building 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 2013 Capital Improvement Budget be amended as follows:

FUND 748

Project Name/Project No./Current Authority/Revised Authority/Difference

1393 E. Broad St. Lease/ 590701-100000 (General Perm Imp Carryover)/ \$130,707/\$149,590/\$18,883

SECTION 2. That the sum of \$148,214.34 be and is hereby appropriated from the unappropriated balance of the 1393 S. Broad St. Lease Fund, Fund 748, 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 31,2013 as follows:

Fund/Project No./Project Name/O.L.01/03 Codes/OCA Code/Amount

748 / 590701-100000 / Unallocated Balance / 06-6620 / 457701 / \$148,214.34

SECTION 3. That the Director of Finance and Management be and is hereby authorized to enter into various contracts or to establish purchase orders for the purchase of labor, materials, and equipment will likely become necessary for facility renovations to ensure proper operation of the City's 1393 E. Broad Street building and such work may include any type of minor renovation including but not limited to upgrades of electrical service, lighting, plumbing, security, fire alarm, communication, and HVAC systems.

SECTION 4. That the expenditure of \$50,000.00, or so much thereof as may be necessary, be and is hereby authorized from Capital Project: 590701-100000, 1393 E Broad St Lease fund to pay the cost thereof. All

work will be done in accordance with the competitive bidding provisions of the Columbus City Codes. City Council recognizes this ordinance does not identify the contractor(s) to whom the contract(s) will be awarded and understands its passage will give the Finance and Management Director the final decision in determination of the lowest most responsive and responsible bidder for such contract(s). This Council is satisfied it is in the best interests of the City to delegate these contracting decisions to the Director of Finance and Management.

Capital Project: 590701 - 100000
Capital Project Description: 1393 E Broad St Lease
Funding Source: General Perm Imp Carryover
Fund: 748-000
OCA: 457701
OL3: 6620
Amount: \$50,000.00

SECTION 5. That this Council hereby recognizes that this ordinance does not identify specific contractors or vendors for the expenditure purposes authorized herein and hereby delegates sole and final contracting decisions relative to the determination of lowest, most responsive and responsible vendor(s) to the Director of Finance and Management and authorizes .

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 legislation

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.

SECTION 8. 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: 1818-2013

Drafting Date: 7/7/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

To authorize the Director of the Department of Finance and Management to enter into a license agreement with Columbus Neighborhood Health (CNHC) for its occupancy of a portion of the Dental Clinic located at the Columbus Department of Health, 240 Parsons Avenue, and to declare an emergency.

WHEREAS, Columbus Neighborhood Health (CNHC) provides clinical and preventive dental services for low income adults and children in a portion of the Dental Clinic located on the 2nd Floor of the Columbus Department of Health, located at 240 Parsons Avenue; and

WHEREAS, it is necessary to enter into a license agreement in order to set the terms and conditions for CNHC occupancy of the Dental Clinic space and its reimbursement of pro-rata expenses; and

WHEREAS, the Departments of Health and Finance and Management have determined that serves a public purpose and therefore the license should be granted; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to grant authority to the Director of the Department of Finance and Management to enter into and execute a license agreement for Columbus Neighborhood Health (CNHC) to provide clinical and preventive dental services for low income adults and children in a portion of the Dental Clinic located on the 2nd Floor of the Columbus Department of Health for the 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 Director of the Department of Finance and Management, be and hereby is authorized to enter into a license agreement, as approved by the Real Estate Division, Department of Law, with Columbus Neighborhood Health Center (CNHC) to set the terms, conditions, and reimbursement of pro-rata expenses associated with CNHC occupancy of space in the Dental Clinic located on the 2nd Floor of the Columbus Department of Health at 240 Parsons Avenue and its reimbursement of pro-rata expenses associated with occupancy.

Section 2. That for the reasons state in the preamble hereto, 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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1819-2013

Drafting Date: 7/8/2013

Current Status: Passed

Version: 4

Matter Type: Ordinance

Council Variance Application: CV12-060

APPLICANT: Jeffrey New Day LLC, c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor, Columbus, OH 43215.

PROPOSED USE: To permit residential uses, public and/or private parkland and open space, and public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District.

ITALIAN VILLAGE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Ordinances 0284-01, passed February 26, 2001 (CV00-058) and 1023-02, passed July 8, 2002 (CV02-035) permit a mixture of residential and commercial uses, public and/or private parkland and open space, and public and/or private school(s). Applicant proposes this new variance to permit an increase in the maximum number of dwelling units permitted by the two (2) previous Council variances from 1,050 to 1,500 and to modify certain development standards established in the two current ordinances. The current development concept for the site is oriented more toward residential development than commercial, thus the requested increase in dwelling units. The standards changes are minor

and consistent with the concept for redevelopment of the site approved with the 2001 and 2002 ordinances.

To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing District; 3363.24, Building Lines; 3309.14(A), Height Districts, 3312.03(D), Administrative Requirements, 3312.09, Aisle, 3312.13, Driveway, 3312.21, Landscaping and Screening, 3312.23, Maneuvering, 3312.27, Parking Setback line, 3312.29, Parking Space, 3312.39, Striping and Marking, 3321.43, Surface, 3312.49, Minimum Number of Parking Spaces Required, 3312.51, Minimum Number of Loading Spaces Required, 3321.01, Dumpster, 3321.03, Lighting, 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation;; for the property located at **732 NORTH FOURTH STREET (43201)**, to permit residential uses, public and/or private parkland and open space, public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District and to repeal Ordinances 0284-01 and 1023-02, passed February 26, 2001 and July 8, 2002, respectively **and to declare an emergency.**

WHEREAS, by application No. CV12-060, the owner of property at **732 NORTH FOURTH STREET (43201)**, is requesting a Council Variance to permit residential uses, public and/or private parkland and open space, and public and/or private school(s) and to establish appropriate development standards for a mixed-use residential and commercial development in the M, Manufacturing District; and

WHEREAS, the site plan titled, "Jeffrey Park Concept Plan," hereafter, "Concept Plan," dated July 2, 2013, drawn by Architectural Alliance, depicts the site, street system, and development areas of the site, and is referenced in Section 4 as the concept plan for the site; and,

WHEREAS, Section 3363.01, M, Manufacturing District, permits only limited residential uses, while the applicant proposes a maximum of 1,500 dwelling units in the Jeffrey Place development, which dwelling units may consist of various styles and forms, including detached and attached single-, two-, three-, and four-unit dwellings, multi-family, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, which will include residential uses on the ground level, dwelling units above commercial uses and exclusive residential uses, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel, and to permit public and/or private parkland/open space and public and/or private school(s), and;

WHEREAS, the Italian Village Urban Commercial Overlay (UCO) applies to the North Fourth Street frontage and east to North Sixth Street, so standards of the UCO shall be applied within the applicable area, unless the Italian Village Commission (IVC) approves or requires a different standard than that required by the UCO, then the IVC approved standard shall apply; and

WHEREAS, the site area that is east of North Sixth Street is outside the applicability of the Italian Village Urban Commercial Overlay (UCO), while the applicant also desires reduced building setbacks for the site area east of North Sixth Street; and

WHEREAS, Section 3363.24, Building Lines in the M, Manufacturing District, requires various building setback lines that are inconsistent with the proposed mixed use residential/commercial development, the Urban Commercial Overlay (UCO) that is applicable to only part of the site, and the desired streetscape, **and the**

UCO is only applicable to retail, restaurant, office or medical office uses, while the applicant proposes to reduce the required building setback line ~~for all property east of North 6th to a minimum of five (5) feet for residential uses, and zero (0) building setback for commercial and/or mixed uses;~~ **for residential uses within the UCO, which is applicable to the site area between North 4th Street and North 6th Street, to a minimum of five (5) feet, and also to permit a zero (0) setback for all commercial and mixed uses on all property east of North 6th Street and a minimum of five (5) feet for residential uses, except that a single family dwelling, within or outside of the UCO area, shall be permitted a two (2') foot building setback along the non-fronting street, as defined in Section 7.a., Residential Yard and Area Requirements of "Conditions - ORD 1819-2013 (CV12-060)", as referenced in Section 3, for a detached single family dwelling on a lot, and;**

WHEREAS, Section 3309.14(A), Height Districts, limits height in a sixty (60) foot height district to sixty (60) feet, with height as defined in Section 3303.36, Height, and subject to the provisions of Section 3309.142, Height District Exceptions, while applicant proposes a height restriction of ninety (90) feet with additional allowable height calculated in accordance with Section 3309.142, and;

WHEREAS, Section 3312.03 (D), Administrative Requirements, requires parking spaces to be provided on the same lot as the use they are intended to serve, while applicant will be building parking structures for accessory and non-accessory parking at various locations on the site and both accessory and non-accessory parking for uses may be provided off-site of a use; and

WHEREAS, Section 3312.09, Aisle, requires dimensional standards for aisles that must be met for each property, while the applicant proposes aisles across property lines, subject to the aisle meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

WHEREAS, Section 3312.13, Driveway, requires dimensional standards for driveways that must be met for each property, while the applicant proposes driveways across property lines, subject to the driveways meeting minimum code dimensions, thereby allowing cross access maneuvering, and;

WHEREAS, Section 3312.23, Maneuvering, requires dimensional standards for maneuvering areas related to parking and loading spaces that require all maneuvering area for parking and loading spaces to be located on the same lot or parcel, while the applicant proposes driveways, aisles, and loading spaces across property lines, thereby allowing cross access maneuvering, and;

WHEREAS, Section 3312.27, Parking Setback Line, requires a minimum five (5) foot parking setback from public streets, as permitted by the Italian Village Urban Commercial Overlay (UCO), while the area of the site east of North 6th Street is not regulated by the UCO and the applicant proposes the same minimum five (5) foot parking setback for all uses as permitted by the UCO for all street frontages east of North Sixth Street; and

WHEREAS, Section 3312.29, Parking Space, requires dimensional standards for a parking space, while the applicant proposes parking spaces that may be divided by property lines, subject to any parking spaces divided by property lines meeting total minimum code required dimensions; and,

WHEREAS, Section 3312.49, Minimum Number of Parking Spaces Required, requires off-street parking at various ratios depending on use, while the applicant proposes to reduce code required parking for all dwelling units from 2.0 or 1.5 spaces/DU, as applicable based on use, to a minimum of 1.0 parking space/DU for all dwelling units and a 50% reduction in code required off-street parking for all uses other than dwelling units, and;

WHEREAS, Section 3312.51, Minimum Number of Loading Spaces Required, requires loading space(s) based upon specified gross floor area, while the applicant proposes to eliminate the requirements for, and development standards of loading spaces subject to a proposed future loading area, if any, being approved by the Division of Planning and Operations/Public Service Department; and,

WHEREAS, as applicable, easements shall be provided between parcels where shared aisles, driveway(s), maneuvering, parking space(s) and/or loading space(s) are utilized, to insure ongoing function of the shared aisle, driveway(s), maneuvering parking space(s) and/or loading areas; and,

WHEREAS, applicant intends to develop a temporary accessory parking lot, as depicted on the Concept Plan, for a maximum of three (3) years from the date of approval of the Site Compliance Plan for the temporary accessory parking lot, and temporarily requires variances from the following development standards:

- 1) 3312.21, Landscaping and Screening, to temporarily not provide code required interior parking lot landscaping and to temporarily not provide headlight screening along Waldron Street for a temporary parking lot for a maximum of three (3) years; and,
- 2) 3312.39, Striping and Marking, to temporarily not provide pavement striping and marking in a temporary parking lot for a maximum of three (3) years; and
- 3) 3312.43, Surface, to temporarily not provide an asphalt or concrete surface for a temporary parking lot (gravel) for a maximum of three (3) years; and
- 4) 3312.49, Minimum Numbers of Parking Spaces Required, to permit part of code required parking for an apartment complex to be built on the west side of Waldron Street (PID 010-283393) in a temporary parking lot on the east side of Waldron Street (PID 010-210573); and
- 5) 3321.03, Lighting, to temporarily not provide parking lot lighting for a temporary parking lot for a maximum of three (3) years; and,

WHEREAS, all temporary parking lots shall be brought fully into compliance with parking lot development standards within three (3) years from the date of approval of a Site Compliance Plan through compliance with applicable standards for surface parking or the start of construction of a parking structure; and

WHEREAS, Section 3321.01, Dumpster, treats a dumpster as a structure and applicant may locate dumpsters on or across property lines and property lines shall be disregarded for purposes of locating a dumpster box(s); and

WHEREAS, Sections 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation are all Sections of the Italian Village Urban Commercial Overlay and are applicable to the area of the site between North Fourth Street and North Sixth Street, Section 3372.607, Landscaping and Screening defers compliance to an architectural review commission and applicant proposes deferral to the Italian Village Commission (IVC) for standards compliance with all Sections listed; and,

WHEREAS, Ordinances 0284-01, passed February 26, 2001 (CV00-058) and 1023-02, passed July 8,

2002 (CV02-035) permit residential, public and/or private parkland and open space, and public and/or private school(s). Applicant proposes this new variance to permit an increase in the maximum number of dwelling units permitted by the two (2) previous ordinances from 1,050 to 1,500 and to modify certain development standards established in the two current ordinances. The current development concept for the site is oriented more toward residential development than commercial, thus the requested increase in dwelling units. The standards changes are minor and consistent with the concept for redevelopment of the site approved with the 2001 and 2002 ordinances; and,

WHEREAS, the Italian Village Area Commission recommends approval, and;

WHEREAS, City Departments recommend approval; and;

WHEREAS, a hardship exists in that there is no mechanism other than a variance to permit the proposed residential uses in the M, Manufacturing District; and,

WHEREAS, this ordinance is conditioned upon the applicant obtaining all required zoning clearances and building permits and a Certificate of Occupancy for each building, 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 **732 NORTH FOURTH STREET (43201)** 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 3363.01, M, Manufacturing Districts; 3363.24, Building Lines in an M, Manufacturing District; 3309.14(A), Height Districts; 3312.03 (D), Administrative Requirements; 3312.09, Aisle; 3312.13, Driveway; 3312.23, Maneuvering; 3312.27, Parking Setback line; 3312.29, Parking Space; 3312.49, Minimum Number of Parking Spaces Required; 3312.51, Minimum Number of Loading Spaces Required; 3321.01, Dumpster Area; and variances to the following sections applicable to temporary parking only: 3312.21, Landscaping and Screening; 3312.39 Striping and Marking; 3312.43, Surface; and 3321.03, Lighting; and variances to the Urban Commercial Overlay Sections 3372.604, Setback Requirements, 3372.605, Building Design Standards, 3372.606, Graphics, 3372.607, Landscaping and Screening, 3372.608, Lighting and 3372.609, Parking and Circulation; inclusive, only when site plan and/or architectural approval of the Italian Village Commission conflicts with these standards of the UCO, of the Columbus City Codes are hereby granted for the property located at **732 NORTH FOURTH STREET (43201)**, to:

- a) permit various styles and forms of residential use, including detached and attached single-, two-, three-, and four-unit dwellings, multi-unit, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, all of which may include residential uses on the ground level, above commercial uses and exclusive residential use, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel, subject to a maximum of 1,500 dwelling units.
- b) permit public and/or private parkland/open space;
- c) permit public and/or private school(s);
- d) reduce the required building setback line, on all existing and future streets, ~~located at and east of the east line of North Sixth Street to a minimum of five (5) feet for residential uses and zero (0) feet for commercial or mixed use (commercial and residential) buildings,~~ **for residential uses within the UCO area, which is applicable to the site area between North 4th Street and North 6th Street, to a minimum of five (5) feet, and also to permit a zero (0) setback for all commercial and mixed use (commercial and residential uses) buildings and a minimum of five (5) feet for residential uses on all property east of North 6th Street, except that a single family dwelling, within or outside of the UCO area, shall be permitted a two (2') foot building setback along the non-fronting street, as defined in Section 7.a., Residential Yard and Area Requirements of "Conditions - ORD 1819-2013 (CV12-060)", as referenced in Section 3, for a detached single family dwelling on a lot,** and;
- e) permit a height of ninety (90) feet, with additional height calculated in accordance with Section 3309.142;
- f) reduce code required parking for uses on Site A (PID: 010-280391, 010-280392), as noted on the Concept Plan, from 115 spaces to 65 spaces;
- g) reduce code required parking for all dwelling units from 2.0 and 1.5 spaces/DU depending on use to 1.0 spaces/DU;
- h) permit code required parking for dwelling units located on Site B (PID: 010-280393), as noted on the Concept Plan, to be located off-site, subject to off-site parking being located within the area designated as Off-site Parking on the Concept Plan;
- i) reduce code required parking for all uses, other than as specified in (f) and (g) above by 50%;
- j) reduce the required parking setback and vision clearance from public streets to five (5) feet on all public street frontages for all property east of North Sixth Street, which is not presently regulated by the Italian Village Urban Commercial Overlay;
- k) permit property lines to divide aisles, driveways, parking spaces, maneuvering areas and loading areas, thereby permitting aisles, driveways, parking spaces, maneuvering and loading spaces to be located across and divided by property lines;
- l) eliminate the requirements for and development standards of loading spaces subject to any proposed on-site future loading spaces being reviewed and approved by the Division of Planning and Operations/Public Service Department;

- m) permit the off-site parking lot depicted on the Concept Plan to not have an improved surface, not have stripping, not have headlight screening and/or interior landscaping and without lighting for a maximum of three (3) years from the date of approval of a Site compliance Plan for the off-site parking lot;
- n) permit placement of dumpster boxes on or across shared property lines of private property parcels and to permit access/maneuvering area for a dumpster box(s) to occur in a public street right of way, subject to location, design and access approval of the Public Service Department;
- o) require for that portion of the site that is within the Italian Village Urban Commercial Overlay (UCO) compliance with the UCO except if the Italian Village Commission (IVC) approves a project not in compliance with the UCO, Sections 3372.604, **Setback Requirements** - 3372.609, Parking and Circulation, inclusive, then the IVC approval shall apply and no variance (BZA) shall be required.

said property being 33.8 ± acres located on the east side of North Fourth Street and the south side of East First Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio, and known as being Reserves A, B, C, D, E, F, G, H, I, J, K, L, M and Lots 1 - 32, all inclusive in Jeffrey Place, Section 1, as the same is numbered and delineated upon the recorded plat of said Section 1, of record in Plat Book 109, Pages 3 and 4, in the Recorder's Office of Franklin County, Ohio,

AND THE FOLLOWING:

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Waterford Limited Partnership by deed of record in Instrument Number 200011020222452 and part of that tract of land conveyed to Pennsylvania Railroad Holding Company by deed of record in Official Record 33954D19 (all references being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northwesterly corner of that tract conveyed to the City of Columbus, Ohio by deed of record in Deed Book 2256, Page 474 in the southerly right-of-way line of East First Avenue;

thence South 08°14' 59" East, with the easterly right-of-way line of North Fourth Street, a distance of 558.84 feet to the True Point of Beginning for this description;

thence crossing said Pennsylvania Railroad Holding Company and said Waterford Limited Partnership tracts, the following courses and distances:

South 86°17' 08" East, a distance of 271.12 feet to a point;

South 08°19' 52" East, a distance of 113.87 feet to a point;

South 86°17' 08" East, a distance of 465.89 feet to a point;

South 03°28' 09" West, a distance of 40.00 feet to a point;

South 86°17' 08" East, a distance of 140.09 feet to a point;

North 03°25' 49" East, a distance of 151.37 feet to a point; and

South 86°17' 08" East, a distance of 428.08 feet to a point in the westerly line of that tract conveyed to Consolidated Rail Corporation by deed of record in Deed Book 3714, Page 1;

thence, with said westerly line, and with the arc of a curve to the right, (Delta = 22°28' 04", Radius = 1390.00 feet) a chord bearing and distance of South 04°06' 57" West, 541.58 feet to a point;;

thence South 19°04' 52" West, with said westerly line, a distance of 29.87 feet to a point in the northerly right-of-way line of I-670;

thence with said northerly right-of-way line the following courses and distances:

South 57°05' 47" West, a distance of 162.07 feet to a point;

South 54°57' 08" West, a distance of 155.00 feet to a point;

South 62°04' 39" West, a distance of 161.25 feet to a point;

South 24°16' 43" West, a distance of 9.37 feet to a point;

South 74°27' 12" West, a distance of 132.73 feet to a point;

South 80°13' 39" West, a distance of 127.71 feet to a point;

South 87°23' 14" West, a distance of 125.10 feet to a point;

North 74°13' 31" West, a distance of 157.09 feet to a point;

South 77°16' 27" West, a distance of 34.91 feet to a point;

North 48°28' 27" West, a distance of 34.45 feet to a point;

North 28°07' 31" East, a distance of 33.32 feet to a point;

North 54°07' 01" West, a distance of 54.60 feet to a point;

North 26°22' 45" West, a distance of 238.61 feet to a point;

North 10°01' 02" West, a distance of 110.69 feet to a point;

North 03°53' 03" West, a distance of 107.89 feet to a point; and

North 86°30' 37" West, a distance of 8.00 feet to a point in the easterly right-of-way line of Fourth Street;

thence North 03°34' 09" East, with said easterly right-of-way line, a distance of 217.55 feet to a point;

thence North 08°14' 59" West, with said easterly right-of-way line, a distance of 251.52 feet to the True

Point of Beginning, containing 23.3 acres of land, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a residential development and/or mixed use residential and commercial development or those uses permitted in the M, Manufacturing District.

SECTION 3. That this ordinance is further conditioned upon the following:
See Attachment 1 "Conditions - ORD 1819-2013 (CV12-060)."

Section 4. That this ordinance is further conditioned on the plan titled, "**Jeffrey Park Concept Plan,**" drawn by Architectural Alliance, dated and signed July 2, 2013 by Donald Plank, Attorney, which plan depicts the site, street system, and development areas of the site. Any slight adjustment to the drawing shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or a designee upon submission of the appropriate data regarding the proposed adjustment.

Section 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for each building.

Section 6. That this ordinance is further conditioned in that the Columbus Board of Zoning Adjustment shall be the body to hear any variance(s) to any standard(s) contained herein, including any area variance.

Section 7. That this ordinance is further conditioned in that the 33.8 ± acres described herein are included in this ordinance solely for the purpose of establishing the uses, use restrictions and development standards contained herein on contiguous property anticipated for development by applicant. The 33.8 +/- acres includes parcels separated by public streets and additional subdivision of the property with the dedication of public rights of way, platting of lots, lot splits and other subdivision of the property that will cause parcels to be created that are a part of the area described herein may occur. Applications for rezoning or variance may be made for any parcel or portion of the property described herein at all times in the future without restriction by this ordinance.

Section 8. That this ordinance is further conditioned upon applicant completing through action by Columbus City Council the pending rezoning application Z00-117.

Section 9. That Ordinance 0284-01, passed February 26, 2001, be and is hereby repealed.

Section 10. That Ordinance 1023-2002, passed July 8, 2002, be and is hereby repealed.

SECTION 11. ~~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: 1820-2013

Drafting Date: 7/8/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: The goal of a Community Reinvestment Area is neighborhood revitalization and stabilization.

This Ordinance will amend Ordinance 1501-2007 which created the Oak Street Community Reinvestment Area (see Exhibit B) in order to continue the program, expand the area and to provide for real property tax exemptions for residentially-zoned parcels within the area.

Emergency action is requested so that current residential tax abatement application from eligible property owners can continue to be processed.

FISCAL IMPACT: No funding is required for this legislation.

To renew and expand the Oak Street Community Reinvestment Area to authorize real property tax exemptions as established in the Ohio Revised Code; and to declare an emergency.

WHEREAS, the Council of the City of Columbus (hereinafter “Council”) desires to pursue reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Columbus that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, Resolution 1698-78, approved August 3, 1978, as amended by Ordinance 1345-02, approved July 29, 2002, authorized the Department of Development to carry out a Community Reinvestment Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and approved certain administrative procedures for the program; and

WHEREAS, the Oak Street Community Reinvestment Area was created by Ordinance 1501-2007; and

WHEREAS, the Community Reinvestment Area by its enabling legislation expired on December 31, 2012 and incentives for continued residential development are necessary; and

WHEREAS, the State’s Department of Development has requested the inclusion of language within Section 3735.67 of the Ohio Revised Code be added to relevant sections of all Community Reinvestment Area ordinances in order to establish minimum threshold investments for abated properties located within the boundaries of each designated Community Reinvestment Area; and

WHEREAS, the area of the Community Reinvestment Area has been expanded to allow for additional residential properties in the area to benefit from the tax exemption offered by this Ordinance; and

WHEREAS, an updated survey of housing (see Exhibit A) as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared and included in this proposed Community Reinvestment Area; and

WHEREAS, the continued remodeling of existing buildings for residential use and construction of new residential structures in this Community Reinvestment Area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing housing units for residential use and the construction of new residential structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted; and

WHEREAS, this proposal is a public/private partnership intended to promote and expand conforming uses in the designated area; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to renew and expand the Oak Street Community Reinvestment Area so that current residential tax abatement application from eligible property owners can continue to be processed, all 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 Ordinance 1501-2007 is hereby amended in order to continue to provide for real property tax exemptions for residentially-zoned parcels within the areas. The areas identified in the Original CRA Ordinances and this Ordinance (see Exhibits 2, 3 and 4) are the areas depicted on Exhibit B constitutes areas in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

Section 2. Pursuant to ORC Section 3735.66, The Oak Street Community Reinvestment Area is hereby reaffirmed and expanded in the following described area:

The following real estate situated in the City of Columbus, County of Franklin and State of Ohio.

All residentially-zoned properties within the following boundaries:

East: Rhoads Avenue
West: Parsons Avenue
North: Oak Street
South: Main Street

The Community Reinvestment Area is approximately depicted as the area on the map attached to this Ordinance, marked Exhibit C; by parcel number, marked Exhibit D; and by this reference incorporated herein.

Only residential properties consistent with the applicable zoning regulations and variances thereto within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

Section 3. A tax exemption on the increase in the assessed valuation, resulting from improvements as described herein, shall be granted upon proper application by the property owner and approval by the designated Housing Officer.

All properties identified in Exhibit D as being within the designated Oak Street Community Reinvestment Area are eligible for this abatement if they meet the criteria stated in Sections 3 and 4 of this Ordinance: vacant residentially-zoned parcels; owner occupied residential properties; commercial properties being converted to housing units; or existing residential rental properties.

A tax exemption on the increase in the assessed valuation, resulting from improvements as described herein, shall be granted upon proper application by the property owner and approval by the designated Housing Officer.

Abatement terms and percentages are as follows:

(a) One hundred percent (100%) for ten (10) years for the remodeling of:

- owner-occupied dwellings containing not more than two housing units and upon which the remodeling cost is at least twenty percent (20%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$2500.00 as described in ORC Section 3735.67;
- rental housing, containing not more than two housing units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$2500.00 as described in ORC Section 3735.67;
- conversion of rental housing to owner-occupied housing, containing not more than two units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement.

(b) One hundred percent (100%) for twelve (12) years for the remodeling of:

- owner-occupied dwellings containing more than two housing units and upon which the remodeling cost is at least twenty percent (20%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$5000.00 as described in ORC Section 3735.67;
- rental housing, containing more than two housing units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement and upon which the cost of remodeling is at least \$5000.00 as described in ORC Section 3735.67;
- conversion of rental housing to owner-occupied housing, containing more than two units, upon which the remodeling cost is at least fifty percent (50%) of the current assessed value of the existing structure (excluding land) as determined by the County Auditor for the tax year prior to the improvement.

(c) One hundred percent (100%) for fifteen (15) years for newly built:

- construction of new owner-occupied dwelling.
- construction of new owner-occupied dwellings containing more than two housing units.

A pre-application will be required to insure the compatibility with neighborhood plans and to insure the maintenance of existing streetscape lines, style, scale setbacks and landscaping features compatible with neighborhood

Section 4. Eligibility for abatement under this Ordinance shall not terminate. That City Council reserves the right to re-evaluate the designation of the Oak Street Community Reinvestment Area after December 31, 2020, at which time Council may direct the Housing Officer not to accept any applications for exemptions as described in Section 3735.67 of the Ohio Revised Code.

Section 5. That a Community Reinvestment Area Housing Council shall be created, consisting of two members appointed by the Mayor of the City of Columbus, two members appointed by the Council of the City of Columbus and one member appointed by the Planning Commission of Columbus. The majority of those members shall then appoint two additional members who shall be residents within the Oak Street Community Reinvestment Area. Terms of the members of the Council shall be for three years. An un-expired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made for the remainder of the term of the vacated seat.

Section 6. The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.66 of the ORC. The council shall also hear appeals under 3735.70, of the ORC.

Section 7. That this Council further hereby authorizes and directs the Mayor, the Clerk of Council, the Director of Development, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 8. To administer and implement the provisions of this Ordinance, the Administrator of the Department of Development's Housing Division is designated as the Housing Officer as described in Sections 3735.65 through 3735.70 of the Ohio Revised Code.

Section 9. 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: 1822-2013

Drafting Date: 7/8/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND:

This legislation will authorize the Director of the Department of Technology to enter into a contract with Micro Focus (US) Inc. to provide Cobol software licensing, and software maintenance and support services. Micro Focus and the Department of Technology recently reviewed the City's usage of Cobol software and determined that an upgrade was required to automate nightly batch processing of daily income tax related transactions such as pay-outs and invoices for Columbus city residents and businesses. Batch processing streamlines operations by allowing the servers to operate without human interaction. The total cost of \$185,000.00 entails the software licenses for (\$151,853.00) and associated software maintenance and support (\$33,147.00) for a term period of one year from the date of a certified purchase order.

This ordinance also requests to waive the competitive bidding provisions in accordance with section 329 of the Columbus City code. To automate the income tax system batch processes, there is an immediate need to purchase these software upgrade licenses and associated software support.

EMERGENCY:

Emergency action is requested to expedite authorization of this contract in order to facilitate and maintain compliance with the software manufacturer's terms of use.

FISCAL IMPACT:

The total cost of this ordinance is \$185,000.00, with funds for this expense coming from both the Department

of Technology, Internal Services Fund, Direct Charge Budget (\$4,500.00) and the Operating Budget (\$180,500.00).

CONTRACT COMPLIANCE NUMBER:

Vendor Name: Micro Focus (US), Inc.

C.C. #: 52 - 2328686

Expires: 07/14/2013

To authorize the Director of the Department of Technology to enter into a contract with Micro Focus (US) Inc. to provide Cobol software licensing, and software maintenance and support services for one year; to waive the competitive bidding provisions of the Columbus City Code; and to authorize the expenditure of \$185,000.00 from the Department of Technology, Information Services Division, Internal Services Fund; and to declare an emergency. (\$185,000.00)

WHEREAS, this legislation will authorize the Director of the Department of Technology to enter into a contract with Micro Focus (US) Inc. to provide Cobol software licensing, and software maintenance and support services for one year from the date of a certified purchase order at a cost of \$185,000.00; and

WHEREAS, the Micro Focus and the Department of Technology recently reviewed the City's usage of Cobol software and determined that an upgrade was required to automate nightly batch processing of daily income tax related transactions such as pay-outs and invoices for Columbus city residents and businesses. Batch processing streamlines operations by allowing the servers to operate without human interaction; and

WHEREAS, it is in the best interest of the City to waive the competitive bidding provisions in accordance with section 329.27 of the Columbus City Code because to automate the income tax system batch processes, there is an immediate need to purchase these software upgrade licenses and associated software support; 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 to enter into a contract with Micro Focus (US) Inc. to provide Cobol software licensing, and software maintenance and support services, 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 the Department of Technology be and hereby is authorized to enter into a contract with Micro Focus (US) Inc. to provide Cobol software licensing, and software maintenance and support services. The cost of the software licenses and associated support services is \$185,000.00. The term of the software maintenance and support will be for one year from the date of a certified purchase order.

SECTION 2. That the expenditure of \$185,000.00 or so much thereof as may be necessary is hereby authorized to be expended from:

3358 - {Software Licenses}

Division: 47-02| Fund: 514| Subfund: 001| OCA Code: 470202| OBJ Level 1: 03| OBJ Level 03: 3358| Amount: \$151,853.00|

3369 - {Maintenance & support services}

Division: 47-02| Fund: 514| Subfund: 001| OCA Code: 470202| OBJ Level 1: 03| OBJ Level 03: 3369| Amount: \$28,647.00|

Division: 47-01| Fund: 514| Subfund: 010| OCA Code: 220247| OBJ Level 1: 03| OBJ Level 03: 3369| Amount: \$4,500.00|

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 the competitive bidding provisions of the Columbus City Code are hereby waived.

SECTION 6. 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: 1825-2013

Drafting Date: 7/8/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: The Physicians CareConnection (PCC) is a non-profit organization associated with the Columbus Medical Association that coordinates a network of volunteer physicians providing primary and specialty care health care services to low-income and uninsured residents. Currently, one night a week, PCC provides services at the Columbus Department of Health, 240 Parsons Avenue, in the Sexual Health Clinic located on the 2nd Floor at 240 Parsons Avenue. This ordinance authorizes the Director of Finance and Management to execute a license agreement with PCC for its occupancy of city clinical space one night per week to provide primary and specialty care health care services to low-income and uninsured residents. The license agreement is for a period consisting of five (5) consecutive one (1) year terms.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to allow for the immediate execution of the license agreement to benefit the public health and for the preservation of the public peace, property health and safety.

To authorize the Director of the Department of Finance and Management to enter into a license agreement with Physicians CareConnection (PCC) for its occupancy of space at the Columbus Department of Health, 240 Parsons Avenue; and to declare an emergency.

WHEREAS, Physicians CareConnection (PCC) is a non-profit organization associated with the Columbus Medical Association that coordinates a network of volunteer physicians providing primary and specialty care health care services to low-income and uninsured residents one night per week in the Sexual Health Clinic on the 2nd Floor of the Columbus Department of Health located at 240 Parsons Avenue; and

WHEREAS, it is necessary to enter into a license agreement in order to set the terms and conditions for PCC occupancy of the Sexual Health Clinic space; and

WHEREAS, the Departments of Health and Finance and Management have determined that PCC serves a public purpose and therefore the license should be granted; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to grant authority to the Director of the Department of Finance and Management to enter into and execute a license agreement for Physicians CareConnection (PCC) to provide primary and specialty care health care services to low-income and uninsured residents one night per week in the Sexual Health Clinic on the 2nd Floor of the Columbus Department of Health located at 240 Parsons Avenue for the 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 Director of the Department of Finance and Management, be and hereby is authorized to enter into a license agreement, as approved by the Real Estate Division, Department of Law, with Physicians CareConnection (PCC) to set the terms and conditions associated with PCC occupancy of space in the Sexual Health Clinic located on the 2nd Floor of the Columbus Department of Health at 240 Parsons Avenue.

Section 2. That for the reasons state in the preamble hereto, 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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1826-2013

Drafting Date: 7/8/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: In February, 2012 Mayor Coleman announced a program to fight vacant and abandoned properties that includes a plan to aggressively target and demolish blighted structures. Ordinance 1627-2012 authorized the Director of Development to enter into contracts with asbestos testing companies to provide asbestos remediation under the program. Ordinance 2639-2012 allowed for an increase and extension of the original contracts to allow demolitions to proceed in conjunction with a new ordinance (0453-2013 passed March, 2013) for abatement, demolition, and deconstruction services of vacant structures within the municipal boundary of the City of Columbus. The contracts original terms commenced on August 1, 2012 and will end August 1, 2013. It is now necessary to amend the contracts with R3, Inc. and Hina Environmental Solutions, LLC to extend the contract terms from August 1, 2013 to August 1, 2014 and to increase each contracts amount by \$30,000.00 in order to provide additional asbestos testing services.

Fiscal Impact: Funds are available in the General Government Grant Fund, Move Ohio Forward grant, for this purpose.

Emergency Justification: Emergency action is requested in order to avoid the interruption in the delivery of vital services.

To authorize the Director of the Department of Development to amend contracts with R3, Inc. and Hina Environmental Solutions, LLC for the provision of asbestos hazard evaluation services on vacant structures within the municipal boundaries of the City of Columbus; to authorize the expenditure of \$60,000.00 from the General Government Grant Fund; and to declare an emergency. (\$60,000.00)

WHEREAS, Mayor Michael B. Coleman announced the Vacant and Abandoned Properties Initiative, a comprehensive plan to address vacant and abandoned properties that includes a goal to demolish hundreds of structures over the next four years; and

WHEREAS, various City offices are implementing the demolition portion of the program, including the targeting of vacant and abandoned properties through tax foreclosure and seeking authorization to demolish blighted properties from the Environmental Section of the Franklin County Municipal Court; and

WHEREAS, Ordinance 1627-2012 authorized the Director of Development to enter into contracts with the above asbestos testing companies to provide asbestos remediation under the program; and

WHEREAS, the Department of Development desires to extend the contract terms from an end date of August 1, 2013 to August 1, 2014; and

WHEREAS, the Department of Development desires to increase and extend agreements with two vendors for asbestos testing services for a total of up to \$60,000.00 or \$30,000.00 each; and

WHEREAS, cash is currently available in the General Government Grant Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to amend the asbestos testing services contracts with R3, Inc. and Hina Environmental Solutions, LLC in order to avoid the interruption in the delivery of vital services, all 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 Director of the Department of Development is hereby authorized to amend asbestos hazard evaluation services contracts EL013506 with R3, Inc. (cc# 113746960, expiration 5/16/2014, AFA) and EL013505 with Hina Environmental Solutions, LLC (cc# 261342009 expiration: 6/1/2014, FBE) by increasing each contract amount by \$30,000.00 and extending the contract terms to August 1, 2014, an additional year.

Section 2. That for the purpose stated in Section 1, the expenditure of \$60,000.00 from the Development Department, General Government Grant Fund, Fund 220, Grant Number 441205, Division No. 44-01, OCA Code 441205, Object Level Three 3292 is hereby authorized.

Section 3. That these contract modifications are awarded in accordance with Chapter 329.16 of the Columbus City Codes, 1959.

Section 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1828-2013

Drafting Date: 7/9/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: This legislation authorizes the Director of the Department of Development to enter into an agreement with Wagenbrenner Development, Inc. The funds provided by the agreement will be used to undertake the development of five units located at 361-369 East Eleventh Avenue and will be part of Grant Commons which is a market rate rental housing project in the University District also adjacent to Weinland Park. Grant Commons is being developed as a market rate project to restored historic properties in the area. This legislation authorizes the expenditure of \$250,000.00 of bond funds to Wagenbrenner Development, Inc. for the development of the 361 - 369 East Eleventh Avenue.

Emergency action is necessary to allow for Wagenbrenner Development, Inc. to immediately begin the development of the project.

FISCAL IMPACT: Funding is from the Housing Preservation/Home Again/Land Bank - 2013 Capital Improvements Budget.

To authorize the Director of the Department of Development to enter into an agreement with Wagenbrenner Development, Inc. to undertake the development of five units located at 361-369 East Eleventh Avenue as part of the Grant Commons rental housing project; to authorize the expenditure of \$250,000.00 from the 2013 Housing Preservation Fund; and to declare an emergency. (\$250,000.00)

WHEREAS, the Department of Development, Housing Division desires to administer a rehabilitation grant

from city bond proceeds within 2013 Capital Improvements Budget; and

WHEREAS, the Department of Development desires to enter into an agreement with Wagenbrenner Development, Inc. and to expend \$250,000 in bond proceeds; and

WHEREAS, these monies will be used to assist in the development and rehabilitation of 361-369 East Eleventh Avenue as part of the Grant Commons rental housing project to provide market rate housing; and

WHEREAS, emergency action is necessary to allow for the commencement of the project to begin immediately; 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 an agreement with Wagenbrenner Development, Inc. 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 an agreement with Wagenbrenner Development, Inc. for the redevelopment of 361-369 East Eleventh Avenue which will be part of Grant Commons rental housing project to provide market rate rental housing.

Section 2. That for the purpose as stated in Section 1, the expenditure of \$250,000.00 or so much thereof as may be necessary, is hereby authorized from the Department of Development, Division 44-10, Fund 782, Project 782001-100005, Object Level Three 6620, OCA Code 782105.

Section 3. That expenditure of capital improvements budget funds from this authorization will be for development/rehabilitation of 361-369 East Eleventh Avenue at Grant Commons.

Section 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

Section 5. 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 6. 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.

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 approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1829-2013

Drafting Date: 7/9/2013

Current Status: Passed

This ordinance would allow a street to be the host site for a charitable organization to host an event as a community fundraising endeavor with proceeds going back to the community. This legislation has the support of the charitable organization that will benefit from its passage. Event coordinator will still need to secure street closure signatures from neighborhood property owners before closing streets.

Fiscal Impact:

N/A

To authorize and direct the Director of Recreation and Parks to grant consent to the Short North Alliance to apply for permission to sell alcoholic beverages at the Short North Presidents Cup Bier Garten 2013 event; and to declare an emergency.

WHEREAS, the Short North Presidents Cup Bier Garten 2013 event will take place this year; and

WHEREAS, to this end, permission from the City of Columbus is required as it is the property owner involved; and

WHEREAS, an emergency exists in the usual operation of the Recreation and Parks Department that it is immediately necessary to grant permission to Short North Alliance so that they can apply for the alcohol permit in a timely fashion; **NOW, THEREFORE**

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

SECTION 1. This ordinance will authorize the Director of the Department of Recreation and Parks to grant permission to the following group to apply for a temporary liquor permit authorizing the sale of alcoholic beverages at their special event to be held during 2013:

Short North Alliance, October 5.

This organization wishes to sell alcoholic beverages to eligible patrons on a city street to be used for the event. This is the first year for this event.

The City of Columbus, acting by and through its Director of Recreation and Parks, is required to grant approval to the organizer of this event so they may obtain the required permit from the Ohio Department of Commerce, Division of Liquor Control.

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 10 days after passage if the Mayor neither approves nor vetoes the same.

BACKGROUND: This legislation authorizes the expenditure of \$118,877.00 for a Brownfield grant award pursuant to the Green Columbus Fund, which was established in October 2010 by Ordinance 1462-2010 and amended in September 2012 by Ordinance 1931-2012.

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 City Dog Daycare LLC for Brownfield assessment and redevelopment of the site at 225 E. Spring 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 \$118,877.00 for this purpose.

Emergency action is requested so that Brownfield assessment work can proceed immediately.

FISCAL IMPACT: Funding is from the Green Columbus Fund - 2013 Capital Improvements Budget authorized by Ordinance 0645-2013.

To authorize the Director of the Department of Development to enter into a grant agreement with City Dog Daycare LLC for Brownfield assessment and redevelopment of the site located at 225 E. Spring Street, pursuant to the Green Columbus Fund Program; to authorize the expenditure of up to \$118,877.00 from the Northland and Other Acquisitions Fund; and to declare an emergency. (\$118,877.00)

WHEREAS, the Department of Development administers from city bond proceeds the Green Columbus Fund, established by Ordinance 1462-2010 and amended in September 2012 by Ordinance 1931-2012; 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, in order to 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, and the application has been approved by the Department of Development; and

WHEREAS, this legislation authorizes the Director of Development to enter into a grant agreement with City Dog Daycare LLC for Brownfield assessment and redevelopment of the site at 225 E. Spring 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, this Brownfield project, known as City Dog on Spring, consists of Phase I and Phase II Environmental Site Assessment for the site at 225 E. Spring Street, which was formerly used as a dry cleaner, with the objective of being able to utilize the downtown property for small business expansion and this \$118,877.00 Green Columbus Fund Brownfield grant is required for this purpose; and

WHEREAS, funding is available under the Green Columbus Fund in the Northland and Other Acquisitions

Fund 735; 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 City Dog Daycare LLC, so assessment work can proceed in a timely manner, 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 City Dog Daycare LLC for Brownfield assessment and redevelopment under the Green Columbus Fund Program for the site located at 225 E. Spring Street.

Section 2. That for the purpose as stated in Section 1, the expenditure of \$118,877.00 or so much thereof as may be necessary, is hereby authorized from the Department of Development, Division 44-01, Northland and Other Acquisitions Fund 735, Project 441749-100001, Object Level One 06, Object Level Three 6617, OCA Code 754151.

Section 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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 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.

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: 1831-2013

Drafting Date: 7/9/2013

Current Status: Passed

Version: 3

Matter Type: Ordinance

Rezoning Application: Z13-015

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 9, 2013.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Given the predominance of multi-unit

dwellings to the north and south and the commercial use to the east, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Staff believes the storage yard to the west will eventually be redeveloped and this proposal will not negatively impact it while it is there. Staff also finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009).

To rezone **1397 CHAMBERS ROAD (43212)**, being 0.96± acres located on the south side of Chambers Road, 480± feet west of Northwest Boulevard, **From:** R, Rural District, **To:** AR-1, Apartment Residential District **and to declare an emergency** (Rezoning # Z13-015).

WHEREAS, application #Z13-015 is on file with the Department of Building and Zoning Services requesting rezoning of 0.96± acres from R, Rural District, to the AR-1, Apartment Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change finding that given the predominance of multi-unit dwellings to the north and south and the commercial use to the east, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Staff believes the storage yard to the west will eventually be redeveloped and this proposal will not negatively impact it while it is there. Staff also finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009), 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:

1397 CHAMBERS ROAD (43212), being 0.96± acres located on the south side of Chambers Road, 480± feet west of Northwest Boulevard, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 34, 35, 36, and 37 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of 1405 LLC and Guy Williams, Jr. and described as follows:

Beginning in the south right-of-way line of Chambers Road and at the northwest corner of said Lot 34 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 160.55 feet to the northeast corner of said Lot 37;

Thence Southerly, along the east line of said Lot 37, about 170.46 feet to the southeast corner of said Lot 37, in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 158.62 feet to the southwest corner of said Lot 34;

Thence Northerly, along the west line of said Lot 34, about 170.45 feet to the *Point of Beginning*. Containing

approximately .96 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-005576, 130-005577, 130-005578, 130-005579.

Being the western eighty-five (85) feet of Lot No. 30, John M. Pugh Subdivision and more particularly described as follows:

Beginning at an iron pin marking the intersection of the easterly-line of a (20) twenty foot alley with the southerly line of a thirty (30) foot street; thence, with the southerly line of said thirty (30) foot street, whose bearing is north eighty-nine degrees forty minutes and thirty seconds east (N. 89 deg. 40' 30" E), a distance of eight-five (85) feet; thence, parallel to the westerly line of Lot No. 30, south no degrees fifteen minutes east (S. 0 deg. 15' E) a distance of one hundred and seventy (170) feet to the northerly line of a twenty (20) foot alley; thence, with the northerly line of said alley, south eighty-nine degrees forty minutes and thirty seconds west (S. 89 deg. 40' 30" W) a distance of eighty-five (85) feet to an iron pin marking the intersection with the first above mentioned twenty (20) foot alley; thence, with the easterly line of said first aforementioned alley, north no degrees fifteen minutes west (N. 0 deg. 15' W) a distance of one hundred and seventy (170) feet to the point of beginning.

Tax parcel Nos. 130-001064, 130-002352

To Rezone From: R, Rural District,

To: AR-1, Apartment Residential District

SECTION 2. That a Height District of ~~thirty-five (35)~~ **sixty (60)** feet is hereby established on the AR-1, Apartment Residential District 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 in the office of the Department of Building and Zoning Services.

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: 1833-2013

Drafting Date: 7/9/2013

Current Status: Passed

Version: 3

Matter Type: Ordinance

Council Variance Application: CV13-009

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Concurrent Council variance with Rezoning Z13-015 to reduce development standards for proposed multiple-unit dwellings.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Given the predominance of multi-unit

dwellings to the north and south and the commercial use to the east, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Staff believes the storage yard to the west will eventually be redeveloped and this proposal will not negatively impact it while it is there. Staff also finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009). Staff views the variances to allow two or three buildings on a lot and the variance to permit dwellings without frontage on a public street as technicalities which will have no negative effect on the development or the surrounding area. The proposed building line reduction is in keeping with similar variances already granted elsewhere to the applicant along Chambers Road. Staff also supports the side yard variances at this site given the adjacent uses surrounding the site.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements, 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted and 3333.24, Rear yard; of the Columbus City Codes, for the property located at **1397 CHAMBERS ROAD (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance # CV13-009).

WHEREAS, by application #CV13-009, the owner of property at **1397 CHAMBERS ROAD (43212)**, is requesting a Council variance concurrent with rezoning Z13-015 to permit multiple-unit dwellings with reduced development standards; and

WHEREAS, Section 3333.02, AR-1, Apartment Residential District, prohibits two and one unit dwellings, while the applicant proposes to have with two two-unit buildings on lot 3, with one three-unit buildings and one two unit building on each of lots 1, 2, 4 and 5 and with a lot 6 containing one two-unit building and two single-unit buildings all with reduced development standards; and

WHEREAS, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines; and

WHEREAS, Section 3312.29, Parking space, allows stacked parking spaces only for single- ~~and~~ two-unit dwellings ~~and requires~~, or multi-unit dwellings with individual garage/driveway arrangements, while the applicant proposes stacked parking spaces behind the carriage houses on lots ~~1 and 4~~ **and further requires parking spaces to be 9 feet wide, while the applicant proposes parking spaces 8.5 feet wide on lots 1, 4 and 5**; and

WHEREAS, Section 3321.05(A), Vision clearance, requires a ten foot clear vision triangle at the intersection of a driveway and the right-of-way, while the applicant proposes a porch post and second floor balcony support within the clear vision triangle as shown on the site plan on lot 6; and

WHEREAS, Section 3333.055, Exception for single- or two-family dwelling, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct two (2) two-unit dwellings on the same lot (lot 3), one three-unit building and one two unit buildings each on lots 1, 2, 4 and 5 and with a lot 6 containing one two-unit building and two single-unit buildings; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes lot widths of forty (40) feet; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for dwellings on every one of the lots as shown on the Site Plan; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chambers Road, while the applicant proposes a building line of twelve (12) feet; and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be five feet, while the applicant proposes minimum side yards of three (3) feet; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25%) percent of the total lot area, while the applicant proposes rear yards of fourteen percent (14%) for lot 1, sixteen percent (16%) for lots 2 and 4, twelve percent (12%), for lots 3 and 5 and ten percent (10%) for lot 6; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because Staff supports the proposed land use given the AR-1, Apartment Residential Zoning to the south across Concord Avenue; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **1397 CHAMBERS 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 variances from the provisions 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.05(A), Vision clearance;

3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements, 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted and 3333.24, Rear yard of the Columbus City Codes, are hereby granted for the property located at **1397 CHAMBERS ROAD (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District, with building setbacks of twelve feet, with buildings on all lots without frontage on a public street, on lots forty (40) feet in width, with building setback of twelve (12) feet, with two buildings without frontage on a public street, with side yards of 3 feet, with a rear yard comprising as low as ten percent (10%) of the entire lot, with vehicular maneuvering across property lines, with parking spaces 8.5 feet wide, with stacked parking and parking in the side yard and without parking lot screening with said property being more particularly described as follows:

1397 CHAMBERS ROAD (43212), being 0.96± acres located on the south side of Chambers Road, 480± feet west of Northwest Boulevard, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 34, 35, 36, and 37 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of 1405 LLC and Guy Williams, Jr. and described as follows:

Beginning in the south right-of-way line of Chambers Road and at the northwest corner of said Lot 34 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 160.55 feet to the northeast corner of said Lot 37;

Thence Southerly, along the east line of said Lot 37, about 170.46 feet to the southeast corner of said Lot 37, in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 158.62 feet to the southwest corner of said Lot 34;

Thence Northerly, along the west line of said Lot 34, about 170.45 feet to the *Point of Beginning*. Containing approximately .96 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-005576, 130-005577, 130-005578, 130-005579.

Being the western eighty-five (85) feet of Lot No. 30, John M. Pugh Subdivision and more particularly described as follows:

Beginning at an iron pin marking the intersection of the easterly-line of a (20) twenty foot alley with the southerly line of a thirty (30) foot street; thence, with the southerly line of said thirty (30) foot street, whose bearing is north eighty-nine degrees forty minutes and thirty seconds east (N. 89 deg. 40' 30" E), a distance of eight-five (85) feet; thence, parallel to the westerly line of Lot No. 30, south no degrees fifteen minutes east (S. 0 deg. 15' E) a distance of one hundred and seventy (170) feet to the northerly line of a twenty (20) foot alley; thence, with the northerly line of said alley, south eighty-nine degrees forty minutes and thirty seconds west (S. 89 deg. 40' 30" W) a distance of eighty-five (85) feet to an iron pin marking the intersection with the first above mentioned twenty (20) foot alley; thence, with the easterly line of said first aforementioned alley, north no degrees fifteen minutes west (N. 0 deg. 15' W) a distance of one hundred and seventy (170) feet to the point of beginning.

Tax parcel Nos. 130-001064, 130-002352

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two two-unit buildings on lot 3, with one three-unit building and one two unit building on each of lots 1, 2, 4 and 5 and with a lot 6 containing one two-unit building and two single-unit buildings or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN FOR 1397 CHAMBERS AVENUE,**" and "**ZONING COMPLIANCE PLAN FOR 1397 CHAMBERS AVENUE BUILDING ELEVATIONS FOR 1397 CHAMBERS AVENUE, SHEETS ZCL-2 & ZCL-3**" all signed by David L. Hodge, attorney for the applicant, and both dated June 26, 2013. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

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: 1834-2013

Drafting Date: 7/10/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

BACKGROUND: The Columbus Department of Development is proposing to enter into a Jobs Growth Incentive Agreement with FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc., equal to twenty-five percent (25%) of the amount of personal income tax withheld on new employees to Columbus for a term of three (3) years.

Headquartered in Columbus, Ohio and founded in 1999 with antecedents dating back to 1984, FCX Performance, Inc. distributes and repairs valves, instruments, pumps, compressors, boilers and related process equipment. The company serves end users, original equipment manufacturers, and engineering and construction firms across the chemicals processing, pulp and paper, pharmaceutical, industrial gas, and other industrial end markets. The company has 23 locations serving 33 states and 410 employees.

Integrated Plant Services, Inc., formed in 1999 and wholly-owned by FCX Performance, Inc., provides field and shop valve repair services to those in the power generation, refining, chemical processing, and pulp and paper markets in Ohio and contiguous states. Instrumentation Services, Inc. was acquired by FCX Performance, Inc. in 2012 and provides instrument repair, calibration, project management, and systems integration services to those in the industrial and municipal markets.

In total, FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc., are proposing to renovate their current commercial space located at 3000 E. 14th Avenue, Columbus, Ohio 43219 (Parcel Number 010-105124) and relocate approximately 12 FCX Performance, Inc. positions from their joint site to an 11,400 square foot leased space located at 1149 Rarig Avenue, Columbus, Ohio 43219 (Parcel Number 010-183723), less than a quarter of a mile away. Leasehold improvements and machinery and

equipment acquisition will accommodate the construction of a clean room designed to service the valves, instruments, and pumps to be used in the gas and chemical industries. The project will retain 64 existing positions with an annual payroll of approximately \$4,555,833 and create 19 new full-time positions with an associated annual payroll of approximately \$872,280.

Emergency action is requested in order to allow the company to begin making this investment as soon as possible.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to enter into a Jobs Growth Incentive with FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. equal to twenty-five percent (25%) of the amount of new income tax withheld on employees for a term of three (3) years in consideration of combined company investments of approximately \$332,500.00 related to leasehold improvements and the acquisition of machinery and equipment, furniture and fixtures, stand-alone computers, and inventory, the retention of 64 existing positions, and the creation of 19 new full-time permanent positions; and to declare an emergency.

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 completed Jobs Growth Incentive Applications from FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc.; and

WHEREAS, FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. will expand their operations at their existing site located at 3000 E. 14th Avenue and a soon-to-be leased site at 1149 Rarig Avenue; and

WHEREAS, FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. are proposing to invest approximately \$332,500, retain 64 existing positions with an annual payroll of approximately \$4,555,833, and create 19 new full-time positions with an associated annual payroll of approximately \$872,280; and

WHEREAS, FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. have indicated that a Jobs Growth Incentive is crucial to their decisions to expand their operational capacity; and

WHEREAS, the City of Columbus desires to facilitate the future growth of FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. at the project sites by providing a Jobs Growth Incentive; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to enter into a Jobs Growth Incentive Agreement with FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. in order to allow the company to begin making this investment as soon as possible, all 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 Director of the Department of Development is hereby authorized to enter into a Jobs Growth Incentive Agreement equal to twenty-five percent (25%) of the amount of new income tax withheld on employees for a term of three (3) years with FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc.

Section 2. Each year of the term of the agreement with FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc., the City's 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 FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. within 90 days of passage of this ordinance, or this ordinance and the credit herein shall be null and void.

Section 4. The City Council hereby extends authority to the Director of Development to amend the FCX Performance, Inc., Integrated Plant Services Inc., and Instrumentation Services, Inc. City of Columbus Jobs Growth Incentive Agreement for non-substantive modifications to the agreement requested in writing by the companies and or the City and deemed appropriate by the Director of Development with these non-substantive modifications being specifically limited to reductions in length of term, methods of calculating the incentive, or adding or deleting business entities associated with the employment commitments related to this incentive. All other requested amendments must be approved by City Council.

Section 5. That for the reason 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 form 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: 1835-2013

Drafting Date: 7/10/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: The goal of a Community Reinvestment Area is neighborhood revitalization and stabilization.

This Ordinance will amend Ordinance 1723-2012, passed July 30, 2012, which amended Ordinance 0479-2011 that established the Fifth by Northwest Community Reinvestment Area (CRA). The purpose of amending the Ordinance is to add parcels within the boundaries of the area that have been recently annexed to the City of Columbus from Clinton Township and provide for real property tax exemptions for residentially-zoned and used parcels within the area.

Emergency action is being requested so that the additional parcels can be eligible for abatement as soon as possible.

Fiscal Impact: No fiscal impact. No funding is required for this legislation.

To amend Ordinance 1723-2012 to add parcels within the boundaries of the Fifth by Northwest Community Reinvestment Area, authorizing real property tax exemptions as established in the Ohio Revised Code; and to declare an emergency.

WHEREAS, Ordinance 0479-2011, passed April 4, 2011 created the Fifth by Northwest Community Reinvestment Area (CRA); and

WHEREAS, Ordinance 1723-2012, passed on July 30, 2012 amended the CRA to add parcels that were annexed into the City of Columbus after creation of the CRA; and

WHEREAS, additional parcels have been annexed into the City of Columbus since Ordinance 1723-2012 was passed; and

WHEREAS, the owners of these parcels wish to participate in the benefits available from the CRA; and

WHEREAS, a survey of housing (see Exhibit A) as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared and included in this proposed Community Reinvestment Area; and

WHEREAS, the remodeling of existing buildings for residential use and construction of new residential structures in this Community Reinvestment Area would serve to encourage economic stability and maintain real property values; and

WHEREAS, the remodeling of existing buildings for residential use and the construction of new residential structures in this Community Reinvestment Area; and

WHEREAS, the proposal is a public/private partnership intended to promote and expand conforming uses in the designated area; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to amend said ordinance so that the additional parcels can be eligible for abatement as soon as possible, all 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 Section 2 of Ordinance 1723-2012 is hereby amended to read as follows.

Pursuant to ORC Section 3735.66, The Fifth by Northwest Community Reinvestment Area boundary is hereby established in the following described area:

North: Bounded by Kinnear Road (including rear property lines on the North side of Kinnear Road)

South: Bounded by W. Third Avenue (including rear property lines on the South side of W. Third Avenue)

West: Bounded by North Star Road (including rear property lines on the West side of North Star Road)

East: Bounded by Olentangy River Road (including rear property lines on the East side of Olentangy River Road)

The Community Reinvestment Area is approximately depicted as the area on the maps in Exhibit C, attached to this Ordinance; on the list of parcel numbers marked Exhibit D, and by this reference incorporated herein.

The Community Reinvestment Area is approximately depicted as the area on the maps in Exhibit B, attached to this Ordinance; on the list of parcel numbers marked Exhibit C and by this reference incorporated herein specifically including parcels 130-000500 which is being renamed 420-292054, 130-000815 which is being renamed 420-292055, 130-001064 which is being renamed 420-292056, 130-001112 which is being renamed 420-292057, 130-001391 which is being renamed 420-292058, 130-001392 which is being renamed 420-292059, 130-001394 which is being renamed 420-292060, 130-001396 which is being renamed 420-292061, 130-001401 which is being renamed 420-292062, 130-001506 which is being renamed 420-292063, 130-002352 which is being renamed 420-292064, 130-003897 which is being renamed 420-292065, 130-004874 which is being renamed 420-292066, 130-005575 which is being renamed 420-292067, 130-005576 which is being renamed 420-292068, 130-005577 which is being renamed 420-292069, 130-05578 which is being renamed 420-292070, 130-05579 which is being renamed 420-292071, and 130-006099 which is being renamed 420-292072 which were annexed by ordinance 0729-2013, 130-001397 which is being renamed 420-292040, 130-3898 which is being renamed 420-292041, 130-005040 which is being renamed 420-292042, 130-006130 which is being renamed 420-292043, 130-007169 which is being renamed 420-292044, and 130-011773 which is being renamed 420-292045 which were annexed by ordinance 0727-2013, 130-000506 which is being renamed 420-292046, 130-000508 which is being renamed 420-292047, 130-000512 which is being renamed 420-292048, 130-00513 which is being renamed 420-292049, 130-000514 which is being renamed 420-292050, 130-000515 which is being renamed 420-292051, 130-000516 which is being renamed 420-292052, and 130-000517 which is being renamed 420-292053 which were annexed by ordinance 0728-2013.

Only residential properties consistent with the applicable zoning regulations and variances thereto within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

Section 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance 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: 1836-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: One parcel currently held in the Land Bank has 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 transfer of one parcel located at 84 Dakota Avenue (010-042640) to Matthew R. Egner, who will rehabilitate the existing single-family structure to be maintained as a rental unit. The parcel 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 in order to reduce Land Bank maintenance costs.

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (84 Dakota Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

WHEREAS, by Ordinance 1325-98, 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, or any other land acquired as part of the land reutilization program; and

WHEREAS, a proposal for the sale of the property which was acquired pursuant to Ohio Revised Code Section 5722.03 meets the Land Reutilization Program's Disposition Policies and Guiding Principles and has been approved by the Land Redevelopment Office Administrator; and

WHEREAS, in conformity with Ohio Revised Code Section 5722.07, the property will be sold at not less than fair market value, defined as 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; therefore, competitive bidding is not required; and

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 parcel of real estate to expedite the transfer in order to reduce 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 parcel of real estate to Matthew R. Egner:

PARCEL NUMBER: 010-042640
ADDRESS: 84 Dakota Avenue, Columbus, Ohio 43223
PRICE: \$4,000 plus a \$38.00 recording fee
USE: Single-family rental unit

Situated in the City of Columbus, County of Franklin, and State of Ohio:

Being Lot Number Two Hundred Twenty-four (224) of WEST PARK ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 264, Recorder's Office, Franklin County, Ohio.

Section 2. For the property stated in Section 1, that the Director of Development is hereby authorized to execute any agreement, deed restriction, or mortgage to ensure compliance with Land Bank Program rules and the submitted application and to release such restriction or mortgage upon compliance.

Section 3. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

Section 4. 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 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: 1837-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: One parcel currently held in the Land Bank has 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 transfer of one parcel located at 80 Dakota Avenue (010-040389) to Matthew R. Egner, who will rehabilitate the existing single-family structure to be maintained as a rental unit. The parcel 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 in order to reduce Land Bank maintenance costs.

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (80 Dakota Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

WHEREAS, by Ordinance 1325-98, 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, or any other land acquired as part of the land reutilization program; and

WHEREAS, a proposal for the sale of the property which was acquired pursuant to Ohio Revised Code Section 5722.03 meets the Land Reutilization Program's Disposition Policies and Guiding Principles and has been approved by the Land Redevelopment Office Administrator; and

WHEREAS, in conformity with Ohio Revised Code Section 5722.07, the property will be sold at not less than fair market value, defined as 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; therefore, competitive bidding is not required; and

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 parcel of real estate to expedite the transfer in order to reduce 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 parcel of real estate to Matthew R. Egner:

PARCEL NUMBER: 010-040389
ADDRESS: 80 Dakota Avenue, Columbus, Ohio 43223
PRICE: \$4,000 plus a \$38.00 recording fee
USE: Single-family rental unit

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Lot Number Two Hundred Twenty-five (225), in WEST PARK ADDITION, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 264, Recorder's Office, Franklin County, Ohio.

Section 2. For the property stated in Section 1, that the Director of Development is hereby authorized to execute any agreement, deed restriction, or mortgage to ensure compliance with Land Bank Program rules and the submitted application and to release such restriction or mortgage upon compliance.

Section 3. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

Section 4. 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 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: 1838-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: One parcel currently held in the Land Bank has 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 transfer of one parcel located at 459 E. 2nd Avenue (010-016081) to Brooke Zamudio and James White, who will rehabilitate the existing single-family structure to be maintained as an owner-occupied unit. The parcel 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 in order to reduce Land Bank maintenance costs.

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (459 E. 2nd Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

WHEREAS, by Ordinance 1325-98, 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, or any other land acquired as part of the land reutilization program; and

WHEREAS, a proposal for the sale of the property which was acquired pursuant to Ohio Revised Code Section 5722.03 meets the Land Reutilization Program's Disposition Policies and Guiding Principles and has been approved by the Land Redevelopment Office Administrator; and

WHEREAS, in conformity with Ohio Revised Code Section 5722.07, the property will be sold at not less than fair market value, defined as 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; therefore, competitive bidding is not required; and

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 parcel of real estate to expedite the transfer in order to reduce 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 parcel of real estate to Brooke Zamudio and James White:

PARCEL NUMBER: 010-016081
ADDRESS: 459 E. 2nd Avenue, Columbus, Ohio 43201
PRICE: \$2,000 plus a \$38.00 recording fee
USE: Owner-occupied unit

Situated in the State of Ohio, in the County of Franklin and in the City of Columbus:

Being Lot Number Eighty-one (81) Terrace View Addition, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 250, Recorder’s Office, Franklin County, Ohio.

Section 2. For the property stated in Section 1, that the Director of Development is hereby authorized to execute any agreement, deed restriction, or mortgage to ensure compliance with Land Bank Program rules and the submitted application and to release such restriction or mortgage upon compliance.

Section 3. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

Section 4. 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 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: 1839-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: One parcel currently held in the Land Bank has 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 transfer of one parcel located at 1415 Duxberry Ave. (010-076694) to Billy S. Williams and Viola Williams, who will maintain the vacant parcel as a side yard expansion under the Mow to Own Program. The parcel 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 in order to reduce Land Bank maintenance costs.

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (1415 Duxberry Ave.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

WHEREAS, by Ordinance 1325-98, 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, or any other land acquired as part of the land reutilization program; and

WHEREAS, a proposal for the sale of the property which was acquired pursuant to Ohio Revised Code Section 5722.03 meets the Land Reutilization Program's Disposition Policies and Guiding Principles and has been approved by the Land Redevelopment Office Administrator; and

WHEREAS, in conformity with Ohio Revised Code Section 5722.07, the property will be sold at not less than fair market value, defined as 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; therefore, competitive bidding is not required; and

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 parcel of real estate to expedite the transfer in order to reduce 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 parcel of real estate to Billy S. Williams and Viola Williams:

PARCEL NUMBER: 010-076694

ADDRESS: 1415 Duxberry Ave., Columbus, Ohio 43211

PRICE: \$2,648 minus credits granted by the City under the Mow to Own Program, plus a \$38.00 recording fee

USE: Side yard expansion

Situated in the County of Franklin, State of Ohio and City of Columbus, and bounded and described as follows:

Being Lot № One Hundred Twenty-Six (126) of HOMESTEAD HEIGHTS № 2 SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof; in Plat Book № 16, Page 40, Recorder's Office, Franklin County, Ohio.

Section 2. For the property stated in Section 1, that the City will credit the Buyer at the time of transfer for the value of maintenance and/or improvements made by the Buyer under the Mow to Own Program as specified in the Memorandum of Understanding.

Section 3. For the property stated in Section 1, that the Director of Development is hereby authorized to execute any agreement, deed restriction, or mortgage to ensure compliance with Land Bank Program rules and the submitted application and to release such restriction or mortgage upon compliance.

Section 4. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

Section 5. 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 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: 1841-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: One parcel currently held in the Land Bank has 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 transfer of one parcel located at 3875 Edendale Rd. (010-137681) to Akhil Patel, who will rehabilitate the existing single-family structure to be maintained as a rental unit. The parcel 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 in order to reduce Land Bank maintenance costs.

To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property (3875 Edendale Rd.) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

WHEREAS, by Ordinance 1325-98, 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, or any other land acquired as part of the land reutilization program; and

WHEREAS, a proposal for the sale of the property which was 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, in conformity with Ohio Revised Code Section 5722.07, the property will be sold at not less than fair market value, defined as 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; therefore, competitive bidding is not required; and

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 parcel of real estate to expedite the transfer in order to reduce 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 parcel of real estate to Akhil Patel:

PARCEL NUMBER: 010-137681
ADDRESS: 3875 Edendale Rd., Columbus, Ohio 43207
PRICE: \$24,500 plus a \$38.00 recording fee
USE: Single-family rental unit

Situated in the State of Ohio, County of Franklin, City of Columbus and described as follows:

Being Lot № 68 of Southern Pines, Section № 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 36, Page 32, Recorder's Office, Franklin, Ohio.

Section 2. For the property stated in Section 1, that the Director of Development is hereby authorized to execute any agreement, deed restriction, or mortgage to ensure compliance with Land Bank Program rules and the submitted application and to release such restriction or mortgage upon compliance.

Section 3. That for good cause shown, Section 329.29 of the Columbus City Codes, 1959, is hereby waived.

Section 4. 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 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: 1844-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 3

Matter Type: Ordinance

Rezoning Application: Z13-021

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (6-0) on May 9, 2013.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Given the presence of the daycare center to the north, the AR-3, Apartment Residential zoning to the south, the applicant's ownership of the property to the east and the multi-unit building one parcel to the west, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. The existing single-unit dwelling to the west on the north side of Chesapeake Avenue will abut a park, so Staff finds no compatibility issue with that. Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009).

To rezone **1454 CHESAPEAKE AVENUE (43212)**, being 0.82± acres located on the north and south sides of Chambers Road, 640± feet west of Northwest Boulevard, **From:** R, Rural District, **To:** AR-1, Apartment Residential District **and to declare an emergency** (Rezoning # Z13-021).

WHEREAS, application #Z13-021 is on file with the Department of Building and Zoning Services requesting rezoning of 0.82± acres from R, Rural District, to the AR-1, Apartment Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because given the presence of the daycare center to the north, the AR-3, Apartment Residential zoning to the south, the applicant's ownership of the property to the east and the multi-unit building one parcel to the west, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. The existing single-unit dwelling to the west on the north side of Chesapeake Avenue will abut a park, so Staff finds no compatibility issue with that. Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan (2009)*., 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:

1454 CHESAPEAKE AVENUE (43212), being 0.82± acres located on the north and south sides of Chambers Road, 640± feet west of Northwest Boulevard, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 50, 51, 52, 74, and 75 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Guy Williams, Jr. and described as follows:

Beginning in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 50 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 120 feet to the southeast corner of said Lot 52;

Thence Northerly, along the east line of said Lot 52, about 175 feet to the northeast corner of said Lot 52, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 120 feet to the northwest corner of said Lot 50;

Thence Southerly, along the west line of said Lot 50, about 175 feet to the *Point of Beginning*. Containing approximately .51 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-003897, 130-001506, 130-001394.

Beginning in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 74 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 80 feet to the northeast corner of said Lot 75;

Thence Southerly, along the east line of said Lot 75, about 163 feet to the southeast corner of said Lot 75, and in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 80 feet to the southwest corner of said Lot 74;

Thence Northerly, along the west line of said Lot 74, about 162 feet to the *Point of Beginning*. Containing approximately .31 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-011773, 130-006130.

To Rezone From: R, Rural District,

To: AR-1, Apartment Residential District

SECTION 2. That a Height District of ~~thirty five (35)~~ **sixty (60)** feet is hereby established on the AR-1, Apartment Residential District 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 in the office of the Department of Building and Zoning Services.

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: 1845-2013

Drafting Date: 7/10/2013

Current Status: Passed

Version: 3

Matter Type: Ordinance

Council Variance Application: CV13-015

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Concurrent Council variance with Rezoning Z13-021 to reduce development standards for

proposed multiple-unit dwellings.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests this Council Variance concurrent with rezoning Z13-021 in order to request reduced development standards on the proposed development. Given the presence of the daycare center to the north, the AR-3, Apartment Residential zoning to the south, the applicant's ownership of the property to the east and the multi-unit building one parcel to the west, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. The existing single-unit dwelling to the west on the north side of Chesapeake Avenue will abut a park, so Staff finds no compatibility issue with that. Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009). Staff views the variances to allow two or three buildings on a lot and the variance to permit dwellings without frontage on a public street as technicalities which will have no negative effect on the development or the surrounding area. The proposed building line reduction is in keeping with similar variances already granted elsewhere to the applicant along Chesapeake Avenue. Staff also supports the side yard variances since the neighbors have submitted a letter stating they approve of said variances and the other side yards would be adjacent to the applicant's properties. The driveway width and parking variances are negligible and the loss of green space is being offset by the applicant setting aside a lot directly west of this site on the north side of Chesapeake Avenue for green space.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements, 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard and 3333.25 Side or rear yard obstruction of the Columbus City Codes, for the property located at **1454 CHESAPEAKE AVENUE (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance # CV13-015).

WHEREAS, by application #CV13-015, the owner of property at **1454 CHESAPEAKE AVENUE (43212)**, is requesting a Council variance concurrent with rezoning Z13-021 to permit multiple-unit dwellings with reduced development standards; and

WHEREAS, Section 3333.02, AR-1, Apartment Residential District, prohibits two and one unit dwellings, while the applicant proposes to have ~~with~~ two two-unit buildings on lots 1, 2 and 4, ~~with and~~ one three-unit buildings and one ~~one~~two-unit building on ~~each of~~ lots 2 and 5 ~~and with a lot 6 containing one two-unit building and two single-unit buildings~~, all with reduced development standards; and

WHEREAS, Section 3312.12, Driveway, requires driveways to be at least 10 feet wide on a lot or a total of 20 feet wide, while the applicant proposes to have 9 foot wide driveways for a total of 18 feet on lots 1 and 2; and

WHEREAS, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines; and

WHEREAS, Section 3321.05(A), Vision clearance, requires a ten foot clear vision triangle at the intersection

of a driveway and the right-of-way, while the applicant proposes a porch post and second floor balcony support within the clear vision triangle as shown on the site plan on lots 1 and 2; and

WHEREAS, Section 3333.055, Exception for single- or two-family dwelling, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct two (2) two-unit dwellings on the same lot (lots 1, 2 and 4), one three-unit building and one one-unit buildings each on lot 5; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes lot widths of forty (40) feet; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for dwellings on lots 1, 2, 4 and 5 as shown on the Site Plan; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chambers Road, while the applicant proposes a building line of eight feet three inches (8' 3"); and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be five feet, while the applicant proposes minimum side yards of three (3) feet one(1)inch; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25%) percent of the total lot area, while the applicant proposes rear yards of eighteen percent (18%) for lots 4 and 5, and six percent (6%) for lots 1 and 2; and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires side **and rear** yards to be open to the sky while the applicant proposes to allow parking in the proposed side and rear yards of lots 1, 2, 4 and 5; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because Staff supports the proposed land use given the AR-1, Apartment Residential Zoning to the south across Concord Avenue; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **1454 CHESAPEAKE AVENUE (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 variances from the provisions 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements, 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard and 3333.25 Side or rear yard obstruction are hereby granted for the property located at **1454 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District, with building setbacks of 8 feet 3 inches, on lots forty (40) feet in width, with buildings without frontage on a public street, with side yards of 3 feet 1 inch, with a rear yard comprising as low as six percent (6%) of the entire lot, with vehicular maneuvering across property lines, with driveways 18 feet wide, with parking in the side and rear yards and without parking lot screening with said property being more particularly described as follows:

1454 CHESAPEAKE AVENUE (43212), being 0.82± acres located on the north and south sides of Chambers Road, 640± feet west of Northwest Boulevard, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 50, 51, 52, 74, and 75 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Guy Williams, Jr. and described as follows:

Beginning in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 50 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 120 feet to the southeast corner of said Lot 52;

Thence Northerly, along the east line of said Lot 52, about 175 feet to the northeast corner of said Lot 52, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 120 feet to the northwest corner of said Lot 50;

Thence Southerly, along the west line of said Lot 50, about 175 feet to the *Point of Beginning*. Containing approximately .51 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-003897, 130-001506, 130-001394.

Beginning in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 74 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 80 feet to the northeast corner of said Lot 75;

Thence Southerly, along the east line of said Lot 75, about 163 feet to the southeast corner of said Lot 75, and in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 80 feet to the southwest corner of said Lot 74;

Thence Northerly, along the west line of said Lot 74, about 162 feet to the *Point of Beginning*. Containing approximately .31 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-011773, 130-006130.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two two-unit buildings on ~~lot 3~~, **lots 1, 2 and 4**, with one three-unit building and one two-unit building on ~~each of lots 1, 2, 4 and lot 5, and with a lot 6 containing one two-unit building and two single-unit buildings~~ or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN FOR 1450-1460 CHESAPEAKE AVENUE ,**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS FOR 1450-1460 CHESAPEAKE AVENUE , SHEETS ZCL-2 & ZCL-3**" all signed by David L. Hodge, attorney for the applicant, and both dated June 10, 2013. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

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: 1849-2013

Drafting Date: 7/11/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: The City of Upper Arlington (Upper Arlington) has received a grant from the Ohio Public Works Commission (OPWC) to improve the intersection of Kinnear Road and North Star Road. This intersection lies at the boundary line between the two municipalities. Improvements will include a traffic circle and expanded right-of-way (ROW). While much of the existing intersection ROW is within Upper Arlington, the additional portion needed for the improvements lies within Columbus. This area consists of existing ROW associated with Kinnear Road and land owned controlled by The Ohio State University (OSU).

It is in the best interest of all parties if the intersection is within a single jurisdiction as it will facilitate construction and subsequent maintenance. It is the desire, therefore, of both Columbus and Upper Arlington to transfer the subject territory from Columbus to Upper Arlington. Completion of the boundary adjustment

process is contingent upon OSU conveying a highway easement as illustrated on the plat map. Upon completion of that process, Columbus and Upper Arlington will submit their corresponding ordinances to Franklin County for final action in accordance with the provisions of Ohio Revised Code - Section 709.37. Emergency consideration is requested for this legislation to facilitate the intersection improvements, which are subject to time constraints associated with the OPWC grant.

Fiscal Impact: None. No funding is required for this legislation.

To agree to an adjustment to the City's boundaries by consenting to transfer approximately 1.4+/- acres from the City of Columbus to the City of Upper Arlington; and to declare an emergency.

WHEREAS, the easterly boundary line of the City of Upper Arlington along North Star Road is a westerly boundary line of the City of Columbus and the said cities therefore have common boundary and adjoin; and

WHEREAS, the City of Upper Arlington has received a grant to improve the intersection of Kinnear Road and North Star Road; and

WHEREAS, an area needed for the expanded ROW associated with the planned improvements lies within Columbus; and

WHEREAS, it is the desire of the cities of Columbus and Upper Arlington to transfer the subject parcels of land and a segment of the Kinnear right of way from the City of Columbus to the City of Upper Arlington to facilitate the construction and maintenance of the traffic improvements and traffic enforcement at the intersection; and

WHEREAS, the Board of Trustees of The Ohio State University has passed a resolution to authorize the granting of an easement for highway purposes on two parcels of land located within the City of Columbus to construct traffic improvements at the intersection between North Star Road and Kinnear Road; and

WHEREAS, the proposed transfer does not involve the transfer of territory inhabited by more than five voters; and

WHEREAS, the boundary adjustment will be contingent upon Upper Arlington's receipt of the easement for highway purposes signed by the appropriate state officials; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to transfer said tract of land in order to facilitate the intersection improvements, which are subject to time constraints associated with the OPWC grant, 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 in accordance with Section 709.37 of the Ohio Revised Code, the City of Columbus hereby agrees to transfer to the City of Upper Arlington the land described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of that tract conveyed to The State of Ohio by deed of record in Deed Book 629, Page 11 and part of Kinnear Road, of record in Road Record 20, Page 281 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5231 found at the centerline intersection of North Star Road with Kinnear Road;

Thence easterly, with the centerline of said Kinnear Road, a distance of approximately 30 feet to the intersection of said centerline with the easterly line of City of Upper Arlington, as established by Ordinance Number 35-37, of record in Miscellaneous Record 101, Page 234, being the westerly City of Columbus Corporation line as established by Ordinance Number 239-86, of record in Official Record 7042C15, being in an extension of the easterly right-of-way line of said North Star Road, and being the TRUE POINT OF BEGINNING;

Thence northerly, with said common Corporation line, said easterly right-of-way line, partially with the westerly line of that 0.536 acre Permanent Highway Easement granted to City of Upper Arlington by deed of record in Instrument Number _____, a distance of approximately 450 feet to a point;

Thence across said The State of Ohio tract, with the easterly line of said 0.536 acre Permanent Highway Easement, the following courses and distances:

Southerly, a distance of approximately 69 feet to a point;

Southeasterly, a distance of approximately 114 feet to a point;

Southeasterly, a distance of approximately 186 feet to a point; and

Southeasterly, a distance of approximately 110 feet to a point in the northerly right-of-way line of said Kinnear Road;

Thence easterly, with said northerly right-of-way line, a distance of approximately 71 feet to a point;

Thence southerly, across said Kinnear Road and said The State of Ohio tract, partially with the easterly line of that 0.532 acre Permanent Highway Easement granted to City of Upper Arlington by deed of record in Instrument Number _____, a distance of approximately 70 feet to a point;

Thence continuing across said The State of Ohio tract, with the easterly line of said 0.532 acre Permanent Highway Easement, the following courses and distances:

Westerly, a distance of approximately 82 feet to a point;

Southwesterly, a distance of approximately 98 feet to a point;

Southerly, a distance of approximately 45 feet to a point of curvature;

With said curve, having a radius of approximately 346 feet, an arc of approximately 88 feet and a chord distance of approximately 88 feet to a point of tangency;

Southerly, a distance of approximately 108 feet to a point; and

Southerly, a distance of approximately 61 feet to a point in said easterly right-of-way line, said common Corporation line;

Thence northerly, with said easterly right-of-way line, said common Corporation line, the westerly line of said 0.532 acre Permanent Highway Easement, a distance of approximately 402 feet to the TRUE POINT OF BEGINNING, containing 1.4 acres, more or less.

Section 2. That the City Attorney shall notify the City Clerk when the City of Upper Arlington has received the easement for highway purposes signed by the appropriate state officials.

Section 3. That upon receiving the notification in Section 2, the City Clerk is authorized and directed to deliver a certified copy of this Ordinance to the Franklin County Board of Commissioners for further proceedings in accordance with Section 709.37 of the Ohio Revised Code.

Section 4. That the Development Director and the City Attorney are hereby authorized to take any and all actions necessary to effectuate the boundary adjustment consistent with this Ordinance.

Section 5. That the City of Columbus agrees to the transfer of the territory described in Section 1 to the City of Upper Arlington upon approval of the petition by the Board of Franklin County Commissioners and take any necessary steps to record such acceptance.

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: 1850-2013

Drafting Date: 7/11/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: Jeffrey New Day LLC has recently acquired and intends to redevelop the portion of the former Jeffrey Mining site depicted on Exhibit A, located at the southeast corner of Fourth Street and First Avenue, into residential apartments and single family homes. The site is located in an existing tax increment financing (“TIF”) area, which City Council created in 2002 pursuant to Ordinance 0546-2002. The City and Jeffrey New Day LLC desire to create a replacement TIF area to pay for certain infrastructure improvements and to otherwise support the redevelopment, while protecting the Columbus City School District from any loss of tax revenue due to the new TIF. This ordinance removes the unimproved parcels of the former Jeffrey Mining site owned by Jeffrey New Day LLC from the existing TIF area and incorporates them into a new TIF area, thereby allowing a full 30 year TIF program on those parcels.

Fiscal Impact: None. No funding is required for this legislation.

To remove a portion of the former Jeffrey Mining site from the tax increment financing area created by this Council pursuant to Ordinance 0546-2002; to declare the improvement to that property to be a public purpose and exempt from taxation; to provide for the collection and deposit of service payments, and to specify the

purposes for which those service payments may be expended; to authorize make-whole compensation payments to the Columbus City School District; and to declare an emergency.

WHEREAS, this Council is committed to improving existing neighborhoods and providing new neighborhood housing; and

WHEREAS, Ohio Revised Code (“ORC”) Sections 5709.41 to 5709.43 (collectively, the “TIF Statutes”) authorize this Council, by ordinance, to declare the improvement to parcels of real property located within the City to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish an urban redevelopment tax increment equivalent fund for the deposit of the those service payments, and specify the purposes for which money in that fund will be expended; and

WHEREAS, Jeffrey New Day LLC (“Jeffrey New Day”) has recently acquired the undeveloped portion of the former Jeffrey Mining site depicted on Exhibit A (the “Parcels”) from the previous developer and proposes to provide neighborhood residential uses through the urban redevelopment of the Parcels (the “Project”); and

WHEREAS, this Council, by its Ordinance 0546-2002 adopted April 8, 2002, approved a tax increment financing program for the former Jeffrey Mining site under the TIF Statutes (the “Existing .41 TIF”) to encourage the redevelopment of the site; and

WHEREAS, the Parcels remain undeveloped, and Jeffrey New Day and the City desire to replace the Existing .41 TIF on the Parcels with a new tax increment financing program pursuant to the TIF Statutes, thereby allowing a full 30-year tax increment financing program for the Parcels and further encouraging the redevelopment of the Parcels; and

WHEREAS, ORC Section 5709.41 requires that the City hold fee title to the Parcels prior to enacting this ordinance; and

WHEREAS, prior to the passage of this ordinance, the Director of Development, acting on behalf of the City pursuant to Ordinance 1089-2013 passed May 13, 2013, accepted title to the Parcels and transferred title back to Jeffrey New Day; and

WHEREAS, the City finds that a portion of the Parcels will be used for residential purposes as defined by the TIF Statutes, and to declare residential improvements to be a public purpose under ORC Section 5709.41, such improvements must be made in a blighted area of an impacted city, each as defined in ORC Sections 5709.41 and 1728.01; and

WHEREAS, the Department of Development has undertaken a blight assessment and study of the Parcels, which assessment and study concludes that the Parcels are a “blighted area” as that term is defined in ORC Sections 5709.41 and 1728.01, and that assessment and study and those findings have been submitted to this Council; and

WHEREAS, the Director of the Ohio Developmental Services Agency has certified Columbus to be an “impacted city” within the meaning of ORC Sections 5709.41 and 1728.01; and

WHEREAS, notice of this proposed ordinance has been delivered to the Board of Education of the Columbus City School District in accordance with and within the time periods prescribed in ORC Sections 5709.41 and 5709.83; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary to pass this ordinance as an emergency measure in order to allow for the timely financing of infrastructure improvements and commencement of redevelopment of the Parcels, all 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. Parcels. The real property subject to this ordinance is identified and depicted on Exhibit A (as currently or subsequently configured, the “Parcels,” with each individual parcel a “Parcel”). This Council finds that the City acquired the Parcels while engaged in urban redevelopment. This Council further finds that the Parcels constitute a “blighted area” as defined in ORC Sections 5709.41 and 1728.01.

Section 2. Removal of Parcels from the Existing .41 TIF. This Council hereby declares that as soon as this ordinance becomes effective as to any Parcel, that Parcel will no longer constitute part of Existing .41 TIF. Removal of a Parcel from the Existing .41 TIF pursuant to this Section 2 is effective immediately upon that Parcel becoming subject to the exemption provided by this ordinance. Upon a Parcel’s removal from the Existing .41 TIF, none of the provisions of Ordinance No. 0546-2002 will apply to that Parcel, it being the intent of this Council that the provisions of that ordinance apply to a Parcel through the tax year of removal from the Existing .41 TIF and the provisions of this ordinance apply to a Parcel thereafter.

Section 3. Urban Redevelopment Costs. Money deposited into the TIF Fund (as defined in Section 6) may be used to pay for or finance the costs of improvements to or on, or servicing, the Parcels or the Project, including but not limited to water, sewer and storm sewer improvements, parks and recreation improvements, roadway improvements, parking facilities, the acquisition of real estate and interests in real estate, and site preparation, for those improvements and for the Project, together with all necessary appurtenances and related costs, including but not limited to all costs enumerated in ORC Section 133.15(B), together with any other costs hereafter designated by ordinance as improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the redevelopment of the Parcels (the “Urban Redevelopment Costs”), all as further provided in the Existing TIF Agreement (as defined in Section 8), as the same may be amended or superseded from time to time.

Section 4. Exemption. This Council hereby finds and determines that 100% of the increase in assessed value of each Parcel subsequent to the acquisition of that Parcel by the City (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in ORC Section 5709.41) is hereby declared to be a public purpose and will be exempt from taxation for a period commencing on the effective date of this ordinance with respect to that Parcel and ending on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The exemption provided by this ordinance is subordinate to any exemption for a Parcel provided pursuant to ORC Sections 3735.65 to 3735.70.

Section 5. Service Payments. As provided in ORC Section 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Franklin County, Ohio (the “County Treasurer”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 4, including any penalties and interest

(collectively, the "Service Payments"). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in accordance with Section 7.

Section 6. TIF Fund. The Jeffrey Place Urban Redevelopment Tax Increment Equivalent Fund (the "TIF Fund") established pursuant to Ordinance No. 0546-02 will receive all distributions to be made to the City pursuant to Section 7. Those Service Payments and Property Tax Rollback Payments received by the City and so deposited pursuant to ORC Section 5709.42 will be used solely for the purposes authorized in the TIF Statutes or this ordinance. The TIF Fund will remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with ORC Section 5709.43.

Section 7. Distributions; Urban Redevelopment Costs. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments as follows:

a) to the Columbus City School District, an amount equal to the amount it would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this ordinance; and

b) to the City for deposit into the TIF Fund for payment of Urban Redevelopment Costs including, without limitation, debt charges on any note or bonds of the City issued to pay those Urban Redevelopment Costs.

Section 8. Amendments to Existing TIF Agreement. The Director of Development is authorized to execute and deliver any amendments as are necessary to conform the existing Tax Increment Financing and Cooperative Agreement dated as of January 17, 2007, pertaining to the redevelopment of the former Jeffrey Mining site to this ordinance (the "Existing TIF Agreement"). The approval of any such amendments, and that those amendments are necessary to conform that agreement to this ordinance, will be conclusively evidenced by the execution of those amendments by the Director of Development.

Section 9. Further Authorizations. This Council hereby authorizes and directs the Director of Development, the Clerk of Council and other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further hereby authorizes and directs those officers to prepare, execute and deliver all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

Section 10. Reports. Pursuant to ORC Section 5709.41(E), the Clerk of this Council is hereby directed to deliver a copy of this ordinance to the Director of the Ohio Development Services Agency within 15 days after its passage. Further, and on or before March 31 of each year that the exemption set forth in this ordinance remains in effect, the Director of Development or other authorized officer of the City is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under ORC Section 5709.41(E).

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 ten days after passage if the Mayor neither approves nor vetoes the

same.

Legislation Number: 1852-2013

Drafting Date: 7/11/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

Background: In response to a petition from Jeffrey Place Development LLC, this Council by its Resolution 050X-2004 adopted on March 8, 2004, approved the creation of The Jeffrey Place New Community Authority. On January 17, 2007, the City Director of Development, acting pursuant to City Ordinance 1246-2006 passed July 26, 2006, entered into a Tax Increment Financing and Cooperative Agreement with The Jeffrey Place New Community Authority and the previous developer of the former Jeffrey Mining site. On July 31, 2012, the previous developer signed a Settlement and Release Agreement with Jeffrey New Day LLC, pursuant to which the previous developer assigned all of its rights and obligations under the Tax Increment Financing and Cooperative Agreement to Jeffrey New Day LLC. This Ordinance officially recognizes Jeffrey New Day LLC as the “developer” of The Jeffrey Place New Community Authority for all purposes of Ohio Revised Code Chapter 349 and consents to the assignment of the Tax Increment Financing and Cooperative Agreement to Jeffrey New Day LLC.

Fiscal Impact: None. No funding is required for this legislation.

To establish Jeffrey New Day LLC as “developer” of The Jeffrey Place New Community Authority for the purposes of Ohio Revised Code Chapter 349; to consent to the assignment to Jeffrey New Day LLC of the Tax Increment Financing and Cooperative Agreement related to that Authority; and to declare an emergency.

WHEREAS, pursuant to Resolution 050X-2004, adopted by this Council on March 8, 2004, The Jeffrey Place New Community Authority (the “Authority”) was established pursuant to Ohio Revised Code Chapter 349 (the “Act”) to facilitate the redevelopment of the former Jeffrey Mining site; and

WHEREAS, pursuant to Ordinance 1246-06, passed by this Council on July 24, 2006, the Director of Development entered into a Tax Increment Financing and Cooperative Agreement (the “TIF Agreement”) with the Authority and the previous developer of the former Jeffrey Mining site (which property constitutes the Authority’s new community district); and

WHEREAS, the previous developer of the former Jeffrey Mining site has transferred its interests in the undeveloped portion of the site to Jeffrey New Day LLC, which intends to further redevelop that property; and

WHEREAS, since it no longer owns any property at the former Jeffrey Mining site, the previous developer of that site has assigned its interest in the TIF Agreement and the Authority to Jeffrey New Day LLC; and

WHEREAS, Jeffrey New Day LLC requests that this Council consent to those assignments; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary to pass this ordinance as an emergency measure in order to allow for the timely financing of public infrastructure improvements and commencement of redevelopment of the former Jeffrey Mining site, all 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 Jeffrey New Day LLC is deemed and designated the “developer” with respect to the development of the property constituting the Authority’s new community district and has assumed all rights and obligations as “developer” for the purposes of the Act.

Section 2. That this Council, on behalf of the City, hereby consents to the previous developer’s assignment of its rights and obligations under the TIF Agreement to Jeffrey New Day LLC.

Section 3. That the Director of Development is hereby authorized to execute and deliver all documents, and to take any other required actions, necessary or advisable to implement the assignments approved by 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 or vetoes this ordinance.

Legislation Number: 1858-2013

Drafting Date: 7/11/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

1. Background: This legislation authorizes the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company, Inc., in the amount of \$2,326,754.60 for the construction of the Greenlawn Ave. Storm & Sanitary Sewer Improvements.

The work consists of all the labor and materials for the construction of approximately 165 feet of 18-inch sanitary sewer inside a 36 inch steel tunnel-jacked liner, including jacking pit; 152 feet of 18-inch sanitary sewer; various type C manholes, 150 feet of 24-inch RCP storm sewer, 107 feet of 27-inch RCP storm sewer; 256 feet of 15 inch storm pipe removed and disposed of; 190 feet of 18 inch sanitary pipe filled-in-place; manhole abandonment; manhole reconstructed to grade.

Furthermore the project calls for furnishing and installation of a sanitary pump station with instrumentation and control (including SCADA); a sanitary pump station electrical control building and associated electrical work; numerous manhole rehabilitations on active OSIS sanitary trunk sewer; curb and sidewalk replacement, heavy duty grass pavers, driveway and permanent pavement replacement; pavement marking, maintenance of traffic; and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the bid submittal documents.

This project is necessary to provide sanitary sewer services to the future Greenlawn Fire Station.

2. Project Schedule: The work under this contract shall be completed in a manner acceptable to the City within 300 calendar days after the date of the Notice to Proceed. Refer to SP-14 for specific milestones that must be met (see the attached Director’s Information Sheet).

3. Procurement: In accordance with the procedures set forth in Columbus City Code, Section 329.09 for competitive bids. The Director of Public Utilities opened formal bids were opened on July 10th, 2013 and two (2) bids were received for the Greenlawn Ave Storm & Sanitary Sewer Improvements Project.

Name	CCCN	Exp. Date	City/State	Status
Kenmore Construction Company	34-0802152	08/03/2013	Akron, Ohio	MAJ
Complete General Construction Co.	31-4366382	11/01/2013	Columbus, Ohio	MAJ

The bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form evaluation process. After careful consideration, the Department recommends that Kenmore Construction Company, Inc. be award the construction contract.

The Award is recommended to the lowest, best, responsive, and responsible bidder.

4. The Engineer's Estimate: \$2,391,745.50

5. Contract Compliance Information: 34-0802152 | MAJ | Expires: 08/03/2013

6. Emergency Designation: Emergency designation **is requested** at this time.

7. Economic/Environmental Impact: The Mayor has listed the Greenlawn Fire Station on the capital budget priority list and indicated this work as an investment in the quality of life in Columbus. This construction project provides the necessary sanitary sewer service for this new Fire Station. In addition this project will reduce the potential for sanitary sewer overflow from the OSIS trunk sewer to meet the OEPA consent order.

8. Fiscal Impact: This ordinance authorizes the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund, Fund 664; to authorize the expenditure of \$2,326,754.60 from the Sanitary Sewer General Obligation Bond Fund, and to amend the 2013 Capital Improvement Budget to establish sufficient budget authority for this ordinance. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

To authorize the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company, Inc., for the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund; to authorize the expenditure of \$2,326,754.60 from Sanitary Sewer General Obligation Bond Fund; to amend the 2013 Capital Improvements Budget; and declare an emergency. (\$2,326,754.60)

WHEREAS, this legislation authorizes the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company, Inc. for the construction of the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project; and

WHEREAS, two competitive bids for the construction of the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project were received on July 10, 2013, whereupon it was determined that the Kenmore Construction Co., Inc., submitted the lowest, best, responsive and responsible bid proposal; and

WHEREAS, this project is listed on the Mayor's Capital Budget priority list and indicated that this work is an investment in the quality of life in Columbus.

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund, Fund 664 for purposes of providing sufficient funding for the sanitary expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664; and

WHEREAS, it is necessary to authorize an amendment the 2013 Amend Capital Improvement Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditure; and

WHEREAS, the aggregate principal amount which the City will issue to finance this project is an amount up to but not to exceed \$2,326,754.60; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Sanitary Sewer Reserve Fund the amount transferred; 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 Utilities, Division of Sewerage and Drainage, that the Department request that City Council authorize the Director of Public Utilities, Division of Sewerage and Drainage, to execute a contract with Kenmore Construction Co., for the construction of the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project, to ensure the continued operation of vital sanitary infrastructure for the City; and for the preservation of the public health, peace, property, and safety at the earliest practical date; **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 enter into a construction contract with Kenmore Construction Company, 700 Home Ave, Akron, Ohio 44310, for the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project in accordance with the terms and conditions as shown on the contract on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 654, 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, 2013, the sum of \$2,254,089.91 is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05 | OCA Code 655225 | Object Level One 10 | Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to appropriate a total \$2,254,089.91 to the Sanitary Sewer General Obligation Bond Fund, Fund 664, into the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project 650742-100004 | OCA Code 647424 | Object Level Three 6630.

SECTION 4. That the City Auditor is hereby authorized to transfer a total \$2,254,089.91 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund, Fund 664, into the Greenlawn Ave. Storm & Sanitary Sewer Improvements Project 650742-100004, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 5. That Director of Public Utilities is hereby authorized to expend up to \$2,324,089.91 from the Sanitary Sewer General Obligation Bond Fund | Fund 664 | Division 60-05 | Project 650742-100004 | OCA Code 647424 | Object Level Three 6630.

SECTION 6. That Director of Public Utilities is hereby authorized to expend up to \$2,664.69 from the Sanitary Build America Bonds Fund | Fund 668 | Division 60-05 | Project 650742-100004 | OCA Code 687424 | Object Level Three 6630.

SECTION 7. That the City Auditor is hereby authorized and directed to appropriate the following:

A. Division: Sewerage and Drainage
Dept. /Div. No.: 60-05
Fund No.: 668
Fund Name: Sanitary B.A.B.s. Fund
OL3: 6630

Fund No. | Project No. | Project Name | OCA | Amount
668 | 668999-100000 | Unallocated Balance Fund 668 | 668999 | \$2,664.69

SECTION 8. That the City Auditor is hereby authorized to transfer \$72,664.69 within the Department of Public Utilities, Division of Sewerage and Drainage | Dept. /Div. No. 60-05 | as follows:

From:
Fund # | Project No. | Project Name | OCA Code | Change
664 | 650751-100001 | Williams Rd Sanitary Pump St | 664751 | -\$70,000.00
668 | 668999-100000 | Unallocated Balance Fund 668 | 668999 | -\$2,664.69

To:
Fund No. | Project No. | Project Name | OCA Code | Change
664 | 650742-100004 | Greenlawn Ave. Storm & Sanitary Sewer | 647424 | \$70,000.00
668 | 650742-100004 | Greenlawn Ave. Storm & Sanitary Sewer | 687424 | \$2,664.69

SECTION 9. That the 2013 Capital Improvements Budget, Ordinance No. 0645-2013, is hereby amended as follows, to provide sufficient budget authority for the execution of the contract stated herein:

Fund No. | Proj. No. | Project. Name | Current | Revised | (Change)
664 | 650751-100001 | Williams Rd Sanitary Pump St | \$70,000 | \$0 | (-\$70,000)
664 | 650742-100004 | Greenlawn Ave. Storm & Sanitary Sewer | \$0 | \$70,000 | (+\$70,000)
668 | 668999-100000 | Unallocated Balance Fund 668 | \$2665 | \$0 | (-\$2,665)
668 | 650742-100004 | Greenlawn Ave. Storm & Sanitary Sewer | \$0 | \$2,665 | (-\$2,665)

SECTION 10. That said company, the Kenmore Construction Company, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 11. That upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

SECTION 12. 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 \$2,254,089.91 (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 Sanitary/Sewer Reserve Fund 654, which is the fund from which the advance for costs of the Project will be made.

SECTION 13. That the City Auditor is hereby authorized to transfer the unencumbered balance in a 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.

SECTION 14. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

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, 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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1873-2013

Drafting Date: 7/12/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

Legislation Number: 1875-2013

Drafting Date: 7/14/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$8,070,000 for safety and health projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$8,070,000.00 for safety and health projects (\$8,070,000.00). Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds UT Safety Health Ordinance (3).pdf

Legislation Number: 1876-2013

Drafting Date: 7/14/2013

Version: 1

Current Status: Passed

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$35,520,000 for recreation and parks projects. The bond sale will be conducted on a negotiated basis with Bank of America

Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,520,000.00 for recreation and parks projects (\$35,520,000.00). Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - UT Recreation Parks Ordinance (4).pdf

Legislation Number: 1877-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$99,710,000 for transportation projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$99,710,000.00 for transportation projects (\$99,710,000.00) Section 55(B) of the City Charter.

Legislation Number: 1878-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$1,160,000 for refuse collection projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$1,160,000.00 for refuse collection projects (\$1,160,000.00) Section 55(B) of the City Charter.

Legislation Number: 1879-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$35,620,000 for water system projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,620,000.00 for water system projects (\$35,620,000.00) Section 55(B) of the City Charter.

Legislation Number: 1880-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$53,550,000 for sanitary sewer projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior

managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$53,550,000.00 for sanitary sewer projects (\$53,550,000.00) Section 55(B) of the City Charter.

See attached document - City of Columbus - 2013 Bonds - UT Sanitary Sewer Ordinance (4).pdf

Legislation Number: 1881-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$25,000.00 for electricity projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$25,000.00 for electricity projects (\$25,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - UT Electricity Ordinance (3).pdf

Legislation Number: 1882-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$5,445,000.00 for storm sewer projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$5,445,000.00 for storm sewer projects (\$5,445,000.00)

Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - UT Storm Ordinance (4).pdf

Legislation Number: 1883-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds (federally taxable) in an amount not to exceed \$3,729,000 for recreation and parks projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of unlimited tax bonds (federally taxable) in an amount not to exceed \$3,729,000.00 for recreation and parks projects (\$3,729,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - UT Recreation Parks Ordinance (Federally Taxable).pdf

Legislation Number: 1884-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$10,000,000 for the Office of City Auditor projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$10,000,000.00 for the Office of City Auditor projects (\$10,000,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 LT City Auditor Ordinance (2).pdf

Legislation Number: 1885-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$24,885,000 for safety and health projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$24,885,000.00 for safety and health projects (\$24,885,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Safety Health Ordinance (2).pdf

Legislation Number: 1886-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$39,800,000 for construction management projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$39,800,000.00 for construction management projects (\$39,800,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Construction Management Ordinance (2).pdf

Legislation Number: 1887-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$700,000 for fleet management projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$700,000.00 for fleet management projects (\$700,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Fleet Management Ordinance (2).pdf

Legislation Number: 1888-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$6,305,000 for information services projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$6,305,000.00 for information services projects (\$6,305,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Information Services Ordinance (2).pdf

Legislation Number: 1889-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$4,920,000 for refuse collection projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$4,920,000.00 for refuse collection projects (\$4,920,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Refuse Collection Ordinance (2).pdf

Legislation Number: 1890-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$6,750,000 for economic and community development projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$6,750,000.00 for economic and community development projects (\$6,750,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Economic Community Development Ordinance.pdf

Legislation Number: 1891-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$2,430,000 for electricity projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds in an amount not to exceed \$2,430,000.00 for electricity projects (\$2,430,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Electricity Ordinance (2).pdf

Legislation Number: 1892-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$7,331,500 for fleet fuel site infrastructure projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$7,331,500.00 for fleet fuel site infrastructure projects (\$7,331,500.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Fleet Fuel Site Ordinance (Federally Taxable).pdf

Legislation Number: 1893-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,555,000 for economic and community development projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,555,000.00 for economic and community development projects (\$5,555,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Economic Community Development Ordinance (Federally Taxable).pdf

Legislation Number: 1894-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,500,000 for construction management projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,500,000.00 for construction management projects (\$5,500,000.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Construction Management Ordinance (Federally Taxable).pdf

Legislation Number: 1895-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,164,500 for fiber optics systems projects. The bond sale will be conducted on a negotiated basis with Bank

of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$5,164,500.00 for fiber optics systems projects (\$5,164,500.00) Section 55(B) of the City Charter.

See attached document: City of Columbus - 2013 Bonds - LT Fiber Optics Ordinance (Federally Taxable).pdf

Legislation Number: 1896-2013

Drafting Date: 7/14/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax notes in the amount of not to exceed \$19,800,000, to refund outstanding bond anticipation notes issued for the purpose of financing the costs of the transportation projects and the Preserve District project improvements. The notes will placed with Bank of American Merrill Lynch.

To authorize the issuance of limited tax notes in the amount of not to exceed \$19,800,000.00, to refund outstanding bond anticipation notes issued for the purpose of financing the costs of the transportation projects and the Preserve District project improvements. (\$19,800,000.00) Section 55(b) of the City Charter.

See attached document: City of Columbus - 2013 Notes - LT Note Renewal Ordinance (4). pdf

Legislation Number: 1907-2013

Drafting Date: 7/16/2013

Current Status: Passed

Version: 1

Matter Type: Ordinance

BACKGROUND: In the continued effort to provide increased community dialogue and transparency in local City government, Columbus City Council seeks to enter into a contract with GovDelivery for a pilot deployment of a constituent communication system.

GovDelivery's Digital Communication Management platform operates as Software as a Service (SaaS), a software application delivery model hosted and operated by GovDelivery for use by its clients over the Internet. GovDelivery takes care of the maintenance, support, training and upgrades and is responsible for all hardware, networking, storage, database, security, administration and other costs associated with the delivery of its Digital Communication Management solution.

GovDelivery's mission is to maximize direct connections to the public through digital communications. The DCM platform improves information access, while lowering costs associated with traditional communication options. GovDelivery typically provides a return on investment (ROI) within the first year through by reducing paper document distribution costs, consolidating list serve software costs and reducing administrative time. Columbus City Council received presentations and conducted several interviews with representatives of multiple companies which offer similar services as GovDelivery, and met with GovDelivery representatives multiple times over a course of several months. In addition, Council engaged the City's department of technology (DOT) in evaluating GovDelivery's proposal, and to determine whether future citywide deployment was viable. While GovDelivery received favorable review from DOT, timing and other priorities make citywide deployment impractical at this time. Instead, experience gained by City Council through this pilot will help inform the decision to expand the program citywide in the future. To this end, Council will waive competitive bidding for this pilot period to take advantage of current pricing and immediately implement the program to assess the value to citizens.

GovDelivery is currently being used by over 550 federal, state and local governmental entities, including

Columbus City Schools and Solid Waste Authority of Central Ohio (SWACO).

FISCAL IMPACT: \$8,000.00 funding for such sponsorship was allotted in the Neighborhood Initiatives Fund.

EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner due to the time sensitive deadlines.

To authorize Columbus City Council to enter into a contract with GovDelivery for the pilot deployment of a constituent communication system, to appropriate and expend \$8,000.00 from the Neighborhood Initiatives Fund, to waive the competitive bidding requirements of Chapter 329, Columbus City Codes, and to declare an emergency. (\$8,000.00)

WHEREAS, Columbus City Council wishes to provide a constituent communication system to help disseminate information to citizens, whereby increasing community dialogue and transparency in local government, and

WHEREAS, GovDelivery is a unique provider in the in the constituency communication field due to the fact that the company focuses exclusively on needs of public sector agencies, and

WHEREAS, GovDelivery works directly with more than 550 government organizations in the United States and across the globe including the U.S. federal offices of Homeland Security and Department of Defense, and

WHEREAS, Columbus City Council will benefit from use of the application by directly linking in to the best communication practices of such a large pool of governmental agencies, and by communication partnerships local agencies, and

WHEREAS, passage of the this legislation authorizes Columbus City Council to expend \$8,000.00 from the Neighborhood Initiatives Fund to enter into a contract with GovDelivery for the pilot deployment of a constituent communication system; and

WHEREAS, based on the superior credentials of GovDelivery, Columbus City Council recommends the waiver of the competitive bidding requirements of Chapter 329, Columbus City Codes; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to appropriate and transfer said funds to have funding available for necessary expenditures; now, therefore:

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

Section 1. That Columbus City Council is hereby authorized and directed to appropriate \$8,000.00 in the Neighborhood Initiative Fund as follows:

Dept: 20

Fund Type: Neighborhood Initiative

Fund: 18

Object Level 3: 3336

OCA Code: 200018

Amount: \$8,000.00

Section 2. That the expenditure of \$8,000.00, or so much as may be needed, be and hereby is authorized in:

Dept: 20

Fund Type: Neighborhood Initiative

Fund: 18

Object Level 3: 3336

OCA Code: 200018

Amount: \$8,000.00

Section 3. That Columbus City Council is hereby authorized to enter into a contract with GovDelivery for the pilot deployment of a constituent communication system.

Section 4. That for the reasons stated, Columbus City Council finds it is in the best interest 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 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.



City of Columbus

Legislation Report

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

File Number: 1875-2013

Emergency

File ID: 1875-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Safety and Health

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$8,070,000.00 for safety and health projects (\$8,070,000.00). Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Safety Health Ordinance (3)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$8,070,000 for safety and health projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$8,070,000.00 for safety and health projects (\$8,070,000.00). Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds UT Safety Health Ordinance (3).pdf

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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$8,070,000 of bonds of the Municipality 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, 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 Municipality shall be issued in one or more series, in the principal sum of Eight Million Seventy Thousand Dollars (\$8,070,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 “Unlimited Tax Bonds.” The Unlimited Tax Bonds shall be designated “Various Purpose Unlimited Tax Bonds, Series 2013A,” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the

aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$8,070,000), 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	330021-100004	\$1,600,000	Police Facility Renovation - McKinley Ave Academy Improvements
701	330021-100000	80,000	Police Facility Renovation - Sub Station Improvements
701	340101-100002	2,000,000	Fire Apparatus Replacement - Medics
701	340101-100003	2,000,000	Fire Apparatus Replacement - Platform
701	340103-100000	390,000	Fire Facility Renovation - Pavement
701	340101-100004	<u>2,000,000</u>	Fire Apparatus Replacement - Engines
Total		<u>\$8,070,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1876-2013

Emergency

File ID: 1876-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Recreation & Parks

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,520,000.00 for recreation and parks projects (\$35,520,000.00). Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Recreation Parks Ordinance (4)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$35,520,000 for recreation and parks projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,520,000.00 for recreation and parks projects (\$35,520,000.00). Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - UT Recreation Parks Ordinance (4).pdf

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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$35,520,000 of bonds of the Municipality 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 and installation 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.

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 principal sum of Thirty-Five Million Five Hundred Twenty Thousand Dollars (\$35,520,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 “Unlimited Tax Bonds.” The Unlimited Tax Bonds shall be designated “Various Purpose Unlimited Tax Bonds, Series 2013A,” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the

aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$35,520,000), 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	\$ 228,200	UIRF - TBD
702	440006-100111	125,000	Kenlawn Park Improvements
702	440006-100113	45,000	Street Trees Clintonville and Franklinton
702	440006-100119	200,000	Hanford Village Park
702	440006-100122	200,000	Martin Park/Smith Park Improvements
702	510011-100000	393,000	Pool Improvements
702	510011-100008	100,000	Sprayground A/E
702	510011-100009	4,500,000	Maryland Pool
702	510011-100014	300,000	Swim Center Lobby
702	510017-100008	400,000	Wilson Rd. Park Development
702	510017-100017	830,000	Franklin Park Conservatory
702	510017-100060	500,000	Battelle Park Improvements
702	510017-100132	250,000	Bridge Improvements: Duranceau
702	510017-100141	175,000	English Park
702	510017-100199	50,000	Red Bank Launch Improvements
702	510017-100422	60,000	Westgate Lake A/E
702	510017-100425	72,000	Wheeler Dog Park Improvements
702	510017-100455	114,625	Olentangy Water Trail
702	510035-100000	710,938	CIP Staff Time Reimbursements
702	510035-100004	200,000	Misc. Facility Improvements
702	510035-100010	300,000	HVAC Improvements 2014 A/E
702	510035-100012	2,000,000	Alum Creek Warehouse Expansion
702	510035-100016	1,813,133	Westgate Park
702	510035-100022	300,000	MLK Center Improvements
702	510035-100047	500,000	Santa Maria
702	510035-100052	400,000	Glenwood Rec Center A/E
702	510035-100060	150,000	Electrical Improvement: Barack
702	510035-100128	1,000,000	Gillie HVAC
702	510035-100151	200,000	Indian Village Lodge Renovation
702	510035-100207	60,000	Retreat at Turnberry A/E
702	510035-100225	500,000	Three Creeks Pole Barn
702	510035-100226	300,000	Smith Farm Barn A/E
702	510035-100237	1,000,000	Tuttle HVAC
702	510035-100263	2,000,000	Hard Road Maintenance Building
702	510035-100266	50,000	Griggs Amphitheater A/E
702	510039-100001	200,000	Street Tree Installation Fall 2013
702	510039-100002	220,359	Emerald Ash Borer Improvements
702	510040-100001	500,000	Maintenance Equipment
702	510112-100000	1,173,141	Land Acquisition
702	510112-100101	1,200,000	Hayden Rd and Leppert Property
702	510112-100104	1,400,000	Warner and Ulry Property
702	510229-100001	96,000	Trail Safety Improvements
702	510316-100000	730,000	Neighborhood Trails Connections
702	510316-100107	210,000	Columbus/Hilliard Trail
702	510316-100111	5,300,000	Alum Creek Trail Champions to Easton
702	510316-100113	893,604	Goodale Street Bikeway/Harrison West

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
702	510316-100124	520,000	Big Walnut Trail, 3 Creeks to Nafzger A/E
702	510316-100125	2,250,000	Camp Chase Trail, Phase 1
702	510717-100007	<u>800,000</u>	Art Museum
Total		<u>\$35,520,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1877-2013

Emergency

File ID: 1877-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Transportation

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #: AC035413

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$99,710,000.00 for transportation projects (\$99,710,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT
Transportation Ordinance (4)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	Accounting transactions posted/ BR010966/ AC035413/ HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$99,710,000 for transportation projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$99,710,000.00 for transportation projects (\$99,710,000.00) Section 55(B) of the City Charter.

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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$99,710,000 of bonds of the Municipality 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 Municipality shall be issued in one or more series, in the principal sum of Ninety-Nine Million Seven Hundred Ten Thousand Dollars (\$99,710,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 "Unlimited Tax Bonds." The Unlimited Tax Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2013A," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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

Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial

interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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

Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$99,710,000), 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	530087-100005	\$ 1,004,099	ADA Curb Ramps - Curb ramp - repair
704	530104-100003	1,125,000	Alley Rehabilitation - Downtown SID Improvements
704	530104-100004	1,500,000	Alley Rehabilitation - Misc.
704	530103-100013	640,000	Arterial Street Rehabilitation - North High Street/Flint Rd - county Line
704	530103-100014	400,000	Arterial Street Rehabilitation - James Road
704	530103-100015	4,900,000	Arterial Street Rehabilitation - Karl Rd. / SR 161 - Schrock
704	530103-100022	500,000	Arterial Street Rehabilitation - Stelzer Rd Phase 1
704	530103-100038	70,000	Arterial Street Rehabilitation - Hard Rd Phase A/Sawmill Road - Smoky Row
704	530103-100042	300,000	Arterial Street Rehabilitation - Alum Creek Drive - Frebis to Refugee
704	530103-100047	250,000	Arterial Street Rehabilitation - Sawmill Rd - I270 to Hard Rd
704	540002-100002	133,787	Bikeway Development - Spot/Misc. Improvements
704	540002-100010	40,000	Bikeway Development - Bike Hitches/Racks
704	540002-100026	66,575	Bikeway Development - Pavement Marking and Signage Contract
704	540002-100032	37,351	Bikeway Development - Rehabilitation
704	540002-100033	200,000	Bikeway Development - Bikeway General Engineering Design
704	540002-100034	400,000	Bikeway Development - Bicentennial Bikeways Plan
704	540002-100037	600,000	Bikeway Development - Sullivant Corridor East-West Connector
704	540002-100041	60,000	Bikeway Development - North Hague Ave-Whitethorne Ave
704	540002-100047	150,000	Bikeway Development - Downtown Projects
704	540002-100048	550,000	Bikeway Development - Olentangy River Road Shared Use Path Kinnear to Lane
704	530301-100000	2,475,043	Bridge Rehabilitation
704	530301-160771	55,122	Bridge Rehabilitation - Fifth Ave over Scioto River
704	530301-161735	140,000	Bridge Rehabilitation - Noe-Bixby Road over Stream South of Main St. East
704	530210-100001	25,000	Curb Reconstruction - Curb Reimbursement Program
704	530210-100002	25,000	Curb Reconstruction - Qwik Curb Commodities
704	530210-100015	1,000,000	Curb Reconstruction - Citywide Curb Rehabilitation Program
704	530303-100000	1,880,141	Housing Initiatives - Roadway
704	530086-100023	55,000	Intersection Improvements - Gender Rd at Refugee
704	590955-100008	187,500	Operation Safewalks - Joyce Ave Phase 2
704	590955-100017	137,500	Operation Safewalks - Joyce Ave Phase 3
704	540001-100000	1,000,000	Parking Meters - Commodities
704	530103-100018	1,100,000	Arterial Street Rehabilitation - Lockbourne Rd/Frebis Road SR104
704	590105-100000	42,372	Pedestrian Safety Improvements
704	590105-100005	1,069,617	Pedestrian Safety Improvements - Sidewalk Program

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
704	590105-100006	950,000	Pedestrian Safety Improvements - Sidewalk Program Construction
704	590105-100015	816,931	Pedestrian Safety Improvements - Franklinton Community Mobility Plan
704	590105-100032	250,000	Pedestrian Safety Improvements - Hague/Valleyview Safe Routes to School
704	590105-100039	225,000	Pedestrian Safety Improvements - Weinland Park Community Mobility Program
704	590105-100040	163,750	Pedestrian Safety Improvements - Hilltop Community Mobility Plan
704	590105-100042	206,000	Pedestrian Safety Improvements - COTA Sidewalks Phase 2
704	590105-100047	24,000	Pedestrian Safety Improvements - Parsons Ave Sidewalks
704	590105-100050	32,628	Pedestrian Safety Improvements - Town Street Curb Ext at Avondale and Hawkes
704	590105-100069	126,633	Pedestrian Safety Improvements - Joyce Ave Sidewalks - Denune to Agler
704	590105-100077	100,000	Pedestrian Safety Improvements - Mound Street Sidewalks - Binns to Wayne
704	590105-100078	100,000	Pedestrian Safety Improvements - Livingston Ave Sidewalks Woodcrest to Lattimer
704	590105-100079	80,000	Pedestrian Safety Improvements - Whittier Street Sidewalks Lockbourne to Fairwood
704	590105-100081	140,000	Pedestrian Safety Improvements - Sidewalk Replacement
704	590105-100087	120,000	Pedestrian Safety Improvements - Pedestrian Safety Commodities
704	590955-100006	900,000	Operation Safewalks - Marion Road
704	540013-100000	600,000	Permanent Pavements Markings
704	530282-100051	767,500	Resurfacing - Resurfacing Projects
704	530282-100052	665,760	Resurfacing - Urban Paving - East Broad/Whitehall Corp Line - Licking Cty Line
704	530282-100069	514,000	Resurfacing - Urban Paving - SR33 Dublin Rd/Spring St.
704	530282-100070	4,407	Resurfacing - Urban Paving - SR317 - London - Groveport Rd
704	530282-100071	847,000	Resurfacing - Urban Paving - SR317 Hamilton Rd
704	530282-100072	578,875	Resurfacing - Preventative Surface Treatments - Crack Seal
704	530282-100074	1,012,601	Resurfacing - Hayden Run
704	530282-100075	742,106	Resurfacing - Far Northwest
704	530282-100076	418,866	Resurfacing - Far North
704	530282-100078	1,171,798	Resurfacing - Northwest
704	530282-100079	342,511	Resurfacing - Northland
704	530282-100080	421,746	Resurfacing - Far West
704	530282-100081	660,227	Resurfacing - West Scioto
704	530282-100082	2,004,669	Resurfacing - West Olentangy
704	530282-100084	2,055,062	Resurfacing - North Linden
704	530282-100085	3,847,396	Resurfacing - Northeast
704	530282-100089	106,590	Resurfacing - Franklinton
704	530282-100090	47,189	Resurfacing - Greenlawn - Frank Rd
704	530282-100091	3,800,118	Resurfacing - Downtown
704	530282-100092	1,664,813	Resurfacing - Near East
704	530282-100094	763,323	Resurfacing - Far East
704	530282-100095	2,831,470	Resurfacing - Near South
704	530282-100097	251,182	Resurfacing - Eastland - Brice
704	530282-100098	705,766	Resurfacing - Westland
704	530282-100099	57,086	Resurfacing - Rickenbacker
704	530282-100101	1,335,237	Resurfacing - Citywide
704	530282-100103	325,000	Resurfacing - Urban Paving - FRA 40.17.57/27.40 (PID 86649)

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
704	530282-100104	416,000	Resurfacing - Urban Paving - FRA 23-0.00 (PID80108)
704	530060-100000	600,000	Neil Ave Area Imps
704	530161-100000	1,167,554	Roadway Improvements
704	530161-100013	2,200,000	Roadway Improvements - SCMRF Reimbursements
704	530161-100021	400,000	Roadway Improvements - Downtown Action Plan
704	530161-100070	100,000	Roadway Improvements - Utility Relocation Reimbursements
704	530161-100071	183,859	Roadway Improvements - Misc. Construction Inspection
704	530161-100072	100,000	Roadway Improvements - Misc. ROW Acquisition
704	530161-100073	875,662	Roadway Improvements - Tech Center South/Techneglas
704	530161-100080	1,200,000	Roadway Improvements - Twin Rivers Drive
704	530161-100095	136,882	Roadway Improvements - Stygler Rd
704	530161-100097	528,359	Roadway Improvements - I70/71 East Interchange Phase 2C
704	530801-100001	650,000	Short North Streetscape
704	540005-100001	245,000	School Flashers - 20 MPH - Commodities
704	590910-100002	1,319,236	SciTech - OSU Research Park
704	540008-100001	350,000	Sign Upgrading/ Streetname Signs - Commodities
704	530020-100000	4,774,807	Street Equipment
704	540007-100003	950,000	Traffic Signal Installation - Commodities
704	540007-100004	492,712	Traffic Signal Installation - Columbus Traffic Signal System Phase B
704	540007-100005	200,000	Traffic Signal Installation - Columbus Traffic Signal System Phase C
704	540007-100029	85,000	Traffic Signal Installation - Neil Ave Signals
704	540007-100030	500,000	Traffic Signal Installation - Downtown Signals
704	440104-100002	2,064,243	Misc. Economic Development - Columbus Coated Fabrics
704	440104-100006	2,113,229	2012 Neighborhood Infrastructure Projects
704	440104-100007	1,361,394	Roadway Improvements - Creative Campus
704	440104-100008	916,141	Roadway Improvements - 18th Street
704	440104-100011	2,800,000	Misc. Economic Development - Weinland Park (Columbus Coated) Phase 3A
704	530058-100001	250,000	NCR - Milo Grogan
704	530058-100005	2,500,000	NCR - TBD
704	530801-100002	200,000	Streetscape Improvements - Corp Relocations
704	530801-100006	775,000	Streetscape Improvements - Commercial Corridor
704	590131-100003	7,600,000	Misc. Developments - American Addition Infrastructure
704	590415-100003	200,000	59-09 Economic & Community Development - Schottenstein Program
704	440005-100000	4,806,324	UIRF - Urban Infrastructure Recovery Fund
704	440005-100008	361,659	UIRF - High St/Clintonville Imp
704	440005-100009	190,592	UIRF - Holtzman/Main
704	440005-100014	<u>1,200,000</u>	Taylor Ave Streetscape Improvements
	Total	<u>\$99,710,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds, and the Limited Tax Bonds authorized by separate ordinances of this Council, to be issued at the same time as the Unlimited Tax Bonds (as used herein, the “2013 A, B, C & D 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 2013 A, B, C & D Bonds and printing fees, the Municipality is hereby authorized to expend a sum not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000), 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 2013 A, B, C & D Bonds from the proceeds of the sale of the 2013 A, B, C & D Bonds.

This Council hereby declares that the Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1878-2013

Emergency

File ID: 1878-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Refuse Collection

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$1,160,000.00 for refuse collection projects (\$1,160,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Refuse Collection Ordinance (3)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$1,160,000 for refuse collection projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$1,160,000.00 for refuse collection projects (\$1,160,000.00) Section 55(B) of the City Charter.

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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$1,160,000 of bonds of the Municipality 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, 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 Municipality shall be issued in one or more series, in the principal sum of One Million One Hundred Sixty Thousand Dollars (\$1,160,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 "Unlimited Tax Bonds." The Unlimited Tax Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2013A," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the

City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the "Original Purchaser"). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

"Certificate of Award" means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

"Optional Redemption Prices", if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

"Principal Retirement Dates" means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

"Purchase Price" means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$1,160,000), 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	520001-100003	\$1,160,000	Mechanized Collection Equipment - Automated Side Loader Trucks
Total		<u>\$1,160,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1879-2013

Emergency

File ID: 1879-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Water

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,620,000.00 for water system projects (\$35,620,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Water Ordinance (4)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$35,620,000 for water system projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$35,620,000.00 for water system projects (\$35,620,000.00) Section 55(B) of the City Charter.

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Five Hundred Twenty-Four Million Seven Hundred Thousand Dollars (\$524,700,000) 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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$35,620,000 of bonds of the Municipality 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 of acquiring real estate and interests in real estate, landscaping and making site improvements, improving existing water plants and acquiring and improving instrumentation and control systems, hydroelectric facilities, raw water conduits, transmission and distribution lines, booster stations, tanks, lagoons and levees; 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-five (25) years.

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 principal sum of Thirty-Five Million Six Hundred Twenty Thousand Dollars (\$35,620,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 "Unlimited Tax Bonds." The Unlimited Tax Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2013A," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$35,620,000), 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>
606	452501-100001	\$ 200,000	GIS Professional Services Contract
606	690006-100000	1,000,000	Hoover Reservoir Erosion Control
606	690236-100000	500,000	Water Main Rehabilitation
606	690236-100043	3,000,000	Cooke Rd. 6-8" W.L. Imp's
606	690236-100047	3,000,000	Sexton Ave Area W.L. Imp's
606	690236-100059	200,000	Project #26 W.M. Replacement
606	690236-100060	200,000	Project #27 W.M. Replacement
606	690236-100061	200,000	Project #28 W.M. Replacement
606	690236-100062	200,000	Project #29 W.M. Replacement
606	690251-100000	100,000	O'Shaughnessy Hydroelectric - FERC
606	690265-100000	500,000	HCWP Raw Water Line
606	690278-100000	400,000	DRWP Misc. Imp's
606	690286-100000	1,000,000	HCWP Misc. Imp's
606	690291-100000	900,000	PAWP Misc. Imp's
606	690335-100001	500,000	DRWP Olentangy River Intake Demolition
606	690351-100000	100,000	McKinley Ave. Quarry Imp's
606	690370-100003	950,000	Upground Reservoir - Borrow Pit Restoration Project
606	690384-100000	6,200,000	Watershed Road Improvements
606	690411-100000	430,000	Watershed Misc. Improvements Facilities
606	690421-100000	200,000	Watershed Protection Easements
606	690428-100001	8,850,000	DRWP Capacity Increase Detailed Design & Construction
606	690444-100000	500,000	O'Shaughnessy Hydroturbine Imp's
606	690446-100000	500,000	General Engineering Services - Supply Group
606	690473-100007	200,000	Morse Rd. South Water Tank Imp's
606	690477-100000	1,000,000	Water Storage Tank Painting
606	690496-100000	500,000	Proposed Water Plant Location Evaluation & Land Acquisition
606	690498-100000	250,000	HCWP & DRWP Coating
606	690501-100001	890,000	Old Roberts Rd. 24" W.L.
606	690510-100002	500,000	HCWP Sludge Disposal Line (ARV)
606	690521-100000	600,000	Water Main Repair CT
606	690527-100000	600,000	Fire Hydrant Repairs
606	690533-100000	250,000	PAWP Well Pump Replacement
606	690537-100001	200,000	Westgate Tank Replacement
606	690538-100001	1,000,000	HCWP Lime Slurry Disposal Line Condition Assessment
	Total	<u>\$35,620,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1880-2013

Emergency

File ID: 1880-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Sanitary Sewer

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$53,550,000.00 for sanitary sewer projects (\$53,550,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Sanitary Sewer Ordinance (4)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$53,550,000 for sanitary sewer projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$53,550,000.00 for sanitary sewer projects (\$53,550,000.00) Section 55(B) of the City Charter.

Body

See attached document - City of Columbus - 2013 Bonds - UT Sanitary Sewer Ordinance (4).pdf

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Five Hundred Fifty-One Million Nine Hundred Seventy Thousand Dollars (\$551,970,000) 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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$53,550,000 of bonds of the Municipality 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 real estate and interests in real estate, landscaping and making site improvements, expanding and improving existing wastewater treatment facilities, constructing new wastewater treatment facilities, acquiring and improving instrumentation and control systems, sewer lines, pumping stations, lagoons and levees, constructing storm and sanitary sewer septations, wetlands, bioswales, rain gardens and vegetated roofs, and acquiring related machinery, equipment and appurtenances; 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-five (25) years.

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 principal sum of Fifty-Three Million Five Hundred Fifty Thousand Dollars (\$53,550,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 "Unlimited Tax Bonds." The Unlimited Tax Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2013A," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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

Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial

interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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

Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$53,550,000), 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>
664	650004-100000	\$ 430,000	Public Information Outreach
664	650009-100000	1,000,000	Real Time Control
664	650014-100000	500,000	Sanitary Sewer Construction
664	650100-100000	1,000,000	Sanitary Sewer Contingency
664	650113-100000	400,000	General Engineering Service Contract
664	650249-100002	280,000	JPWWTP Multiple Hearth Incinerator Improvements
664	650250-100004	100,000	JPWWTP Biosolids Digester Biogas Utilization
664	650258-100001	360,000	Facilities and Equipment Upgrade for WSST
664	650259-100001	3,748,000	JPWWTP, corrosion Prevention & Protective Coating
664	650260-100000	250,000	DPU General Engineering Consultant
664	650260-102000	400,000	JPWWTP - Small Capital Projects
664	650260-103000	400,000	SWWTP - Small Capital Projects
664	650260-104000	400,000	Compost Facility - Small Capital Projects
664	650260-105000	400,000	SMOC Facility - Small Capital Projects
664	650260-106000	400,000	Fairwood Building - Small Capital Projects
664	650323-100000	1,000,000	WWTF Upgrade Project 88
664	650333-100000	2,682,000	WWTFs Ash Lagoon Improvements
664	650343-100002	1,423,000	SWWTP Major Incineration Rehabilitation
664	650347-100001	175,000	Combined Sewer Overflow Reductions
664	650350-100002	160,000	SWWTP Corrosion Prevention & Protective Coating
664	650351-100001	1,700,000	Wastewater Treatment Facilities Construction and Contingencies
664	650353-100002	100,000	SWWTP Biogas Utilization
664	650359-100000	2,920,000	SWWTP Sludge Thickening Improvements and Additional Renovations
664	650360-100001	2,194,000	WWTF Upgrade - General Program
664	650367-100001	2,062,000	SWWTP Chemically Enhanced Primary Treatment
664	650404-100040	5,000,000	2013 Annual Lining
664	650490-100002	500,000	BWARI Biofilter
664	650510-100031	4,006,000	Fairwood Facilities Improvements, Phase 2
664	650560-100000	2,500,000	Franklinton East Sewer Improvements
664	650570-100000	300,000	Woodward Avenue Sanitary Sewer
664	650600-100006	50,000	Franklin Main Interceptor Rehabilitation; Sec. 6
664	650640-100000	300,000	Castle Road Pump Station Repair
664	650699-100000	52,000	Merwin Hill Area Assessment
664	650700-100000	175,000	Portage Grove Area Assessment

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
664	650704-100001	3,530,216	OSIS Augmentation Sewer Henry St. - JPWWTP
664	650714-100001	400,000	Indian Springs Area Sanitary Replacement
664	650725-100007	1,200,000	Big Walnut Sewer
664	650739-100000	175,000	Petzinger Road Sanitary Improvements
664	650741-100000	527,784	Scioto River Basin Stage Prediction Augmentation
664	650742-100004	5,000,000	Berliner Park Sewer Improvements; Greenlawn Sanitary Pump Station
664	650745-100005	1,500,000	2013 General Construction Contract
664	650749-100000	250,000	Second Ave Pump Station
664	650759-100000	300,000	Compost Facility Leachate Basin
664	650765-100000	1,000,000	Affordability Analysis (EPA Program)
664	650775-100000	100,000	Rickenbacker Area Pump Station
664	650800-100000	1,600,000	General Construction Administration/Construction Inspection
664	650886-100000	300,000	Scioto Main Sanitary Pump Station
664	650890-100000	<u>300,000</u>	Meeklyn Street
Total		<u>\$53,550,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1881-2013

Emergency

File ID: 1881-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Electricity

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$25,000.00 for electricity projects (\$25,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Electricity Ordinance (3)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$25,000.00 for electricity projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$25,000.00 for electricity projects (\$25,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - UT Electricity Ordinance (3).pdf

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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$25,000 of bonds of the Municipality 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 Municipality shall be issued in one or more series, in the principal sum of Twenty-Five Thousand Dollars (\$25,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 "Unlimited Tax Bonds." The Unlimited Tax Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2013A," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the

aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$25,000), 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	670608-100003	\$25,000	Dublin Ave Control Building (Switchgear Building) - SIT Supported
Total		<u>\$25,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1882-2013

Emergency

File ID: 1882-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Storm

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of unlimited tax bonds in an amount not to exceed \$5,445,000.00 for storm sewer projects (\$5,445,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Storm Ordinance (4)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in an amount not to exceed \$5,445,000.00 for storm sewer projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$5,445,000.00 for storm sewer projects (\$5,445,000.00)
Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - UT Storm Ordinance (4).pdf

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of One Hundred Four Million One Hundred Fifty Thousand Dollars (\$104,150,000) 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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$5,445,000 of bonds of the Municipality 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 enlarging, extending, renovating and improving the municipal storm sewerage system for the collection, retention, control and disposal of storm sewerage and surface waters and prevention and control of soil erosion by the acquisition of real estate and other interests in real estate, landscaping and making site improvements, construction and installation of storm sewers, renovation and improvement of manholes and storm sewerage ditches and acquisition and installation of related facilities and appurtenances; 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-five (25) years.

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 principal sum of Five Million Four Hundred Forty-Five Thousand Dollars (\$5,445,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 "Unlimited Tax Bonds." The Unlimited Tax Bonds shall be designated "Various Purpose Unlimited Tax Bonds, Series 2013A," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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

Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial

interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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

Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$5,445,000), 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>
685	610977-100000	\$ 963,149	Ashburton/Mayfair SSI
685	610990-100001	2,200,000	Woodward, Wildwood & Woodnell Ave SSI
685	610990-100002	2,200,000	17th Avenue SSI
685	611015-100001	<u>81,851</u>	Scioto Greenways Improvements
Total		<u>\$5,445,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Unlimited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Unlimited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds which limits the amount of Unlimited Tax 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 Unlimited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Unlimited Tax 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 Unlimited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1883-2013

Emergency

File ID: 1883-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Unlimited G.O. Bond Sale - Recreation & Parks (Taxable)

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of unlimited tax bonds (federally taxable) in an amount not to exceed \$3,729,000.00 for recreation and parks projects (\$3,729,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - UT Recreation Parks Ordinance (Federally Taxable)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of unlimited tax bonds (federally taxable) in an amount not to exceed \$3,729,000 for recreation and parks projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of unlimited tax bonds (federally taxable) in an amount not to exceed \$3,729,000.00 for recreation and parks projects (\$3,729,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - UT Recreation Parks Ordinance (Federally Taxable).pdf

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, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$3,729,000 of bonds of the Municipality 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 and installation 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.

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 principal sum of Three Million Seven Hundred Twenty-Nine Thousand Dollars (\$3,729,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 “Unlimited Tax Bonds.” The Unlimited Tax Bonds shall be designated “Various Purpose Unlimited Tax Bonds, Series 2013C (Federally Taxable),” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Unlimited Tax 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 Unlimited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Unlimited Tax Bonds are called for redemption, the Unlimited Tax 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 Unlimited Tax Bonds is authorized, the Bond Registrar shall select Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Unlimited Tax 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 either or both of those signatures may be a facsimile. No Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds shall be payable upon presentation and surrender of the Unlimited Tax Bonds at the office of the Bond Registrar. Each Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Unlimited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Unlimited Tax 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 Unlimited Tax Bonds. So long as any of the Unlimited Tax 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 Unlimited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Unlimited Tax 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 Unlimited Tax Bonds of any authorized denomination or denominations equal in the

aggregate to the unmatured principal amount of the Unlimited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

An Unlimited Tax 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 Unlimited Tax Bond or Unlimited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Unlimited Tax 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 Unlimited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Unlimited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Unlimited Tax 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 Unlimited Tax Bonds. All Unlimited Tax 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 Unlimited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Unlimited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Unlimited Tax 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 (iv) the Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds from the Depository, and authenticate and deliver Unlimited Tax 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 Unlimited Tax 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 Unlimited Tax Bonds may be transferred only through a book entry and (ii) physical Unlimited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Unlimited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Unlimited Tax 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 Unlimited Tax Bonds, and to effect transfers of Unlimited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Unlimited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Unlimited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Unlimited Tax Bonds to be issued, the dated date of the Unlimited Tax 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, the Certificate of Award and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Unlimited Tax 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 Award as the earliest date on which Unlimited Tax 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 Award in which the Unlimited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Unlimited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Unlimited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Unlimited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Unlimited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Unlimited Tax 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 Unlimited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 98% of the aggregate principal amount of the Unlimited Tax Bonds, together with accrued interest on the Unlimited Tax 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 Unlimited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Unlimited Tax Bonds, as are determined in the Certificate of Award, 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 Unlimited Tax 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 Award.

The Unlimited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Unlimited Tax Bonds from the date of the Unlimited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Unlimited Tax Bonds, the manner of sale and the terms of the Unlimited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Unlimited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Unlimited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Unlimited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Unlimited Tax 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 Unlimited Tax 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 par amount of the Unlimited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$3,390,000), 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>
712	510229-100004	\$2,270,000	Bike Share Program
712	510622-100000	500,000	COSI
712	510429-100017	150,000	Golf Course Shelter Improvements
712	510429-100016	50,000	Golf Course - Misc.
712	510429-100001	250,000	Golf Equipment Replacements
712	510429-100004	70,000	Hard Surface Improvements
712	510429-100003	<u>100,000</u>	Golf Bunker Improvements
Total		<u>\$3,390,000</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 Unlimited Tax 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 Award. 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 Unlimited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

Section 10. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

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 Unlimited Tax 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 Unlimited Tax 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.



City of Columbus

Legislation Report

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

File Number: 1884-2013

Emergency

File ID: 1884-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Auditor

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$10,000,000.00 for the Office of City Auditor projects (\$10,000,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT City Auditor Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$10,000,000 for the Office of City Auditor projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$10,000,000.00 for the Office of City Auditor projects (\$10,000,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 LT City Auditor Ordinance (2).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$10,000,000 of bonds of the Municipality 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 accounting and information systems software and hardware and related network infrastructure; 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 Municipality shall be issued in one or more series, in the principal sum of Ten Million Dollars (\$10,000,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series

2013B,” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$10,000,000), 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>
783	783002-100000	\$2,351,883	Financial Management System
783	783002-100001	<u>7,648,117</u>	Financial Management System - Implementation
Total		<u>\$10,000,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1885-2013

Emergency

File ID: 1885-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Safety & Health

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$24,885,000.00 for safety and health projects (\$24,885,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Safety Health Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$24,885,000 for safety and health projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$24,885,000.00 for safety and health projects (\$24,885,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Safety Health Ordinance (2).pdf

WHEREAS, this City Council (the “Council”) of the City of Columbus, Ohio (the “Municipality”) now deems necessary to issue and sell up to \$24,885,000 of bonds of the Municipality 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, 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 Municipality shall be issued in one or more series, in the principal sum of Twenty-Four Million Eight Hundred Eighty-Five Thousand Dollars (\$24,885,000) (the “Bonds”), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2013B," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or

denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax

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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$24,885,000), 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	310003-100000	\$ 1,087,490	Safety Cameras
701	310106-100000	35,776	Sirens
701	330021-100000	279,050	Police Facility Renovation - Sub Station Improvements
701	330033-100000	14,500,000	Police Property Room/Crime Lab
701	330036-100002	339,224	Police Equipment - Time & Attendance
701	340103-100000	1,136,188	Fire Facility Renovation - Pavement
701	340103-100001	473,812	Additional Fire Facility Renovation
701	340116-100000	33,460	Fire Defibrillator Replacement
701	340126-100000	<u>7,000,000</u>	Fire Station 2 Relocation
Total		<u>\$24,885,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1886-2013

Emergency

File ID: 1886-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Construction Management

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$39,800,000.00 for construction management projects (\$39,800,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Construction Management Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$39,800,000 for construction management projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$39,800,000.00 for construction management projects (\$39,800,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Construction Management Ordinance (2).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$39,800,000 of bonds of the Municipality 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 Municipality shall be issued in one or more series, in the principal sum of Thirty-Nine Million Eight Hundred Thousand Dollars (\$39,800,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2013B," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or

denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax

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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$39,800,000), 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	570030-100102	\$ 300,000	Facility Renovations - Staff reimbursements
733	570030-100120	1,834,000	Facility Renovations - Various
733	570030-100142	221,500	North Market Exterior
733	570030-100144	200,000	Facilities Management Division - Misc. Capital
733	570030-100145	750,000	Front Street Garage Phase 3
733	570030-100166	10,000	Health Carpet Replacement
733	570030-100203	200,000	Facility Staff Augmentation
733	570031-100001	1,442,000	City Hall Renovations - Various
733	570043-100013	10,060,000	City hall Renovations - HVAC
733	570043-100017	11,000,000	Groves Road Building - Remodel/Renovation
733	570043-100025	2,182,500	Municipal Court Phased Renovations
733	570061-100001	1,100,000	109 N. Front St. - New Building Design
733	570062-100000	9,000,000	Central Outpost Relocation
733	570068-100000	<u>1,500,000</u>	Citywide Occupational Safety & Health Clinic
Total		<u>\$39,800,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1887-2013

Emergency

File ID: 1887-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Fleet

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$700,000.00 for fleet management projects (\$700,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Fleet Management Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$700,000 for fleet management projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$700,000.00 for fleet management projects (\$700,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Fleet Management Ordinance (2).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$700,000 of bonds of the Municipality 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 ten (10) years.

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 principal sum of Seven Hundred Thousand Dollars (\$700,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2013B," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or

denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax

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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$700,000), 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>
513-002	550003-100000	\$100,000	Fleet Equipment Replacement
513-002	550005-100000	<u>600,000</u>	Fuel Tank Management
Total		<u>\$700,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1888-2013

Emergency

File ID: 1888-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Information Services

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$6,305,000.00 for information services projects (\$6,305,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Information Services Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$6,305,000 for information services projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$6,305,000.00 for information services projects (\$6,305,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Information Services Ordinance (2).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$6,305,000 of bonds of the Municipality 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 Municipality shall be issued in one or more series, in the principal sum of Six Million Three Hundred Five Thousand Dollars (\$6,305,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series

2013B,” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$6,305,000), 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	470031-100000	\$ 400,000	Facility Renovation
514	470037-100000	400,000	Disaster Recovery
514	470046-100002	170,000	Routing Equipment Upgrade
514	470046-100003	90,000	Uninterruptable Power Supply

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
514	470046-100005	1,170,000	Police Network Equipment Upgrade
514	470047-100000	780,000	ESU - Business Intelligence
514	470047-100003	350,000	Asset Management
514	470047-100005	170,000	Enterprise System Upgrade - GIS
514	470047-100008	1,250,000	Enterprise Upgrades - Police Infrastructure
514	470050-100000	100,000	E-Gov Initiative - Web
514	470050-100001	150,000	E-Gov Initiative - Mobility Services
514	470051-100000	335,000	Operations Equipment Upgrade
514	470052-100005	725,000	Police Telephone Upgrade
514	470054-100007	25,000	Media Services - Field Cameras
514	470059-100000	<u>190,000</u>	Health - Vital Stats Information Upgrade
Total		<u>\$6,305,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1889-2013

Emergency

File ID: 1889-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Refuse Collection

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$4,920,000.00 for refuse collection projects (\$4,920,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Refuse Collection Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$4,920,000 for refuse collection projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$4,920,000.00 for refuse collection projects (\$4,920,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Refuse Collection Ordinance (2).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$4,920,000 of bonds of the Municipality 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, 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 Municipality shall be issued in one or more series, in the principal sum of Four Million Nine Hundred Twenty Thousand Dollars (\$4,920,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax

Bonds.” The Limited Tax Bonds shall be designated “Various Purpose Limited Tax Bonds, Series 2013B,” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$4,920,000), 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	\$ 194,880	Mechanized Collection Equipment - 96-Gallon Containers
703	520001-100002	686,063	Mechanized Collection Equipment - 300 Gallon Containers
703	520001-100003	1,189,792	Mechanized Collection Equipment - Automated Side Loader Trucks
703	520001-100004	825,096	Mechanized Collection Equipment - Front - Box Loader Trucks
703	520001-100006	416,460	Mechanized Collection Equipment - Semi-Automated
703	520001-100007	201,300	Mechanized Collection Equipment - Flatbed Trucks
703	520001-100008	221,267	Mechanized Collection Equipment - Compactor Trucks
703	520001-100010	20,000	Mechanized Collection Equipment - Dumpsters
703	520004-100005	665,142	Alum Creek Remediation - Facility Improvements
703	520006-100001	<u>500,000</u>	Georgesville Road - Facility Improvements
Total		<u>\$4,920,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1890-2013

Emergency

File ID: 1890-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Economic & Community Development

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$6,750,000.00 for economic and community development projects (\$6,750,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Economic Community Development Ordinance

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$6,750,000 for economic and community development projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$6,750,000.00 for economic and community development projects (\$6,750,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Economic Community Development Ordinance.pdf

WHEREAS, this City Council (the “Council”) of the City of Columbus, Ohio (the “Municipality”) now deems necessary to issue and sell up to \$6,750,000 of bonds of the Municipality 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 purchasing, demolishing, renovating, improving, equipping and furnishing residential and commercial structures in the City, and acquiring, clearing, testing, remediating environmental issues, extending utilities, and otherwise improving residential and commercial sites in the City, and providing funds for grants 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 Municipality shall be issued in one or more series, in the principal sum of Six Million Seven Hundred Fifty Thousand Dollars (\$6,750,000) (the “Bonds”), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2013B," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or

denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax

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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$6,750,000), 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	440104-100005	\$ 600,000	Franklinton Creative Community
735	441749-100001	500,000	Green Columbus Fund
735	590415-100000	250,000	Economic & Community Development
782	782001-100000	2,325,000	Housing Preservation
782	782001-100001	995,930	Rebuilding Lives
782	782001-100002	400,000	Roof Repair Program
782	782001-100004	275,000	Home Again - Old Oaks
782	782002-100000	500,000	Home Safe & Sound
782	782003-100000	704,070	Emergency Shelter Repair
735	440119-100000	<u>200,000</u>	Public Art - Conservation, Installation, Assessment
Total		<u>\$6,750,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1891-2013

Emergency

File ID: 1891-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Electricity

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

_____	_____	_____	_____
Mayor	Date	Date Passed/ Adopted	President of Council
_____	_____	_____	_____
Veto	Date		City Clerk

Title: To authorize the issuance of limited tax bonds in an amount not to exceed \$2,430,000.00 for electricity projects (\$2,430,000.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Electricity Ordinance (2)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	JTC		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds in an amount not to exceed \$2,430,000 for electricity projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$2,430,000.00 for electricity projects (\$2,430,000.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Electricity Ordinance (2).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$2,430,000 of bonds of the Municipality 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 Municipality shall be issued in one or more series, in the principal sum of Two Million Four Hundred Thirty Thousand Dollars (\$2,430,000) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2013B," or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or

denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax

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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 100% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the “Bond Purchase Agreement”), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$2,430,000), 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	670608-100003	\$1,575,000	Dublin Ave Control Building (Switchgear Building) - SIT Supported
553	440007-100000	505,000	UIRF - Misc. Streetlighting Projects - SIT Supported
553	440007-100002	250,000	Various Electricity Projects - Neighborhood Streetlighting - SIT Supported
553	440007-100003	<u>100,000</u>	Various Electricity Projects - Community - SIT Supported
Total		<u>\$2,430,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

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 Limited Tax Bonds is and will continue to be excluded from gross income for federal income tax purposes, in accordance with 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 Limited Tax Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds which limits the amount of Limited Tax 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 Limited Tax 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. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 12. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Limited Tax 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 Limited Tax Bonds.

Section 13. 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 14. 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 15. 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 of Columbus

Legislation Report

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

File Number: 1892-2013

Emergency

File ID: 1892-2013

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Finance Committee

File Name: 2013 Limited G.O. Bond Sale - Fleet Fuel Site
(Taxable)

File Created: 07/14/2013

Final Action: 07/25/2013

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Rob Newman 5-8071/ Kyle Sever 5-8569

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$7,331,500.00 for fleet fuel site infrastructure projects (\$7,331,500.00) Section 55(B) of the City Charter.

Sponsors:

Attachments: City of Columbus - 2013 Bonds - LT Fleet Fuel Site Ordinance (Federally Taxable)

Approval History

Version	Date	Approver	Action
1	07/15/2013	Rob Newman	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Jane Dunham	Approved
1	07/15/2013	Auditor Reviewer	Approved
Notes	HJD/mjp		
1	07/15/2013	AUDITOR APPROVER	Approved
Notes	HJD/bam		
1	07/15/2013	ATTORNEY APPROVER	Approved
Notes	JTC		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/22/2013	Waive the 2nd Reading				Pass
1	Columbus City Council	07/22/2013	Approved				Pass
1	COUNCIL PRESIDENT	07/22/2013	Signed				
1	ACTING MAYOR	07/24/2013	Signed				
1	ACTING CITY CLERK	07/25/2013	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance authorizes the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$7,331,500 for fleet fuel site infrastructure projects. The bond sale will be conducted on a negotiated basis with Bank of America Merrill Lynch as senior managers and Fifth Third Securities, Inc. and Stifel Nicolaus & Company, Inc as co-senior managers.

Title

To authorize the issuance of limited tax bonds (federally taxable) in an amount not to exceed \$7,331,500.00 for fleet fuel site infrastructure projects (\$7,331,500.00) Section 55(B) of the City Charter.

Body

See attached document: City of Columbus - 2013 Bonds - LT Fleet Fuel Site Ordinance (Federally Taxable).pdf

WHEREAS, this City Council (the "Council") of the City of Columbus, Ohio (the "Municipality") now deems necessary to issue and sell up to \$7,331,500 of bonds of the Municipality 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, equipping and improving a fleet fuel site for dispensing compressed natural gas; 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 Municipality shall be issued in one or more series, in the principal sum of Seven Million Three Hundred Thirty-One Thousand Five Hundred Dollars (\$7,331,500) (the "Bonds"), or such lesser amount as shall be set forth in the Certificate of Award, as hereinafter defined, 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 within 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 "Limited Tax Bonds." The Limited Tax Bonds shall be designated "Various Purpose Limited Tax Bonds, Series 2013D

(Federally Taxable),” or as otherwise provided in the Certificate of Award, for the purpose described in the title of this ordinance.

Section 5. The Limited Tax 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 Limited Tax Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Award; shall bear interest payable semi-annually on the dates specified in the Certificate of Award (the “Interest Payment Dates”), until the principal sum is paid; and shall bear interest at the rates, shall mature, shall be subject to mandatory redemption in the amounts and on the dates, and shall be subject to optional redemption in the years and at the redemption prices, as shall be set forth in the Certificate of Award.

If less than all of the then outstanding Limited Tax Bonds are called for redemption, the Limited Tax 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 Limited Tax Bonds is authorized, the Bond Registrar shall select Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Limited Tax Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Limited Tax 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 either or both of those signatures may be a facsimile. No Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds shall be payable upon presentation and surrender of the Limited Tax Bonds at the office of the Bond Registrar. Each Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Limited Tax Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Limited Tax 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 Limited Tax Bonds. So long as any of the Limited Tax 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 Limited Tax Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Limited Tax 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 Limited Tax 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 Limited Tax Bonds, including the interest thereon, to the extent of the amount or amounts so paid. The City Auditor and the Director of Finance and Management are each hereby authorized to act on behalf of the Trustees of the Sinking Fund in connection with the execution of any of the duties and responsibilities of such Trustees as Bond Registrar.

Any Limited Tax 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 Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Limited Tax 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 Limited Tax Bond or Limited Tax Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Limited Tax 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 Limited Tax Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Limited Tax Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Limited Tax 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 Limited Tax Bonds. All Limited Tax 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 Limited Tax Bonds surrendered upon that transfer or exchange.

If at any time the City Auditor or the Director of Finance and Management determine that it is in the best interests of the Municipality that a bank or other appropriate financial institution experienced in providing the services of authenticating agent, bond registrar, transfer agent and paying agent should serve as Bond Registrar, or co-Bond Registrar in addition to the Bond Registrar, then the Director of Finance and Management or the City Auditor shall, and each is hereby authorized to execute on behalf of the Municipality a Bond Registrar Agreement with such entity, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar or co-Bond Registrar for the Limited Tax Bonds. If at any time such bank or financial institution shall be unable or unwilling to serve as Bond Registrar or co-Bond Registrar, or the City Auditor or the Director of Finance and Management, in such officers' discretion, shall determine that it would be in the best interest of the Municipality for such functions to be performed by another party, the Director of Finance and Management or the City Auditor may, and each is hereby authorized and directed to, enter into an agreement with another banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar or co-Bond Registrar hereunder. Each such successor Bond Registrar (or co-Bond Registrar) shall promptly advise all bondholders of the change in identity and its address.

Section 8. The Limited Tax 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 Limited Tax 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 Limited Tax Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Limited Tax 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 (iv) the Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds from the Depository, and authenticate and deliver Limited Tax 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 Limited Tax 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 Limited Tax Bonds may be transferred only through a book entry and (ii) physical Limited Tax Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Limited Tax Bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Limited Tax 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 Limited Tax Bonds, and to effect transfers of Limited Tax Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 9. The sale and award of the Limited Tax Bonds shall be evidenced by the Certificate of Award (“Certificate of Award”) signed by the Director of Finance and Management or the City Auditor. The Certificate of Award shall identify the original purchasers of the Limited Tax Bonds (the “Original Purchaser”). The Certificate of Award shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Limited Tax Bonds to be issued, the dated date of the Limited Tax 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, the Certificate of Award, and the Bond Purchase Agreement (as defined hereinbelow).

As used in this Section 9 and Section 5 hereof:

“Certificate of Award” means the Certificate of Award 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 Limited Tax 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 Award as the earliest date on which Limited Tax 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 Award in which the Limited Tax Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

“Mandatory Sinking Fund Requirements” means, as to Limited Tax Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Limited Tax Bonds (less the amount of credit as provided in the Certificate of Award) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Award.

“Optional Redemption Prices”, if any, for the Limited Tax Bonds shall be as set forth in the Certificate of Award.

“Principal Retirement Dates” means the day on which the Limited Tax Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Award; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Limited Tax 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 Limited Tax 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 Award.

“Purchase Price” means that amount which is to be determined in the Certificate of Award, but such amount is to be no less than 98% of the aggregate principal amount of the Limited Tax Bonds, together with accrued interest on the Limited Tax 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 Limited Tax Bonds bear interest, which rates are to be determined in the Certificate of Award, provided the true interest cost of the Bonds shall not exceed five per centum (5.00%) per annum.

“Term Bonds” means those Limited Tax Bonds, as are determined in the Certificate of Award, 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 Limited Tax 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 Award.

The Limited Tax Bonds shall be sold to the Original Purchaser in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement"), at the Purchase Price, plus any accrued interest on the principal amount of the Limited Tax Bonds from the date of the Limited Tax Bonds to the date of delivery of and payment therefor (which Bond Purchase Agreement may be combined with the Bond Purchase Agreement for the purchase of other general obligation bonds and notes, all authorized by separate ordinances of this Council). 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 Limited Tax Bonds, the manner of sale and the terms of the Limited Tax Bonds, all as provided herein, in the Certificate of Award, 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 Limited Tax Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Limited Tax Bonds under the terms of this Ordinance, the Certificate of Award, and the Bond Purchase Agreement. Further, such officers are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Limited Tax Bonds is hereby authorized (which Official Statement may be the same offering document used in connection with the sale of other general obligation bonds and notes authorized by separate ordinances of this Council), and the Director of Finance and Management and the City Auditor, or either 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 Limited Tax 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 Limited Tax 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 Limited Tax Bonds, plus any premium allocated to costs of the project as set forth in the Certificate of Award (to wit: \$6,665,000), 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	550006-100000	\$5,800,000	CNG at 2nd City Location
513	550006-100001	375,000	CNG North - Land Acquisition
513	550006-100002	<u>490,000</u>	CNG North - Station Design
Total		<u>\$6,665,000</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 Limited Tax 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 Award. 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 Limited Tax Bonds are “obligations” within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Award shall identify the annual financial information and operating data that will constitute the “annual information” for purposes of said Section 323.07. Further, the City Auditor and Director of Finance and Management, or either of them individually, are hereby authorized and directed to execute and deliver, for the benefit of the Bondholders, a Continuing Disclosure Certificate in such form as is approved by the officer executing such certificate, as necessary to assist the Original Purchaser in complying with Rule 15c2-12(b)(5) adopted by the Securities Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time. The approval of such Continuing Disclosure Certificate shall be conclusively evidenced by the execution of such certificate by the City Auditor or Director of Finance and Management.

Section 10. The Mayor, City Auditor, the Director of Finance and Management, and Clerk of Council, or any of them individually, are hereby authorized and directed to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

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 Limited Tax 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 Limited Tax 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.

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: In determining the lowest bid for a contract the local bidder credit will not be applied.

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 30, 2013 12:00 pm

SA005036 - RFP-Diversity & Inclusion Scorecard Serv

BID NOTICES - PAGE # 1

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

REQUEST FOR PROPOSALS

Diversity and Inclusion Scorecard Design & Services

The City of Columbus, Ohio, Department of Public Utilities (the Departments) is soliciting proposals through the request for proposals (RFP) process to provide for professional consulting services to assist it in planning, designing and executing a Diversity and Inclusion Scorecard.

Selection of professional services shall be in accordance with Section 329.14 of Columbus City Codes, 1959. Any agreement or contract entered into will be in accordance with the provisions of Chapter 329 of Columbus City Codes, 1959, the standard agreements for professional services of the Department of Public Utilities, and all other applicable rules and regulations.

Minimum Qualifications: Lead respondents shall have performed at least two (2) projects of similar scope in the past three (3) years including at least one (1) project for a public sector (government, institutional or nonprofit) organization.

INSTRUCTIONS

Proposals shall be submitted no later than 12:00 pm Tuesday July 30, 2013, to Keena M. Smith, Assistant Director, Department of Public Utilities, 910 Dublin Road, 4th Floor, Director's Office, Columbus, Ohio 43215. Each consultant should provide five (5) copies of the proposal and one (1) electronic PDF copy, and submit the proposals in a sealed envelope. Proposals should be submitted on recycled paper, and printed double-sided. While the appearance of proposals is important, the use of non-recyclable or non-recycled glossy materials is discouraged. Proposals should not exceed 30 pages in length, not including any addenda.

Any Consultant who is planning on submitting a proposal should so notify the City so that the Consultant may receive any clarifications or updates. Notifications should be sent to Keena M. Smith at kmsmith@columbus.gov.

Questions shall be submitted via email to Keena M. Smith by no later than July 8, 2013. Any interpretations or questions, which in the opinion of the City require clarifications, will be issued by email as addenda to all consultants who have provided contact information, and posted on the City's vendor website. The City will not be bound by oral interpretations which are not reduced in writing and included in the addenda.

All offerors and their proposed subcontractors must have a valid City of Columbus Contract Compliance Numbers (CCCN) before a contract may be entered. Applications for certification may be obtained from the City of Columbus website (www.columbus.gov), or from:

City of Columbus, Equal Business Opportunity Commission Office 109 North Front Street, 4th Floor, Columbus, Ohio 43215-9020, (614-645-4764)

Notice of Equal Business Opportunity Requirements

A. Minority and Female Business Enterprise ("MBE" and "FBE") Participation: Title 39 of the Columbus City Code (C.C.C.) provides for certification of minority business enterprises and female business enterprises. C.C.C. 3901.01 (G) defines an MBE as a for-profit business performing a commercially useful

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

function which is owned and controlled by a person or persons having an African American ancestry. C.C.C. 3901.01 (F) defines an FBE as a for-profit business performing a commercially useful function which is owned and controlled by one or more females of non-African American descent.

B. Specific Contract MBE/FBE goals shall not apply to this selection.

C. In collaboration with the City of Columbus Equal Business Opportunity Commission Office, the Department of Public Utilities encourages the utilization of city-certified minority, female and small business enterprises and minority business registrants. Include in the proposal the name and qualifications of all certified MBEs/FBEs. Contact the Equal Business Opportunity Commission for information related to minority, female and small business enterprises.

SUBMISSION DEADLINE

Final date for submission of proposal documents will be no later than 12:00 p.m. July 30, 2013. Any submittals received after that time will not be considered.

At the City's option, in-person presentations by the top-ranked bidders may be requested prior to selection. The City reserves the right not to make an award.

Greg J. Davies Director
Department of Public Utilities
ORIGINAL PUBLISHING DATE: July 03, 2013

SA005039 - Res 2013 Prev Surf Treat Crack Seal

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BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Electronic proposals will be received by the Department of Public Service through Bid Express at www.bidx.com, until July 30, 2013 at 3:00 P.M. local time, for RESURFACING - 2013 PREVENTIVE SURFACE TREATMENTS - CRACK SEAL, C.I.P. No. 530282-972013.

Hard copy proposals will not be accepted by the City.

The work for which proposals are invited consists of: crack sealing one hundred and twenty-five (125) city streets. The work consists of applying crack sealant to the existing pavement, and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth at www.bidx.com.

Bidders who wish to learn more about the Bid Express service or to sign up for an account can visit the Bid Express web site at www.bidx.com or call Bid Express customer support at 1-888-352-BIDX for information. Bidders must also have an account with one of Bid Express' surety verification companies, either Surety 2000 (www.surety2000.com/default.asp) or Insure Vision (www.web.insurevision.com/ebonding/). Contact them directly to set up an account.

Bidders must have an account with Bid Express and either Surety 2000 or Insure Vision in order to bid on this project.

ORIGINAL PUBLISHING DATE: July 10, 2013

BID OPENING DATE - July 31, 2013 3:00 pm

SA005046 - CONST 3568 INDIANOLA AVE ELECTRIC UPGRAD

Paper proposals will be received by the City of Columbus, Department of Public Utilities, Division of Water, at 910 Dublin Road, 4th Floor, Columbus, Ohio, until 3:00 P.M. local time, on July 31, 2013 and publicly opened and read at 910 Dublin Road, 1st Floor Auditorium, Columbus, Ohio, at 3:00 P.M. local time on July 31, 2013 for 3568 INDIANOLA AVE ELECTRICAL UPGRADES, CIP NO. 690290-100003. The work for which proposals are invited consists of electrical service improvements and interior electrical improvements to support a water meter testing apparatus and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

Copies of plans and specifications are on file in the Water Distribution Engineering office, Utilities Complex, 2nd Floor, 910 Dublin Road, Columbus, Ohio, 43215, and are available to prospective bidders through ARC Document Solutions (O:614-224-5149), 1159 Dublin Road, Columbus, Ohio 43215 after July 15, 2013. The cost of each set of Contract Documents is \$20.00, for which said none will be refunded.

Questions must be submitted in writing to Evan DiSanto, EI, LEED AP (O: 614-645-7677)

EMDiSanto@columbus.gov. Questions must be received by July 24, 2013.

ORIGINAL PUBLISHING DATE: July 13, 2013

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - August 1, 2013 11:00 am

SA005044 - 8 CU YD FRONT LOADER REFUSE CONTAINERS

11.1 Scope: This proposal is to provide the City of Columbus, Division of Refuse Collection, with a Universal Term Contract (UTC) to purchase eight (8) cubic yard front loader refuse containers, as well as replacement parts for the containers being bid. All of the refuse containers will be serviced by front loader collection vehicles throughout the City, by City personnel and/or agent(s) of the City, for utilization in residential collections and by City agencies. The resulting contract will be in effect through September 30, 2015. The City estimates it will spend approximately \$35,000.00 annually.

1.2 Classification: Proposals shall reflect a unit price for the purchase and delivery of eight (8) cubic yard front loader refuse containers, as well as replacement parts for the containers being bid. Containers shall be delivered fully assembled to the location(s) designated on each separate purchase order. Bidder must provide references that have used the proposed container for at least two years. Bidders are required to show experience in providing these types of containers and warranty service as detailed in these specifications.

1.2.1 Bidder Experience: The refuse container offeror must submit an outline of its experience and work history in these types of equipment and warranty service for the past five years.

1.2.2 Bidder References: The refuse container and warranty service offeror shall have documented proven successful contracts from at least four customers that the offeror supports that are similar in scope, complexity, and cost to the requirements of this specification.

1.2.3 Specification Questions: Questions regarding this bid must be sent in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on July 22, 2013. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on July 25, 2013. See section 3.2.4 for additional details.

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, 2013

SA005049 - Health/Multi-function Devices and M & S

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, Columbus Public Health, to obtain formal bids to establish a purchase order for the purchase, delivery and installation of a total of ten (10) Digital Copier systems for use at various WIC locations within the city of Columbus.

1.2 Classification: The contract(s) resulting from this bid proposal will result in one or more purchase orders to cover the cost of the purchase, delivery and installation of 10 copiers and their installation, as well as maintenance and supplies with fixed pricing for a period of 36 months 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 18, 2013

SA005042 - Bikeway Dev.-Bicentennial Bikeways Plan

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 1, 2013, for professional engineering consulting services for the Bikeway Development - Bicentennial Bikeways Plan project. Proposals are being received electronically by Department of Public Service, Office of Support Services. Proposals shall be submitted to DPSRFP@columbus.gov.

This purpose of this project is to update the 2008 Bicentennial Bikeways Plan with a focus limited to education, encouragement, evaluation, and engineering standards. This project will also include research into pedestrian education and encouragement and data collection on bicycling and walking levels. This effort and its results will be coordinated with and incorporated into an upcoming and likely concurrent effort by the City to develop a Complete Streets Thoroughfare Plan for the City of Columbus. An education and encouragement communication plan and one year of bicycle/pedestrian counts will be implemented with this project. The duration of the project is expected to last 12-15 months from the Notice to Proceed; however, the consultant shall provide a proposed schedule with the proposal.

The selected Consultant shall attend a scope meeting anticipated to be held on/about August 16, 2013. If the Project Manager is not available, the Consultant may designate an alternate(s) to attend in his/her place.

1.2 Classification: Firms wishing to submit a proposal must meet the mandatory requirements stated in the RFP. All questions concerning the RFP are to be sent to capitalprojects@columbus.gov. The last day to submit questions is July 25, 2013. Responses will be posted on the Vendor Services web site as an addendum. Phone calls will not be accepted.

ORIGINAL PUBLISHING DATE: July 24, 2013

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA005033 - OCM-ARCHITECTURAL CONSULTING SERVICES

ADVERTISEMENT FOR BIDS

REQUEST FOR STATEMENTS OF QUALIFICATION (RFSQ) FOR:
PROFESSIONAL ARCHITECTURAL 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 PROFESSIONAL ARCHITECTURAL CONSULTING SERVICES.

1.2 Classification: The awarded firm shall have experience in master planning, design planning, building renovations, new construction, assessments and evaluations, structural, civil, electrical, plumbing and HVAC design, asphalt renovation services, design for energy conservation measures and standby power services of buildings and office space. This architectural firm shall have engineers on staff or have sub-consultants to cover all engineering disciplines.

1.3 Deadline for questions is Thursday, July 18, 2013 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 02, 2013

BID OPENING DATE - August 2, 2013 4:00 pm

SA005022 - RFP - GIS Sewer Lateral Data Conversion

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

ADVERTISEMENT

SCOPE: The City of Columbus, Ohio is soliciting Request for Proposal (RFP) pursuant to Columbus City Code 329.14 for GIS Sewer Lateral Conversion Services.

CLASSIFICATIONS: A Prebid Meeting will be held June 27, 2013 from 1PM - 3PM at 910 Dublin Rd, Columbus OH 43215

QUESTIONS: All questions regarding this RFP should be presented by email submittal as soon as possible but no later than Friday July 12, 2013 by 4:00 p.m., to Sue McQuirt samcquirt@columbus.gov . Answers to RFP questions will be given by 4:00 p.m. on Friday, July 19, 2013.

DUE DATE: 4:00 p.m. on August 2, 2013 to 910 Dublin Road, 4th Floor, Columbus, OH 43215

For additional information concerning this request, including procedures for obtaining a copy of the of the RFP, 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 20, 2013

BID OPENING DATE - August 6, 2013 11:00 am

SA005048 - R&P Clover Groff Trail - Frazell Rd

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

ADVERTISEMENT FOR BIDS

Paper proposals will be received by the City of Columbus, Department of Recreation & Parks, Division of Planning & Design, at 1111 East Broad Street, Columbus, OH 43205 until 11:00 A.M. local time on August 6th, 2013 and publicly opened and read immediately thereafter for:

Clover Groff Trail ? Frazell Road Bikeway

The work for which proposals are invited consists of: clearing, paving, earthwork, and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

Copies of plans and specifications will be available on July 15th, 2013 at ARC, 1159 Dublin Road, Columbus, OH 43215, upon a non-refundable payment per bid set to ARC. Bidders may contact ARC at (614) 224-5149 or via their website www.e-arc.com for the cost of bid sets.

Questions must be emailed and can be submitted to Brad Westall, 614.645.2441 or brwestall@columbus.gov . Questions must be received by July 30th, 2013

In order for a Proposal to be considered responsive, the bidder must submit all required information for the project on the proper forms, P-1 through P-45, in a sealed envelope marked Clover Groff Trail ? Frazell Road Bikeway.

All materials submitted in response to this advertisement will become part of the awarded contract; will become the property of the City and will not be returned; and will be considered public records subject to disclosure as contemplated by Ohio Revised Code Section 149.43. All materials received will be open to the public once the sealed proposals are publicly opened and read.

ORIGINAL PUBLISHING DATE: July 13, 2013

BID OPENING DATE - August 8, 2013 11:00 am

SA005047 - HEALTH AND WELLNESS CENTER EQUIPMENT

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: The City of Columbus is seeking bids to purchase Medical Equipment to furnish the South Side Family Health Center (SSFHC), to be constructed at 1905 Parsons Ave, Columbus, Ohio 43207. The estimated date of completion for the construction of the building is September 2013.

1.2 Classification: The City is seeking a turn-key installation process for this purchase of new, unused, medical equipment. Successful bidders will be required to provide inside delivery of equipment. Once installation dates are approved by the City, the successful bidders will be required to set-up and install, clean and test the equipment. Bidders are required to show experience in providing these types of equipment and warranty service as detailed in these specifications.

1.2.1 Bidder Experience: The Medical equipment offeror must submit an outline of its experience and work history in these types of equipment and warranty service for the past five years.

1.2.2 Bidder References: The Medical equipment and warranty service offeror shall have documented proven successful contracts from at least four customers that the offeror supports that are similar in scope, complexity, and cost to the requirements of this specification.

1.2.3 Prevailing Wage: This project will be Prevailing Wage

1.2.4 Specification Questions: Questions regarding this bid must be sent in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on July 29, 2013. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on August 1, 2013. See section 3.3 for additional details.

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, 2013

SA005050 - PSERV / 13 TANDEM AXLE DUMPS W/PLOWS

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SCOPE AND CLASSIFICATION

Scope: It is the intent of the City of Columbus, Division of Planning & Operations to obtain formal bids to establish a contract for the purchase of thirteen (13) CNG powered, tandem axle, conventional truck chassis with a minimum G.V.W. rating of 58,000 pounds equipped with a 10 cubic yard dump body with plow and spreader and an option for a compressed natural gas engine. The specifications will describe the truck with a dump body and compressed natural gas engine option.

Classification: The contract resulting from this bid proposal will provide for the purchase and delivery of thirteen (13) CNG powered, tandem axle dump trucks with plows and spreaders. All offerors must document a tandem axle truck certified reseller partnership. Bidders are required to show experience in providing these types of equipment and warranty service as detailed in these specifications.

Bidder Experience: The tandem axle truck offeror must submit an outline of its experience and work history in these types of equipment and warranty service for the past five years.

Bidder References: The tandem axle truck and warranty service offeror shall have documented proven successful contracts from at least four customers that the offeror supports that are similar in scope, complexity, and cost to the requirements of this specification.

Specification Questions: Questions regarding this bid must be sent in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on July 24, 2013. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on July 26, 2013. See Section 3.2.4 for additional details.

ORIGINAL PUBLISHING DATE: July 17, 2013

SA005051 - DPU-WATER/CREW CAB TRUCK & UTILITY BODY

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Scope: It is the intent of the City of Columbus, Department of Public Utilities, Division of Water, to obtain formal bids to establish a contract for the purchase of one (1) diesel powered single axle crew cab truck and chassis with a minimum G.V.W. rating of 33,000 pounds equipped with a 133 in. maintenance body. The City is also requesting an option for a compressed natural gas engine. The truck will be used by the Water Distribution Maintenance Section.

Classification: The contract resulting from this bid proposal will provide for the purchase and delivery of one (1) new and unused diesel powered single axle crew cab truck and chassis with a minimum G.V.W. rating of 33,000 pounds equipped with a 133 in. maintenance body. The City is also requesting proposals for the truck with a compressed natural gas engine. All offerors must document a single axle crew truck certified reseller partnership. Bidders are required to show experience in providing these types of equipment and warranty service as detailed in these specifications.

Bidder Experience: The single axle crew cab truck with maintenance body offeror must submit an outline of its experience and work history in these types of equipment and warranty service for the past five years.

Bidder References: The single axle crew cab truck with maintenance body and warranty service offeror shall have documented proven successful contracts from at least four customers that the offeror supports that are similar in scope, complexity, and cost to the requirements of this specification.

Specification Questions: Questions regarding this bid must be sent in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on July 24, 2013. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on July 26, 2013. See Section 3.2.4 for additional details.

ORIGINAL PUBLISHING DATE: July 17, 2013

SA005053 - R&P Wyandot Lodge Renovations Design

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Professional Services
REQUEST FOR PROPOSAL
Columbus Recreation & Parks Department

Proposals will be received at the Columbus Recreation and Parks Department Administrative Office, 1111 E. Broad Street, Columbus, OH 43205, until 4:00 PM, Thursday, August 8th, 2013 for:

WYANDOT LODGE (INDIAN VILLAGE DAY CAMP) RENOVATIONS

Five (5) copies of each proposal are required for submittal.

Consultant shall provide architectural & engineering services to prepare plans and specifications for bidding for renovations to the Wyandot Lodge located in the Indian Village Day Camp, 3200 Indian Village Drive, Columbus, Ohio (43221). Work is to include general building improvements and renovations such as; replacing exterior/interior doors & windows, HVAC renovations/replacement, lighting and electrical improvements, ceiling and flooring repairs/replacement, painting, plumbing improvements, kitchen improvements, and exterior improvements including repairs and renovations to roof structure, repair of existing wood siding, and improved site drainage. Services shall include the necessary field surveys, program development in conjunction with Department staff, reports proposals, cost estimates, bid documents, and construction administration services.

Project Budget: \$2,000,000 including consultant fees.

The format for procurement of these services will be per Section 329.12 of the Columbus City Code.

Initial screening will be based on the following criteria:

1. Experience of the Consultant as related to this type of work.
2. Qualifications of key personnel who will be involved with this project.
3. Quality of work previously performed by the consultant for this Department, other City Agencies and other previous clients.

Interested firms should apply to the Recreation and Parks Department with the following information:

1. Firm name, address, telephone number and contact person.
2. Year established.
3. Types of services for which it is qualified.
4. Names of principals in the firm with professional registrations.
5. Names and experience of key personnel assigned to this project.
6. Outside consultants, if any, who will be used on this project.
7. MBE/FBE participation in the project.
8. List of completed projects of similar nature with contact person for each.
9. City of Columbus Contract Compliance Certification Number or copy of completed application.
10. Estimate of Fee range for the work along with billing rates for the key personnel involved.

RFP Information Packet for this project and plans of the project site are available from 8 A.M. to 5 P.M.,

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Monday through Friday, beginning Monday, July 22nd, 2013, at the Administrative Office, 1111 E. Broad Street, Columbus, OH 43205.

All questions regarding the submittal should be directed to Jeff Anderson, Recreation and Parks Department, 614-645-3307, jsanderson@columbus.gov.

A pre-proposal meeting will be held on Tuesday, July 30th at 10:00 am at the Wyandot Lodge, 3200 Indian Village Drive, Columbus, Ohio 43221.

All consultants will be subject to the provisions of the City of Columbus, Contract Compliance Program regarding equal employment opportunity.

ORIGINAL PUBLISHING DATE: July 19, 2013

BID OPENING DATE - August 9, 2013 3:00 pm

SA005040 - RFSQ ENG 2014 WATER DIST ENG CAP IMP PRG

The City of Columbus Department of Public Utilities, Division of Water is requesting Statements of Qualifications (SOQs) for the 2014 Water Distribution Engineering Capital Improvement Program. SOQs are being solicited for the purpose of identifying the most qualified firms to provide professional design services. SOQs will be received by the City until 3:00 p.m. EST, Friday, August 9, 2013. No SOQs will be accepted thereafter.

After obtaining a copy of the Request for Statements of Qualifications (RFSQ), the consultant is required to send an email to Robert Arnold P.E., Water Distribution Engineer, at rjarnold@columbus.gov by July 31, 2013 with contact information and the consultant's intent to submit a Statement of Qualifications. This information will be used to distribute any addenda or clarifications. Failure to send this information may result in rejection of the consultant's submittal.

All questions shall be submitted in writing to Robert Arnold, P.E., Water Distribution Engineering Section, Division of Water, 910 Dublin Road, Columbus, Ohio 43215, (614) 645-7677, rjarnold@columbus.gov, no later than 3:00 p.m. EST, July 31, 2013. All questions and responses will be shared with all parties obtaining an information package.

For additional information concerning this request, including procedures for obtaining a copy of the RFSQ and how to submit an 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 10, 2013

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA005054 - r&p-Golf Online reservation services

City of Columbus, Ohio
Recreation and Parks Department Golf Division

Request for Proposals
Regarding
Leasing of Services for Online Golf Reservations, Mobile Application and Call Center System for the
Columbus Recreation and Parks
Six Golf Courses

Issue Date: Mon., July 22, 2013
Response Due Date: Fri., Aug. 9, 2013

Columbus Recreation and Parks Department Golf Division
Attn: Terri S. Leist
Assistant Director and Golf Administrator
1111 E. Broad St., Suite 200
Columbus, Ohio 43205

Request for Proposals

This Request for Proposals (RFP) is issued by the Columbus Recreation and Parks Golf Division to determine the eligibility of companies to provide leasing of services for online golf course reservations to include a mobile application or a mobile-enabled website as well as e-mail marketing capabilities, and call system services for the department's six golf courses. The purpose of this RFP is to establish the identity of organizations that are qualified for these services as well as to receive proposals on providing such services.

Introduction

The Columbus Recreation and Parks Department Golf Division desires a golf course online reservation system to include a mobile application or a mobile-enabled website, e-mail marketing capabilities, and a call center reservation service in the efficient management and operation of golf course reservations and operations. The Golf Division, as a municipal entity, has numerous requirements and only qualified organizations that provide the most effective and economic services will be considered for selection.

Scope of Services

The primary scope of services will be providing an online golf tee time reservation system with e-mail marketing capabilities to include a tee sheet for each of the six courses, a mobile application or mobile-enabled website, and a 24-hour tee time call reservation system. Additionally, the department would like to consider the option of including hardware for all six courses, wireless internet access/connection, as well as the design of a new website for the division to include all six golf courses.

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Consideration of Proposals

Proposals must be received no later than Fri., Aug. 9, 2013. The department's Golf Division will thereafter evaluate the proposals and make a determination based upon the experience and qualifications of the organization, the approach to services, and the cost to the Golf Division of the services provided.

Review and Selection

Respondents must make proper and timely submissions to be considered. Failure to meet any requirement set forth herein or subsequently determined or to provide the complete information required will disqualify the respondent from consideration for this project. All respondents will be rated according to competitive selection criteria described in Selection Criteria section.

Selection Criteria

Scope of Primary Services:

- 1) Prior experience in successful installation and management of an online golf tee time reservation system with e-mail marketing capabilities, creation and installation of a companion mobile application or mobile-enabled website, and the installation and management of a 24-hour tee time call reservation system.
- 2) Comprehensive nature and features of the systems noted above.
- 3) Tee Time Reservation System
 - a. 24-hour live operator call center preferably maintained and controlled by the respondent and not a subcontractor;
 - b. Rollover to call center option after designated number of rings/busy/no answer;
 - c. Online, telephone and mobile reservation capabilities;
 - d. Capture user data via reservation systems;
 - e. Email reminder capability to client;
 - f. Ability to track frequent users/loyalty program;
 - g. Ability to email client database or portions thereof.
- 4) Ease of use and functionality of the software system and mobile application or mobile-enabled website provided by the respondent.
- 5) Breakdown of numbers of hours of training provided (including costs, if applicable) to train Golf Division personnel on use of all systems, including cost of training new staff hired after installation and initial training period.
- 6) E-Mail marketing capabilities.
- 7) Mobile application or mobile-enabled website capabilities.
- 8) Internet access.
- 9) Support/Licensing terms per year.
- 10) Costs/Pricing: Proposal to include detailed costs and pricing for all equipment and services. However, in lieu of monetary payment, proposals can include the option of bartering.

Scope of Secondary Services (Optional):

- 1) Ease of use and functionality hardware provided by the respondent.
- 2) Implementation of wireless internet access/connections.
- 3) Design of website to include timeline.
- 4) Design of a point of sale system to include a timeline; must be compatible with the accounting system of the City of Columbus and must be PCI compliant.
- 5) Support/Licensing terms per year (if applicable).

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6)Costs/Pricing: Proposal to include detailed cost and pricing for all equipment and services. However, in lieu of monetary payment, proposals can include the option of bartering.

Submission Requirements
Contents of Proposal

One original and three copies of each application and supporting documentation shall be submitted to Terri S. Leist, Columbus Recreation and Parks Department Golf Division on or before Fri., Aug. 9, 2013. The original applications must be signed by an authorized representative of the respondent.

- 1)A completed statement of the respondent's organization, principal officers and principal offices;
- 2)A complete statement of any related experience of the respondent relative to the scope of services requested, as well as a list of related projects completed within the last five years.
- 3)Any litigation history of the respondent for the past five years where the respondent has been either a plaintiff or a defendant, the amount of money involved in the dispute and the outcome.
- 4)All respondents must submit a detailed statement of the services to be performed and the costs and fees anticipated to be incurred as well as the time for completion of the proposal by the firm selected for this project.

Note: Application Submission

All applications become the property of the Columbus Recreation and Parks Department's Golf Division, which also reserves the right to ask for additional information. Submissions will be reviewed by the Columbus Recreation and Parks Department's Golf Division, and interviews and/or additional information may be requested if necessary. In order to be considered, applications must be submitted to Terri S. Leist, Assistant Director and Golf Administrator, Columbus Recreation and Parks Department, by 5 pm on Fri., Aug. 9, 2013.

One original and three copies of the applications must be delivered to:

Terri S. Leist
Assistant Director and Golf Administrator
Columbus Recreation and Parks Department
1111 E. Broad St., Suite 200
Columbus, Ohio 43025
ORIGINAL PUBLISHING DATE: July 23, 2013

BID OPENING DATE - August 13, 2013 3:00 pm

SA005055 - PSI - Sidewalk Repair Prog (Tree Root)

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BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Electronic proposals will be received by the Department of Public Service only through Bid Express at www.bidx.com, until August 13, 2013 at 3:00 P.M. local time, for Pedestrian Safety Improvements - Sidewalk Repair Program (Tree Root), C.I.P. No. 590105-100081.

Hard copy proposals will not be accepted by the City.

The work for which proposals are invited consists of: repairing Citywide tree root related sidewalk damage by removing the damaged sidewalk, replacing in kind, and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth at www.bidx.com.

Bidders who wish to learn more about the Bid Express service or to sign up for an account can visit the Bid Express web site at www.bidx.com or call Bid Express customer support at 1-888-352-BIDX for information. Bidders must also have an account with one of Bid Express? surety verification companies, either Surety 2000 (www.surety2000.com/default.asp) or Insure Vision (www.web.insurevision.com/ebonding/). Contact them directly to set up an account.

Bidders must have an account with Bid Express and either Surety 2000 or Insure Vision in order to bid on this project.

ORIGINAL PUBLISHING DATE: July 23, 2013

SA005056 - Misc Dev's - American Add Infrastructure

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Electronic proposals will be received by the Department of Public Service through Bid Express only at www.bidx.com, until August 13, 2013, at 3:00 P.M. local time, for Miscellaneous Developments - American Addition Infrastructure, C.I.P. No. 590131-912013.

Hard copy proposals will not be accepted by the City.

The work for which proposals are invited consists of: the reconstruction of Twelfth Avenue, Woodford Avenue, Sigsbee Avenue, Lee Avenue, Sampson Avenue, Ericson Alley, Cushing Alley, Miantonomah Alley, Katahdin Alley, Helena Alley, and an unnamed Alley. All streets shall include new sidewalks, street trees, lighting, water line, storm sewer and traffic control signage. Green infrastructure includes rain gardens and pervious curb and gutter, and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth at www.bidx.com.

Bidders who wish to learn more about the Bid Express service or to sign up for an account can visit the Bid Express web site at www.bidx.com or call Bid Express customer support at 1-888-352-BIDX for information. Bidders must also have an account with one of Bid Express' surety verification companies, either Surety 2000 (www.surety2000.com/default.asp) or Insure Vision (www.web.insurevision.com/ebonding/). Contact them directly to set up an account.

Bidders must have an account with Bid Express and either Surety 2000 or Insure Vision in order to bid on this project.

ORIGINAL PUBLISHING DATE: July 23, 2013

BID OPENING DATE - August 14, 2013 3:00 pm

SA005031 - CONST DR SYB CTRL SWITCHGR BLDG 670608-2

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Paper proposals will be received by the City of Columbus, Department of Public Utilities, at the office of the Director of Public Utilities, located at 910 Dublin Road, Room 4002, Columbus, Ohio 43215, until 3:00 P.M. local time, and publicly opened and read at the Department of Public Utilities Complex, 910 Dublin Road, 1st Floor auditorium, Columbus, Ohio 43215 at that hour on July 31, 2013 for Dublin Road Substation Control/Switchgear Building, C.I.P. No. 670608-100002. The work for which proposals are invited consists of: design, fabrication and installation of 15kV arc resistant switchgear and foundation design information, and other such work as may be necessary to complete the Contract in accordance with the plans and specifications set forth in the Bid Submittal Documents. Copies of plans and specifications are available at 3500 Indianola Avenue, Columbus, Ohio 43214, upon payment of \$25.00 by check or money order ONLY per set (non-refundable).

Questions must be emailed and can be submitted to RSchneider@Columbus.Gov, (Robert Schneider, Division of Power, at 614-645-7534). Questions must be received by July 24, 2013.

In order for a Proposal to be considered responsive, the bidder must submit all required information for the project as outlined in the advertisement for bids.

All materials submitted in response to this advertisement will become part of the awarded contract; will become the property of the City and will not be returned; and will be considered public records subject to disclosure as contemplated by Ohio Revised Code Section 149.43. All materials received will be open to the public once the sealed proposals are publicly opened and read.

ORIGINAL PUBLISHING DATE: July 24, 2013

BID OPENING DATE - August 15, 2013 11:00 am

SA005038 - ADS Flow Monitoring Parts & Services UTC

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: It is the intent of the City of Columbus, Division of Sewerage and Drainage, Sewer Design Section to solicit bids for the purchase of replacement parts and services for OEM ADS Environmental Flow Monitoring Equipment on an as needed basis. The City requires parts and services for Series 3500, 4000, and Flowshark meters. This equipment is used to monitor the flow of storm water throughout the City's sewage system. The City estimates spending \$175,000 annually from this contract, with \$165,000 for parts and \$10,000 for services. The proposed contract will be in effect from the date of execution by the City of Columbus to and including November 30, 2015.

1.2 Classification: The Division of Sewerage and Drainage owns approximately 250 ADS flow meters and Rain Gauges. The bid and resulting contract will provide for the purchase of OEM ADS Environmental Flow Monitoring parts and services. Services are limited to repair of equipment that is shipped to the supplier for repair, data analysis of flow data sent electronically and performed remotely, and for local on-site field services for equipment in flow monitoring manhole sites. Suppliers must be an authorized service and parts provider for ADS Environmental.

1.2.1 Bidder Experience: The equipment offeror must submit an outline of its experience and work history in this type of equipment for the past five years.

1.2.2 Bidder References: The equipment offeror shall have documented proven successful contracts from at least four customers that the offeror supports that are similar in scope, complexity and cost to the requirements of this specification.

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 09, 2013

SA005052 - Meter Yokes & Setters UTC

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 SCOPE: It is the intent of the City of Columbus, Department of Public Utilities, Division of Power and Water to purchase Yokes and Meter Setters for installation of meters for various areas of the City of Columbus. The resulting contract will be in effect up to and including February 28, 2014. The Division of Water estimates spending approximately \$250,000.00 annually on this contract.

1.2 CLASSIFICATION: This bid proposal and the resulting contract will provide for the purchase of Yokes and Meter Setters as specified herein, only. The City will provide all installation requirements. Bids will be accepted only from those companies who are actively engaged in the manufacture of, or represent companies who are actively engaged in the manufacture of meters. They must have a minimum of five (5) years operating experience with the models bid when supplied in quantities similar to those required by the City.

1.2.1 Bidder Experience: The Water Meter offeror must submit an outline of its experience and work history in this type of equipment and warranty service for the past five years.

1.2.2 Bidder References: Water Meter offeror shall have documented proven successful contracts from at least four customers that the offeror supports that are similar in scope, complexity and cost to the requirements of this specification.

1.2.3 Specification Questions: Questions regarding this bid must be sent in writing via email to vendorservices@columbus.gov no later than 11:00 am (local time) on July 29, 2013. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on August 1, 2013. See Section 3.2.3 for additional details.

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 19, 2013

SA005059 - Intersec Imps Polaris Pkwy at Orion Pl

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 15, 2013, for professional engineering consulting services for the Intersection Improvements - Polaris Parkway at Orion Place project. Proposals are being received electronically by Department of Public Service, Office of Support Services. Proposals shall be submitted to DPSRFP@columbus.gov.

This project, also known as DEL-CR615-0.000 (PID Number 95549), includes preliminary and final engineering for improvements to Polaris Parkway (CR615) from I-71 to Old Worthington Road and to Orion Place from County Line Road to Gemini Place. The primary purpose of the project is to improve capacity and safety of the roadways and intersections within the corridor. Design will proceed in two parts. The Part 1 contract will consist of a traffic study to determine the improvements to the intersections of Polaris Parkway with Orion Place, Olde Worthington Road, and the signalized intersection between Orion Place and Olde Worthington Road. The specific scope of work for Part 2 will be developed upon completion of Part 1. The project will receive construction funding from MORPC for SFY2017 Construction.

The selected Consultant shall attend a scope meeting anticipated to be held on/about August 30, 2013. If the Project Manager is not available, the Consultant may designate an alternate(s) to attend in his/her place.

1.2 Classification: Firms wishing to submit a proposal must meet the mandatory requirements stated in the RFP. All questions concerning the RFP are to be sent to capitalprojects@columbus.gov. The last day to submit questions is August 8, 2013. Responses will be posted on the Vendor Services web site as an addendum. Phone calls will not be accepted.

ORIGINAL PUBLISHING DATE: July 25, 2013

BID OPENING DATE - August 21, 2013 3:00 pm

SA005057 - Leonard & Wildwood Ave. Storm Sewer Cons

Paper proposals will be received by the City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage, at the office of the Director of Public Utilities, 910 Dublin Road, Fourth Floor, until 3:00 P.M. local time, and publicly opened and read at that hour in the First Floor Auditorium, on Wednesday August 21, 2013 for the Leonard Avenue & Wildwood Avenue Storm Sewer Improvements C.I.P. No. 610990-100004. The work for which proposals are invited consists of all labor and materials for the construction of approximately 1,499 feet of 8-inch thru 24 inch storm sewers, 193 feet of 12-inch C-905 storm sewer, 113 feet of 16-inch C-905 storm sewer; 1,120 feet of pipe removed and disposed of; 660 feet of pipe filled-in-place; 11 type C manholes; 14 standard catch basins; various manholes and catch basins removed; sidewalk replacement; driveway and permanent pavement replacement; maintenance of traffic; and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

ORIGINAL PUBLISHING DATE: July 24, 2013

BID NOTICES - PAGE # 23

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BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - August 22, 2013 11:00 am

SA005058 - MOTOROLA RADIO & ELEC. REPLACEMENT PARTS

1.1 Scope: It is the intent of the City of Columbus to obtain formal bids to establish an option contract(s) with a "Catalog" firm offer for sale of various radio and electronic parts for the Public Safety Division of Support Services. The City may purchase any item(s) or group of like item(s) in the catalog and/or price list from the successful bidder after a purchase order for the listed items is issued. The City estimates it will spend approximately one hundred thousand dollars (\$100,000.00) annually under the terms of the resulting contract(s) through October 31, 2015.

1.2 Classification: The bidder shall submit its standard published catalog(s) and/or website which must identify parts with a price list(s). The contract(s) resulting from this bid proposal will provide for the option of the purchase and delivery of radio and electronic parts for various City radios per bid document.

1.2.1 Specification Questions: In order to enable accurate communication in respect to this ITB, to provide offerors the opportunity to seek clarification on any matters pertaining to the ITB requirements, and to enhance the offerors understanding of the City's needs, questions regarding this bid must be sent in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on August 12, 2013. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 5:00 p.m. (local time) on August 14, 2013. If no questions are received, an addendum will not be published unless otherwise necessary. E-mails containing the written questions should include the Solicitation number and Title in the subject line.

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 25, 2013

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: PN0004-2013

Drafting Date: 12/21/2012

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title:

**NOTICE OF REGULAR COLUMBUS RECREATION AND PARKS COMMISSION MEETINGS
2013**

Contact Name: Eric L.Brandon

Contact Telephone Number: 614-645-5253

Contact Email Address: ebrandon@columbus.gov

EXHIBIT A

***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):

***Wednesday, January 9, 2013 - 1111 East Broad Street, 43205
Wednesday, February 13, 2013 - 1111 East Broad Street, 43205
Wednesday, March 13, 2013 - 1111 East Broad Street, 43205
Wednesday, April 10, 2013 - 1111 East Broad Street, 43205
Wednesday, May 8, 2013 - 1111 East Broad Street, 43205
Wednesday, June 12, 2013 - 1111 East Broad Street, 43205
Wednesday, July 10, 2013 - 1111 East Broad Street, 43205
August Recess - No meeting
Wednesday, September 11, 2013 - 1111 East Broad Street, 43205
Wednesday, October 9, 2013 - 1111 East Broad Street, 43205
Wednesday, November 13, 2013 - 1111 East Broad Street, 43205
Wednesday, December 11, 2013 - 1111 East Broad Street, 43205***

In the event no proper business exists the meeting may be cancelled without further notice. For more information you may contact the Columbus Recreation and Parks Department, 1111 East Broad Street, Suite 200, Columbus, Ohio 43205 (Telephone: 614-645-3319).

**Alan D. McKnight, Executive Director
Columbus Recreation and Parks Department**

Legislation Number: PN0014-2013

Drafting Date: 1/8/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Italian Village Commission 2013 Meeting Schedule

Contact Name: Connie Torbeck

Contact Telephone Number: 614-645-0664

Contact Email Address: cltorbec@columbus.gov

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 645-0664 or by e-mail to cltorbeck@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	Business Meeting Date	Regular Meeting Date
	(1st fl. Conf. Rm, 109 N. Front St.)	(Training Center, 109 N. Front St.)
	12:00pm	6:15pm
December 4, 2012	December 11, 2012	December 18, 2012
January 2, 2013	January 8, 2013	January 15, 2013
February 5, 2013	February 12, 2013	February 19, 2013
March 5, 2013	March 12, 2013	March 19, 2013
April 2, 2013	April 9, 2013	April 16, 2013
May 7, 2013	May 14, 2013	May 21, 2013
June 4, 2013	June 11, 2013	June 18, 2013
July 2, 2013	July 9, 2013	July 16, 2013
August 6, 2013	August 13, 2013	August 20, 2013
September 3, 2013	September 10, 2013	September 17, 2013
October 1, 2013	October 8, 2013	October 15, 2013
November 5, 2013	November 12, 2013	November 19, 2013
December 3, 2013	December 10, 2013	December 17, 2013
January 7, 2014	January 14, 2014	January 21, 2014
February 4, 2014	February 11, 2014	February 18, 2014

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: PN0015-2013

Drafting Date: 1/8/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Historic Resource Commission 2013 Meeting Schedule

Contact Name: Connie Torbeck

Contact Telephone Number: 614-645-0664

Contact Email Address: cltorbeck@columbus.gov

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 645-0664 or by e-mail to cltorbeck@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	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
December 6, 2012	December 13, 2012	December 20, 2012
January 3, 2013	January 10, 2013	January 17, 2013
February 7, 2013	February 14, 2012	February 21, 2013
March 7, 2013	March 14, 2013	March 21, 2013
April 4, 2013	April 11, 2013	April 18, 2013
May 2, 2013	May 9, 2013	May 16, 2013
June 6, 2013	June 13, 2013	June 20, 2013
July 3, 2013	July 11, 2013	July 18, 2013
August 1, 2013	August 8, 2013	August 15, 2013
September 5, 2013	September 12, 2013	September 19, 2013
October 3, 2013	October 10, 2013	October 17, 2013
November 7, 2013	November 14, 2013	November 21, 2013
December 5, 2013	December 12, 2013	December 19, 2013
January 2, 2014	January 9, 2014	January 16, 2014

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: PN0016-2013

Drafting Date: 1/8/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Board of Commission Appeals 2012 Meeting Schedule

Contact Name: Randy F Black

Contact Telephone Number: 614-645-6821

Contact Email Address: rblack@columbus.gov

The Board of Commission Appeals has its Business Meeting the last Wednesday of every other month (as necessary and barring Holiday exceptions). Special hearing dates may also be scheduled on an "as needed basis" in accordance with Columbus City Code 3118. Copies of the Agenda may be obtained by calling 645-8621 or by e-mail to rblack@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

November 28, 2012

January 30, 2013

March 27, 2013

May 29, 2013

July 31, 2013

September 25, 2013

November 27, 2013

January 29, 2014

Legislation Number: PN0017-2013

Drafting Date: 1/8/2013

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: Downtown Commission 2013 Meeting Schedule

Contact Name: Daniel Thomas

Contact Telephone Number: 614-645-8404

Contact Email Address: djthomas@columbus.gov

Downtown Commission 2013 Meetings

Business Meeting

109 N. Front St.

1st Fl. Conf. Room

8:30am - 10:00am

Regular Meeting

109 N. Front St.

Training Center

8:30am - 11:00am

January 22, 2013

February 14, 2013	February 26, 2013
	March 26, 2013
April 11, 2013	April 23, 2013
	May 28, 2013
June 13, 2013	June 25, 2013
	July 23, 2013
August 8, 2013	August 27, 2013
	September 24, 2013
October 10, 2013	October 22, 2013
	November 19, 2013
December 12, 2013	December 17, 2013

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: PN0060-2005

Drafting Date: 2/23/2005

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: Published Columbus City Health Code

Contact Name: Roger Cloern

Contact Telephone Number: 654-6444

Contact Email Address: rogerc@columbus.gov

"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: PN0108-2013

Drafting Date: 4/25/2013

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

OFFICIAL NOTICE

Notice/Advertisement Title:

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 THROUGH FRIDAY.

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 77 North Front Street, 3rd Floor, Columbus, Ohio. Please note that all visitors 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: PN0132-2013

Drafting Date: 5/21/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: BIG DARBY ACCORD ADVISORY PANEL - Columbus Application Closing Dates & Meeting Schedule - 2013 Calendar

Contact Name: Christine Palmer

Contact Telephone Number: 614-645-8791

Contact Email Address: clpalmer@columbus.gov

The Panel meets on the second Tuesdays* of each month at: 1:30pm

Meeting Location: Franklin County Courthouse, 373 S. High Street - 25th Floor, Meeting Room B*

Columbus Closing Day: Hearing Date:

MAY 14	JUNE 11
JUNE 11	JULY 9
JULY 16	AUGUST 13
AUGUST 13	SEPTEMBER 10
SEPTEMBER 10	OCTOBER 8
OCTOBER 15	NOVEMBER 12
NOVEMBER 12	DECEMBER 10

Columbus Application Materials must be submitted to the City of Columbus Planning Division at 109 North Front Street, 1st Floor, by 5:00 pm on the closing day.

*Meetings and locations are subject to cancellation or rescheduling. You are encouraged to [contact staff to verify meeting times, dates, and locations](#) or check the website at: <http://development.columbus.gov/planning/bdaap.aspx>

Legislation Number: PN0138-2013

Drafting Date: 5/23/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: ROCKY FORK BLACKLICK ACCORD ADVISORY PANEL - Columbus Application Closing Dates & Meeting Schedule - 2013 Calendar

Contact Name: Devayani Puranik

Contact Telephone Number: 614-645-0663

Contact Email Address: ddpuranik@columbus.gov

The Panel meets on the third Thursdays* of each month at: 7:00pm

Meeting Location: New Albany City Hall, 99 W Main St, New Albany, OH 43054

Deadline to Receive
New Application

Meeting Date

May 23, 2013
June 20, 2013
July 18, 2013
August 22, 2013
September 19, 2013
October 24, 2013
November 21, 2013

June 20, 2013 **CANCELLED**
July 18, 2013
August 15, 2013
September 19, 2013
October 17, 2013
November 21, 2013
December 19, 2013

Columbus Application Materials must be submitted to the City of Columbus Planning Division at 109 North Front Street, 1st Floor, by 5:00 pm on the closing day.

*Meetings and locations are subject to cancellation or rescheduling. You are encouraged to contact staff to verify meeting times, dates, and locations or check the website at:

<http://development.columbus.gov/planning/rfba.aspx>

Legislation Number: PN0164-2013

Drafting Date: 6/19/2013

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: General Rules and Regulations for City Code, Chapter 903

Contact Name: Patti Austin, Administrator of Planning and Operations Division, Dept of Public Service

Contact Telephone Number: 614-645-3978

Contact Email Address: PAAustin@columbus.gov

**GENERAL RULES AND REGULATIONS
FOR
CITY CHAPTER 903**

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF PLANNING AND OPERATIONS
CITY OF COLUMBUS, OHIO

SUBJECT: EXCAVATION AND
OCCUPANCY PERMITS IN THE
PUBLIC RIGHT-OF-WAY

EFFECTIVE DATE: 07/10/13
SUPERCEDES 06/01/02
PAGE 1 OF 9 / BY RQR

RULE:

All public service agencies, companies, corporations, utility companies, and individuals wishing to dig into, under, open holes, ditches, or trenches in any sidewalk, roadway pavement, or public right-of-way or to occupy the right-of-way of any street, alley, or public way of the City of Columbus for any purpose defined under City Code section 903 shall obtain the prior consent of the Director of Public Service and/or their designee. Such consent shall be obtained in writing as set forth in the rules of this regulation.

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1. General Provisions:

1.1 Authority: Chapter 903 of the Columbus City Code, 1959, requires any person or agency desiring to excavate in or to occupy Public Right-of-Way for any construction related purpose to obtain a permit. Section 903.02 of the Columbus City Code authorizes the Director of Public Service to promulgate reasonable rules and regulations to carry out the provision of this Chapter. The Director of Public Service has designated the Administrator of Planning and Operations to enforce these rules and regulations. Therefore, permits to excavate or to occupy the right of way for construction related purposes shall be submitted to, and approved by the Administrator of Planning and Operations in accordance with the provisions of these rules and regulations. Permits are non-transferable.

1.2 Type of Permits: There are two categories of permits covered by these rules and regulations: excavation and occupancy.

1.2.1 Excavation Permits: This category of permit shall be requested when excavating within the right-of-way of any public street or alley. The work covered by this permit includes excavations in street or alley pavement, sidewalk or driveway, or the non-paved area within the right-of-way for any purpose whatsoever.

1.2.2 Occupancy Permits: This category of permit shall be requested when it is necessary to occupy the right-of-way of any public street or alley for a purpose related to construction activity. Examples

include working on or in any roadway appurtenance, or work on or in buildings or properties outside the right-of-way.

When a permit is issued for a block party, special event, parade, or other event, items within and outside of the permit area may require additional permits for items to be temporarily constructed within road rights-of-way in support of the event.

1.3 Restrictions on Issuing Permits: Permits will not be issued within High Impact Areas when the purpose is vehicle storage on City right-of-way. It is the responsibility of the applicant to store vehicles off-street, or at unreserved long term meters per the City's On-Street Parking out of Service Policy. Occupancy permits are intended for commercial vehicles only. Occupancy permits shall only be issued for the purpose of work within the public right-of-way and activities associated with the adjacent private property by the adjacent property owner or their agent.

1.3.1 High Impact Areas: For purposes of this regulation, High Impact Areas are defined below:

- (Downtown Business District)
- Major Construction Areas
- Arterial Streets (Arterial Streets are those listed on the City of Columbus Thoroughfare Plan)

1.4 Application, Review and Approval: Requests for excavation or occupancy permits shall be made through the Administrator of Planning and Operations. All requests shall be on forms approved by the Administrator and shall conform to Section 2 of these regulations. No work may begin, or occupancy occurs, until a permit has been issued, except as provided within Section 5 of these regulations.

1.4.1 Excavation Permits: Requests to dig, open holes, ditches, bore, or trenches in the sidewalk, roadway or right-of-way of any improved or unimproved street, alley, or public way shall be obtained at least 10 working days in advance of proposed excavation. Review times vary based on the complexity of the project and adequate review time must be considered in the applicant's schedule. The permit office can assist any applicant in determining the extent of the review needed and the time required. Complex reviews can take up to twenty (20) days by City Staff (this does not include any time the applicant has the plans in their possession for revisions). Subsequent reviews can take up to ten (10) days each. The permit request shall include plan, details, and specifications as set forth in Sections 2 and 3 of these regulations.

1.4.2 Occupancy Permits: Requests to occupy or barricade the right-of-way of any improved or unimproved street, alley or public way shall be submitted at least three (3) working days in advance. When the permit is for a full street closure, permit request shall be submitted at least ten (10) working days in advance. When a full street closure is for a major planned event, the submittal shall be twenty (20) working days in advance.

1.4.3 Review of Plans: Plans shall be routed for review and approval as set forth in the Right of Way Plan Routing Manual. A copy of this publication may be obtained at the Public Service permit desk.

1.4.4 Issuance: A permit shall be issued after a permit application has been reviewed and approved as required above, and the applicant has notified the Department of Public Service of a scheduled start date.

1.5 Length of Permit: Permits will be issued only for the time necessary to perform the work. Every effort must be made by the permittee to minimize the amount of time of traffic restrictions or meters out of service

when no work occurs. The City has the right to remove meter or lane restrictions left in place three (3) days with no work occurring. Permits issued for less than thirty (30) days may be extended once for a short duration subject to a re-issue fee specified in Section 7.3.

1.6 Liability: The issuance of an Excavation or Occupancy Permit does not relieve the agency or agent requesting the permit from liability for any damage that might occur to the roadway, or any public, or personal property while performing work authorized by the permit.

2. Form of Application or Request for Permit. Excavation or Occupancy Permit requests shall contain but not be limited to the following information:

- Name of applicant or agent making request.
- Address of applicant or agent.
- Contact name and phone number (a 24-hour emergency number is needed if not the same).
- Location of work - be specific, provide street name and specify limits (house number as applicable); lane requirements, sidewalk, etc.
- Size of trench (width/length/depth).
- How long permit is needed
- Proposed work hours if applicable, state if a complete closure is desired.
- Purpose of request (Utility placement, working in roadway structure, working on or in a building, etc.), provide address when appropriate.
- When work is to begin and completion date (required to issue permit).
- Traffic control requirements (full closure, number and location of lanes to be closed, etc.), provide adequate maintenance of traffic notes.
- Plans as required by Section 3.
- Parking Meter Numbers, for all meters the applicant would like reserved, or taken out of service for specified duration during the performance of their work (see Section 11).

3. Permit Plans: Whenever construction is to be performed within the right-of-way (excluding service line repair), the permit application shall be accompanied by fully approved plans. The plans shall be of suitable size and clarity to show the nature of the work to be performed. Such plans shall show all existing City utilities and topographic features. The City utilities shall be shown on the plans as to horizontal and vertical alignment based upon an actual field inspection and a diligent search of City records for the same. All conflicts with any City facility shall be resolved to the satisfaction of the owner Division. The applicant should refer to the right of way plan routing manual for more information.

4. Restoration: Whenever any person or agency has the authority to excavate in any sidewalk, roadway or right-of-way of any improved or unimproved street, alley or public way the person or agency causing such excavation shall be required to return, in accordance with current City standards, the right-of-way to the same quality condition it was prior to the excavation or restore the same in such a manner and by such time as required by the Director of Public Service and/or their designee.

Restoration of any sidewalk, curb, street pavement, etc. shall occur no later than 14 calendar days after the conclusion of any utility repair or installation activity unless expressly authorized otherwise by the Director of Public Service and/or their designee. Construction activity completed from December through April shall be permanently restored no later than May 31st. After May 31st, non-compliance with this required restoration work shall be considered a violation of this policy. Additional permits shall not be issued to the permittee until the violations are corrected to the satisfaction of the Director of Public Service and/or their designee. In addition, each violation may be dealt with in accordance with Section 903.99 of the Columbus City Code.

Permanent repairs to any roadway cut for the purpose of installing, extending or repairing any utility wire, conduit, or any other repair shall be made in accordance with Department of Public Service Standard Drawing 1441 A, or other suitable means conforming to current City specifications and approved by the Director of Public Service and/or their designee.

Standard Drawing 1441 A has been developed to provide specifications on long pavement cuts, small pavement repairs, and other minor repair work within the right-of-way. Whenever a pavement cut area exceeds the nominal size of 8 feet in width and 100 feet in length, the plans shall provide the method of pavement replacement in accordance with current City standard specifications and are subject to review and approval by the Director of Public Service and/or their designee.

Per Standard Drawing 1441 A whenever a trench is contained within a travel lane and the trench exceeds 100 feet in length the repair shall include milling the full lane width. Where the excavation trench encroaches into more than one lane of traffic, each lane shall be milled and repaved the entire length of the excavation or street block as directed by the Director of Public Service and/or their designee.

Temporary brick street repairs are to be performed in conformance with Standard Drawing 1441 A, Special Note "F", which allow a temporary material placed until permanent restoration can be completed. Temporary material is not to be used without prior approval from the Department of Public Service. Temporary material is not allowed over a period of fourteen (14) calendar days unless prior approval from the Department of Public Service. All street bricks that are excavated shall be salvaged intact. The sawing of existing bricks shall not be permitted. Bricks must be removed whole. Bricks not used in pavement restoration shall be cleaned, stacked on pallets, and delivered to the City's Operation Center, located at 1850 East Twenty-Fifth Avenue. (614) 645-8120. Any bricks that are not delivered shall be charged to the applicant at a rate pre-determined by the Director of Public Service and/or their designee or through forfeiture of deposits.

All trenches within the road right-of-way shall be backfilled and temporary pavement applied or securely plated. Item No. 304 material, CDF (control density fill) and / or millings shall not be permitted to be used as temporary pavement on major arterial, collector, or high volume roadways. With the approval of the Director of Public Service and/or their designee, the Temporary Traffic Control Coordinator (645-6269) and / or the Permit Supervisor (645-3039) properly compacted Item No. 304 may be used as temporary fill on residential streets and alleys between intersections. Intersections shall have temporary pavement applied for a maximum of 5 working days.

5. Emergency Repairs: When any public agency, or any private utility company or corporation must excavate within road rights-of-way in order to make emergency repairs necessary for the safety and health of the public, the same shall request a permit no later than the following working day. All permanent repairs shall conform to Section 4 of this policy.

6. Inspection: Inspection of work performed under these permits shall be done by personnel of Department of Public Service. The permittee shall call the telephone number indicated on the permit at least 4 hours before any needed inspection. Any authorized excavation work shall be inspected.

6.1. Inspections: call the City of Columbus's Division of Planning and Operation's Permit Section at (614) 645-7497

6.2. Backfill: Call before backfill operation begins. Approval needed to start backfill. (4 hrs. notice)

6.3. Sidewalk, driveway or curb: Form work installation inspection required before placement of material.

6.4. Final Inspection: When all work is complete. Upon a successful final inspection, deposits will be processed and returned to the permit holder.

7. Inspection Fees and Deposit Costs: All private companies, corporations or individuals shall pay, at the time of permit application, a fee as set forth below to cover the administrative costs of issuing the permit(s) and performing the required inspection(s). It is the responsibility of the permit holder to request inspections. Failure to obtain an inspection will result in requiring re-excavation of the location and replacement with approved materials in the presence of proper inspection personnel. In addition, this action may result in the forfeiture of 100% of all deposits, bonds and fees on account.

7.1 Street Excavation Deposit: A street excavation deposit shall be required for all roadway excavations when the pavement is open cut. The deposit shall be a minimum of \$800.00 for an open cut area of three square yards or less. For cuts larger than three square yards the deposit shall be \$250.00 per square yard of pavement to be cut. The street excavation deposit shall be refunded if the repair work is inspected and completed in a manner satisfactory to the Director of Public Service and/or their designee.

7.2 Additional Deposits: If, in the opinion of the Director of Public Service and/or their designee, additional inspections are needed due to the use of granular backfill material, or horizontal directional drilling operations, the permittee shall place on deposit sufficient funds necessary to pay for said inspection services in addition to all other deposits and fees associated with the inspection process. Any unused inspection deposits will be refunded once it has been determined that the work has been completed in a satisfactory manner. Sewer TV Inspection Deposit shall be required where Sewer TV inspection is noted by the Division of Sewerage and Drainage on the Permit Plans (see Section 3 for plan requirements). The TV deposit fee shall be determined and paid to the Division of Sewerage and Drainage, located at 910 Dublin Road, Attn: Jacque Kelley (614-645-5824).

7.3 General Permit Fees: There are general fees associated with the issuance of an Excavation or Occupancy permits. Fees are as follows:

- Emergency No Parking Signs: \$.25 each
- Occupancy Permits: \$80.00
- Excavation Permits with hourly inspection fees assessed: \$80.00
- Inspection Fee: \$60 per hour
- Excavation Permits with less than one hour inspection: \$110.00
- Reissued Permits: \$40
- Parking Meter Charges: See Section 11
- Parking Meter Head Removal/Re-installation Fee: \$60.00 per meter plus daily lost revenue for time meter is out of service. Any parking meters to be hooded on a Sunday or holidays where the parking meters for that day are free, a \$4.00 per meter hooding fee is assessed up to 100 parking meters, Parking meters that require over 100 to be hooded will be charged a hourly rate for the actual cost of hooding each. City observed holidays are: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day.

Note: Billing of General Fees for all public and private utility companies will require approval from

the Director of Public Service and/or their designee.

Projects of a duration requiring multiple inspections will be billed at the \$60 per hour rate. The need for additional inspection will be determined during the plan review process based on the complexity and duration of the project. When an inspector is required to work beyond their normal scheduled hours or weekends, the permittee shall be required to pay any additional inspection cost at an hourly rate. When a Department employee is required to respond to an emergency situation due to neglect of securing a steel plate or other hazardous situation, it will be the responsibility of the permittee to cover the cost of the employee and any material cost to rectify the situation in a safe manner. These costs shall be paid upon receipt of invoice or deducted from the permittee's deposit. Failure to pay these costs may result in the forfeiture of deposit monies or a moratorium on obtaining future permits, or both.

8. Traffic Control: Traffic control devices shall be furnished, erected, maintained, and removed by the permittee in accordance with guidelines published in the manual of "Traffic Control for Construction and Maintenance Operations" current revision. Copies are available at the Ohio Department of Transportation, located at 1980 West Broad Street. In the event of conflicting requirements, any additional maintenance of traffic requirements spelled out in the plans shall take precedence over the above-mentioned manual. Any specific condition attached to the permit by the Temporary Traffic Control Coordinator shall take precedence over both the manual and plan notes.

NOTE: Traffic cones are not permitted as traffic control devices for night work within the City.

9. New Pavement or Re-pavement: No permit will be granted to any person to make any opening in the new pavement or re-pavement of a street or alley, except for the purpose of repairing leaks in pipes, for a period of three years after the completion of such new pavement or re-pavement. When emergency repairs are necessary, the Director of Public Service and/or their designee shall provide details and specifications on how the permanent pavement repairs are to be made per Standard Drawing 1441.

No permit shall be granted to any person to make any opening in hard surface areas (pavement, sidewalks, curbs, etc.) within right-of-way for Special Improved Streets for a period of five (5) years after construction or substantial construction of such hard surface areas. In addition, within right of way of Special Improved Streets, joint use of facilities shall be required so long as there is adequate space available in the existing facilities at reasonable and nondiscriminatory rates. Special Improved streets shall be reviewed and approved by the Director of Public Service and/or their designee upon which hard surface or landscaped improvements have been constructed or proposed to be constructed which are enhanced architecturally, aesthetically and/or structurally compared to standard City specifications for publicly dedicated streets or alleys. The Director of Public Service and/or their designee shall maintain a list of Special Improved Streets together with the beginning and ending dates of the five (5) year period.

10. Option for Pavement Repairs by City Contract: A permittee may elect to perform all or part of the repair work required when making a permitted pavement cut. If the permittee is not able to meet the requirements of this regulation and current City standards and specifications governing repairs to utility cuts, the permittee may opt to have all or part of this work performed by the City. The request for the City to perform any and all restorations shall be given at the time the application is submitted for permit processing. If the work is to be performed by the City, a separate pavement repair fee shall be paid to the City for this work. The amount of this pavement repair fee shall be established by unit prices for the quantity of work to be performed. This money shall be collected at the time the permit is issued, unless billing procedures have been approved by the Director of Public Service and/or their designee. The unit price rates shall be made available

in advance for cost estimating purposes. The amount due the City shall be equal to the work planned to be performed.

11. Parking Meters: Whenever the work being performed restricts the use of City parking meters, the agency requesting the permit shall be responsible for paying the daily meter charge for each meter involved. The permit application shall include the meter numbers affected. When the activities require the removal of the meter heads or it is determined by the City that they need to be removed, a meter head removal fee shall also be charged. These fees shall be paid at the time the permit is issued. Parking meter fees charged will be the total daily fee, as if the meter is to be occupied for all enforcement hours.

When an occupancy permit is issued where parking meters have been requested to be bagged, each vehicle using a bagged meter location must have a permit. The original occupancy permit must be visible and in the vehicle using the bagged meter location. All other vehicles within the closure limits will be subject to parking restrictions identical to those of loading zones, which allows 15-minute parking unless actively loading or unloading. Permittee shall comply with the City's On-Street Parking Out of Service Policy.

12. Steel Roadway Plates: The City requires that all companies, corporations, or individuals placing steel roadway plates in the right-of-way of any street, alley, or public right-of-way shall notify the Department of Public Service. The contractor's name, employee contact name with a 24-hour emergency telephone number, plate location, number and size of plates, and the approximate number of days planned for placement shall be submitted weekly either by telephone, at (614) 645-7497, or via FAX, at or (614) 645-1876.

The contractor shall also have available sufficient quantity and various sizes of trench plates for their use when needed for protecting and securing trenches opened by the contractor. In the Downtown Business District area, all steel plates shall be a minimum of one inch in thickness. All steel plates shall be secured by using bituminous asphalt material around the perimeter of the plate and shall be a minimum of twenty-four inches wider in width than the actual excavation size, and a minimum of twenty-four inches longer in length than the actual excavation size. Steel plates shall not be left in the roadway for a period to exceed 30 calendar days, unless approved by the Director of Public Service and/or their designee.

NO SPIKES OR PINS ARE PERMITTED TO SECURE A STEEL PLATE

Steel plates shall have the company name etched, engraved, or welded on each plate placed in road right-of-way, face up for identification and be monitored by the permittee to assure plates are secured and have not moved from their trench. Warning signs (COC - 327 (R/L) must be placed in such a way that it does not obstruct motorist or pedestrians, identifying a steel plate is located in the roadway per standard drawing 1441. When steel plates are to be placed on roadways with a posted speed limit of 35 M.P.H. or greater, advanced warning signs (COC - 328) must be placed per standard drawing 1441. Failure to secure a roadway steel plate may result in fines and penalties per City Code, Chapter 903.99.

13. Emergency Phone Number Posting: The permit holder shall post in a conspicuous place at the job site a sign with a 24-hour emergency phone number. This shall be required whenever any travel portion of a lane or a sidewalk is barricaded.

14. Dumpster/Containers: All dumpsters or containers placed within public right-of-way must have an occupancy permit. This regulation does not apply to the trash containers placed by the Refuse Collection Division. Occupancy permits for dumpsters or containers may be issued to the vendor who supplies them or the permittee requesting the use of one. The vendor shall be responsible for providing a dumpster or container in compliance with current City of Columbus regulations. Each dumpster or container shall be equipped with

reflectorized hi-intensity barricade tape (minimum 8 inches wide, standard orange and silver). A minimum of two bands each are required for dumpsters or containers less than four feet in height and three bands for dumpsters and containers over four feet in height. Each band shall be spaced evenly around the perimeter of the dumpster or container. The company's name and a 24-hour telephone number shall be placed on each side so that it is clearly visible. A weatherproof 9"x12" plastic envelope shall be affixed to the dumpster or container to provide a means of posting the permit. The permittee shall be responsible for the placement of two lighted barrels. The requirement of such shall be evaluated at the time of permit application or when a hazard develops.

If a permit is only for a dumpster or container to be placed in the right of way and not part of a larger construction project, it shall be limited to a seven (7) day period unless approved in advance as part of the permit process.

If a dumpster or container is to occupy an actual parking meter space, the fee(s) for that particular meter shall be charged in place. (see Section 11).

15. Special Duty Police Officers: When required by the permit, or if required by the City Service or Safety Director, the permittee shall be responsible for hiring and paying for the services of Uniformed Special Duty Police Officers. Police officers shall be required at all times when working within a signalized crosswalk and for controlling traffic in a 2-way 1-lane traffic pattern as determined by the Director. The City of Columbus will determine the number of officers required. An officer may be obtained by calling (614) 645-4795 and obtain the "Guidelines for Supervising Special Duty Police Officers", issued by the Chief of Police.

16. Penalty: Whoever violates any provision of this policy shall be deemed guilty of a first degree misdemeanor and fined not exceeding one thousand dollars (\$1,000.00), or imprisoned for not more than six months, or both. Any such violation shall constitute a separate offense on each successive day continued, in accordance with Columbus City Code, Section 903.99.

17. Right to Decline: The City of Columbus reserves the right to decline additional permits to a previous permit holder for other projects if a violation exists. No permit shall be issued until the violations are corrected to the satisfaction of the Division of Planning and Operations Administrator.

The City may limit the approved use of the right of way at any time due to unforeseen operational circumstances, but shall make every reasonable effort to alleviate the effects of any such limitation.

Mark Kelsey, Director
Department of Public Service

Legislation Number: PN0165-2013

Drafting Date: 6/19/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: General Rules and Regulations for City Code, Chapter 905

Contact Name: Patti Austin, Administrator of Planning and Operations Division, Dept of Public Service

Contact Telephone Number: 614-645-3978
Contact Email Address: PAAustin@columbus.gov

**GENERAL RULES AND REGULATIONS
FOR
CITY CODE CHAPTER 905**

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF PLANNING AND OPERATIONS
CITY OF COLUMBUS, OHIO

SUBJECT: EXCAVATION AND
OCCUPANCY PERMITS IN THE
PUBLIC RIGHT-OF-WAY

EFFECTIVE DATE: 07/10/13
PAGE: 1 OF 6 / BY: JLR

RULE:

The abutting private property owner(s) of record shall be responsible for the proper maintenance and repair of all sidewalk, shared-use path and driveway approach within the abutting right-of-way for any improved or unimproved street, alley, or other public way within the city, which provides access around, in, or to said private property in accordance with the requirements of Chapter 905 of Columbus City Code and these rules and regulations.

No person or business organization shall construct, reconstruct, repair, or level any sidewalk, curb, curb & gutter or driveway entrance in the public right-of-way, either by private or public agreement, until after having obtained a shared-use path, sidewalk, curb, and/or driveway approach permit from the Administrator of Division of Planning and Operations, and obtained all necessary inspection approvals, in accordance with the requirements of Chapter 905 of Columbus City Code and these rules and regulations.

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REGULATIONS:

1. GENERAL PROVISIONS

1.1 Authority: These rules and regulations were created under the authority provided within Chapter 905 of Columbus City Code.

1.2 Definitions: Terms contained within these rules and regulations shall have the meanings outlined within Section 905.02 of Columbus City Code.

1.3 General Permit Fees: There are general fees associated with the issuance of a sidewalk, shared-use path and/or driveway approach permit. Fees are as follows:

- Sidewalk, Shared-use Path and/or Driveway Approach Permit: \$80
- Sidewalk, Shared-use Path and/or Driveway Approach Permit and one inspection: \$110.00
- Hourly inspection fee (if needed): \$60

Projects of a duration requiring multiple inspections will be billed at the \$60 per hour rate. The need for additional inspection will be determined during the plan review process based on the complexity and duration of the project. When an inspector is required to work beyond their normal scheduled hours or weekends, the permittee shall be required to pay any additional inspection cost at an hourly rate.

Occupancy Permit (cc903) may also be required at no cost when a lane closure is needed to perform the work.

Parking Meter Head Removal Fee: \$60.00 per meter plus daily lost revenue for time meter is out of service.

Any parking meters to be hooded on a Sunday or holidays where the parking meters for that day are free, a \$4.00 per meter hooding fee is assessed up to 100 parking meters. Parking meters that require over 100 to be hooded will be charged a hourly rate for the actual cost of hooding each. City observed holidays are: New Year’s Day, Martin Luther King Jr. Day, President’s Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day.

Parking Meter Charges: See Section 3.8

Projects of a duration requiring multiple inspections will be billed at the \$60 per hour rate. The need for additional inspection will be determined during the plan review process based on the complexity and duration of the project. When an inspector is required to work beyond their normal scheduled hours or weekends, the permittee shall be required to pay any additional inspection cost at an hourly rate. When a Department

employee is required to respond to an emergency situation due to neglect of securing a steel plate or other hazardous situation, it will be the responsibility of the permittee to cover the cost of the employee and any material cost to rectify the situation in a safe manner. These costs shall be paid upon receipt of invoice or deducted from the permittee's deposit. Failure to pay these costs may result in the forfeiture of deposit monies or a moratorium on obtaining future permits, or both.

1.4 Length of Permit Terms: All permits provided in conjunction with Chapter 905 of Columbus City Code and these rules and regulations shall become null and void ninety (90) days from the date of issuance, if the associated construction has not commenced by that time. All funds received for said permits shall in no case be refunded by the City.

1.5 Sidewalk and Driveway Approach Maintenance Criteria: Where sidewalks and/or driveway approaches within the public right-of-way are determined to violate the Code Maintenance Violation Criteria specified within Section 905.11 of Columbus City Code the Division of Planning and Operations shall issue either a Notice of Violation in accordance with Section 905.12 of Columbus City Code, or an Emergency Order in accordance with Section 905.13 of Columbus City Code.

1.6 Notice Appeal Procedure: Any persons affected by any notice issued in connection with these rules and regulations, and/or Chapter 905 of Columbus City Code may request, and shall be granted a hearing before the Property Maintenance Appeals Board on all matters set forth in such notice, provided that said request is made in accordance with the provisions of Section 905.14 of Columbus City Code.

1.7 Sidewalk Assessment: Where after due notice a sidewalk and/or driveway approach is not repaired due to the inability, or unwillingness, of an abutting property owner, the Public Service Director may elect to have said work performed by City forces, and/or its contractual agent. Where the Public Service Director elects to pursue this option, as opposed to filing criminal complaint against the abutting property owner for non-compliance with Chapter 905 of Columbus City Code, said work shall proceed in accordance with the requirements of Chapter 905 of Columbus City Code, and the City Charter. The cost of said work shall either be collected through an assessment added to the abutting property owner's annual property taxes, or through civil court proceedings, as described within Section 905.16 of Columbus City Code.

Property owners that receive a Notice of Violation, but are unable to perform the associated repairs, may request the Public Service Director to perform the necessary work in accordance with the City's sidewalk/driveway approach assessment procedure by contacting the Division of Planning and Operations either in person, or by calling the telephone number included within their Notice of Violation. However, it shall remain the Public Service Director's discretion as to whether this request shall be granted or denied. Applicants shall receive timely notification of that decision.

2. CONDITIONS OF PERMIT

2.1 Permit Application: Only an abutting property owner, their authorized agent, or a contractor holding a valid City of Columbus Home Improvement, or General Contractor's License shall be permitted to apply for, and obtain, any sidewalk, curb replacement, and/or driveway approach permit from the Division of Planning and Operations Administrator.

2.2 Driveway Approach Site Plan Requirements:

2.2.1 Commercial and/or Multi-Family Property Driveway Approaches: Requests for a driveway entrance permit for all new commercial and/or multi-family development driveway

entrance(s), on any City of Columbus public right-of-way, shall include the submission of a site plan previously approved by the Administrator of Division of Planning and Operations in accordance with the requirements of Section 3342 of Columbus City Code.

2.2.2 Single Family and Twin Single Family Property Driveway Approaches: Requests for a driveway entrance permit for new single family and twin single family driveway entrances shall require the concurrent submission of a site plan conforming to the requirements outlined within Section 3342.03 of Columbus City Code.

Unless previously approved by the Administrator of Division of Planning and Operations, the review and/or approval of said site plan may take up to 2 business days. No driveway entrance permit shall be issued until said site plan has received the Administrator of Division of Planning and Operation's approval.

This site plan requirement may, however, be waived if the Division of Planning and Operation's Permit Section is able to verify through a review of its existing record plat and street plan records that no violations or conflicts will be created with the Division's existing driveway entrance location policies, the Rules and Regulations for the Approval of Driveway Plans for Access to Public Right-of-Way.

2.2.3 Modifications to Existing Driveway Approach Locations and/or Widths: Requests for a Driveway Approach Permit for the purpose of modifying an existing driveway entrance's location and/or width shall require the submission of a site plan conforming to the requirements outlined within Section 3342.03 of Columbus City Code. Unless previously approved by the Administrator of Division of Planning and Operations, the review and/or approval of said site plan, for a single or twin single family driveway approaches may take up to 2 business days. The review of site plans proposing driveway approach changes on commercial properties may take up to five business days and/or may be determined to require re-submission through the City's Commercial Site Plan process. No driveway approach permit shall be issued until said site plan has received the Administrator of Division of Planning and Operation's approval.

3. OBLIGATION OF PERMITEES

3.1 Maintaining Pedestrian Safety and Access: No excavation area shall remain open for more than 14 calendar days before construction, or re-construction, of that area has been completed without the express written permission of the Administrator of Division of Planning and Operations.

In areas of high pedestrian volume, partial width sidewalk and/or driveway approach construction/re-construction shall be required whenever feasible for maintaining pedestrian access and safety. In these high pedestrian volume areas where partial width construction is not feasible, the permit applicant may be required to provide a plan for providing alternative pedestrian access. This plan shall include details of proposed signage and/or the construction of temporary pedestrian facilities. The Division of Planning and Operations shall provide notification of this necessity at the time of permit application, if at all possible, and provide conceptual guidance in this design.

Under all circumstances, it shall be the permittee's responsibility to provide construction site pedestrian and vehicular safety through the use of approved signs, barricades, and/or other safety devices.

3.2 Curb Ramp Construction: When existing curb ramps require reconstruction, or repair, at the intersection of two or more public roadways the City of Columbus should be advised of this necessity.

We shall then schedule the necessary replacement or repair as soon as practical.

It is however, the policy of this Division and Department that developers responsible for the construction of new commercial and/or residential developments shall also be responsible for the construction of the original curb ramps required as a result of their development. This requirement should be reflected upon their original design plans, as approved by the City of Columbus, when applicable. Likewise, the replacement of curb ramps made necessary through the re-development of a property shall also be the developer's responsibility.

The construction, repair, and replacement of curb ramps at the intersection of private roadways and driveways with a public street shall be the abutting property owner's responsibility. All work shall be performed in accordance with the Americans with Disabilities Act of 1990, and all regulations and amendments promulgated thereto, the current Construction and Material Specifications of Columbus (CMSC), the City's current Standard Construction Drawings, Chapter 905 of Columbus City Code, and these rules and regulations.

3.3 Inspection of Form Work and Base Material Required: The placement of concrete, or other pre-approved materials, for any sidewalk, curb, curb and gutter, or driveway entrance in the public right-of-way may not commence until Division of Planning and Operations personnel have inspected and approved the proposed base materials and form work, and authorized said concrete, or other materials, placement to proceed.

3.4 Procedure for Requesting Inspection: The permit holder shall notify the Permit Section at the number indicated on the permit when base materials and form work are ready for the placement of concrete, or other pre-approved surface materials. The Division of Planning and Operations shall then make every attempt to complete the associated inspection by the close of the following business day.

3.5 Inspection: If no one is present at the work site when the inspector arrives, a signed copy of an inspection report, with the date and name of the inspector, shall be left on site. It shall be placed at a conspicuous location, attached to the form work if possible. This report shall advise whether the work has, or has not been approved for concrete or other surface material placement. If the work has not been approved, a rejection notice shall be left with details as to the areas of insufficiency, or instructions to contact this office.

We strongly recommend the placement of concrete, or other surface materials, not be scheduled until our inspector has authorized such placement. Under no circumstances should concrete or other surface materials be placed without the consent of the Division of Planning and Operations. Should unauthorized placement occur, said materials shall be subject to being ordered removed and replaced in accordance with Section 905.05 of Columbus City Code, at the permittee's expense.

3.6 Inspection of Finished Curb Ramp Required: In addition to the base and form work inspection specified previously within these rules and regulations, those parties holding a permit for the construction of a curb ramp within the public rights of way of the City of Columbus shall also notify the Division of Mobility Option's ADA Section within 72 hours after they have completed said construction. The Division of Mobility Options shall then verify that all work was performed in accordance with the requirements outlined within Section 3.2 of these rules and regulations.

If the curb ramp is determined to be non-compliant with these requirements it shall be ordered removed and replaced at the permittee's expense in accordance with Section 905.05 of Columbus City

Code.

Detectable Warning Devices shall be installed on all approved curb ramps within thirty (30) days after concrete, or other approved surface materials are originally placed. The current City of Columbus specifications and standard drawings shall apply for detectable warning devices.

3.7 Requests to Provide Alternative Methods for Sidewalk and/or Driveway Approach Repair:

Under certain limited circumstances alternative methods of temporary sidewalk and/or driveway approach repair shall be considered upon request of the Administrator of Division of Planning and Operations. As example:

- a) Where an offset may be eliminated through the minor grinding of existing concrete without other code violation criteria remaining, the Administrator of Division of Planning and Operations may upon request grant permission for said grinding to be attempted.
- b) Where a minor crack, or separation, exists in an existing sidewalk, or driveway approach, without an associated offset, the Administrator of Division of Planning and Operations may upon request grant permission for the crack or separation to be sealed with an approved material designed for that purpose.
- c) During inclement weather, which is non-conducive to traditional construction and repair methodologies, the Administrator of Division of Planning and Operations may upon request grant permission for the permittee to utilize temporary repair materials, such as hot or cold mix asphalt, to temporarily fill and level an unsafe depression, or offset. Said materials shall then require removal and proper replacement, in accordance with the requirements of Chapter 905 of Columbus City Code and these rules and regulations, as soon as inclement weather had passed.

3.8 Parking Meters: Whenever the work being performed restricts the use of City parking meters, the agency requesting the permit shall be responsible for paying the daily meter charge for each meter involved. The permit application shall include the meter numbers affected. When the activities require the removal of the meter heads or it is determined by the City that they need to be removed, a meter head removal fee shall also be charged. These fees shall be paid at the time the permit is issued. Parking meter fees charged will be the total daily fee, as if the meter is to be occupied for all enforcement hours.

When an occupancy permit is issued where parking meters have been requested to be bagged, each vehicle using a bagged meter location must have a permit. The original occupancy permit must be visible and in the vehicle using the bagged meter location. All other vehicles within the closure limits will be subject to parking restrictions identical to those of loading zones, which allows 15-minute parking unless actively loading or unloading. Permittee shall comply with the City's On-Street Parking Out of Service Policy.

Please note that all alternative methods of repair must be applied for at the time of permit application and/or prior to their use. It must also subsequently be demonstrated, by Division of Planning and Operations follow-up inspection to have temporarily or permanently eliminated all associated Chapter 905 City Code violations.

The City may limit the approved use of the right of way at any time due to unforeseen operational circumstances, but shall make every reasonable effort to alleviate the effects of any such limitation.

Mark Kelsey, Director
Department of Public Service

Legislation Number: PN0166-2013

Drafting Date: 6/19/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: General Rules and Regulations for City Code, Chapter 906

Contact Name: Patti Austin, Administrator of Planning and Operations Division, Dept of Public Service

Contact Telephone Number: 614-645-3978

Contact Email Address: PAAustin@columbus.gov

**GENERAL RULES AND REGULATIONS
FOR
CITY CODE, CHAPTER 906**

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF PLANNING AND OPERATIONS
CITY OF COLUMBUS, OHIO

SUBJECT: NON-COMMERCIAL OCCUPANCY IN THE
PUBLIC RIGHT-OF-WAY

EFFECTIVE DATE: 07/10/13
PAGE 1 OF 5 / BY PAA/rqr

RULE:

All governmental agencies, companies, corporations, and individuals wishing to occupy any street, sidewalk, alley, or public right-of-way of the City of Columbus for any purpose other than construction activity shall obtain the consent of the Director of Department of Public Service. Such consent shall be in writing as set forth in the rules of this regulation.

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1. General Provisions:

1.1 Authority: Chapter 906 of the Columbus City Code requires any person or agency desiring to occupy public right-of-way for any non-commercial purpose to first obtain a permit. Such permits are issued by and through the Department of Public Service, Division of Planning and Operation’s Administrator in accordance with the provisions of this regulation.

2. Type of Permits: There are two types of permits for occupying the public right-of-way:

2.1 Street Occupancy Permits: This type of permit is needed when it is necessary to occupy the right-of-way of any public street or alley.

2.2 Sidewalk Occupancy Permits: This type of permit is needed when it is necessary to occupy the right-of-way of any sidewalk. Pedestrian access must be maintained at all times with a minimum of six (6) feet of clearance at all times.

3. Parking Meters: Whenever the event being performed restricts the use of City parking meters, the applicant shall be responsible for obtaining the parking meter numbers to be reserved and paying the total daily meter charge for each of the parking meters reserved. The permit application shall include the parking meter numbers affected. Parking meter fees charged will be the total daily fee, as if the meter is to be occupied for all enforcement hours.

When an occupancy permit is issued where parking meters are to be bagged, each vehicle using a meter must have a permit. The occupancy permit must be visible and displayed on the front dash of each vehicle.

4. Permits Not Issued For:

- Vehicle storage on City right-of-way within High Impact Areas (as defined by Section 8)
- Structures over 200 square feet
- Heating and/or cooling devices in the public right-of-way
- Any type of camping or cooking

5. Application and Review: Requests for occupancy permits shall be made through the Division of Planning and Operations Administrator. All requests shall be on forms approved by the Division of Planning and Operations Administrator and shall conform to Section 2 of these regulations. No occupancy may begin until a permit has been issued.

Requests to occupy the right-of-way of any improved or unimproved street, sidewalk, alley or public way shall be submitted at least five (5) working days prior to an event. When the applicant is requesting a full lane closure, the request shall be submitted at least ten (10) working days in advance.

6. Review and Approval: Each permit request shall be reviewed as indicated below and is subject to approval by the Division of Planning and Operations Administrator.

6.1 Review: All occupancy permit applications shall be reviewed by the Division of Planning and Operations and the Columbus Police Division, Traffic Bureau.

6.2 Application Approval or Denial; Appeal: Applications for permits shall be processed in order of receipt by the Division of Planning and Operations.

The Division shall decide whether to grant or deny a permit within five (5) working days unless, by written notice to the applicant, it extends the period an additional five (5) working days.

If the Division denies an application, it must notify the applicant by email or in writing of the grounds for denial. Denial of an application may be appealed in writing to the Director within ten (10) working days of the date of the denial. The Director shall decide any appeal within seven (7) working days of receipt of the appeal and shall notify the applicant of the decision by email or in writing.

The Division may deny an application for permit only on any one or more of the following grounds:

- 1) the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or size of the structure and/or associated use or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant;
- 2) the application for permit (including any required attachments and submissions) is not fully completed and executed;
- 3) the applicant has not tendered the required application fee with the application;
- 4) the application for permit contains a material falsehood or misrepresentation;
- 5) the applicant is legally incompetent to contract or to sue and be sued;
- 6) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
- 7) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing a structure associated with a use or activity which does not reasonably permit multiple occupancy of the place requested in the application;
- 8) any use or activity by the applicant associated with the proposed structure would conflict with a previously planned use or activity organized and conducted by the City and previously scheduled for the same time and place;
- 9) the proposed structure and/or associated use or activity would present an unreasonable danger to the health or safety of the public or would be otherwise prohibited by law, including but not limited to any applicable requirements of the Americans with Disabilities Act (ADA).

In no event may any application be denied or conditions placed on any permit issued based on the content of any speech or communicative activity associated with the proposed structure or occupancy.

6.3 Permit Expiration: Permits shall be issued for the time period necessary to conduct the activity in accordance with these regulations. No permit shall be issued for a period longer than three (3) consecutive days. No permit will be issued back to back or consecutively. An applicant who is issued an initial permit may receive a subsequent permit for the same area three (3) days after the date of expiration of a previous permit, provided the applicant meets all other rules and regulations.

7. Liability: The issuance of an Occupancy Permit does not relieve the permit holder from liability for any damage that might occur to the Public right-of-way, street, sidewalk, the public, or personal property while engaging in activities authorized by the permit.

8. High Impact Areas: For purposes of this regulation, High Impact Areas are defined below:

- Downtown Business District
- Construction Areas
- Arterial Streets (Arterial streets are those listed on the current City of Columbus Thoroughfare Plan).

9. Form of Application or Request for Permit: Occupancy Permit requests shall contain but not be limited to the following information:

- Name of applicant making request
- Address of applicant
- Contact name and phone number (24-hour emergency number is needed)
- Location of event or activity - street address number if applicable (permits issued per location, not per structure)
- Days needed (3 days maximum)
- Proposed hours for event
- Purpose of request
- Start date
- Traffic control needs
- Parking meter numbers (see Section 3)

10. Inspection: Inspection of occupancy shall be completed by personnel of the Division of Planning and Operations. Any additional inspections required by other city agencies will be determined at the time of processing an application. Upon a successful final inspection, any deposits will be processed and returned to the permit holder.

11. Fees: All applicants shall pay a fee as set forth below to cover the administrative costs of issuing the permit and performing an inspection of the site. All fees are to be paid at the time the permit is obtained. These fees are non-refundable.

- Occupancy Permits: \$40.00
- Dumpster/Container Fees: \$15.00 per day
- Parking Meter Charges: various, depending on meter
- Emergency No Parking Signs: \$.25 each

12. Obligations of the Permit Holder:

12.1 Traffic Control: Traffic control devices shall be furnished, erected, maintained, and removed by the permit holder in accordance with guidelines published in the manual of “Traffic Control for

Construction and Maintenance Operations” current revision. Copies are available at the Ohio Department of Transportation, located at 1980 West Broad Street. Any specific condition attached to the permit by the Division of Planning and Operation’s Construction Coordinator shall take precedence over the manual.

12.2 Monitoring of Site: No structure or personal property used for an event or activity, to include shelter tents, chairs and tables, may remain in the public right-of-way unattended, and in no case may remain in the public right-of-way between the hours of 9:00 p.m. and 8:00 a.m. unless the street is closed under the authority of a block party permit.

12.3 Maintenance of Site: It shall be the responsibility of the permit holder to provide all materials and services necessary to maintain the permit area in a clean, safe and sanitary condition. These materials include but are not limited to: trash receptacles, portable restroom facilities, and snow and ice removal with pre-approved materials. The permit holder shall be responsible for any actual costs or damages incurred by the City as a result of the use of the right-of-way, including but not limited to, reimbursement, at the employees’ regular hourly rates, for time spent by city employees removing debris or repairing damage resulting from the event.

12.4 Special Duty Police Officers: When required by the permit, or if required by the City Service or Safety Director, the permit holder shall be responsible for hiring and paying for the services of Uniformed Special Duty Police Officers. Police officers shall be required at all times when event activities are at or near street intersections. The City of Columbus will determine the number of officers required. The determination as to the need and number of any special duty officers shall be made solely on the basis of traffic control, which basis shall be specified and communicated by email or in writing to the applicant by the City official making the determination. An officer may be obtained by calling (614) 645-4795.

13. Penalty: Whoever violates any provision of Chapter 906 of the Columbus City Code shall be deemed guilty of a first degree misdemeanor and fined not exceeding one thousand dollars (\$1,000.00), or imprisoned for not more than six months, or both. Any such violation shall constitute a separate offense on each successive day continued, in accordance with Columbus City Code, Section 906.99.

The City may limit the approved use of the right-of-way at any time due to unforeseen operational circumstances, but shall make every reasonable effort to alleviate the effects of any such limitation.

Mark Kelsey, Director
Department of Public Service

Legislation Number: PN0186-2013

Drafting Date: 7/22/2013

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Current Status: Clerk’s Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: Development Commission - Policy Meeting

Contact Name: Christine Palmer

Contact Telephone Number: 614-645-8791

Contact Email Address: clpalmer@columbus.gov <<mailto:clpalmer@columbus.gov>>

The Development Commission of the City of Columbus will hold a public hearing on Thursday, August 8, 2013 immediately following the 6:00 p.m. Zoning Agenda. The meeting will be held at the City of Columbus, I-71 North Complex at 757 Carolyn Avenue, Columbus, OH 43224 in the lower level HEARING ROOM. Scheduled for consideration and action by the Commission is the Olentangy West Area Plan.

Please notify the Planning Division a minimum of two business days before the meeting if a sign language interpreter is required.

Legislation Number: PN0187-2013

Drafting Date: 7/23/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Development Commission Zoning Meeting Agenda - August 8, 2013

Contact Name: Shannon Pine

Contact Telephone Number: (614) 645-2208

Contact Email Address: spine@columbus.gov

**AGENDA
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
AUGUST 8, 2013**

The Development Commission of the City of Columbus will hold a public hearing on the following applications on **Thursday, AUGUST 8, 2013**, beginning at **6:00 P.M.** at the **CITY OF COLUMBUS, I-71 NORTH COMPLEX** at 757 Carolyn Avenue, Columbus, OH 43224 in the lower level **HEARING ROOM**.

Further information may be obtained by visiting the City of Columbus Zoning Office website at <http://bzs.columbus.gov/commission.aspx?id=20698> or by calling the Department of Building and Zoning Services, Council Activities section at 645-4522.

THE FOLLOWING APPLICATIONS WILL BE HEARD ON THE 6:00 P.M. AGENDA:

1. APPLICATION: Z13-035 (ACCELA # 13335-00000-00292)

Location: 4042 MORSE ROAD (43230), being 14.37± acres located at the northeast corner of Transit Drive and Service Road 7A, 650± feet north of Morse Road (600-150027).

Existing Zoning: CPD, Commercial Planned Development District.

Request: L-M, Limited Manufacturing District.

Proposed Use: Limited industrial or commercial development.

Applicant(s): The Ellis Company, Ltd.; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

Property Owner(s): Faith Christian Center of Columbus, Inc.; 5325 Smothers Road; Westerville, OH 43081.

Planner: Shannon Pine, 645-2208, spine@columbus.gov

2. APPLICATION: Z13-036 (ACCELA # 13335-00000-00293)

Location: 5690 SUNBURY ROAD (43230), being 10.97± acres located on the east side of Sunbury Road,

574± feet north of Woodstream Drive (600-196712).

Existing Zoning: LRR, Limited Rural Residential District.

Request: L-SR, Limited Suburban Residential District.

Proposed Use: Single-unit residential development.

Applicant(s): Canini & Associates; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

Property Owner(s): Dawn M. Osbourne Tr., et al; c/o Rodney D. Osbourne, Sr.; P.O. Box 43083; Jacksonville, FL 32203.

Planner: Shannon Pine, 645-2208, spine@columbus.gov

3. APPLICATION: Z13-022 (ACCELA # 13335-00000-00133)

Location: 3355 SOUTH HIGH STREET (43207), being 1.7± acres located on the west side of South High Street, 834± feet north of West Williams Road (010-112334; Far South Columbus Area Commission).

Existing Zoning: C-4, Commercial District.

Request: L-M, Limited Manufacturing District.

Proposed Use: Wholesale supply.

Applicant(s): JC Roofing Supply; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

Property Owner(s): Claudia M. Jayne; c/o Jonathan G. Jayne; 1535 Keystone Avenue; Dayton, OH 45403.

Planner: Shannon Pine, 645-2208, spine@columbus.gov

4. APPLICATION: Z13-040 (ACCELA # 13335-00000-00383)

Location: 2410 HILLIARD-ROME ROAD (43026), being 0.8± acres located on the east side of Hilliard-Rome Road, 964± feet south of Roberts Road (560-168633).

Existing Zoning: L-C-2, Limited Commercial District.

Request: L-C-3, Limited Commercial District.

Proposed Use: Limited commercial development.

Applicant(s): Gregory A. Richards; c/o Jeffrey L. Brown, Atty.; Smith and Hale LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

Property Owner(s): The Applicant.

Planner: Shannon Pine, 645-2208, spine@columbus.gov

5. APPLICATION: Z13-041 (13335-00000-00384)

Location: 135 DILLMONT DRIVE (43235), being 2.1± acres located 230± feet east of Dillmont Drive, and 660± feet south of Lazelle Road (part of 610-214983).

Existing Zoning: L-C-2, Limited Commercial District.

Request: L-AR-12, Limited Apartment Residential District.

Proposed Use: Twenty-four unit apartment building.

Applicant(s): Donald W. Kelley and Associates, Inc.; c/o Dave Perry, Agent; David Perry Co. Inc.; 145 East Rich St., 3rd Floor; Columbus, OH 43215; and Donald Plank, Plank Law Firm; 145 East Rich St., 3rd Floor; Columbus, OH 43215.

Property Owner(s): PFJ Investments Ltd.; c/o Dave Perry, Agent; David Perry Co. Inc.; 145 East Rich St., 3rd Floor; Columbus, OH 43215.

Planner: Shannon Pine, 645-2208, spine@columbus.gov

THE FOLLOWING POLICY ITEMS WILL BE HEARD IMMEDIATELY AFTER THE ZONING AGENDA:

MOTION TO APPROVE SUMMARY OF JUNE 13, 2013 MEETING

NEW BUSINESS

Presentation, Discussion, and Action

1) Olentangy West Area Plan

Christine L. Palmer, AICP, 645-8791, clpalmer@columbus.gov

ADJOURNMENT

Legislation Number: PN0188-2013

Drafting Date: 7/23/2013

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Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Please See Public Service Director's Orders -- Placement of Traffic Control Devices as recommended by the Divisions of Design and Construction, Mobility Options, and Planning and Operations -- Effective Date: July 19, 2013

Contact Name: Kim O'Harra

Contact Telephone Number: 614-645-0618

Contact Email Address: kaoharra@columbus.gov

Please See Public Service Director's Orders -- Placement of Traffic Control Devices as recommended by the Divisions of Design and Construction, Mobility Options, and Planning and Operations -- Effective Date: July 19, 2013

Legislation Number: PN0189-2013

Drafting Date: 7/23/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Public Utilities Notice: Department of Public Utilities - Industrial Wastewater Discharge Permits

Contact Name: Jeffrey L. Bertacchi

Contact Telephone Number: (614) 645-5876

Contact Email Address: jlb@columbus.gov

The Administrator of the Division of Sewerage and Drainage announces intent to issue an Industrial Wastewater Discharge Permit to the following company(s) on or about Monday, August 19, 2013: Maramor Chocolates; 1855 East 17th Avenue, Columbus, Ohio 43219

The Draft Permit will be available for review between 7:30 A.M. and 4:30 P.M., July 29, 2013, through August 16, 2013, at the City of Columbus Industrial Wastewater Pretreatment Office, 1250 Fairwood Avenue, Suite 186, Columbus, Ohio 43206. Written comments will be accepted during this period at the above address or by FAX at (614) 645-0227. This Notice is made according to Columbus City Code Chapter 1145.44(C).

Legislation Number: PN0190-2013

Drafting Date: 7/23/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Please See Public Service Director's Orders -- Placement of Traffic Control Devices as recommended by the Divisions of Design and Construction, Mobility Options, and Planning and Operations -- Effective Date: July 23, 2013

Contact Name: Kim O'Harra

Contact Telephone Number: 614-645-0618

Contact Email Address: kaoharra@columbus.gov

Please See Public Service Director's Orders -- Placement of Traffic Control Devices as recommended by the Divisions of Design and Construction, Mobility Options, and Planning and Operations -- Effective Date: July 23, 2013

Legislation Number: PN0191-2013

Drafting Date: 7/25/2013

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Communications for 07/24/13

Contact Name: Bessie Twyman

Contact Telephone Number: 614-645-7264

Contact Email Address: bmtwyman@columbus.gov

THE CITY CLERK'S OFFICE RECEIVED THE FOLLOWING COMMUNICATIONS AS OF,
WEDNESDAY, JULY 24, 2013:

New Type: D3A

To: Greene Appell NA LLC
6481 N Hamilton Rd Unit 12
Columbus OH 43081
Permit #33572550005

New Type: C1, C2

To: Homer Anderson
DBA Andys Carryout
2480 N High St
Columbus OH 43202
Permit #0187806

New Type: D1

To: Buckeye Pro Inc
DBA Buckeye Pro Asian Kitchen
761 Bethel Rd
Columbus OH 43214
Permit #1072888

New Type: D3A

To: Columbus JJA Short North LLC
DBA Bakersfield Short North
1st Fl & Bsmt & Patio

731-33 N High St
Columbus OH 43215
Permit #1653397

New Type: D2
To: Lanlee Properties Inc
1st Fl East End
2530 W Broad St
Columbus OH 43204
Permit #5021240

New Type: D5
To: Mazah Mediterranean Eatery LLC
1439 Grandview Av
Columbus OH 43212
Permit #53891070005

New Type: D3
To: Cast Iron Enterprises LLC
DBA Skillet
410 E Whittier St
Columbus OH 43206
Permit #1319864

New Type: C2
To: Miras Food Inc
DBA Moses One Stop Shop
1609 Cleveland Av 1st Fl Only
Columbus OH 43211
Permit #6047294

Transfer Type: C1, C2
To: 2097 E Livingston Inc
DBA Livingston Exxon
2097 E Livingston Av
Columbus OH 43209
From: Mound Inc
DBA Livingston Exxon
2097 E Livingston Av
Columbus OH 43209
Permit #9115296

Transfer Type: C1, C2
To: 4425 E Livingston Inc
DBA Livingston Sunoco
4425 E Livingston Av
Columbus OH 43227
From: Mound Inc
DBA Livingston Sunoco
4425 E Livingston Av

Columbus OH 43227
Permit #2830530

Stock Type: C1, C2
To: Khral Inc
1019 W Broad St
Columbus OH 43222
Permit #484359

Stock Type: D5J, D6
To: Café Istanbul of Columbus LLC
DBA Café Istanbul
3983 Worth Av & Patio
Columbus OH 43219
Permit #1178216
Stock Type: C1, C2, D6
To: Grove Mini Inc
DBA Food Mart 1
2086 Sullivant Ave
Columbus OH 43223
Permit #6030659

Stock Type: C1, C2, D6
To: Mid Ohio Groceries and Smoke Shop Inc
1085 Parsons Av
Columbus OH 43206
Permit #5921976

Advertise Date: 07/27/13
Return Date: 08/06/13

Legislation Number: PN0303-2012

Drafting Date: 10/11/2012

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: 2013 Meeting Schedule - City of Columbus Records Commission

Contact Name: Monique Goins-Ransom, Records Commission Coordinator

Contact Telephone Number: 614-645-0845

Contact Email Address: mlgoin-ransom@columbus.gov

**CITY BULLETIN NOTICE
MEETING SCHEDULE
CITY OF COLUMBUS RECORDS COMMISSION**

The regular meetings of the City of Columbus Records Commission for the calendar year 2013 are scheduled as follows:

Monday, February 11, 2013
Monday, May 13, 2013
Monday, September 23, 2013

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 at (614) 645-0845.

Legislation Number: PN0351-2012

Drafting Date: 12/7/2012

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: 2013 Meeting Schedule- City of Columbus Records Commission

Contact Name: Monique Goins-Ransom, Records Commission Coordinator

Contact Telephone Number: 614-645-0845

Contact Email Address: mlgoins-ransom@columbus.gov

CITY BULLETIN NOTICE

MEETING SCHEDULE

CITY OF COLUMBUS RECORDS COMMISSION:

The regular meetings of the City of Columbus Records Commission for the calendar year 2013 are scheduled as follows:

February 25, 2013
May 13, 2013
September 9, 2013

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 at (614) 645-0845.

Legislation Number: PN0356-2012

Drafting Date: 12/14/2012

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: Columbus Art Commission 2013 Meeting Schedule

Contact Name: Lori Baudro

Contact Telephone Number: (614)-645-6986

Contact Email Address: lsbaudro@columbus.gov

A Sign Language Interpreter will be made available provided the Planning Division 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. To confirm the meetings, please contact Lori Baudro at 645-6986 or lsbaudro@columbus.gov.

Application Deadline	Business Meeting Dates	Hearing Dates
	Kings Art Complex 867 Mt. Vernon Ave.* 8:30am to 10:00am	City of Columbus 109 N. Front St., Training Center* 6:00pm
January 5, 2013	January 9, 2013	January 24, 2013
February 1, 2013	February 6, 2013	February 28, 2013
March 8, 2013	March 13, 2013	March 28, 2013
April 5, 2013	April 10, 2013	April 25, 2013
May 3, 2013	May 8, 2013	May 23, 2013
June 7, 2013	June 12, 2013	June 27, 2013
July 5, 2013	July 10, 2013	July 25, 2013
No Hearing Scheduled	August 14, 2013	No Hearing Scheduled
September 6, 2013	September 11, 2013	September 26, 2013
October 4, 2013	October 9, 2013	October 24, 2013
November 8, 2013	November 13, 2013	November 21, 2013
December 6, 2013	December 11, 2013	December 26, 2013

*Meeting locations subject to change; contact staff to confirm

Legislation Number: PN0358-2012

Drafting Date: 12/14/2012

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Notice/Advertisement Title: University Area Review Board 2013 Meeting Schedule
Contact Name: Daniel Ferdelman, AIA
Contact Telephone Number: 614-645-6096 Fax: 614-645-1483
Contact Email Address: dbferdelman@columbus.gov

Body: University Area Review Board 2013 Meetings

Date of Submittal	Date of Meeting
January 10, 2013	January 24, 2013
February 14, 2013	February 28, 2013
March 14, 2013	March 28, 2013
April 11, 2013	April 25, 2013
May 9, 2013	May 23, 2013
June 13, 2013	June 27, 2013
July 11, 2013	July 25, 2012
August 8, 2013	August 22, 2013
September 12, 2013	September 26, 2013
October 10, 2013	October 24, 2013
November 7, 2013	November 21, 2013
December 5, 2013	December 19, 2013

1423 North High Street
Northside Branch Library
6:30pm

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: PN0359-2012
Drafting Date: 12/14/2012
Version: 1

Current Status: Clerk's Office for Bulletin
Matter Type: Public Notice

Notice/Advertisement Title: Victorian Village Commission 2013 Meeting Schedule
Contact Name: James Goodman
Contact Telephone Number: (614) 645-7920
Contact Email Address: jagoodman@columbus.gov

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 645-7920 or by e-mail to jagoodman@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	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
November 29, 2012	December 6, 2012	December 13, 2012
December 27, 2012	January 3, 2013	January 10, 2013
January 31, 2013	February 7, 2013	February 14, 2013
February 28, 2013	March 7, 2013	March 14, 2013
March 28, 2013	April 4, 2013	April 11, 2013
April 25, 2013	May 2, 2013	May 9, 2013
May 30, 2013	June 6, 2013	June 13, 2013
June 27, 2013	July 2, 2013	July 11, 2013
July 25, 2013	August 1, 2013	August 8, 2013
August 29, 2013	September 5, 2013	September 12, 2013
September 26, 2013	October 3, 2013	October 10, 2013
October 31, 2013	November 7, 2013	November 14, 2013
November 27, 2013	December 5, 2013	December 12, 2013
December 26, 2013	January 2, 2014	January 9, 2014

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: PN0361-2012

Drafting Date: 12/14/2012

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: German Village Commission 2013 Meeting Schedule

Contact Name: Cristin Moody

Contact Telephone Number: (614) 645-8040

Contact Email Address: camoody@columbus.gov

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 645-8040 or by e-mail to camoody@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	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.)	Regular Meeting Date German Village Meeting Haus
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12:00pm

(588 S Third St.) 4:00pm

December 18, 2012
 January 22, 2013
 February 19, 2013
 March 19, 2013
 April 23, 2013
 May 21, 2013
 June 18, 2013
 July 23, 2013
 August 20, 2013
 September 17, 2013
 October 22, 2013
 November 19, 2013
 December 23, 2013
 January 21, 2014

December 20, 2012
 January 29, 2013
 February 26, 2013
 March 26, 2013
 April 30, 2013
 May 28, 2013
 June 25, 2013
 July 30, 2013
 August 27, 2013
 September 24, 2013
 October 29, 2013
 November 26, 2013
 December 30, 2013
 January 28, 2014

January 8, 2013
 February 5, 2013
 March 5, 2013
 April 2, 2013
 May 7, 2013
 June 4, 2013
 July 2, 2013
 August 6, 2013
 September 10, 2013
 October 1, 2013
 November 12, 2013
 December 3, 2013
 January 7, 2013
 February 4, 2014

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: PN0362-2012

Drafting Date: 12/14/2012

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Notice/Advertisement Title: Brewery District Commission 2013 Meeting Schedule

Contact Name: James Goodman

Contact Telephone Number: (614) 645-7920

Contact Email Address: jagoodman@columbus.gov

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 645-7920 or by e-mail to jagoodman@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

Business Meeting Dates
 (1st fl. Conf. Rm, 109 N. Front St.)
 12:00pm

Regular Meeting Date
 (Training Center, 109 N. Front St.)
 6:15pm

November 21, 2012

November 29, 2012

December 6, 2012

December 20, 2012	December 27, 2012	January 3, 2013
January 24, 2013	January 31, 2013	February 7, 2013
February 21, 2013	February 28, 2013	March 7, 2013
March 21, 2013	March 28, 2013	April 4, 2013
April 18, 2013	April 25, 2013	May 2, 2013
May 23, 2013	May 30, 2013	June 6, 2013
June 20, 2013	June 27, 2013	July 2, 2013
July 18, 2013	July 25, 2013	August 1, 2013
August 22, 2013	August 29, 2013	September 5, 2013
September 19, 2013	September 26, 2013	October 3, 2013
October 24, 2013	October 31, 2013	November 7, 2013
November 21, 2013	November 26, 2013*	December 5, 2013
December 19, 2013	December 26, 2013	January 2, 2014

*Room location change: meeting will be held in the Training Center, ground floor

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

**PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE
DIVISIONS OF DESIGN AND CONSTRUCTION, MOBILITY OPTIONS, AND
PLANNING AND OPERATIONS**

EFFECTIVE DATE: JULY 19, 2013

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, and/or Division of Mobility Options, and/or Division of Planning and Operations, 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 Division of Design and Construction, and/or the Division of Mobility Options, and/or the Division of Planning and Operations, 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:

PARKING REGULATIONS

The parking regulations on the 312 foot long block face along the S side of BASKERVILLE DR from PARKFAIR PLACE extending to BRENTON PLACE shall be

Range in feet	Code Section	Regulation
0 - 312	2105.17	NO PARKING ANY TIME

The parking regulations on the 877 foot long block face along the S side of BRIGGS RD from MAURINE DR extending to WEDGEWOOD DR shall be

Range in feet	Code Section	Regulation
0 - 54	2105.17	NO STOPPING ANYTIME
54 - 617	2105.17	NO STOPPING 7AM-4PM SCHOOL DAYS
617 - 877	2105.17	NO STOPPING ANYTIME

The parking regulations on the 270 foot long block face along the E side of DRESDEN ST from DUXBERRY AVE extending to MAYNARD AVE shall be

Range in feet	Code Section	Regulation
0 - 60	2105.17	NO STOPPING ANYTIME
60 - 110	2105.17	NO STOPPING 7AM-4PM SCHOOL DAYS
110 - 130	2105.17	NO STOPPING ANYTIME
130 - 145		NAMELESS ALLEY
145 - 165	2105.17	NO STOPPING ANYTIME
165 - 240	2105.17	NO STOPPING 7AM-4PM SCHOOL DAYS
240 - 270	2105.17	NO STOPPING ANYTIME

The parking regulations on the 305 foot long block face along the E side of DRESDEN ST from MAYNARD AVE extending to BLAKE AVE shall be

Range in feet	Code Section	Regulation
0 - 56	2105.17	NO STOPPING ANYTIME
56 - 258	2105.17	NO STOPPING 7AM-4PM SCHOOL DAYS
258 - 305	2105.17	NO STOPPING ANYTIME

The parking regulations on the 211 foot long block face along the E side of EIGHTEENTH ST from MCALLISTER AVE extending to MAIN ST shall be

Range in feet	Code Section	Regulation
0 - 211	2105.17	NO STOPPING ANYTIME

The parking regulations on the 766 foot long block face along the W side of NEIL AVE from SPRING ST extending to NATIONWIDE BLVD shall be

Range in feet	Code Section	Regulation
0 - 651	2105.17	NO STOPPING ANYTIME
651 - 766	2105.14	BUS STOP ONLY

The parking regulations on the 605 foot long block face along the N side of SULLIVANT AVE from COUNTRIE GLEN DR extending to WESTWOODS BLVD shall be

Range in feet	Code Section	Regulation
0 - 45	2105.17	NO STOPPING ANYTIME
45 - 605	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 925 foot long block face along the N side of WALDEN DR from TAMARACK BLVD extending to DURRELL RD shall be

Range in feet	Code Section	Regulation
0 - 220	2151.01	(STATUTORY RESTRICTIONS APPLY)
220 - 520	2105.17	NO STOPPING 7AM-4PM SCHOOL DAYS
520 - 925	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 925 foot long block face along the S side of WALDEN DR from TAMARACK BLVD extending to DURRELL RD shall be

Range in feet	Code Section	Regulation
0 - 220	2151.01	(STATUTORY RESTRICTIONS APPLY)
220 - 497	2105.17	NO STOPPING 7AM-4PM SCHOOL DAYS
497 - 925	2151.01	(STATUTORY RESTRICTIONS APPLY)

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

**PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE
DIVISIONS OF DESIGN AND CONSTRUCTION, MOBILITY OPTIONS, AND
PLANNING AND OPERATIONS**

EFFECTIVE DATE: JULY 23, 2013

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, and/or Division of Mobility Options, and/or Division of Planning and Operations, 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 Division of Design and Construction, and/or the Division of Mobility Options, and/or the Division of Planning and Operations, 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:

PARKING REGULATIONS

The parking regulations on the 689 foot long block face along the W side of AVONDALE AVE from SULLIVANT AVE extending to RICH ST shall be

Range in feet	Code Section	Regulation
0 - 42	2105.17	NO STOPPING ANYTIME
42 - 689	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 551 foot long block face along the W side of CASSINGHAM RD from BERWICK BLVD extending to LIVINGSTON AVE shall be

Range in feet	Code Section	Regulation
0 - 57	2105.17	NO STOPPING ANYTIME
57 - 551	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 294 foot long block face along the S side of BRYDEN RD from STODDART AVE extending to FAIRWOOD AVE shall be

Range in feet	Code Section	Regulation
0 - 78	2105.17	NO STOPPING ANYTIME
78 - 165	2151.01	(STATUTORY RESTRICTIONS APPLY)
165 - 294	2105.14	BUS STOP ONLY

The parking regulations on the 607 foot long block face along the N side of BRYDEN RD from MORRISON AVE extending to FAIRWOOD AVE shall be

Range in feet	Code Section	Regulation
0 - 105	2105.14	BUS STOP ONLY
105 - 130	2151.01	(STATUTORY RESTRICTIONS APPLY)
130 - 145	2105.03	HANDICAPPED PARKING ONLY
145 - 518	2151.01	(STATUTORY RESTRICTIONS APPLY)
518 - 607	2105.17	NO STOPPING ANYTIME

The parking regulations on the 868 foot long block face along the S side of BRYDEN RD from FAIRWOOD AVE extending to RHOADS AVE shall be

Range in feet	Code Section	Regulation
0 - 112	2105.17	NO STOPPING ANYTIME
112 - 782	2151.01	(STATUTORY RESTRICTIONS APPLY)
782 - 868	2105.17	NO STOPPING ANYTIME

The parking regulations on the 1037 foot long block face along the S side of FREBIS ST from FOURTH ST extending to BRUCK AVE shall be

Range in feet	Code Section	Regulation
0 - 428	2151.01	(STATUTORY RESTRICTIONS APPLY)
428 - 489	2105.17	NO STOPPING 6AM - 2PM THURSDAY AND FRIDAY EXCEPT HOLIDAYS
489 - 558	2151.01	(STATUTORY RESTRICTIONS APPLY)
558 - 581	2105.03	HANDICAPPED PARKING ONLY
581 - 611	2151.01	(STATUTORY RESTRICTIONS APPLY)
611 - 635	2105.03	HANDICAPPED PARKING ONLY
635 - 796	2151.01	(STATUTORY RESTRICTIONS APPLY)
796 - 819	2105.03	HANDICAPPED PARKING ONLY
819 - 1037	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 861 foot long block face along the E side of HAMLET ST from WARREN ST extending to FIRST AVE shall be

Range in feet	Code Section	Regulation
0 - 861	2105.17	NO PARKING 8AM - 4PM THIRD TUESDAY OF MAY, AUGUST, & NOVEMBER FOR STREET SWEEPING
0 - 40	2105.17	NO STOPPING ANYTIME
671 - 736	2105.17	NO STOPPING ANYTIME
820 - 861	2105.17	NO STOPPING ANYTIME

The parking regulations on the 310 foot long block face along the W side of HIGH ST from NORWICH AVE extending to NORTHWOOD AVE shall be

Range in feet	Code Section	Regulation
0 - 58	2105.17	NO STOPPING ANYTIME
58 - 170	2105.17	NO STOPPING 10AM - 8PM FOOTBALL DAYS 4PM - 1AM FOOTBALL NIGHTS
58 - 170	2105.17	NO STOPPING 7AM - 9AM WEEKDAYS
170 - 310	2105.14	BUS STOP ONLY

The parking regulations on the 661 foot long block face along the N side of JOI AVE from BAR HARBOR RD extending to REBECCA ST shall be

Range in feet	Code Section	Regulation
0 - 661	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 306 foot long block face along the E side of LEE ELLEN PLACE from SOUTHGATE DR extending to AMSTERDAM AVE shall be

Range in feet	Code Section	Regulation
0 - 306	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 2657 foot long block face along the N side of MARION RD from LOCKBOURNE RD extending to FAIRWOOD AVE shall be

Range in feet	Code Section	Regulation
0 - 2042	2151.01	(STATUTORY RESTRICTIONS APPLY)
2042 - 2173	2105.17	NO STOPPING ANYTIME
2173 - 2657	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 344 foot long block face along the N side of MOLER ST from NINETEENTH ST extending to TERMINUS shall be

Range in feet	Code Section	Regulation
0 - 344	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 610 foot long block face along the S side of OAK ST from MORRISON AVE extending to FAIRWOOD AVE shall be

Range in feet	Code Section	Regulation
0 - 18	2105.14	BUS STOP ONLY
18 - 210	2151.01	(STATUTORY RESTRICTIONS APPLY)
210 - 233	2105.03	HANDICAPPED PARKING ONLY
233 - 361	2151.01	(STATUTORY RESTRICTIONS APPLY)
361 - 384	2105.03	HANDICAPPED PARKING ONLY
384 - 566	2151.01	(STATUTORY RESTRICTIONS APPLY)
566 - 610	2105.17	NO STOPPING ANYTIME

The parking regulations on the 352 foot long block face along the S side of RICH ST from DAVIS AVE extending to GREEN ST shall be

Range in feet	Code Section	Regulation
0 - 27	2105.17	NO STOPPING ANYTIME
27 - 52	2151.01	(STATUTORY RESTRICTIONS APPLY)
52 - 75	2105.03	HANDICAPPED PARKING ONLY
75 - 263	2151.01	(STATUTORY RESTRICTIONS APPLY)
263 - 352	2105.14	BUS STOP ONLY

The parking regulations on the 556 foot long block face along the S side of SHELDON AVE from EIGHTH ST extending to WASHINGTON AVE shall be

Range in feet	Code Section	Regulation
0 - 502	2151.01	(STATUTORY RESTRICTIONS APPLY)
502 - 556	2105.17	NO STOPPING ANYTIME

The parking regulations on the 311 foot long block face along the N side of SULLIVANT AVE from AVONDALE AVE extending to HAWKES AVE shall be

Range in feet	Code Section	Regulation
0 - 103	2105.14	BUS STOP ONLY
103 - 140	2151.01	(STATUTORY RESTRICTIONS APPLY)
140 - 156		NAMELESS ALLEY
156 - 311	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 330 foot long block face along the E side of WESTGATE AVE from SULLIVANT AVE extending to PARKSIDE RD shall be

Range in feet	Code Section	Regulation
0 - 162	2151.01	(STATUTORY RESTRICTIONS APPLY)
162 - 180		NAMELESS ALLEY
180 - 330	2105.17	NO PARKING ANY TIME

The parking regulations on the 330 foot long block face along the E side of WESTGATE AVE from WHITEHEAD RD extending to SULLIVANT AVE shall be

Range in feet	Code Section	Regulation
0 - 170	2151.01	(STATUTORY RESTRICTIONS APPLY)
170 - 185		NAMELESS ALLEY
185 - 330	2105.17	NO PARKING ANY TIME

The parking regulations on the 330 foot long block face along the W side of WESTGATE AVE from WHITEHEAD RD extending to SULLIVANT AVE shall be

Range in feet	Code Section	Regulation
0 - 170	2151.01	(STATUTORY RESTRICTIONS APPLY)
170 - 185		NAMELESS ALLEY
185 - 330	2105.17	NO PARKING ANY TIME

The parking regulations on the 525 foot long block face along the E side of WHEATLAND AVE from PALMETTO ST extending to FLORAL AVE shall be

Range in feet	Code Section	Regulation
0 - 525	2151.01	(STATUTORY RESTRICTIONS APPLY)

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