

Columbus City Bulletin



**Bulletin #43
October 24, 2009**

Proceedings of City Council

Saturday October 24, 2009



SIGNING OF LEGISLATION

All Legislation was signed by Council President Michael C. Mentel on the night of the Council meeting, Monday, *October 19, 2009*; by Mayor Michael B. Coleman on Tuesday, *October 20, 2009*; and attested by the City Clerk, prior to Bulletin publishing, except for Ordinance 1294-2009, which was signed by President Pro Tem Hearcel F. Craig, on the night of the Council meeting, Monday, *October 19, 2009*; and Mayor Michael B. Coleman on Tuesday, *October 20, 2009*;

The City Bulletin Official Publication of the City of Columbus

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

Council Journal (minutes)



City of Columbus

Journal - Final

Columbus City Council

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

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

Monday, October 19, 2009

5:00 PM

Columbus City Council

Columbus City Council

Journal

October 19, 2009

REGULAR MEETING NO. 45 OF COLUMBUS CITY COUNCIL, October 19, 2009 at 5:00 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

Present: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

READING AND DISPOSAL OF THE JOURNAL

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

C0026-2009

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY CLERK'S OFFICE AS OF WEDNESDAY OCTOBER 14, 2009:

New Type: C1, C2
To: Coughlin Investments LTD
DBA Crown Beer Wine Drive Thru
1973 Hard Rd
Columbus OH 43085
Permit # 17717490010

Transfer Type: C2, C2X
To: Ohio CVS Stores LLC
DBA CVS/Pharmacy #6182
3499 Clime Rd
Columbus OH 43223
From: Hook Superx LLC
DBA CVS/Pharmacy #6182
3499 Clime Rd
Columbus OH 43223
Permit # 65172420400

Transfer Type: C2, C2X
TO: Ohio CVS Stores LLC

DBA CVS/Pharmacy 6950
2680 N High St & Mezzanine
Columbus OH 43202
From: Hook Superx LLC
DBA CVS/Pharmacy 6950
2680 N High St & Mezzanine
Columbus OH 43202
Permit # 65172420455

Transfer Type: C2, C2X, D6
To: Ohio CVS Stores LLC
DBA CVS/Pharmacy 6147
1495 W 5th Av
Columbus OH 43212
From: Hook Superx LLC
DBA CVS/Pharmacy 6147
1495 W 5th Av
Columbus OH 43212
Permit # 65172420315

Transfer Type: C1
To: Ohio CVS Stores LLC
DBA CVS/Pharmacy #6159
1515 W Broad St
Columbus OH 43222
From: Hook Superx LLC
DBA CVS/Pharmacy #6159
1515 W Broad St
Columbus OH 43222
Permit # 65172420345

Transfer Type: C1, C2
To: Ohio CVS Stores LLC
DBA CVS Pharmacy 6158
1211 Morse Rd
Columbus OH 43229
From: Hook Superx LLC
DBA CVS Pharmacy 6158
1211 Morse Rd
Columbus OH 43229
Permit # 65172420340

Transfer Type: C1, C2, D6
To: Ohio CVS Stores LLC
DBA CVS Pharmacy #6163
711 Park Rd
Columbus OH 43085
From: Hook Superx LLC
DBA CVS Pharmacy #6163
711 Park Rd
Columbus OH 43085
Permit # 65172420355

Transfer Type: C2, C2X, D6
 To: Ohio CVS Stores LLC
 DBA CVS/Pharmacy #6161
 7470 Sawmill Rd
 Columbus OH 43016
 From: Hook Superx LLC
 DBA CVS/Pharmacy #6161
 7470 Sawmill Rd
 Columbus OH 43016
 Permit # 65172420350

Transfer Type: D5, D6
 To: Graffiti Burger Grandview LLC
 DBA Graffiti Burger
 1505 W Fifth & Patio
 Columbus OH 43212
 From: George T Inc
 DBA Aladdins Natural Eatery
 2931 N High St 1st Fl & Bsmt
 Columbus OH 43202
 Permit # 3311947

Transfer Type: D5A, D6
 To: Hotel Concourse Ohio LLC
 4300 International Gateway Patio &
 Pools
 Columbus OH 43219
 From: Concourse Hotel Investors LLC
 Patio & Pools
 4300 International Gateway
 Columbus OH 43219
 Permit # 3995727

Advertise: 10/24/2009
 Return: 10/29/2009

Read and Filed

RESOLUTIONS OF EXPRESSION

TAVARES

0132X-2009 To Recognize the Seventieth Anniversary of Goodwill Columbus.

Sponsors: Charleta B. Tavares

A motion was made by Ms. Tavares, seconded by Craig, that this matter be Adopted. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

TYSON

0155X-2009 To recognize and celebrate October 2009 as National Disability Employment

Awareness Month.

Sponsors: Priscilla Tyson and Charleta B. Tavares

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

MENTEL

0154X-2009

To express support of the Solid Waste Authority of Central Ohio (SWACO) and its mission of providing cost effective and environmentally responsible waste transfer and disposal services for our community and to additionally support the funding of the solid waste system infrastructure through tipping fees collected by solid waste that is generated and disposed of within SWACO's Solid Waste Management district.

Sponsors: Michael C. Mentel

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

ADDITIONS OR CORRECTIONS TO THE AGENDA

A MOTION WAS MADE BY COUNCILMEMBER PALEY, 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

FIRST READING OF 30-DAY LEGISLATION

FINANCE: MENTEL, CHR. TAVARES CRAIG PALEY

1278-2009 FR To authorize the Finance and Management Director to renew a contract for the Facilities Management Division with Winnsapes for snow removal services for various City facilities; and to authorize the expenditure of \$38,376.00 from the General Fund. (\$38,376.00)

Read for the First Time

PUBLIC SERVICE & TRANSPORTATION: CRAIG, CHR. MILLER TAVARES MENTEL

1794-2008 FR To abandon, as public rights-of-way, the roads, streets and alleys within the City of Columbus and shown on the plat titled Duranceau Park, and to authorize the transfer of these assets from the Department of Public Service to the Recreation and Parks Department.

Read for the First Time

1256-2009 FR To transfer all sidewalk waiver fees currently in the Sidewalk Waiver Fund Project in the General Permanent Improvement Fund into a fund to be established by the City Auditor for sidewalk and bikeway capital improvement projects use in specific Community Planning Areas.

Read for the First Time

1298-2009 FR To authorize the Director of the Department of Public Service to execute those documents necessary for the City to grant encroachment easements

for the proposed building foundations, building facades, solariums and balconies, and cornice within those public rights-of-way needed for the East Village, Phase I, Project.

Read for the First Time

SAFETY : GINTHER, CHR. PALEY CRAIG MENTEL

- 1299-2009 FR To authorize the payment of \$3,213.62 for vacation time and benefits which have accumulated in excess of the maximum amount established by salary ordinance for Fire Division personnel. (\$3,213.62)

Read for the First Time

- 1327-2009 FR To establish fund No. 223-309, titled "Feed-Police Horses Only" and to authorize the Public Safety Director to expend said monies solely for the purpose of feeding horses in the Division of Police Mounted Unit. (\$2,500.00)

Read for the First Time

DEVELOPMENT: GINTHER, CHR. CRAIG TYSON MENTEL

- 1275-2009 FR To authorize the Director of Development to enter into an Enterprise Zone Agreement with Continental/Olentangy Hotel, LLC for a tax abatement of seventy-five percent (75%) for a period of ten (10) years in consideration of a proposed \$13.6 million investment in real property improvements.

Read for the First Time

UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL

- 1059-2009 FR To authorize the Director of Public Utilities to enter into an agreement with the Mid-Ohio Regional Planning Commission (MORPC) for the purposes of providing funding and support for the Franklin County Greenway Plan for Fiscal Year 2010, and to authorize the expenditure of \$26,100.00 from the Sanitary Sewer Operating Fund, \$23,280.00 from the Water Operating Fund, \$6,960.00 from the Storm Sewer Operating Fund and \$3,660.00 from the Electricity Operating Fund. (\$60,000.00)

Read for the First Time

- 1205-2009 FR To authorize the Director of Public Utilities to enter into a planned contract modification with 360water, Inc. in the amount of \$280,125.00 for professional services in connection with Facilities and Safety Training Management and Documentation Services; to authorize the expenditure of \$215,365.00 from the Sewer System Operating Fund; and \$64,760.00 from the Water Systems Operating Fund. (\$280,125.00)

Read for the First Time

- 1215-2009 FR To authorize the Director of Public Utilities to enter into a modification of the Utility Cut and Restoration Project contract with Decker Construction Company, for the Division of Power and Water, to authorize the expenditure of \$500,000.00 from Water Systems Operating Fund. (\$500,000.00)

Read for the First Time

- 1226-2009 FR To authorize the Director of Public Utilities to modify an existing contract with Asplundh Tree Expert Co. for power line clearance services for the Division of Power and Water; to authorize the expenditure of \$40,000.00 from the Electricity Operating Fund. (\$40,000.00)

Read for the First Time

- 1253-2009** FR This legislation authorizes the Director of Public Utilities to execute a planned contract modification (#3) for professional engineering services with DLZ Ohio, Inc. in connection with the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS); to authorize the appropriation and transfer of \$2,139,082.82 from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund; to authorize the expenditure of \$2,139,082.82 from the Voted Sanitary Sewer Bond Fund; and to amend the 2009 Capital Improvements Budget. (\$2,139,082.82)

Read for the First Time

- 1254-2009** FR To authorize the Director of Finance and Management to enter into a contract with BissNuss, Inc. for the purchase Electronic Load Cells and Indicators for the Division of Power and Water and to authorize the expenditure of \$33,026.00 from the Water Operating Fund. (\$33,026.00)

Read for the First Time

- 1261-2009** FR To authorize the Director of Finance and Management to issue a Blanket Purchase Order from an established Universal Term Contract for the purchase of Polymer with Fort Bend Services., for the Division of Sewerage and Drainage; to authorize the expenditure of \$500,000.00 from the Sewerage System Operating Fund. (\$500,000.00)

Read for the First Time

- 1266-2009** FR To authorize the Director of Public Utilities to pay operating license fees for the three water treatment plants to the Treasurer, State of Ohio, Ohio Environmental Protection Agency, for the Division of Power and Water; and to authorize the expenditure of \$209,000.00 from the Water Systems Operating Fund. (\$209,000.00)

Read for the First Time

- 1268-2009** FR To authorize the Director of Public Utilities to modify an agreement on behalf of the City of Columbus between Kurtz Brothers Central Ohio, LLC and the Solid Waste Authority of Central Ohio, for the design, construction and operation of the Organic Waste Recovery and Reuse System Project, and to authorize the expenditure of \$150,000.00 from the Sewer System Operating Fund. (\$150,000.00)

Read for the First Time

- 1269-2009** FR To authorize the Director of Public Utilities to pay the annual Discharge Fees for Fiscal Year 2009 to the State of Ohio, Ohio Environmental Protection Agency for the Division of Sewerage and Drainage; and to authorize the expenditure of \$82,800.00 from the Sewerage System Operating Fund. (\$82,800.00)

Read for the First Time

- 1282-2009** FR To authorize the Director of Public Utilities to renew a membership with the National Association of Clean Water Agencies for the Division of Sewerage and Drainage and to authorize the expenditure of \$26,566.00 from the Sewerage System Operating Fund (\$26,566.00)

Read for the First Time

- 1284-2009** FR To authorize the Director of Public Utilities to enter into a professional engineering services contract with Chester Engineers, in connection with the

Large Diameter Sewer Assessment - Alum Creek Trunk (North) / Alum Creek SubTrunk Project; and to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund in the amount of \$663,237.56, to the Voted Sanitary Sewer Bond Fund. (\$663,237.56)

Read for the First Time

- 1286-2009** FR To authorize the Director of Public Utilities to enter into an agreement with Environmental Systems Corporation for the complete upgrade of the Emissions Monitoring Systems under the Sole Source provisions of the Columbus City Code for the Division of Sewerage and Drainage, and to authorize the expenditure of \$99,561.66 from the Sewerage System Operating Fund, (\$96,561.66)

Read for the First Time

- 1293-2009** FR To authorize the Director of Finance and Management to establish a Blanket Purchase Order for Sludge Grinder Equipment Repair Parts and Service from a Universal Term Contract with JWC Environmental; and to authorize the expenditure of \$67,000.00 from the Sewerage System Operating Fund. (\$67,000.00)

Read for the First Time

- 1328-2009** FR To authorize the Director of Finance and Management to establish a purchase order with Amerisochi Inc for the purchase of ABB Low Voltage Drives for the Division of Sewerage and Drainage, and to authorize the expenditure of \$56,153.00 from the Sewerage System Operating Fund. (\$56,153.00)

Read for the First Time

ZONING: TYSON, CHR. CRAIG GINTHER MILLER PALEY TAVARES MENTEL

- 1257-2009** FR To grant a Variance from the provisions of Sections 3356.03, AR-4 Permitted Uses and 3342.15, Maneuvering, of the Columbus City Codes for the property located at 28 EAST ELEVENTH AVENUE (43201), to permit a property management office in the AR-4, Apartment Residential District with one stacked parking space. (Council Variance #CV08-028)

Read for the First Time

- 1277-2009** FR To rezone 1729 NORTHWEST BOULEVARD (43212), being 1.76± acres located at the southwest corner of Northwest Boulevard and Chambers Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z09-011).

Read for the First Time

- 1332-2009** FR To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area requirements; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3342.15, Maneuvering; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3372.521 (D) (E), Supplemental parking requirements, of the Columbus City Codes; for the property located at 1283 SUMMIT STREET (43201), to permit three separate single-family lots with reduced development standards in the AR-1, Apartment Residential District (Council Variance # CV07-028).

Read for the First Time

CONSENT ACTIONS

RESOLUTIONS OF EXPRESSION**TYSON**

- 0160X-2009 CA To honor and recognize the contributions of the Friends of Westgate Park and to celebrate the dedication of the Camp Chase Mural in Westgate Park.
Adopted

FINANCE: MENTEL, CHR. TAVARES CRAIG PALEY

- 0159X-2009 CA A resolution designating the city of Columbus, Ohio as a Recovery Zone under Section 1400U-1 of the Internal Revenue Code, and declaring an emergency (\$0).
Adopted
- 1295-2009 CA To authorize an appropriation of \$66,668.00 from the unappropriated balance of the Urban Development Action grants Fund, to the Department of Finance and Management, and to authorize the expenditure of \$66,668.00 from the Urban Development Action Grants Fund, to provide for the immediate and long term maintenance of the Ohio Theatre; and to declare an emergency. (\$66,668.00)
Approved
- 1304-2009 CA To authorize and direct the Finance & Management Director to enter into a contract for Collection, Recycling & Sale of Mixed Office By-Products for use by various City departments as needed with Rumpke of Ohio, Inc. to authorize the expenditure of One dollar to establish the contracts from the Mail, Print Services and UTC Fund: and to declare an emergency. (\$1.00)
Approved

PUBLIC SERVICE & TRANSPORTATION: CRAIG, CHR. MILLER TAVARES**MENTEL**

- 0150X-2009 CA To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the North High Street-Flint Road to Delaware County Line project, and to declare an emergency.
Adopted
- 1233-2009 CA To accept the plat titled "Great Oak Subdivision Section 2", from Maronda Homes Inc., by John Oberlin, Vice President; and to declare an emergency.
Approved
- 1307-2009 CA To authorize the City of Columbus Director of Public Service to apply on behalf of Keep Columbus Beautiful (affiliate member) to Keep America Beautiful to request funding from the 2009 KAB/Anheuser-Busch Environmental community improvement grant partnership to support and expand KickButtColumbus! into an awareness and abatement effort to remove FAST FOOD LITTER from targeted ramps and interchanges leading into neighborhoods with highly visible destination areas and accept said grant; if awarded to authorize the appropriation of \$10,000.00 within the Private Grant Fund; and to authorize the expenditure of \$10,000.00 or so much thereof as may be needed for this purpose from the Private Grant Fund; and to declare an emergency. (\$10,000.00)
Approved
- 1308-2009 CA To authorize the Director of Finance and Management to establish a

purchase order with Kokosing Materials, Inc. for the purchase of Various Asphalt Concrete, in accordance with the terms and conditions of an established citywide universal term contract for the Division of Planning and Operations; to authorize the expenditure of \$100,000.00 from the Street Construction, Maintenance and Repair Fund; and to declare an emergency. (\$100,000.00)

Approved

- 1313-2009** CA To authorize the Director of Public Service to enter into an agreement with the Mid-Ohio Regional Planning Commission to undertake the Gemini Parkway study; and to authorize the expenditure of up to \$11,000.00 from the Streets and Highways G.O. Bond Fund for the Division of Planning and Operations. (\$11,000.00)

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

Abstained: 1 - Ms. Tavares

Affirmative: 6 - Ginther, Craig, Tyson, President Mentel, Miller and Paley

SAFETY : GINTHER, CHR. PALEY CRAIG MENTEL

- 0927-2009** CA To authorize the Fire Chief to accept a donation of equipment from Firefighters Support Services and to use the donated equipment to improve the "search and rescue" capability of the Division of Fire.

Approved

- 1169-2009** CA To authorize the Columbus Fire Chief to accept a grant award from the State of Ohio Division of EMS for the purchase of EMS training equipment for the Division of Fire, to appropriate \$3,000.00 from the unappropriated balance of the General Government Grant Fund; and to declare an emergency. (\$3,000.00)

Approved

- 1221-2009** CA To amend the 2009 Capital Improvements Budget, to authorize and direct the City Auditor to transfer \$56,078.67 between projects within the Safety Bond Fund; to authorize and direct the Finance and Management Director to issue a purchase order for equipment for custom tilt-cab pumpers for the Division of Fire from an existing Universal Term Contract established for such purpose, to authorize the expenditure of 100,000.00 from the Safety Bond Fund; and to declare an emergency. (\$100,000.00)

Approved

- 1225-2009** CA To authorize and direct the Director of Finance and Management to execute those documents necessary to enter into contracts for the acquisition of equipment for the Division of Fire Bomb Squad, in accordance with sole source procurement, with A-T Solutions, Inc. utilizing Homeland Security Grant funds; and to declare an emergency. (\$0.00)

Approved

- 1227-2009** CA To authorize and direct the Director of Finance and Management to issue a purchase order with EMSAR Columbus/Medical Repair, Inc., for the repair of cots for the Division of Fire in accordance with sole source procurement, to authorize the expenditure of \$25,000.00 from the General Fund; and to declare an emergency. (\$25,000.00)

Approved

- 1231-2009** CA To authorize and direct the Director of Public Safety to enter into a contract with Medtronic Emergency Response Systems to procure supplies for various models of Emergency Medical Service (EMS) equipment in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$50,000.00 from the General Fund; and to declare an emergency.(\$50,000.00)
Approved
- 1245-2009** CA To amend the Department of Public Safety's 2009 Capital Improvement budget, to authorize the City Auditor to transfer funds between projects in the Safety Voted Bond Fund, to authorize and direct the Director of Public Safety, on behalf of the Division of Support Services, to modify a contract with Montgomery W. Mills Enterprises, Inc., d/b/a Viper Protection Services, for the purchase and installation of Beam Detectors for the Video Security Cameras for Police and Fire radio communications tower sites, to authorize the expenditure of \$10,667.00 from the Public Safety's Voted Bond Fund; and to declare an emergency. (\$10,667.00)
Approved
- 1249-2009** CA To authorize and direct the Finance and Management Director to issue a purchase order on behalf of the Division of Fire for telephone services from an existing Universal Term Contract with AT&T, to authorize the expenditure of \$59,830.00 from the General Fund; and to declare an emergency. (\$59,830.00)
Approved
- 1250-2009** CA To authorize and direct the Finance and Management Director to issue purchase orders for EMS medical supplies from existing Universal Term Contracts established for such purposes with Alliance Medical, Inc., and BoundTree Medical LLC, to authorize the expenditure of \$90,000.00 from the General Fund; and to declare an emergency. (\$90,000.00)
Approved
- 1255-2009** CA To amend Ordinance No. 1001-2009 passed on July 27, 2009 to reflect the correct dollar amount in Section 3 of the Ordinance; and to declare an emergency. (\$0.00)
Approved
- 1279-2009** CA To amend the Department of Public Safety's 2009 Capital Improvement Budget, to authorize the City Auditor to transfer funds between projects in the Safety Voted Bond Fund, to authorize the Director of Public Safety to enter into an agreement with the Franklin County Emergency Management and Homeland Security agency to upgrade the existing warning sirens, to authorize the expenditure of \$80,000 from the Voted Public Safety Bond Fund; and to declare an emergency. (\$80,000.00)
Approved
- 1281-2009** CA To authorize and direct The Mayor of the City of Columbus to accept a sub-grantee award and enter into a contract with the Franklin County Board of Commissioners via the Franklin County Office of Homeland Security and Justice Programs for a FY09 American Recovery and Reinvestment Act (ARRA) Violence Against Women Act (VAWA) grant, to authorize an appropriation of \$9,840.00 from the unappropriated balance of the General Government Grant Fund to the Division of Police; and to declare an

emergency. (\$9,840.00)

Approved

- 1302-2009 CA To establish a new authorized strength ordinance for the Division of Police to increase the normal and temporary complements of police deputy chiefs by one; to repeal ordinance 1043-2009; and to declare an emergency.

Approved

DEVELOPMENT: GINTHER, CHR. CRAIG TYSON MENTEL

- 1274-2009 CA To amend Ordinance 1550-2008, passed on October 20, 2008, authorizing the Director of Development to amend the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation.

Approved

- 1280-2009 CA To authorize the City Auditor to transfer \$100,000 between divisions within the Development Department; to authorize the Development Director to increase the contract with The Ransom Company for the demolition of unsafe structures; to authorize the expenditure of \$100,000.00 from the General Fund; and to declare an emergency. (\$100,000.00)

Approved

- 1285-2009 CA To authorize the City Auditor to transfer \$60,000 between divisions within the Development Department; to authorize the Development Director to increase contracts with various contractors for grass mowing and litter control services during the 2009 season; to authorize the expenditure of \$50,000.00 from the General Fund; and to declare an emergency. (\$60,000.00)

Approved

JUDICIARY & COURT ADMINISTRATION: PALEY, CHR. CRAIG TYSON MENTEL

- 1272-2009 CA To authorize the Administrative and Presiding Judge of the Franklin County Municipal Court to enter into the third twelve months of a thirty-six month contract with Thomson West (West Group Payment Ctr.) for the provision of on-line legal research resources, to authorize the expenditure of up to \$29,500 from the Municipal Court computer fund; and to declare an emergency. (\$29,500)

Approved

- 1310-2009 CA To authorize and direct the Director of the Department of Finance and Management on behalf of the Franklin County Municipal Court Clerk to establish a purchase order with TAB Products Company LLC for the purchase of customized case file folders for the Clerk's Office; to authorize the expenditure of \$94,303.63 from the Municipal Court Clerk general fund; and to declare an emergency. (\$94,303.63)

Approved

- 1329-2009 CA To authorize and direct the Administrative Judge of the Franklin County Municipal Court to accept a grant award from the State of Ohio, Crime Victims Assistance Office; to appropriate \$43,388 from the unappropriated balance of the general government grant fund to the Franklin County Municipal Court; to transfer \$73,000 from the Municipal Court special revenue fund, probation fees to the general government grant fund; and to declare an emergency. (\$116,388.00)

Approved**UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL**

- 1130-2009** CA To authorize the Director of Finance and Management to enter into a contract with Ricart Properties, Inc. for the purchase of two (2) Diesel Powered Cab and Chassis with 9 Foot Dump Body for the Division of Power and Water and to authorize the expenditure of \$87,570.00 from the Water Operating Fund. (\$87,570.00)

Approved

- 1248-2009** CA To authorize the Director of Finance and Management to enter into a contract with Utility Truck Equipment, Inc. for the purchase of a Cab and Chassis with Utility Service Body and 20 Foot Crane for the Division of Power and Water and to authorize the expenditure of \$83,980.00 from the Water Operating Fund; and to declare an emergency. (\$83,980.00)

Approved

- 1290-2009** CA To authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement, located in the vicinity of Harlem Road and Central College Road, at the request of New Albany Company LLC, in exchange for a replacement easement previously granted to the City of Columbus, Ohio and to declare an emergency

Approved

- 1291-2009** CA To increase an existing Auditor's Certificate by \$50,000.00 for the Chatterton Road Water Main Improvement Project; to authorize the appropriation and transfer of \$50,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$50,000.00 from the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$50,000.00)

Approved

- 1318-2009** CA To authorize the Director of Public Utilities to execute a construction contract with Decker Construction Company; to provide for payment of inspection, material testing and related services to the Transportation Division for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project, for the Division of Sewerage and Drainage; to authorize the transfer of \$435,653.42 within the Storm Sewer Bond Fund; to authorize the transfer of \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; to authorize the expenditure of \$855,539.10 from the Storm Sewer Bond Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$855,539.10)

Approved

- 1323-2009** CA To authorize and direct the Finance and Management Director to enter into two (2) contracts for the option to purchase Andritz Decanter Centrifuge Parts and Service with Andritz Separation, Inc. and Alfa Laval, Inc., to authorize the expenditure of two (2) dollars to establish the contracts from the Mail, Print Services and UTC Fund; and to declare an emergency. (\$2.00)

Approved

- 1342-2009** CA To authorize and direct the Finance & Management Director to enter into a

contract for the option to purchase Liquid Ferric Chloride for the Sewerage and Drainage Division, 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)

Approved

HEALTH, HOUSING & HUMAN SVC'S: TAVARES, CHR. TYSON MILLER MENTEL

1264-2009 CA To authorize the Director of Finance to establish a purchase order with RMD Instruments for the purchase of two Lead Paint Spectrum Analyzers for the Lead Safe Columbus Program in accordance with sole source provisions; to authorize the expenditure of \$27,150 from the unappropriated balance of the Health Department Grants Fund; and to declare an emergency. (\$27,150)

Approved

1273-2009 CA To authorize and direct the Columbus Health Department to accept a grant from the U.S. Department of Health and Human Services in the amount of \$60,000, to authorize the appropriation of \$60,000 from the Health Department Grants Fund; and to declare an emergency. (\$60,000.00)

Approved

Passed The Consent Agenda

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

FINANCE: MENTEL, CHR. TAVARES CRAIG PALEY

1343-2009 To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$12,040,000 for safety and health projects (\$12,040,000) Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1344-2009 Authorizing the issuance of unlimited tax bonds in the amount of not to exceed \$6,470,000 for the purpose of parks and recreation projects (\$6,470,000) Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1345-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$23,185,000 for transportation improvements (\$23,185,000). Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1346-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$12,555,000 for storm sewer improvements (\$12,555,000) Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

A motion was made by President Mentel, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1347-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$69,600,000 for sanitary sewer improvements (\$69,600,000). Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

A motion was made by President Mentel, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1348-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$5,060,000 for refuse collection projects (\$5,060,000) Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

A motion was made by President Mentel, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1349-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$4,175,000 for electricity projects (\$4,175,000). Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

A motion was made by President Mentel, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1350-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$43,095,000 for water system improvements (\$43,095,000). Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1351-2009

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$49,805,000 for water system improvements (\$49,805,000). Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1353-2009

To authorize the issuance of limited tax bonds in the amount of not to exceed \$6,300,000 for construction management projects (\$6,300,000) Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1354-2009

To authorize the issuance of limited tax bonds in the amount of not to exceed \$6,410,000 for information services projects (\$6,410,000).Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1355-2009

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,000,000 for housing projects (\$1,000,000).Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1356-2009

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,000,000 for Lincoln Theater improvements (\$2,000,000).Section 55(B) of the City Charter.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1361-2009

Authorizing the issuance of unlimited tax bonds in an amount not to exceed

\$275,005,000 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City (\$275,005,000). Section 55(B) of the City Charter.

A motion was made by President Mentel, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

A motion was made by President Mentel, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1362-2009

Authorizing the issuance of limited tax bonds in an amount not to exceed \$141,030,000 for the purpose of providing funds to refund, either currently or in advance, certain outstanding general obligation bonds of the City (\$141,030,000). Section 55(B) of the City Charter.

A motion was made by President Mentel, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

A motion was made by President Mentel, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

PUBLIC SERVICE & TRANSPORTATION: CRAIG, CHR. MILLER TAVARES MENTEL

0688-2009

To authorize the Director of Public Service to enter into contract with G&G Cement Contractors for the construction of the ADA Ramps - South High Street and the Operation SAFEWALKS - South High Street Sidewalks projects; to amend the 2009 C.I.B.; to authorize the transfer of funds within the Streets and Highways G.O. Bonds Fund and between the Street and Highway Improvement Fund and the Fed-State Highway Engineering Fund; to authorize the expenditure of \$251,629.25 from the Streets and Highways G.O. Bonds Fund and the Street and Highway Improvement Fund and \$163,985.37 from the Federal State Highway Engineering Fund; and to declare an emergency. (\$415,614.62)

A motion was made by Craig, seconded by Ms. Tavares, that this matter be Taken from the Table. The motion carried by the following vote:

Abstained: 1 - Tyson

Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley

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

- Abstained: 1 - Tyson
Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley
- 1260-2009**
- To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary the Alum Creek Drive Improvement Project, to authorize the expenditure of \$415,300.00 from the Fed-State Highway Engineering Fund; and to declare an emergency. (\$415,300.00).
- A motion was made by Craig, seconded by Ginther, that this matter be Taken from the Table. The motion carried by the following vote:**
- Abstained: 1 - Tyson
Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley
- A motion was made by Craig, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:**
- Abstained: 1 - Tyson
Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley
- 1270-2009**
- To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Parsons/Livingston Avenue Roadway Improvement Project, to authorize the expenditure of \$220,924.00 from the Department of Public Service, Fed-State Highway Engineering Fund; and to declare an emergency. (\$220,924.00).
- A motion was made by Craig, seconded by Ms. Tavares, that this matter be Taken from the Table. The motion carried by the following vote:**
- Abstained: 1 - Tyson
Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley
- A motion was made by Craig, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**
- Abstained: 1 - Tyson
Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley
- 1794-2008**
- To abandon, as public rights-of-way, the roads, streets and alleys within the City of Columbus and shown on the plat titled Duranceau Park, and to authorize the transfer of these assets from the Department of Public Service to the Recreation and Parks Department.
- A motion was made by Craig, seconded by Miller, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- A motion was made by Craig, seconded by Miller, that this matter be Approved. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

**MINORITY AND SMALL BUSINESS DEVELOPMENT: CRAIG, CHR. MILLER
TAVARES MENDEL**

1312-2009

To authorize the transfer of \$50,000 between subfunds within the Urban Site Acquisition Loan Fund; to authorize the appropriation of \$50,000 within the Urban Site Acquisition Loan Fund to the Department of Development; to authorize the Director of the Department of Development to enter into an agreement with the Central Ohio Minority Business Association for administrative costs; to authorize the expenditure of \$50,000 from the Urban Site Acquisition Loan Fund; and to declare an emergency. (\$50,000)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mendel, Miller and Paley

RECESS: 6:38 P.M.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mendel, Miller and Paley

RECONVENED: 6:54 P.M.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mendel, Miller and Paley

SAFETY : GINTHER, CHR. PALEY CRAIG MENDEL

1292-2009

To authorize the Director of Public Safety to enter into contract with Intergraph Corporation on behalf of the Division of Support Services, for the purchase and installation of a Computer Aided Dispatch System at the Police and Fire communication center, to authorize and direct the City Auditor to appropriate and transfer \$7,200,000.00 from the Special Income Tax Fund to the Public Safety Capital Improvement Fund, to authorize the expenditure of \$7,200,000 from the Public Safety Capital Improvement Fund; and to declare an emergency. (\$7,200,000.00).

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mendel, Miller and Paley

DEVELOPMENT: GINTHER, CHR. CRAIG TYSON MENDEL

1283-2009

To create tax increment financing areas encompassing certain parcels of real property in the area known as Weinland Park; to declare improvements to those parcels to be a public purpose and exempt from real property taxation; to require the owners of those parcels to make service payments in lieu of taxes; to require the distribution of the applicable portion of those

service payments to the Columbus City School District; to establish a municipal public improvement tax increment equivalent fund and an urban redevelopment tax increment equivalent fund for the deposit of the remainder of those service payments; to authorize the Director of the City Department of Development to accept title to certain real property in and around the former Columbus Coated Fabrics site and to transfer that property back to the current owners; and to declare an emergency.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

ADMINISTRATION: MILLER, CHR. PALEY TAVARES MENDEL

1110-2009

To authorize the Director of the Department of Technology to modify and increase a contract with Lawson Software for the installation and related services for the Central Payroll and Human Resources Information Management System; to authorize the transfer of appropriation and cash between projects in the Information Services Bond Fund; to amend the 2009 Capital Improvement Budget; to authorize the expenditure of \$97,519.00 from the Information Services Bond Fund; and to declare an emergency (\$97,519.00)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1131-2009

To authorize the Director of the Department of Technology to modify and increase the funds to an existing contract with COMSYS for related e-Gov services; to authorize the transfer of appropriation and cash between projects in the Information Services Bond Fund; to amend the Capital Improvements Budget; to authorize the expenditure of \$62,237.88 from the Information Services Bond Fund; and to declare an emergency. (\$62,237.88)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

JUDICIARY & COURT ADMINISTRATION: PALEY, CHR CRAIG TYSON MENDEL

1222-2009

To authorize the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities to execute those documents necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir; to waive the Land Review Commission provisions of the Columbus City Codes (1959), to waive the competitive bidding of the Columbus City Codes (1959) Revised.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1265-2009

To amend Section 4 of Ordinance 0696-2009, passed on June 01, 2009, (Alum Creek Drive Improvement Project), to declare the revised values of the subject real property interests and to repeal the existing Section 4, and to declare an emergency.

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

Abstained: 1 - Tyson

Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley

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

Abstained: 1 - Tyson

Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley

UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL

1149-2009

To authorize the Director of Public Utilities to modify an existing professional engineering contract for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project with the Brown & Caldwell Ohio, LLC.; to authorize the appropriation and transfer of \$668,180.89 from the Sanitary Sewer Reserve Bond Fund to the Voted Sanitary Sewer Bond Fund; to authorize the appropriation and expenditure of \$668,180.89 from within the Voted Sanitary Sewer Bond Fund; and to amend the 2009 Capital Improvement Budget for the Division of Sewerage and Drainage. (\$668,180.89)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1294-2009

To authorize the Director of Public Utilities to execute a contract with Kokosing Construction Company, Inc. for construction of the Parsons Avenue Water Plant (PAWP) Sludge Disposal - Lagoon 2 Project; to authorize the appropriation and transfer of \$2,615,704.96 from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund; to authorize the appropriation and expenditure of \$2,615,704.96 from the Ohio Water Development Authority (OWDA) Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$2,615,704.96)

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

Abstained: 1 - President Mentel

Affirmative: 6 - Ginther, Ms. Tavares, Craig, Tyson, Miller and Paley

1316-2009 To authorize the Director of Public Utilities to execute a construction contract with Nickolas Savko & Sons, Inc.; to provide for payment of inspection, material testing and related services to the Transportation Division for the Southard/Fornoff Area Stormwater System Improvements Project; for the Divisions of Sewerage and Drainage & Power and Water; to authorize the transfer of \$3,934,005.24 within the Storm Sewer Bond Fund; to authorize the expenditure of \$3,934,005.24 from the Storm Sewer Bond Fund; to authorize the appropriation and transfer of \$400,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$400,000.00 from the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$4,334,005.24)

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

Abstained: 1 - Craig

Affirmative: 6 - Ginther, Ms. Tavares, Tyson, President Mentel, Miller and Paley

1324-2009 To authorize the Director of Public Utilities to enter into contract with Reynolds Inliner, LLC for the construction and to provide funding for the Department of Transportation for prevailing wages for the 2009 Annual Lining Contract Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund, to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,406,442.00 from the Voted Sanitary Sewer Bond Fund; and to declare an emergency. (\$1,406,442.00)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1331-2009 To authorize the Director of Public Utilities to enter into contract with Complete General Construction Co. and to provide funding for the Department of Transportation for construction administration / inspection services and prevailing wages for the 2009 General Construction Contract Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund, to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,854,156.00. from the Voted Sanitary Sewer Bond Fund, and to amend the 2009 Capital Improvement Budget; and to declare an emergency. (\$1,854,156.00.)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

**HEALTH, HOUSING & HUMAN SERVICES: TAVARES, CHR.
TYSON MILLER MENTEL**

1193-2009 To authorize and direct the Board of Health to accept this grant from the Ohio Department of Health in the amount of \$5,454,191; to authorize the appropriation of \$5,454,191 from the unappropriated balance of the Health Department Grants Fund; and to declare an emergency. (\$5,454,191)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1230-2009

To authorize the Director of the Department of Development to enter into a grant agreement with the Columbus Urban League for the provision of the African-American Male Initiative program; to authorize the expenditure of \$53,550 from the General Fund; and to declare an emergency. (\$53,550.00)

A motion was made by Ms. Tavares, seconded by Ginther, that this matter be Taken from the Table. The motion carried by the following vote:

Abstained: 1 - Tyson

Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley

A motion was made by Ms. Tavares, seconded by Ginther, that this matter be Approved. The motion carried by the following vote:

Abstained: 1 - Tyson

Affirmative: 6 - Ginther, Ms. Tavares, Craig, President Mentel, Miller and Paley

1263-2009

To authorize and direct the Director of Finance and Management to purchase security paper from the Treasurer, State of Ohio, to waive the competitive bidding provisions of the Columbus City Codes; to authorize the expenditure of \$10,000 from the Health Special Revenue Fund; and to declare an emergency. (\$10,000)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1300-2009

To authorize the Director of the Department of Development to accept an Alternative Schools/ Programs Grant from the Columbus Board of Education in the amount of \$100,000; to authorize the appropriation of \$100,000 from the General Government Grant Fund to the Department of Development; to authorize the Director of the Department of Development to enter into the contract with the YMCA of Central Ohio to support the truancy prevention and intervention program; to authorize the expenditure of \$100,000 from the General Government Grant Fund; and to declare an emergency. (\$100,000)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1330-2009

To adopt the Consolidated Submission for Community Planning and Development Programs including the Consolidated Plan, the related Citizen Participation Plan, and the Action Plan; to authorize the filing of the Consolidated Submission with the U.S. Department of Housing and Urban Development; and to declare an emergency.

TABLED UNTIL 11/09/09

A motion was made by Ms. Tavares, seconded by Ginther, that this matter be Tabled to Certain Date. The motion carried by the following vote:

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

RECREATION & PARKS: TYSON, CHR. TAVARES PALEY MENTEL

1175-2009

To authorize and direct the Director of Recreation and Parks to accept a grant in the amount of \$40,000.00 and enter into a modification agreement with The Central Ohio Workforce Investment Corporation (C.O.W.I.C.) for funding to hire a fall workforce within the Recreation and Parks Department, and to authorize the appropriation of \$40,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund. (\$40,000.00)

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

Abstained: 2 - Ginther and Ms. Tavares

Affirmative: 5 - Craig, Tyson, President Mentel, Miller and Paley

1219-2009

To authorize a supplemental appropriation in the amount of \$11,369,214.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for the operation of various grant programs administered by the Central Ohio Area Agency on Aging; and to declare an emergency. (\$11,369,214.00)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

1314-2009

To authorize and direct the Director of Recreation and Parks to enter into contracts with thirty-two community agencies to provide social and nutrition services to older adults in Central Ohio during 2010; to authorize the expenditure of \$6,103,215.00 from the Recreation and Parks Grant Fund; and to declare an emergency. (\$6,103,215.00)

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley

ADJOURNMENT

ADJOURNED: 7:33 P.M.

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

Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley



City of Columbus

Journal - Final

Zoning Committee

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

Priscilla Tyson, Chair; All Members

Monday, October 19, 2009

6:30 PM

Zoning Committee

Zoning Committee

Journal

October 19, 2009

REGULAR MEETING NO. 46 OF CITY COUNCIL (ZONING), OCTOBER 19, 2009 AT 6:30 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

A motion was made by Mentel, seconded by Craig. The motion carried by the following vote:

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

Present: Mentel: Tavares: Ginther: Tyson: Craig: Paley and Miller

READING AND DISPOSAL OF THE JOURNAL

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: TYSON, CHR. CRAIG GINTHER MILLER PALEY TAVARES MENTEL

1236-2009

To rezone 1325 HARRISBURG PIKE (43223), being 0.37± acres located on the west side of Harrisburg Pike, 350± feet south of Eakin Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z08-012).

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

1237-2009

To rezone 1441 PARSONS AVENUE (43207), being 4.7± acres located at the southwest corner of Parsons Avenue and East Moler Street, From: CPD, Commercial Planned Development, and R-4, Residential Districts, To: CPD, Commercial Planned Development, and R-2F, Residential Districts (Rezoning # Z09-010).

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

1267-2009

To rezone 7844 FLINT ROAD (43235), being 0.86± acres located at the southeast corner of Flint Road and Forest Ridge Drive, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning # Z09-015).

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

ADJOURNED: 6:54 P.M.

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

Affirmative: Paley, Mentel, Tavares, Ginther, Tyson, Miller and Craig

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: 0132X-2009

Drafting Date: 08/28/2009

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To Recognize the Seventieth Anniversary of Goodwill Columbus.

Body

Whereas, recognition of this prestigious milestone is a fitting tribute to Goodwill Columbus, for it has attained a remarkable record of service; and

Whereas, founded in 1939, Goodwill Columbus provides services, living experiences, and employment opportunities to help people with disabilities and other challenges so that they may live as independently as possible; and

Whereas, Goodwill Columbus' accomplishments are a justifiable source of pride and an outstanding reflection not only on the agency itself but also on its hard-working staff and volunteers; and

Whereas, throughout the last seventy years, Goodwill Columbus has enhanced the quality of life within the surrounding area, and its generous contributions have earned it the gratitude and respect of the community; now, therefore

Be it resolved by the Council of the City of Columbus:

That we do hereby commend Goodwill Columbus' dedication to service and the tradition of excellence that has long been its hallmark.

Be it further resolved that this resolution be presented as a token of our esteem in celebration of Goodwill Columbus' seventieth anniversary.

Legislation Number: 0150X-2009

Drafting Date: 09/25/2009

Current Status: Passed

Version: 1

Matter Type: Resolution

Explanation

The following is a resolution to declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the North High Street-Flint Road to Delaware County Line project.

Fiscal Impact:

N/A

Emergency Justification: Emergency action is requested to allow right-of-way acquisition to begin immediately so that the City can meet current schedules

Title

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the North High Street-Flint Road to Delaware County Line project, and to declare an emergency.

Body

WHEREAS, the City of Columbus is engaged in the North High Street-Flint Road to Delaware County Line project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is immediately necessary to declare the necessity and intent to appropriate fee simple title and lesser

interests in and to the hereinbefore described real estate necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

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

Section 1. That this Council hereby declares the necessity and intent to appropriate fee simple title and lesser interests in and to the following listed parcels of real estate more fully described in Exhibits A through D attached hereto and made a part hereof as though fully written herein, necessary for the North High Street-Flint Road to Delaware County Line project, Project # 530161 pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

- Exhibits A/ Parcel 6WD, T-2
- Exhibits B/ Parcel 10WD, T, 10AT
- Exhibits C/ Parcel 17WD, T
- Exhibits D/ Parcel 21WD, T

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

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

Legislation Number: 0154X-2009

Drafting Date: 09/29/2009

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To express support of the Solid Waste Authority of Central Ohio (SWACO) and its mission of providing cost effective and environmentally responsible waste transfer and disposal services for our community and to additionally support the funding of the solid waste system infrastructure through tipping fees collected by solid waste that is generated and disposed of within SWACO's Solid Waste Management district.

Body

WHEREAS, SWACO was created in 1989 in conformance with passage of Ohio General Assembly Sub. Am. HB 592; and

WHEREAS, it is the mission of SWACO to manage the district municipal solid waste stream in an environmentally responsible and cost-effective manner; and

WHEREAS, the City of Columbus is located within the boundaries of SWACO's District; and

WHEREAS, the City of Columbus continues to receive solid waste transfer and disposal services from SWACO in order to provide Columbus citizens with cost effective, efficient waste disposal service; and

WHEREAS, SWACO is a self-funded governmental entity and funding of the solid waste system infrastructure comes from waste generated within SWACO's district and disposed of at the Franklin County Sanitary Landfill or other SWACO

facilities; and

WHEREAS, solid waste generated within SWACO's district being disposed of outside SWACO's district has a negative impact on SWACO's ability to fund the solid waste system infrastructure, including the maintenance of existing facilities, construction of new facilities, and providing cost effective waste disposal options for the City of Columbus and other communities, businesses, and organizations in SWACO's District; and

WHEREAS, SWACO has the legal authority to require waste that is generated in SWACO's district to be disposed of at the Franklin County Sanitary Landfill or other SWACO facilities; and

WHEREAS, keeping waste that is generated in SWACO's district is in the best interest of SWACO and the City of Columbus; now, therefore

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

That this Council hereby supports the Solid Waste Authority of Central Ohio in their efforts to maintain cost effective and environmentally responsible solid waste transfer and disposal services for citizens of the City of Columbus, and additionally support SWACO's funding structure for the solid waste infrastructure by requiring waste that is generated in SWACO's district to be disposed of at the Franklin County Sanitary Landfill or other SWACO facilities, as necessary to fund the solid waste system infrastructure within SWACO's district.

Legislation Number: 0155X-2009

Drafting Date: 10/01/2009

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To recognize and celebrate October 2009 as National Disability Employment Awareness Month.

Body

WHEREAS, Public Law 176 was signed in 1945 to designate the first week in October as "National Employ the Physically Handicapped Week"; and

WHEREAS, in 1962, the word "physically" was removed from the week's name to recognize the employment needs of all Americans with disabilities; and

WHEREAS, Congress, in 1988, expanded the week to a month and changed its name to "National Disability Employment Awareness Month" (NDEA Month); and

WHEREAS, October has become the kick-off month for year-round programs that highlight the abilities and contributions of Americans with disabilities; and

WHEREAS, public, private and non-profit businesses and organizations join together this month to plan events and programs that showcase the abilities of employees and job candidates with disabilities; and

WHEREAS, the theme of this year's National Disability Employment Awareness Month, "Expectation + Opportunity-Full Participation", is designed to ensure, as a community and as a nation, that both people with disabilities and their employers expect that they will fully participate in our workplaces; and

WHEREAS, for the successes of the disability rights movement and the invaluable contributions to the communities of

Columbus, all disability advocates are deserving of recognition and commendation; now, therefore

BE IT RESOLVED BY THE COUNCIL CITY OF COLUMBUS:

That this Council does hereby recognize and celebrate National Disability Employment Awareness Month throughout October 2009.

Legislation Number: 0159X-2009

Drafting Date: 10/09/2009

Current Status: Passed

Version: 1

Matter Type: Resolution

Explanation Background: The Department of Finance and Management is proposing the designation of all of the territory within the jurisdiction of the City of Columbus (the "City") as a "recovery zone" for purposes of Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the "Code").

Designation of an area as a recovery zone will permit the use of a new bond financing method created by the American Recovery and Reinvestment Act of 2009 ("ARRA"). ARRA permits the City to establish an area as a recovery zone on the basis of the presence of significant poverty, unemployment, rate of home foreclosures or general distress. Once established, the City may issue recovery zone economic development bonds that will permit the financing of needed infrastructure within the City in a fashion that will require the United States Treasury to subsidize 45% of the interest cost on such bonds via a direct cash payment to the City during the life of the financing.

Fiscal Impact: No funding is required for this legislation.

TitleA resolution designating the city of Columbus, Ohio as a Recovery Zone under Section 1400U-1 of the Internal Revenue Code, and declaring an emergency (\$0).

BodyWHEREAS, the American Recovery and Reinvestment Act of 2009 (the "Act") revised the Internal Revenue Code of 1986, as amended (the "Code") to permit the designation of a recovery zone (the "Recovery Zone") within the jurisdiction of political subdivisions such as the City of Columbus, Ohio (the "City"); and

WHEREAS, the establishment of a Recovery Zone will, among other things, permit the City to issue Recovery Zone Economic Development Bonds ("Recovery Zone Economic Development Bonds") for the purpose of financing permanent improvements within such Recovery Zone; and

WHEREAS, the issuance of Recovery Zone Economic Development Bonds by the City will allow the City to receive a cash subsidy payment from the United State Treasury equal to forty five percent (45%) of the interest paid on such Recovery Zone Economic Development Bonds during the term such obligations are outstanding; and

WHEREAS, the area constituting the Recovery Zone must be designated prior to the issuance by the City of any Recovery Zone Economic Development Bonds; and

WHEREAS, the Code provides that areas having significant poverty, unemployment, rate of home foreclosures or general distress are eligible for designation as a Recovery Zone; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to adopt this resolution as an emergency measure due to the fact that bonds of the City are being authorized by separate legislation and, in order to take advantage of savings from current interest rates for tax-exempt bonds, it is necessary for this Resolution to be effective immediately, and to ensure the preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE,**

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

- Section 1.** The Council hereby finds and determines that the entire geographical territory within the jurisdiction of the City is subject to significant general distress.
- Section 2.** In light of such significant general distress this Council hereby designates the entire geographical territory of the City as a Recovery Zone under Code Section 1400U-1.
- Section 3.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and, therefore, except as otherwise provided herein, this Resolution shall be in force and effect immediately upon its passage and approval by the Mayor.

Legislation Number: 0160X-2009

Drafting Date: 10/14/2009

Current Status: Passed

Version: 1

Matter Type: Resolution

Title

To honor and recognize the contributions of the Friends of Westgate Park and to celebrate the dedication of the Camp Chase Mural in Westgate Park.

Body

WHEREAS, Friends of Westgate Park was founded in 2007 to focus attention and volunteer efforts on Westgate Park in the Hilltop; and

WHEREAS, Westgate Park, consisting of more than 46 acres, is one of the most heavily used regional parks in the Columbus Recreation & Parks System; and

WHEREAS, Friends of Westgate Park commissioned a large mural depicting scenes from the Civil War Era at Camp Chase; and

WHEREAS, the Camp Chase Mural commemorates the rich history of Camp Chase and its relevance to the Hilltop and the legacy of the Civil War; and

WHEREAS, renowned Columbus muralist Curtis Goldstein was selected to design and create the mural; and

WHEREAS, the completion of this mural will help bring about the Hilltop Renaissance; now, therefore

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

That we do hereby honor and recognize the contributions of the Friends of Westgate Park and celebrate the dedication of the Camp Chase Mural in Westgate Park.

Legislation Number: 0688-2009

Drafting Date: 04/30/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

This legislation authorizes the City of Columbus to enter into a contract in an amount up to \$377,830.62 for the ADA Ramps - South High Street and the Operation SAFEWALKS - South High Street Sidewalks project; to pay construction inspection costs up to \$37,784.00 in order to build ADA Ramps and sidewalks on both sides of South High Street between State Route 104 Eastbound Ramp and Obetz Road. These ramps are to be built prior to the ODOT Resurfacing Project FRA-23-5.68.

The expected construction cost of the ADA Ramps portion of the project is \$228,753.25 and to pay construction inspection costs up to \$22,876.00.

The expected construction cost of the Sidewalk portion of the project is \$149,077.37 and to pay construction inspection costs up to \$14,908.00.

On October 22, 2007, Columbus City Council adopted the Scioto Southland Area Plan, which identified this stretch of roadway as a priority for pedestrian walkways. In April of 2008, the Mid-Ohio Regional Planning Commission adopted the Franklin County Coordinated Plan. The purpose of this plan is to better coordinate existing transportation services, as well as document existing gaps. This plan gives agencies and local governments in Franklin County access to federal funds that can be used to address gaps in access to transportation, one of which is sidewalk links to transit.

On June 19, 2008, the City was notified that the New Freedom Grant application had been approved for funding. The Operation SAFEWALKS - South High Street Sidewalks project has been awarded a grant in the amount of \$233,101.00 by the Federal Transit Authority and Central Ohio Transit Authority.

On September 17, 2008 Ordinance 1307-2008 was passed to enter into a grant agreement with COTA and accept the grant funds.

The sidewalk portion of this project will remove existing barriers for residents at four senior housing facilities and numerous citizens, by providing pedestrian access to transit. There are a number of pedestrian generators within the project limits, including Great Southern Shopping Center, Columbus Health Department, and the South Community Opportunity Center. The project length is approximately 2,600 feet and sidewalk will be built on both sides. The design of the sidewalk project was conducted by city staff, and is being coordinated with the resurfacing portion of this project. The sidewalk and wheelchair ramps will be constructed in advance of the resurfacing project. The addition of sidewalk within these project limits complies with the recommendation of the Pedestrian Thoroughfare Plan. One mile of 5 foot wide sidewalk will be added. 89 ADA ramps will be added or reconstructed. There are 27 bus stops and transit routes within the project limits.

The estimated Notice to Proceed date is October 19, 2009. This project has been given 60 days to complete construction from the notice to proceed date, depending on favorable weather conditions. The project was let by the Office of Support Services and was advertised in the City Bulletin, Dodge Reports, and by the Builders Exchange. 6 bids were received on April 22, 2009 (6 majority, 0 minority) and tabulated on April 23, 2009 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
G&G Cement	\$377,830.62	Columbus, OH	Majority
Shelly and Sands, Inc.	\$408,014.61	Columbus, OH	Majority
Decker Construction	\$468,949.97	Columbus, OH	Majority
G. Marchi & Sons	\$552,009.64	Columbus, OH	Majority
At Grade, Inc.	\$554,815.01	New Dover, OH	Majority
Columbus Asphalt	\$701,035.56	Gahanna, OH	Majority

Award is to be made to G&G Cement Contractors, as the lowest, best, most responsive and most responsible bidder.

2. CONTRACT COMPLIANCE:

G&G Cement Contractors' contract compliance number is 262560462 and expires 06/26/2010.

3. EMERGENCY DESIGNATION

Emergency action is requested to allow immediate expenditure of the necessary funds so that construction may begin on or around October 19, 2009.

4. FISCAL IMPACT

The estimated cost of construction of this project is \$415,614.62. The Department of Public Service has been awarded a grant in the amount of \$233,101.00 for up to a maximum of 80% of the cost of construction for the South High Street Sidewalks Project, by the Federal Transit Authority, to be administered through the Central Ohio Transit Authority. The estimated obligation of the City of Columbus for the South High Sidewalks Project is \$32,797.08 (20% of the South High Sidewalk project cost which is currently estimated to be \$163,985.37) and for the South High ADA Ramp Project is \$251,629.25.

TitleTo authorize the Director of Public Service to enter into contract with G&G Cement Contractors for the construction of the ADA Ramps - South High Street and the Operation SAFEWALKS - South High Street Sidewalks projects; to amend the 2009 C.I.B.; to authorize the transfer of funds within the Streets and Highways G.O. Bonds Fund and between the Street and Highway Improvement Fund and the Fed-State Highway Engineering Fund; to authorize the expenditure of \$251,629.25 from the Streets and Highways G.O. Bonds Fund and the Street and Highway Improvement Fund and \$163,985.37 from the Federal State Highway Engineering Fund; and to declare an emergency. (\$415,614.62)

BodyWHEREAS, bids were received on April 22, 2009, and tabulated on April 23, 2009, for the ADA Ramps - South High Street and the Operation SAFEWALKS - South High Street Sidewalks projects and a satisfactory bid has been received; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, it is necessary to authorize the appropriation and transfer of funds for the project to proceed; and

WHEREAS, The Department of Public Service, Division of Mobility Options has been awarded a grant in the amount of \$233,101.00 for its Operation SAFEWALKS - South High Street Sidewalks project; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Mobility Options in that the contract should be awarded immediately so that the work can begin on or around October 19, 2009 without delay, thereby preserving the public health, peace, property, safety and welfare; now, therefore

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

Section 1. That the Director of Public Service be and is hereby authorized to enter into a contract with G&G Cement Contractors, 2849 Switzer Avenue, Columbus, OH 43219 for the construction of the ADA Ramps - South High Street and the Operation SAFEWALKS - South High Street Sidewalks projects in the amount of \$377,830.62, for the Division of Mobility Options in accordance with the specifications and plans on file in the office of the Director of Public Service, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with this project up to \$37,784.00.

Section 2. That the 2009 Capital Improvements Budget established within ordinance 0806-2009 be and hereby is amended due to cancellations as follows:

Project Number / Project / Current CIB Amount / Amendment Amount / CIB Amount

- 440005-100000 / UIRF (Carryover) / \$138,328.00 (Carryover) / \$37,532.00 (Carryover) / \$175,860.00 (Carryover)
- 530303-100000 / Columbus Housing Initiatives (Carryover) / \$23,400.00 (Carryover) / \$162,000.00 (Carryover) / \$185,400 (Carryover)
- 590131-100000 / Miscellaneous Development (Carryover) / \$1,324,000.00 (Carryover) / \$173.00 (Carryover) / \$1,324,173.00 (Carryover)
- 590415-100000 / Economic & Community Dev. (Carryover) / \$925,660.00 (Carryover) / \$993.00 (Carryover) / \$926,653.00 (Carryover)

Section 3. That the 2009 Capital Improvements Budget established within ordinance 0806-2009 be and hereby is amended to provide sufficient authority for this project as follows:

Project Number / Project / Current CIB Amount / Amendment Amount / CIB Amount

440005-100000 / UIRF (Carryover) / \$175,860.00 (Carryover) / (\$37,532.00) (Carryover) / \$138,328.00 (Carryover)
 530303-100000 / Columbus Housing Initiatives (Carryover) / \$185,400 (Carryover) / (\$162,000.00) (Carryover) / \$23,400.00 (Carryover)
 590131-100000 / Miscellaneous Development (Carryover) / \$1,324,173.00 (Carryover) / (\$173.00) (Carryover) / \$1,324,000.00 (Carryover)
 590415-100000 / Economic & Community Dev. (Carryover) / \$926,653.00 (Carryover) / (\$993.00) (Carryover) / \$925,660.00 (Carryover)
 530161-100000 / Roadway Improvements (Carryover) / \$978,822.00 (Carryover) / (\$44,516.00) (Carryover) / \$934,306.00 (Carryover)
 530087-100000 / ADA Ramp Projects (Carryover) / \$0.00 (Carryover) / \$245,213.00 (Carryover) / \$245,213.00 (Carryover)

Section 4. To move cash and appropriation between projects within Fund 704, the Streets & Highways G.O. Bonds Fund as follows:

FROM:

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

704 / 440005 / UIRF / 06-6600 / 643015 / \$37,531.55
 704 / 530161 / Roadway Improvements / 06-6600 / 590121 / \$44,515.69
 704 / 530303 / Columbus Housing Initiatives / 06-6600 / 591145 / \$162,000.00
 704 / 590131 / Misc. Developments / 06-6600 / 591132 / 172.67
 704 / 590415 / Economic & Community Development / 06-6600 / 591258 / \$992.12

Total Transfer To: \$245,212.03

TO:

Fund / Project # / Project / Object Level Three Codes / OCA Code

704 / 530087 / ADA Ramp Projects / 06-6600 / 704087 / \$245,212.03

Section 5. That the Transfer of cash and appropriation within the Street and Highway Improvement Fund be authorized as follows:

Transfer from:

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

766 / 530161 / Roadway Improvements / 06-6600 / 590010 / \$32,797.08

Transfer to:

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

766 / 530161 / Roadway Improvements / 10-5501 / 590010 / \$32,797.08

Section 6. That the City Auditor be and hereby is authorized to transfer \$32,797.08 between The Street and Highway Improvement Fund and the Federal-State Highway Engineering Fund for the Division of Mobility Options Dept.-Div. 59-10, as follows:

TRANSFER FROM:

Fund / Project# / Project / Object Level 01-03 Codes / OCA Code / Amount

766 / 530161 / Roadway Improvements / 10-5501 / 590010 / \$32,797.08

TRANSFER TO:

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

765 / 598082 / South High Sidewalks / 80-0886 / 598083 / \$32,797.08

Section 7. That from the unappropriated monies in Fund 765, the Federal-State Highway Engineering Fund, 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, 2009, the sum of \$163,985.37 be and hereby is appropriated to Dept.-Div. No. 59-10,

Division of Mobility Options as follows:

Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA / Amount
765 / 598082 / South High Sidewalks / 06-6600 / 598083 / \$163,985.37

Section 8. That the expenditure of \$415,614.62 be and hereby is authorized from the Streets and Highways G.O. Bonds Fund, Fund 704, the Federal State Highway Engineering Fund, Fund 765, and the Street & Highway Improvement Fund, Fund 766, for the Department of Public Service, Division of Mobility Options, Dept.-Div. 59-10 as follows:

Fund / Project # / Project / Object Level Three Codes / OCA Code
766 / 530161 / Roadway Improvements / 06-6631 / 590010 / \$6,417.22
704 / 530087 / ADA Ramp Projects / 06-6631 / 704087 / \$222,336.03
704 / 530087 / ADA Ramp Projects / 06-6687 / 704087 / \$22,876.00

Fund / Grant # / Grant / Object Level Three Codes / OCA Code / Amount
765 / 598082 / South High Sidewalks / 06-6631 / 598083 / \$149,077.37
765 / 598082 / South High Sidewalks / 06-6687 / 598083 / \$14,908.00

Total: \$415,614.62

Section 9. That Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against G&G Cement Contractors.

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 day after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 0927-2009

Drafting Date: 06/19/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: Firefighters Support Services will provide forty (40) Scott Pak Trackers, ten (10) Receivers and ten (10) two volt chargers to the Columbus Fire Division to assist in locating downed firefighters or civilians in fire emergency or other hazardous situations. The Columbus Fire Division respectfully requests acceptance of this equipment. The Scott Pak-Trackers and Receivers will be assigned to the Heavy Rescue units, and possibly to Hazmat 4 and the Bomb Squad. Firefighters will use the Pak-Trackers while performing search and rescue in structural collapse, confined space, and fire emergency situations to provide enhanced personal accountability and to mark the location of downed victims (civilian or first responders).

Firefighters Support Services (FFSS) is a non-profit organization that is dedicated to providing aid to burn victims, providing locators to firefighters, and fire safety education to citizens.

Bid Information: N/A

Contract Compliance: N/A

FISCAL IMPACT: This ordinance authorizes an acceptance of equipment at no charge from a non-profit organization. There is no required city match and no immediate financial impact to the city. The equipment being donated is valued at \$20,860.00.

Title

To authorize the Fire Chief to accept a donation of equipment from Firefighters Support Services and to use the donated equipment to improve the "search and rescue" capability of the Division of Fire.

Body

WHEREAS, Firefighters Support Services has indicated their desire to donate 40 Scott Pak Trackers, 10 Receivers and 10 two volt Chargers to the Division of Fire; and

WHEREAS, it is the desire of the Fire Chief to accept this life-saving equipment, and

WHEREAS, this equipment will be used to locate downed firefighters or civilians in fire emergency or other hazardous situations; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That the Fire Chief be and is hereby authorized and directed to accept a donation of Scott Pak Trackers, Receivers and Chargers from Firefighters Support Services to be used in emergency situations.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1110-2009

Drafting Date: 08/14/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation Background:

This legislation authorizes the Director of the Department of Technology to modify and increase a contract, associated with purchase order EL007511, previously authorized through ordinance #1799-2007, passed by Columbus City Council on November 26, 2007, with Lawson Software for the installation and related services associated with the Central Payroll and Human Resources Information Management System. This system is replacing an aged, out-dated system that is reaching the limit capacity associated with maintaining data, processing information and programs.

On April 13, 2009 Council approved and passed ordinance #0425-2009 that allowed for a modification to extend contract EL007511, with a coverage period from December 1, 2008 through November 30, 2009, along with an increase of additional funding in the amount of \$99,465.00. This modification allowed the Department of Technology to continue receiving services and other necessary deliverables, and provided additional hours needed to support the Columbus Human Resources Information System (CHRIS) project, as agreed by the City and Lawson Software, in accordance with the original terms and conditions of the original contract.

As the CHRIS project is not completed, and after further research and analysis, it has been determined that the Department of Technology has a need for additional funding to continue receiving services and other necessary deliverables, along with additional hours necessary to complete the project. The passage of this ordinance will provide funding and make provisions for the additional needs. The funding for this ordinance has been identified and is available within the Information Services Bond Fund.

Also, this ordinance authorizes the appropriation and transfer of cash from another project within the Information Services Bond Fund, and will amend the 2009 Capital Improvement Budget (CIB), passed June 15, 2009, Ordinance #0806-2009,

to accommodate for the additional expenditure authorized by this ordinance.

Fiscal Impact: In 2007, \$2,189,912.60 was established on the contract (purchase order EL007511) with Lawson Software, for the implementation and other related services, for the CHRIS project. In fiscal year 2008, a contract modification in the amount of \$80,000.00 was added to purchase order EL007511 for maintenance, with a coverage period of May 31, 2008 through January 31, 2009. Earlier in 2009, \$38,643.75 was established on purchase order EL009076 for maintenance, with a coverage period of February 1, 2009 through May 31, 2009, bringing the total contract amount with Lawson Software to \$2,308,556.35. On April 13, 2009, ordinance #0425-2009 provided additional funding for deliverables and additional hours in the amount of \$99,465.00. Approval of this ordinance will allow for additional funds totaling \$97,519.00, for additional hours for receipt of necessary deliverables, bringing the contract aggregate total to \$2,505,540.35 for all services, deliverables and maintenance.

Funds for this ordinance have been identified as follows: remaining carryover funds totaling \$16,538.28 are available within the Human Resources Information project. The balance of \$80,980.72 needed for this ordinance and project is available within the Connectivity Project (470046) carryover funds for transfer to the Human Resources Project (470049) within the Information Services Bond Fund, and will allow for the continuance of services and deliverables provided by Lawson Software.

Emergency: Emergency action is requested to meet time lines associated with deliverables, to avoid interruption in the performance of services necessary in the usual daily operation, and to facilitate contract execution and related payment for services.

Contract Compliance:

Lawson Software #41-1251159 Expiration Date: 09/02/2011 (PHC)

TitleTo authorize the Director of the Department of Technology to modify and increase a contract with Lawson Software for the installation and related services for the Central Payroll and Human Resources Information Management System; to authorize the transfer of appropriation and cash between projects in the Information Services Bond Fund; to amend the 2009 Capital Improvement Budget; to authorize the expenditure of \$97,519.00 from the Information Services Bond Fund; and to declare an emergency (\$97,519.00)

Body**WHEREAS**, this legislation authorizes the Director of the Department of Technology to modify and increase a contract, associated with purchase order EL007511, previously authorized through ordinance #1799-2007, passed by Columbus City Council on November 26, 2007; extend under ordinance #0425-2009 passed April 13, 2009, with Lawson Software, for the installation and related services associated with the Central Payroll and Human Resources Information Management System; and

WHEREAS, the Capital Improvement Plan (CIP) for the City of Columbus contains a provision for the upgrade of the City of Columbus' HRIS systems and an integrated Payroll and HR system; and

WHEREAS, passage of this ordinance will allow the Department of Technology to continue receiving services and other necessary deliverables associated with the CHRIS Project, as agreed by the City and Lawson Software, in accordance with the original terms and conditions of the original contract (EL007511), through November 30, 2009, in the amount of \$97,519.00, with the funds being identified within the Information Services Bond fund; and

WHEREAS, this ordinance authorizes the appropriation and transfer of cash from another project within the Information Services Bond fund, and will amend the 2009 Capital Improvements Budget (CIB), passed June 15, 2009, Ordinance #0806-2009, to accommodate for the additional expenditure authorized by this ordinance; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary for the Director of Technology to modify a contract with Lawson Software to continue services associated with the Central Payroll and Human Resources Information Management System (CHRIS), thereby preserving the public health, peace, property, safety, and welfare; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF COLUMBUS:

SECTION 1: That the Director of the Department of Technology be and is hereby authorized to modify and increase a contract that will allow for the continuation services and deliverables, with Lawson Software, related to completing the CHRIS project implementation without interruption, through November 30, 2009, in the amount of \$97,519.00. Also, this ordinance authorizes the appropriation and transfer of cash from another project within the Information Services Bond fund, and will amend the 2009 Capital Improvements Budget (CIB), passed June 15, 2009, Ordinance #0806-2009, to accommodate for the additional expenditure authorized by this ordinance.

SECTION 2: That the 2009 Capital Improvement Budget is hereby amended as follows for this expenditure:

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

Information Services Bond Fund #514

<u>Project Name/Number</u>	<u>Current CIB Amount</u>
<u>Revised Amount</u>	
Connectivity Project 470046-100000 (carryover) 191,435	272,416
Human Resources Information 470049-100000 (carryover) 196,985	110,966

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

From:

Dept./Div. 47-02| Fund 514| Subfund: 002| Project Number: 470046| Project Name: Connectivity Project| OCA Code: 470046| Amount: \$80,980.72

To:

Dept./Div. 47-02| Fund 514| Subfund: 002| Project Number: 470049| Project Name: Human Resources Information| OCA Code: 514049|Amount: \$80,980.72

SECTION 4: That paying for the cost of this project, the expenditure, in an amount not to exceed \$97,519.00 or as much thereof as may be necessary is hereby authorized to be expended as follows:

Dept./Div.: 47-02| Fund: 514| Subfund: 002| Project Name: Human Resources Information| Project Number: 470049| OCA Code: 514049| Obj. Level 1: 06 | Obj. Level 3: 6655| Amount: \$97,519.00 - Lawson Software.

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

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

Legislation Number: 1130-2009

Drafting Date: 08/20/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of Finance and Management to enter into a contract with Ricart Properties, Inc. for the purchase two (2) Diesel Powered Cab and Chassis with 9 Foot Dump Body for the Division of Power and Water (Water). This equipment is used by Water Distribution crews for various maintenance and rehabilitation projects.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation SA003320). Twenty one (21) vendors (19 MAJ/2 MBR) were solicited and three (3) bids (3 MAJ) were received and opened on July 30, 2009. Ricart Properties, Inc. met specifications and an award is recommended as the lowest responsive, responsible, and best bidder. The bid tabulation is attached for your review. The equipment has been approved by Fleet Management.

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.

SUPPLIER: Ricart Properties, Inc., Contract Compliance Number: 311282546, expires 10/23/2010. This supplier does not hold MBE/FBE status.

FISCAL IMPACT: \$87,570.00 is budgeted and needed for this purchase.

Expenditures for Equip-Trucks & Other Motorized (6652) in 2008 was \$1,397,098.08

Title

To authorize the Director of Finance and Management to enter into a contract with Ricart Properties, Inc. for the purchase of two (2) Diesel Powered Cab and Chassis with 9 Foot Dump Body for the Division of Power and Water and to authorize the expenditure of \$87,570.00 from the Water Operating Fund. (\$87,570.00)

Body

WHEREAS, two (2) Diesel Powered Cab and Chassis with 9 Foot Dump Body are required by the Division of Power and Water for various maintenance and rehabilitation projects; and

WHEREAS, the Purchasing Office opened formal bids on July 30, 2009 for the purchase of two (2) Diesel Powered Cab and Chassis with 9 Foot Dump Body for the Division of Power and Water (Water); and

WHEREAS, the Division of Power and Water recommends an award to be made to the lowest, responsive and responsible bidder, Ricart Properties, Inc.; and

WHEREAS, a contract will be issued by the Finance Department, Purchasing Office in accordance with the terms, conditions and specifications of Solicitation Number: SA003320 on file in the Purchasing Office; now, therefore

BE IT ORADINED 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 Ricart Properties, Inc. for the purchase of two (2) Diesel Powered Cab and Chassis with 9 Foot Dump Body for the Division of Power and Water, in accordance with specifications on file in the Purchasing Office.

SECTION 2. That the expenditure of \$87,570.00, or so much thereof as may be needed, be and the same hereby is authorized from the Water Operating Fund, Fund No. 600, OCA 602735, Object Level 1: 06, Object Level 3: 6652.

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

Legislation Number: 1169-2009

Drafting Date: 08/31/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Division of Fire received a grant award from the Ohio Division of Emergency Medical Services (EMS) for EMS training and for the purchase of emergency medical equipment. This legislation accepts the grant and appropriates the funds. This grant allows for the purchase of EMS training equipment used by the Fire Division for paramedic training; including airway training, AED and EKG diagnostics, immobilization and extrication equipment, and mass casualty training equipment. The Fire Division intends to purchase CPR manikins during this grant cycle, as manikins are a staple of paramedic training in the Fire Division. The Division has received this grant each of the past 10 years for similar equipment.

Bid Information: N/A

Contract Compliance: N/A

Emergency Designation: Emergency legislation is requested so that the purchases of equipment may be made within the grant cycle.

FISCAL IMPACT: This ordinance authorizes the Division of Fire to accept a grant award and procure equipment and training. This is a 100 percent grant award. There is no matching requirement from the General Fund.

Title

To authorize the Columbus Fire Chief to accept a grant award from the State of Ohio Division of EMS for the purchase of EMS training equipment for the Division of Fire, to appropriate \$3,000.00 from the unappropriated balance of the General Government Grant Fund; and to declare an emergency. (\$3,000.00)

Body

WHEREAS, it is in the best interest for the Fire Chief to accept a grant award for the Division of Fire for the purchase of EMS training equipment from the State of Ohio Division of EMS; and

WHEREAS, it is necessary to appropriate funds for said grant; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Fire, Department of Public Safety, in that it is immediately necessary to authorize and direct the acceptance and appropriation of funds for the grant 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 Fire Chief be and is hereby authorized to accept a grant award in the amount of \$3,000.00 from the State of Ohio Division of EMS for the Columbus Division of Fire.

SECTION 2. That from the unappropriated monies in the General Government Grant Fund, Fund No. 220, and from any and all sources estimated to come into said fund and unappropriated for any other purpose during the fiscal year ending December 31, 2009, the sum of \$3,000.00 is appropriated to the Division of Fire as follows:

Division 30-04, Fund 220, Object Level 1, 02, OCA Code 349012, Amount \$3,000.00.

SECTION 3. That the monies in Section 2 shall be paid upon order of the Director of Public Safety; and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

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

Legislation Number: 1175-2009

Drafting Date: 08/31/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background:

This ordinance will enable the Director of Recreation and Parks to accept a grant for an additional \$40,000.00, modify existing grant contract to extend grant end date to 11/30/09 and increase funding by \$40,000.00, enter into a modification agreement with the Central Ohio Workforce Investment Corporation, and provide for the appropriation of said funds to the Recreation and Parks Grant Fund.

Grant funding will be used to hire a fall workforce for the Recreation and Parks Department as part of the workforce investment act. This grant will help both adult workers and dislocated workers and the grant dollars are divided equally between the two types of workers.

\$20,000.00 for adult workers, Federal CFDA # 17.258

\$20,000.00 for dislocated workers, Federal CFDA #17.260

Funds will be used for payroll and wage costs, workers compensation, pension pickup, hiring costs, uniforms, protective equipment, testing, and background checks.

Contract Compliance #201175160, Expires: COWIC is a not for profit agency.

Fiscal Impact:

The fiscal impact of this ordinance will be to reduce the Recreation and Parks Grant Fund's unappropriated balance by \$40,000.00.

Title

To authorize and direct the Director of Recreation and Parks to accept a grant in the amount of \$40,000.00 and enter into a modification agreement with The Central Ohio Workforce Investment Corporation (C.O.W.I.C.) for funding to hire a fall workforce within the Recreation and Parks Department, and to authorize the appropriation of \$40,000.00 from the unappropriated balance of the Recreation and Parks Grant Fund. (\$40,000.00)

Body

WHEREAS, the Central Ohio Workforce Investment Corporation has awarded the City of Columbus, Recreation and Parks Department, additional grant funding in the amount of \$40,000.00 for employment of fall staffing; and

WHEREAS, the Central Ohio Workforce Investment Corporation has agreed to extend the grant end date to 11/30/09; and

WHEREAS, it is necessary to accept said grant, modify existing contract and appropriate said funds; now, therefore

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

SECTION 1. That the Director of Recreation and Parks be and he is hereby authorized and directed to accept a grant in the amount of \$40,000.00 and enter into a modification agreement with the Central Ohio Workforce Investment

Corporation for Fall Recreation and Parks staffing.

SECTION 2. That from the unappropriated monies in the Recreation and Parks Grant Fund No. 286, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2009, the sum of \$40,000.00 is appropriated to the Recreation and Parks Department, Department No. 51-01, as follows:

Grant Title: Adult Employment: ARRA Funded / **Grant No./ OCA Code:** : 519049 / Obj Lev 3# 1112 **Amount:** \$20,000

Federal CFDA #: 17.258

Grant Title: Adult Employment: ARRA Funded / **Grant No./ OCA Code:** : 519048 / Obj Lev 3# 1112 **Amount:** \$20,000

Federal CFDA #: 17.260

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

SECTION 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contract modifications associated with this legislation.

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

Legislation Number: 1193-2009

Drafting Date: 09/02/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Columbus Health Department has been awarded a grant from the Ohio Department of Health. This ordinance is needed to accept and appropriate \$5,454,191 to fund the Women, Infants and Children (WIC) grant program, for the period October 1, 2009 through September 30, 2010.

The primary objective of the Women, Infants and Children (WIC) program is to provide nutritionally desirable food and nutrition education to pregnant and lactating women, infants, and children at nutritional risk in Franklin County who meet categorical, income and nutritional risk requirements for eligibility.

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

FISCAL IMPACT: The Women, Infants and Children Program is entirely funded by the Ohio Department of Health. This program does not generate any revenue or require a City match.

Title

To authorize and direct the Board of Health to accept this grant from the Ohio Department of Health in the amount of \$5,454,191; to authorize the appropriation of \$5,454,191 from the unappropriated balance of the Health Department Grants Fund; and to declare an emergency. (\$5,454,191)

Body

WHEREAS, \$5,454,191 in grant funds have been made available through the Ohio Department of Health for the Women, Infants and Children program for the period of October 1, 2009 through September 30, 2010; and,

WHEREAS, it is necessary to accept and appropriate these funds from the Ohio Department of Health for the continued support of the WIC program; and,

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

WHEREAS, an emergency exists in the usual daily operation of the Health Department in that it is immediately necessary to accept these grant funds 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 totaling \$5,454,191 from the Ohio Department of Health for the Women, Infants and Children program for the period October 1, 2009 through September 30, 2010.

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 during the twelve months ending September 30, 2010, the sum of \$5,454,191 is hereby appropriated to the Health Department, Division No. 50, as follows:

OCA: 509116; Grant No.: 509116; OL1:01; Amount:	\$4,445,027
OCA: 509116; Grant No.: 509116; OL1:02; Amount:	\$64,055
OCA: 509116; Grant No.: 509116; OL1:03; Amount:	\$945,109

Total appropriation for Women, Infants, and Children Grant 509116: \$5,454,191

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 upon voucher, the form of which shall be approved by the City Auditor.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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: 1219-2009

Drafting Date: 09/08/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

Background:

This legislation is to appropriate supplemental grant funds from the Ohio Department of Aging, Franklin County Office on Aging and U.S. Department of Housing and Urban Development, as administered by the Central Ohio Area Agency to

carry on various services for the balance of 2009 and for 2010.

Emergency action is requested in order to continue services beyond December 31, 2009, without service interruption as stipulated in the various grant requirements.

Fiscal Impact:

The fiscal impact of this ordinance will be to reduce the Recreation and Parks Grant Fund's unappropriated balance of \$11,369,214.00. This appropriation will enable the Recreation and Parks Department to continue those programs as required by the granting agencies for the balance of 2009 and 2010.

Title

To authorize a supplemental appropriation in the amount of \$11,369,214.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for the operation of various grant programs administered by the Central Ohio Area Agency on Aging; and to declare an emergency. (\$11,369,214.00)

Body

WHEREAS, it is necessary to appropriate grant funds so that the Central Ohio Area Agency on Aging of the Recreation and Parks Department can provide services beyond FY 2009 without service interruption, thus this measure is being submitted as emergency legislation; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to appropriate said funds for the preservation of public health, peace, property, safety, and welfare; now, therefore

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

Section 1. That from the unappropriated monies in the Recreation and Parks Grant Fund No. 286, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2009, the sum of \$11,369,214.00 is appropriated to the Recreation and Parks Department, Department No. 51, as follows:

GRANT: TITLE IIID - DISEASE PREVENTION

PROJECT NO:	518318	OCA CODE:	514059	OBJECT LEVEL ONE:	01	AMOUNT:	\$60,000.00
PROJECT NO:	518318	OCA CODE:	514059	OBJECT LEVEL ONE:	02	AMOUNT:	\$2,000.00
PROJECT NO:	518318	OCA CODE:	514059	OBJECT LEVEL ONE:	03	AMOUNT:	\$33,000.00
TOTAL BY PROJECT: \$95,000.00							

GRANT: TITLE IIIA - ADMINISTRATION

PROJECT NO:	518324	OCA CODE:	514497	OBJECT LEVEL ONE:	01	AMOUNT:	\$264,975.00
PROJECT NO:	518324	OCA CODE:	514497	OBJECT LEVEL ONE:	02	AMOUNT:	\$30,000.00
PROJECT NO:	518324	OCA CODE:	514497	OBJECT LEVEL ONE:	03	AMOUNT:	\$220,000.00
PROJECT NO:	518324	OCA CODE:	514497	OBJECT LEVEL ONE:	05	AMOUNT:	\$7,000.00
PROJECT NO:	518324	OCA CODE:	514570	OBJECT LEVEL ONE:	01	AMOUNT:	\$182,000.00
TOTAL BY PROJECT: \$703,975.00							

GRANT: TITLE IIIB - SOCIAL SERVICES

PROJECT NO:	518301	OCA CODE:	514505	OBJECT LEVEL ONE:	01	AMOUNT:	\$302,000.00
PROJECT NO:	518301	OCA CODE:	514505	OBJECT LEVEL ONE:	02	AMOUNT:	\$5,000.00
PROJECT NO:	518301	OCA CODE:	514505	OBJECT LEVEL ONE:	03	AMOUNT:	\$1,683,000.00
PROJECT NO:	518301	OCA CODE:	514505	OBJECT LEVEL ONE:	05	AMOUNT:	\$10,000.00
TOTAL BY PROJECT: \$2,000,000.00							

GRANT: TITLE IIIC/USDA - NUTRITION

PROJECT NO: 518303 OCA CODE: 514513 OBJECT LEVEL ONE: 03 AMOUNT: \$3,080,000.00
PROJECT NO: 518303 OCA CODE: 514513 OBJECT LEVEL ONE: 05 AMOUNT: \$15,000.00
TOTAL BY PROJECT: \$3,095,000.00

GRANT: TITLE IIIE-CAREGIVER SUPPORT

PROJECT NO: 518307 OCA CODE: 518307 OBJECT LEVEL ONE: 01 AMOUNT: \$150,000.00
PROJECT NO: 518307 OCA CODE: 518307 OBJECT LEVEL ONE: 02 AMOUNT: \$10,000.00
PROJECT NO: 518307 OCA CODE: 518307 OBJECT LEVEL ONE: 03 AMOUNT: \$600,000.00
PROJECT NO: 518307 OCA CODE: 518307 OBJECT LEVEL ONE: 05 AMOUNT: \$3,000.00
TOTAL BY PROJECT: \$763,000.00

GRANT: SENIOR BLOCK GRANT - SOCIAL SERVICES

PROJECT NO: 518315 OCA CODE: 514539 OBJECT LEVEL ONE: 01 AMOUNT: \$140,000.00
PROJECT NO: 518315 OCA CODE: 514539 OBJECT LEVEL ONE: 03 AMOUNT: \$500,000.00
TOTAL BY PROJECT: \$640,000.00

GRANT: LONG-TERM CARE OMBUDSMAN

PROJECT NO: 518308 OCA CODE: 514547 OBJECT LEVEL ONE: 03 AMOUNT: \$400,000.00
TOTAL BY PROJECT: \$400,000.00

GRANT: CONGREGATE HOUSING SERVICES PROGRAM

PROJECT NO: 518002 OCA CODE: 514273 OBJECT LEVEL ONE: 01 AMOUNT: \$333,386.00
PROJECT NO: 518002 OCA CODE: 514273 OBJECT LEVEL ONE: 02 AMOUNT: \$15,000.00
PROJECT NO: 518002 OCA CODE: 514273 OBJECT LEVEL ONE: 03 AMOUNT: \$75,000.00
PROJECT NO: 518002 OCA CODE: 514273 OBJECT LEVEL ONE: 05 AMOUNT: \$2,000.00
TOTAL BY PROJECT: \$425,386.00

GRANT: SERVICE COORDINATION

PROJECT NO: 518482 OCA CODE: 512202 OBJECT LEVEL ONE: 01 AMOUNT: \$38,000.00
PROJECT NO: 518482 OCA CODE: 512202 OBJECT LEVEL ONE: 02 AMOUNT: \$3,000.00
PROJECT NO: 518482 OCA CODE: 512202 OBJECT LEVEL ONE: 03 AMOUNT: \$5,000.00
TOTAL BY PROJECT: \$46,000.00

GRANT: VOLUNTEER GUARDIAN

PROJECT NO: 518018 OCA CODE: 514117 OBJECT LEVEL ONE: 01 AMOUNT: \$95,000.00
PROJECT NO: 518018 OCA CODE: 514117 OBJECT LEVEL ONE: 02 AMOUNT: \$5,000.00
PROJECT NO: 518018 OCA CODE: 514117 OBJECT LEVEL ONE: 03 AMOUNT: \$20,000.00
TOTAL BY PROJECT: \$120,000.00

GRANT: FRANKLIN COUNTY SENIOR OPTIONS

PROJECT NO: 518335 OCA CODE: 514554 OBJECT LEVEL ONE: 01 AMOUNT: \$2,565,000.00
PROJECT NO: 518335 OCA CODE: 514554 OBJECT LEVEL ONE: 02 AMOUNT: \$110,000.00
PROJECT NO: 518335 OCA CODE: 514554 OBJECT LEVEL ONE: 03 AMOUNT: \$325,000.00
TOTAL BY PROJECT: \$3,000,000.00

GRANT: HEAP

PROJECT NO: 518020 OCA CODE: 512814 OBJECT LEVEL ONE: 01 AMOUNT: \$6,753.00
PROJECT NO: 518020 OCA CODE: 512814 OBJECT LEVEL ONE: 03 AMOUNT: \$17,100.00
TOTAL BY PROJECT: \$23,853.00

GRANT: TITLE IV - CHRONIC DISEASE

PROJECT NO: 518310 OCA CODE: 518310 OBJECT LEVEL ONE: 01 AMOUNT: \$11,000.00
PROJECT NO: 518310 OCA CODE: 518310 OBJECT LEVEL ONE: 03 AMOUNT: \$38,000.00

PROJECT NO: 518310 OCA CODE: 518310 OBJECT LEVEL ONE: 05 AMOUNT: \$8,000.00
TOTAL BY PROJECT: \$57,000.00

TOTAL APPROPRIATION: \$11,369,214.00

Section 2. That the monies in the foregoing Section 1 shall be paid upon the order of the Director of Recreation and Parks; and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

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

Legislation Number: 1221-2009

Drafting Date: 09/09/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: The Fire Division needs to purchase equipment for front line engines. This legislation authorizes the Finance and Management Director to issue a purchase order for said equipment for Fire's custom tilt-cab pumpers from an existing Universal Term Contract established by the Purchasing Office for such purpose with Ferrara Fire Apparatus. This equipment consists of valves, nozzles, hoses, and other engine-related equipment.

This legislation also authorizes the transfer of \$56,078.67 between projects within the Safety Voted Bond Fund and amends the 2009 Capital Improvement Budget, Ordinance No. 0806-2009.

Bid Information: A Universal Term Contract exists for this purchase.

Contract Compliance: Ferrara Fire Apparatus #721129363

Emergency Designation: Emergency legislation is requested to allow for the immediate purchase of this equipment. Funding exists in the Safety voted Bond Fund; a budget amendment is necessary to provide funding for this purchase.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$100,000 from the Safety Bond Fund for the purchase of equipment for fire engines from Ferrara Fire Apparatus. The Safety Bond Fund, Fire Apparatus Replacement project, has existing cash that will be supplemented by a transfer and amendment to permit this purchase of equipment. The Public Safety Department's 2009 capital spending plan takes into account this expenditure. This legislation also includes a CIB amendment to account for encumbrance cancellations.

TitleTo amend the 2009 Capital Improvements Budget, to authorize and direct the City Auditor to transfer \$56,078.67 between projects within the Safety Bond Fund; to authorize and direct the Finance and Management Director to issue a purchase order for equipment for custom tilt-cab pumpers for the Division of Fire from an existing Universal Term Contract established for such purpose, to authorize the expenditure of 100,000.00 from the Safety Bond Fund; and to declare an emergency. (\$100,000.00)

Body**WHEREAS**, the Fire Division needs to purchase equipment for its custom tilt-cab pumpers; and

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

WHEREAS, it is necessary to amend the 2009 Capital Improvement Budget and transfer cash between projects within the Safety Voted bond Fund; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That the Finance Director be and is hereby authorized and directed to issue a purchase order for the purchase of fire apparatus equipment in accordance with the existing Universal Term Contract established by the Purchasing Office with Ferrara Fire Apparatus.

SECTION 2. That the 2009 Capital Improvement Budget be amended as follows:

<u>Project/Project #</u>	<u>CIB Amount</u>	<u>Revised CIB</u>
Police Apparatus Repl-330034-100000 (Carryover)	\$340,927	\$284,849
Fire Apparatus Replacement-340101-100000 (Carryover)	\$27,446	\$100,000

The aforementioned Fire Apparatus Replacement project amendment includes encumbrance cancellations of \$16,476 from projects that have been completed.

SECTION 3. That the City Auditor is hereby authorized and directed to transfer funds within the Safety Voted Fund (Fund 701) as follows:

From: Division 33-03, Police Apparatus Replacement 330034, OCA 330034, Amount \$56,078.67

To: Division 33-04, Fire Apparatus Project 340101, OCA 644559, Amount \$56,078.67

SECTION 4. That the expenditure of \$100,000.00, or so much thereof as may be necessary, be and is hereby authorized from the Fire Division's Safety Bond Fund, Fund 701, Division of Fire No. 30-04, OL3 Code 6652, OCA 644559, Project #340101 Fire Apparatus Replacement.

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

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1222-2009

Drafting Date: 09/09/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation Background:

The City of Columbus, Ohio is the owner of that real property, located in the vicinity of Walnut Street and Cabbage Road, commonly known as Hoover Reservoir. It has been discovered that a cabin, several decades old, determined to be owned by Marvin A. Katz, encroaches onto a 0.031 ± acre portion of the City's real property. The City of Columbus and Mr. Katz have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment. The Recreation and Parks Department, and the Department of Public Utilities, Division of Water, have determined that the granting of a quitclaim deed of determinable encroachment easement for a period of no more than 10 years will not adversely affect the City and should be allowed. Upon the expiration of the 10 year period, the easement will automatically terminate and revert back to the City and the owner must remove the structure and return the real property back to its original condition. The Real Estate Division, Department of Law has established One Thousand Dollars (\$1,000.00) as the value of the easement. The following ordinance authorizes the Director of the Department of Public Utilities and the Director of the Recreation and Parks Department to execute those documents necessary to grant the aforementioned easement.

Fiscal Impact: The \$1,000 to be received by the City, as consideration for the granting of the encroachment easement, shall be deposited in the proper City fund as determined by the City Auditor.

Emergency Justification: N/A

TitleTo authorize the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities to execute those documents necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir; to waive the Land Review Commission provisions of the Columbus City Codes (1959), to waive the competitive bidding of the Columbus City Codes (1959) Revised.

Body**WHEREAS,** The City of Columbus, Ohio is the owner of that real property, located in the vicinity of Walnut Street and Cabbage Road, commonly known as Hoover Reservoir; and

WHEREAS, it has been discovered that a cabin, several decades old, determined to be owned by Marvin A. Katz, encroaches onto a 0.031 ± acre portion of the City's real property; and

WHEREAS, the City of Columbus and Mr. Katz have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment; and

WHEREAS, the Recreation and Parks Department, and the Department of Public Utilities, Division of Water, have determined that the granting of a quitclaim deed of determinable encroachment easement for a period of no more than 10 years, will not adversely affect the City and should be allowed; and

WHEREAS, upon the expiration of the 10 year period, the easement will automatically terminate and revert back to the City and the owner must remove the structure and return the real property back to its original condition; and

WHEREAS, the Real Estate Division, Department of Law has established \$1,000 as the value of the easement; and

WHEREAS, the following ordinance authorizes the Director of the Department of Public Utilities and the Director of the Recreation and Parks Department to execute those documents necessary to grant the aforementioned easement; now, therefore:

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

SECTION 1. That the Director of the Recreation and Parks Department, and the Director of the Department of Public Utilities be and hereby are authorized to execute those documents, prepared by the City Attorney's Office, Department of Law, Real Estate Division, necessary to grant a Quitclaim Deed of Determinable Encroachment Easement to Marvin A. Katz, Trustee of The Marvin A. Katz Trust Dated May 2, 1969 as amended in order to alleviate an existing encroachment onto City property at Hoover Reservoir as follows:

DESCRIPTION OF AN ENCROACHMENT EASEMENT
(East side of Hoover Reservoir, north of Walnut Street)

Situate in the State of Ohio, County of Franklin, Township of Blendon, lying in Section 1, Township 2, Range 17, United States Military District, lying on, over and across a 20.31 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 1739, Page 455, and being 10 foot perpendicular and parallel to an existing building. (All records herein of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows;

Begin for reference at a City of Columbus Monument Found at an angle point on the southerly line of said 20.31 acre tract, being a line common to the northerly line of a 6.196 acre tract conveyed to Marvin A. Katz, Trustee by deed of record in Official Record 33550, J17, being referenced by a City of

This specialized and proprietary equipment is unique and offered only by the aforementioned vendors. All equipment and training that is funded through US Homeland Security grants must be approved by the United States Homeland Security Office of Domestic Preparedness to be eligible for funding. There is no other approved equipment that meets Fire's training requirement at this time. This equipment is specific for Bomb Squads, and is limited due to the sensitive nature and the small number of bomb squads in the United States.

This Company is not debarred according to the Excluded Parties listing of the Federal Government and is not listed in the Auditor of State database for Findings for Recovery.

Contract Compliance: A-T Solutions, Inc. 450472549 exp. 6/16/2010.

Emergency Designation: This legislation is to be declared an emergency measure so that legislative approval can occur prior to expiration of the grant period (December 2009).

FISCAL IMPACT: This ordinance authorizes the Director of Finance and Management to enter into an agreement to procure equipment in the amount of \$17,481.00 for the Division of Fire Bomb Squad using Homeland Security grant funds currently held by Franklin County. Therefore, there is no fiscal impact to the General Fund.

TitleTo authorize and direct the Director of Finance and Management to execute those documents necessary to enter into contracts for the acquisition of equipment for the Division of Fire Bomb Squad, in accordance with sole source procurement, with A-T Solutions, Inc. utilizing Homeland Security Grant funds; and to declare an emergency. (\$0.00)

Body**WHEREAS,** the Division of Fire needs to acquire Weapons of Mass Destruction (WMD) and Improvised Explosive Devices (IED) equipment for the Bomb Squad; and

WHEREAS, the Division of Fire has been awarded a grant from the Department of Homeland Security to purchase said equipment; and

WHEREAS, this acquisition is being made in accordance with Sole Source Provisions; and

WHEREAS, an emergency exists in the usual daily operations of the Division of Fire, Department of Public Safety, in that it is immediately necessary to authorize and direct the Director of Finance and Management to execute those documents necessary for the acquisition of said equipment prior to the expiration of the grant period, 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 Finance and Management be and is hereby authorized and directed to execute those documents necessary to enter into a contract with A-T Solutions, Inc. for the acquisition of Weapons of Mass Destruction (WMD) and Improvised Explosive Devices (IED) equipment for the Columbus Fire Bomb Squad.

SECTION 2. There is no city related expenditure associated with this ordinance; grant funds from the Department of Homeland Security are being administered via Franklin County.

SECTION 3. That this Council finds it is in the best interest of the City of Columbus that this acquisition be in accordance with the provisions of Sole Source Provisions of Section 329.07(e), of the Columbus City Codes.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect 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: 1227-2009

Drafting Date: 09/11/2009

Current Status: Passed

Explanation

BACKGROUND: The Division of Fire uses Ferno-Washing EMS cots to transport EMS patients, which from time to time, need servicing and/or repair. EMSAR Columbus/Medical Repair, Inc. is the only authorized service provider in the State of Ohio for Ferno-Washington EMS cots.

This legislation will authorize the Director of Finance and Management to issue a purchase order to EMSAR Columbus/Medical Repair for the repair of Ferno-Washington EMS cots for the Division of Fire in accordance with Section 329.07(c) of the Columbus City Code, and will authorize the expenditure of \$25,000.00 from the General Fund.

Bid Information: EMSAR Columbus/Medical Repair, Inc. is the sole source provider of said services in accordance with Section 329.07(c) of the Columbus City Codes.

Contract Compliance: 311384066 exp 3/6/11

Emergency Designation: Emergency legislation is requested so that this contract may be certified as soon as the legislative and contract certification process allows.

FISCAL IMPACT: Funding for this service contract exists in the Fire Division's 2009 General Fund operating budget. The Fire Division has expended approximately \$20,000 year to date for these services.

TitleTo authorize and direct the Director of Finance and Management to issue a purchase order with EMSAR Columbus/Medical Repair, Inc., for the repair of cots for the Division of Fire in accordance with sole source procurement, to authorize the expenditure of \$25,000.00 from the General Fund; and to declare an emergency. (\$25,000.00)

Body

WHEREAS, the Division of Fire has a need to repair Ferno-Washington EMS cots; and

WHEREAS, EMSAR Columbus/Medical Repair, Inc. is the only authorized service provider in the State of Ohio for said cots; and

WHEREAS, an emergency exists in the daily operation of the Division of Fire, Department of Public Safety, in that it is immediately necessary to authorize and direct the Director of Finance and Management to issue a purchase order to EMSAR Columbus/Medical Repair, Inc., for repair of Ferno-Washington EMS cots for the Division of Fire, 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 Finance and Management be and he is hereby authorized and directed to issue a purchase order with EMSAR Columbus/Medical Repair for repair of cots for the Division of Fire.

SECTION 2. That this Council hereby authorizes this purchase order with EMSAR Columbus/Medical Repair, Inc. in accordance with the sole source provisions of Section 329.07(c) of the Columbus City Codes.

SECTION 3. That the Finance and Management Director be and is hereby authorized and directed to issue a purchase order in the amount of \$25,000.00, or so much thereof as may be necessary, to EMSAR Columbus/Medical Repair, Inc. for the repair of Ferno-Washington EMS cots, for the Fire Division 30-04, General Fund 10, OCA Code 301531, Object Level Three Code 3372.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect 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: 09/11/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: Ordinance 0816-2009, passed June 15, 2009, approved the grant applications of the Columbus Urban League programs (Victim's Assistance Program and the African-American Male Initiative) seeking financial assistance to address emergency human service needs. Those grants represented an initial allocation of Emergency Human Services Funds for partial 2009 funding. Ordinance 0619-2009, passed on September 14, 2009, provided a supplemental allocation of General Fund dollars to the Victim's Assistance Program but not the African-American Male Initiative.

This ordinance provides a supplemental General Fund allocation of \$53,550 for the Columbus Urban League's African-American Male Initiative. This program was not included in the previous 0619-2009 ordinance.

This ordinance represents a program funded following the Department of Development's application process. The legislation targets those social service agencies that will provide help to families and households through access to self-sufficiency, counseling, transportation, youth programs, childcare, senior services and treatment services.

Emergency action is requested in order to expedite payment to the agency to pay for on-going program expenses.

FISCAL IMPACT: In 2009, a total of \$1,390,517.00 was allocated to fund social service programs through the General Fund.

Title

To authorize the Director of the Department of Development to enter into a grant agreement with the Columbus Urban League for the provision of the African-American Male Initiative program; to authorize the expenditure of \$53,550 from the General Fund; and to declare an emergency. (\$53,550.00)

Body

WHEREAS, Ordinance 0816-2009, passed June 15, 2009, approved the grant applications of the Columbus Urban League seeking financial assistance to address emergency human service needs; and

WHEREAS, those grants represented an initial allocation of Emergency Human Services Funds for partial 2009 funding; and

WHEREAS, Ordinance 0619-2009, passed on September 14, 2009, provided a supplemental allocation of General Fund dollars to the Victim's Assistance Program and not the African-American Male Initiative program; and

WHEREAS, this ordinance provides supplemental General Fund allocations of \$53,550 for the Columbus Urban League's African-American Male Initiative program; and

WHEREAS, this program did not receive additional General Fund allocations in the previous 0619-2009 ordinance; and

WHEREAS, this ordinance represents a program funded following the Department of Development's application process. The legislation targets those social service agencies that will provide help to families and households through access to self-sufficiency, counseling, transportation, youth programs, childcare, senior services and treatment services; 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 grant agreement with the Columbus Urban League and to expend said funds in order to expedite payment to the agencies to pay for on-going program expenses, 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 be and is hereby authorized to enter into a grant agreement for a one year period with the Columbus Urban League to provide the African-American Male Initiative Program.
- Section 2.** That for the purpose as stated in Section 1, the expenditure of \$53,550.00, or so much thereof as may be necessary, be and is hereby authorized to be expended from the General Fund, Department of Development, Department No. 44-01, Fund 010, Object Level One 03, Object Level Three 3337, OCA Code 499038.
- 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: 1231-2009

Drafting Date: 09/11/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: There is an immediate need to authorize the Director of Public Safety to enter into a contract with Medtronic Emergency Response Systems to purchase supplies for various models of LifePak defibrillators/monitors/pacemakers with battery support systems. The LifePak defibrillators are used by EMS personnel during cardiac situations.

Bid Information: Medtronic is the sole provider of these supplies.

Contract Compliance: 91-0697691 expiring 04/17/10.

Emergency Designation: Emergency legislation is requested so that the EMS supplies may be procured as soon as practical.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$50,000 from the Fire Division's 2009 General Fund Budget for EMS supplies. The Fire Division budgeted \$250,000 for products and services from this vendor in the 2009 budget. A total of \$200,000 has already been authorized this year to Medtronic Emergency Response Systems for supplies and product services, via passage of 0716-2009. The Fire Division spent \$225,000 for EMS supplies and services in 2008 and \$200,000 in 2007 with this vendor.

TitleTo authorize and direct the Director of Public Safety to enter into a contract with Medtronic Emergency Response Systems to procure supplies for various models of Emergency Medical Service (EMS) equipment in accordance with sole source procurement provisions of the Columbus City Codes; to authorize the expenditure of \$50,000.00 from the General Fund; and to declare an emergency.(\$50,000.00)

Body**WHEREAS,** the Division of Fire carries Medtronic LifePak defibrillators/monitors/pacemakers on its first responder vehicles in order to assess and deal with cardiovascular emergencies; and

WHEREAS, this highly specialized and technical equipment requires operating supplies as specified by and provided only by the manufacturer, Medtronic Emergency Response Systems; and

WHEREAS, for the aforementioned reasons, it is now necessary to enter into a contract with the manufacturer, Medtronic Emergency Response Systems, for supplies for various models of LifePak defibrillators/monitors/pacemakers with battery support systems in accordance with sole source provisions of Columbus City Code; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Fire, Department of Public Safety, in that it is immediately necessary to enter into a contract for EMS supplies for LifePak equipment used on Emergency Medical vehicles in accordance with the provisions of Section 329.07(c) the Columbus City Codes, 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 be and is hereby authorized and directed to enter into a contract with Medtronic Emergency Response Systems for EMS supplies for various models of LifePak defibrillators/monitors/pacemakers with battery support systems.

SECTION 2. That this Council finds it is in the best interest of the City of Columbus that this expenditure be in accordance with the sole source provisions of Section 329.07(c), of the Columbus City Codes to permit the authorization to enter a contract with Medtronic Emergency Response Systems for LifePak for EMS supplies for the Division of Fire.

SECTION 3. That the expenditure of \$50,000.00, or so much thereof as may be necessary, is hereby authorized from the funds available within the Division of Fire #30-04, General Fund 010, OCA Code 301531, OL3 Code 2207, \$50,000.00.

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 or vetoes the same.

Legislation Number: 1233-2009

Drafting Date: 09/14/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

Maronda Homes Inc., by John Oberlin, Vice President, has submitted the plat titled "Great Oak Subdivision Section 2" to the City Engineer's Office for review and approval. This plat has been reviewed and approved by the City Engineer. The following legislation allows the City to accept said plat for property located south of Hall Road and west of Galloway Road.

2. EMERGENCY DESIGNATION

Emergency action is requested to allow development of this subdivision to proceed as currently scheduled.

TitleTo accept the plat titled "Great Oak Subdivision Section 2", from Maronda Homes Inc., by John Oberlin, Vice President; and to declare an emergency.

Body**WHEREAS**, the plat titled "Great Oak Subdivision Section 2", (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, Maronda Homes Inc., by John Oberlin, Vice President, owner of the platted land, desires to dedicate to the public use all or such parts of the Drive and easements shown on said plat and not heretofore so dedicated; and

WHEREAS, after examination, it has been found to be in the best interest of the City to accept said plat; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to authorize the acceptance of this plat so development of this subdivision can proceed as currently scheduled thereby preserving the public health, peace, property, safety and welfare; now, therefore

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

Section 1. That the plat titled "Great Oak Subdivision Section 2", on file in the office of the City Engineer, Transportation Division, be and the same is hereby accepted.

Section 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1236-2009

Drafting Date: 09/15/2009

Version: 2

Current Status: Passed

Matter Type: Ordinance

Explanation

Rezoning Application # Z08-012

APPLICANT: The Kroger Co.; c/o Christopher A. Rinehart, Atty.; Rinehart & Rishel, Ltd.; 300 East Broad Street, Suite 190; Columbus, OH 43215.

PROPOSED USE: Fuel sales and convenience retail.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-0) on August 13, 2009.

SOUTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.37± acre site is an undeveloped shopping center out-parcel that is zoned C-4, Commercial District. The requested CPD, Commercial Planned Development District will allow the construction of a new fuel sales facility with convenience retail. The CPD text and plan commit to canopy location, site access, and compliance with C-5 development standards. This proposal is consistent with a citywide zoning and development pattern that has added fuel sales to shopping centers anchored by grocery stores.

Title

To rezone **1325 HARRISBURG PIKE (43223)**, being 0.37± acres located on the west side of Harrisburg Pike, 350± feet south of Eakin Road, **From:** C-4, Commercial District, **To:** CPD, Commercial Planned Development District **and to declare an emergency** (Rezoning # Z08-012).

Body

WHEREAS, application #Z08-012 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.37± acres from the C-4, Commercial District to the CPD, Commercial Planned Development District; and

WHEREAS, the Southwest Area Commission recommends approval of said zoning change; 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; and**

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District will allow the construction of a new fuel sales facility with convenience retail. The CPD

text and plan commit to canopy location, site access, and compliance with C-5 development standards. This proposal is consistent with a citywide zoning and development pattern that has added fuel sales to shopping centers anchored by grocery stores; 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:

1325 HARRISBURG PIKE (43223), being 0.37± acres located on the west side of Harrisburg Pike, 350± feet south of Eakin Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 717 and being 0.300 acre out of an original 0.385 acre tract of land conveyed as Parcel "F" to Southwest Square II LLC, by deed of record in Instrument 200312090389659 and 0.073 acre out of a 22.460 acre tract of land conveyed as Parcel "A" to Southwest Square II LLC, by deed of record in Instrument 200312090389659, all records referenced to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at a point at the centerline intersection of Harrisburg Pike - U.S. Route 62, Eakin Road and Hopkins Avenue and at the southeasterly corner of a 0.3148 acre tract of land conveyed as Parcel 36-WDV, for Harrisburg Pike right-of-way purposes, to the Ohio Department of Transportation by deed of record in Instrument 200705040078352; thence S 44° 44' 15" W along the centerline of Harrisburg Pike - U.S. Route 62, along the southeasterly line of said Parcel 36-WDV and along a portion of the southeasterly line of a 1.0070 acre tract of land conveyed, as Parcel 35-WDV, for Harrisburg Pike right-of-way purposes, to the Ohio Department of Transportation by deed of record in Instrument 200708130142310 a distance of 474.86 feet to a point at the northeasterly corner of said original 0.385 acre tract and at the southeasterly corner of an original 1.250 acre tract of land conveyed as Parcel "G" to Southwest Square II LLC, by deed of record in Instrument 200312090389659; thence N 45° 15' 32" W crossing said Parcel 35-WDV, along a portion of the northeasterly line of said original 0.385 acre tract and along a portion of the southwesterly line of said original 1.250 acre tract a distance of 35.73 feet to a 3/4" I.D. iron pipe set in the northwesterly line of said Parcel 35-WDV, in the northwesterly right-of-way line of said Harrisburg Pike - U.S. Route 62 and at the true place of beginning of the tract herein intended to be described; thence S 45° 02' 54" W crossing a portion of said original 0.385 acre tract, along a northwesterly line of said Parcel 35-WDV and along the northwesterly right-of-way line of said Harrisburg Pike - U.S. Route 62 a distance of 79.25 feet to an iron pipe with cap found at a corner of said Parcel 35-WDV; thence S 62° 09' 02" W crossing a portion of said original 0.385 acre tract, along a northwesterly line of said Parcel 35-WDV and along the northwesterly right-of-way line of said Harrisburg Pike - U.S. Route 62 a distance of 21.19 feet to an iron pipe with cap found in the southwesterly line of said original 0.385 acre tract and in the northeasterly line of an original 0.404 acre tract of land conveyed as Parcel "E" to Southwest Square II LLC, by deed of record in Instrument 200312090389659; thence N 41° 32' 46" W along a portion of the southwesterly line of said original 0.385 acre tract, along a portion of the northeasterly line of said original 0.404 acre tract, and said lines extended northwesterly, and crossing a portion of said 22.460 acre tract a distance of 164.80 feet to a MAG nail set; thence northeasterly crossing a portion of said 22.460 acre tract and with a curve to the left, data of which is: radius = 537.11 feet, and delta = 09° 30' 28", arc length = 89.13 feet, a chord distance of 89.03 feet bearing N 40° 33' 55" E to a MAG nail set; thence S 45° 15' 32" E crossing a portion of said 22.460 acre tract, along a portion of the northeasterly line of said original 0.385 acre tract and along a portion of the southwesterly line of said original 1.250 acre tract, and said lines extended northwesterly, a distance of 177.70 feet to the true place of beginning; containing 16,241 square feet (= 0.373 acre) of land, more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc. Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, under his supervision in May, 2008. Basis of bearings is the centerline of Harrisburg Pike - U.S. Route 62, being S 44° 44' 15" W, as shown of record in Instrument 200705040078352, Recorder's Office, Franklin County, Ohio.

To Rezone From: C-4, Commercial District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**FUEL CENTER PLAN**," and text titled, "**CPD TEXT**," signed by Christopher A. Rinehart, Attorney for the Applicant, and dated September 11, 2009, and the text reading as follows:

CPD TEXT

CPD, COMMERCIAL PLANNED DISTRICT

0.37 ACRES +/-

EXISTING DISTRICT: C-4, Regional Scale Commercial District

PROPOSED DISTRICT: CPD, Commercial Planned District

PROPERTY ADDRESS: 1325 Harrisburg Pike / Parcel ID: 570-207332

PROPERTY OWNER: Southwest Square II LLC; 191 W. Nationwide Bld #200; Columbus, Ohio 43215

APPLICANT: The Kroger Co.; 4111 Executive Parkway; Westerville, Ohio 43081
c/o: Christopher A. Rinehart, Esq.; Rinehart & Rishel, Ltd.; 300 East Broad Street, Suite 190; Columbus, Ohio 43215

DATE OF TEXT: September 11, 2009

APPLICATION NUMBER: Z08-012

INTRODUCTION:

The subject property consists of one (1) parcel totaling 0.37+/- acres located at 1325 Harrisburg Pike and is an out parcel in the Southwest Square Shopping Center ("Site"). The Site is currently vacant land and is zoned C-4, Regional Scale Commercial District. Applicant proposes to rezone the Site to CPD, Commercial Planned District, for the purpose of constructing a fuel station.

1. PERMITTED USES:

A. Chapter 3356 (C-4), Regional Scale Commercial District

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

B. Chapter 3357 (C-5), Highway Oriented Commercial Development

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall include an automobile service station as permitted by Chapter 3357 of the Columbus City Code.

1. DEVELOPMENT STANDARDS: The applicable development standards shall be as specified in Chapter 3356 and, to the extent such standards relate to filling stations, those specified in Chapter 3357.

A. Density, Lot, and/or Setback Commitments

1. Building Setbacks: The minimum building setback from Harrisburg Pike shall be as shown on the attached site plan.
2. Parking Setbacks: The minimum parking, loading and maneuvering setback shall be as shown on the attached site plan.

B. Access, Loading, Parking, and/or Other Traffic Related Commitments

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.
2. Curb cuts shall be approved by the City of Columbus Transportation Division. Access to and from the Site is proposed to be provided from the Southwest Square Shopping Center, as indicated on the attached site plan.
3. The Applicant proposes to use existing parking within the Southwest Square Shopping Center.

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

1. All landscaping, if applicable, shall be maintained in a healthy condition and dead material shall be replaced with new landscaping within six (6) months or the next planting season, whichever comes first.

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

1. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.

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

1. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.

F. Graphic and Signage Requirements

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to those uses designated as C-4, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments N/A

H. CPD Criteria

1. Natural Environment

The Site is located in the Southwest Square Shopping Center as an out parcel.

2. Existing Land Use

Commercial uses are located to the north, south, east, and west of the Site.

The property is currently zoned C-4, Regional Scale Commercial District. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as a limited C-5 use for an automobile service station and ancillary parking.

3. Transportation and Circulation

There will be direct vehicular access to the Site from the Southwest Square Shopping Center.

4. Visual Form of the Environment

As described in this text, the Site will be developed to complement the existing area.

5. View and Visibility

The Site is clearly visible from Harrisburg Pike and the Southwest Square Shopping Center.

Consideration has been given to visibility and safety issues. This text and the attached site plan are a direct result of the same. Well-defined access will be provided to the Site.

6. Proposed Development

The proposed development is compatible and complementary to existing surrounding commercial uses. Significant commercial development has already occurred adjacent to the Site and the proposed development is complementary to such development.

7. Behavior Patterns

As indicated and set forth on the site plan, access to the Site will be facilitated from the existing shopping center. The proposed development is not expected to significantly alter existing traffic behavior patterns.

8. Emissions

No adverse emissions are expected from this development.

9. Variance(s) to Section(s):

A. 3342.28, Minimum Number of Parking Spaces Required

Due to space limitations on the Site, the Applicant seeks a variance to the above-referenced Code Section and requests that it be permitted to use existing parking provided in the Southwest Square Shopping Center to satisfy the parking requirements for the Site.

B. 3357.13(a)(1), Service Station Site Standards

The minimum lot width required pursuant to the above-referenced section is one hundred fifty (150) feet. The Site has a lot width of approximately 100.44 feet. Applicant seeks a variance for the same.

C. 3357.04, Service Station Site Standards

The applicant seeks a variance to the above-referenced section to permit the canopy of the fuel station to be developed as shown on the attached Site Plan.

The subject site shall be developed in accordance with the submitted site plan. 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 Development or his 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: 1237-2009

Drafting Date: 09/15/2009

Version: 2

Current Status: Passed

Matter Type: Ordinance

Explanation

Rezoning Application # Z09-010

APPLICANT: The Kroger Co.; c/o Christopher A. Rinehart, Atty.; Rinehart & Rishel, Ltd.; 300 East Broad Street, Suite 190; Columbus, OH 43215.

PROPOSED USE: Grocery store with fuel sales and convenience retail; future residential development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (3-0) on August 13, 2009.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested CPD, Commercial Planned Development District will allow the construction of a new fuel sales facility with convenience retail at an existing grocery store. The CPD development standards address use restrictions, landscaping, canopy location and design, site access, and abandonment provisions. This proposal is comparable to other rezoning requests that have added fuel sales to existing grocery store developments. The requested R-2F, Residential District will allow future residential development in an under-utilized auxiliary parking lot that is surrounded by residential development. The requested CPD, Commercial Planned Development and R-2F, Residential Districts are consistent with the land use recommendations of *The South Side Plan* (2002), and with the zoning and development patterns of the area.

Title

To rezone **1441 PARSONS AVENUE (43207)**, being 4.7± acres located at the southwest corner of Parsons Avenue and East Moler Street, **From:** CPD, Commercial Planned Development, and R-4, Residential Districts, **To:** CPD, Commercial Planned Development, and R-2F, Residential Districts **and to declare an emergency**(Rezoning # Z09-010).

Body

WHEREAS, application #Z09-010 is on file with the Building Services Division of the Department of Development requesting rezoning of 4.7± acres from the CPD, Commercial Planned Development, and R-4, Residential Districts to the CPD, Commercial Planned Development and R-2F, Residential Districts; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes this development has included bike racks for customers or employees that ride their bike by choice or because of limited alternatives; 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; and

WHEREAS, the Columbus South Side Area Commission recommends approval of said zoning change; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested CPD, Commercial Planned Development District for a fuel sales facility, and R-2F, Residential District for future residential development are consistent with the land use recommendations of *The South Side Plan* (2002), and with the zoning and development patterns of the area. This proposal is consistent with a citywide zoning and development pattern that has added fuel sales to shopping centers anchored by grocery stores; 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:

1441 PARSONS AVENUE (43207), being 4.7± acres located at the southwest corner of Parsons Avenue and East Moler Street, and being more particularly described as follows:

TRACT I - 4.044 +/- ACRES (SUBAREAS I AND II)

Situated in the State of Ohio, County of Franklin, City of Columbus, being Lots 29 to 35, inclusive, of William Merion's Executors Second Subdivision, as said Lots are shown and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 400, Franklin County Recorder's Office, also being Lots 43 to 55, inclusive, and Lots 73 to 85 inclusive, of the Estate of William Merion, Deceased, as said Lots are shown and delineated upon the recorded plat thereof, of record in Plat Book 17, Page 256, also being two twenty (20) foot wide alleys vacated by City of Columbus Ordinance No. 2810-96 dated November 25, 1996, and all of South Washington Avenue, vacated by City of Columbus Ordinance No. 2810-96 dated November 25, 1996, and being all of two twenty (20) foot alleys vacated by City of Columbus Ordinance No. 267-43 dated July 26, 1943 and being more particularly described as follows:

Beginning at an iron pipe set at the northwesterly corner of said Lot 55, being on the northerly line of Molar Street (50 feet wide);

Thence, along the northerly line of said Lots 55-52, the northerly line of said vacated South Washington Street, and along the northerly line of said Lots 51-43, also being along the southerly lines of said Moler Street, North 86 degrees 28 minutes 30 seconds East, 484.05 feet to an iron pipe found at the northeasterly corner of said Lot 43, also being a northwesterly corner of said vacated twenty foot alley;

Thence, along the northerly line of said vacated twenty foot alley, along the northerly line of said Lot 29, along the southerly line of said Moler Street, North 86 degrees 31 minutes 45 seconds East, 170.06 feet to an iron pipe set at the northeasterly corner of said Lot 29, also being on the westerly line of Parsons Avenue (60 feet wide);

Thence, along the easterly line of said Lots 29 to 35, along the westerly line of said Parsons Avenue, South 03 degrees 30 minutes 35 seconds East, 269.96 feet to an iron pipe set at the southeasterly corner of said Lot 35, also being on the northerly line of Sheldon Avenue (50 feet wide);

Thence, along the southerly line of said Lot 35 and the southerly line of said vacated twenty foot alley, South 86 degrees 29 minutes 05 seconds West, 169.91 feet to a drill hole set at the southeasterly corner of said Lot 73;

Thence, along the southerly line of said Lots 73 to 81, along the northerly line of said Sheldon Avenue, South 86 degrees 29 minutes 30 seconds West, 300.17 feet to an iron pipe found at the southwesterly corner of said Lot 81, the southeasterly corner of said vacated South Washington Avenue;

Thence, along the southerly line of said vacated South Washington Avenue, and along the southerly line of said Lots 82 to 85, also along the northerly line of said Sheldon Avenue, South 86 degrees 28 minutes 30 seconds West, 184.00 feet to an iron pipe set at the southwesterly corner of said Lot 85;

Thence, along the westerly line of said Lot 85, along the westerly line of said vacated twenty foot alley, and along the westerly line of said Lot 55, North 03 degrees 30 minutes 00 seconds West, 270.00 feet to the place of beginning

CONTAINING 4.055 ACRES, subject, however to all legal highways, easements, leases and restrictions of record and of records in the respective utility offices. Iron pipes set are 30" x 1" O.D. with orange plastic caps inscripted "P.S. #6579". Basis of bearings is scaled off maps in the City of Columbus Map Department. The foregoing description was prepared from an actual field survey by Myers Surveying Company, Inc., in March 1989 and December 1995.

To Rezone From: CPD, Commercial Planned Development, and R-4, Residential Districts,

To: CPD, Commercial Planned Development District.

TRACT II - 0.644 +/- ACRE (SUBAREA III)

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 29, Township 5, Range 22, Refugee Lands, being all of Parcel No. 1, Parcel No. 2, Parcel No. 3, and Parcel No. 4 conveyed to Omar Bakeries, Inc., by deed of record in Deed Book 2522, Page 413, Recorder's Office, Franklin County, Ohio, all references to recorded documents being on file in said Recorder's Office, unless otherwise noted, and being more particularly described as follows:

Beginning at a found iron pipe in the northerly line of East Moler Street (50 feet wide) at the southeast corner of said Parcel No. 2, said pipe being the southwest corner of the tract conveyed to Delores L. Decker (Deed book 3521, Page 360) and being South 86 degrees 28 minutes 30 seconds West, 141.34 feet from the intersection of said northerly line of East Moler Street with the northerly extension of the easterly line of South Washington Avenue (50 feet wide);

Thence, along the southerly line of said Parcel No. 2 (northerly line of said East Moler Street), South 86 degrees 28 minutes 30 seconds West, 75.49 feet to a found iron pipe at the southwest corner of said Parcel No. 2, and the southeast corner of the tract conveyed to Brett M. Llyod, Trustee, (Official Record Volume 2374 E-14);

Thence, along part of the westerly line of said Parcel No. 2 (easterly line of said Lloyd tract, North 03 degrees 41 minutes 00 seconds West, 112.00 feet to a found iron pipe at the northeast corner of said Lloyd tract and the southwest corner of said Parcel No. 4;

Thence, along the southerly line of said Parcel No. 4, northerly lines of said Lloyd tract and the tract conveyed to Craig W. Dresbach (Deed Book 3710, Page 475), South 86 degrees 28 minutes 30 seconds West, 75.66 feet to a found iron pipe at the southwest corner of said Parcel No. 4, northwest corner of said Dresbach tract and in the easterly line of the tract conveyed to Earl E. and Verna E. Rhoads (Deed Book 1823, Page 45);

Thence, along part of the westerly line of said Parcel No. 4 (part of the easterly line of said Rhoads tract), North 03 degrees 36 minutes 30 seconds West, 20.63 feet to a found railroad spike at the southeast corner of said Parcel No. 3 and the northeast corner of said Rhoads tract;

Thence, along the southerly line of said Parcel No. 3, (northerly line of said Rhoads tract, South 86 degrees 28 minutes 30 seconds West, 37.82 feet to a found iron pipe at the southwest corner of said Parcel No. 3, northwest corner of said Rhoads tract, northeast corner of the tract conveyed to Byron L. and Edythe J. West (Deed Book 3544, Page 654) and the southeast corner of the tract conveyed to Helen J. Kirk (Deed Book 3072, Page 202);

Thence, along the westerly line of said Parcel No. 3, (easterly line of said Kirk tract)), North 03 degrees, 34 minutes 30 seconds West, 106.20 feet to a found iron pipe at the northwest corner of said Parcel No. 3 (northeast corner of said Kirk tract) in the southerly line of Frebis Avenue (50 feet wide);

Thence, along the northerly lines of said Parcel No. 3, Parcel No. 4, and Parcel No. 1 (southerly line of said Frebis Avenue), North 86 degrees 25 minutes 00 seconds East, 159.48 feet to a found iron pipe at the northeast corner of said Parcel No. 1 and the northwest corner of the tract conveyed to Elmer K. and Ina L. Barry (Deed Book 1809, Page 447);

Thence, along the easterly line of said Parcel No. 1 (westerly line of said Barry tract), South 03 degrees 41 minutes 00 seconds East, 123.25 feet to a found iron pipe at the southeast corner of said Parcel No. 1, (southwest corner of said Barry

tract) and in the northerly line of said Parcel No. 2;

Thence along part of the northerly line of said Parcel No. 2, (southerly line of said Barry tract, North 83 degrees 41 minutes 00 seconds East, 29.34 feet to a found iron pipe at the northeast corner of said Parcel No. 2, (southeast corner of said Barry tract), and in the westerly line of said Decker tract;

Thence, along the easterly line of said Parcel No. 2, (part of the westerly line of said Decker tract), South 03 degrees 39 minutes 30 seconds East, 117.16 feet to the point of beginning, CONTAINING 0.644 ACRES (28,061 square feet), subject however to all legal highways, easements, leases and restrictions of record and of records in the respective utility offices. Iron pin set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. 6579". Basis of bearings is scaled off maps on file in the offices of The city of Columbus Map Department.

To Rezone From: CPD, Commercial Planned Development District,

To: R-2F, Residential District.

SECTION 2. That a Height District of Thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plans being titled, "**PROPOSED FUEL CENTER SHEETS 1 & 2,**" and "**EXTERIOR ELEVATIONS,**" and text titled, "**CPD TEXT,**" all signed by Christopher A. Rinehart, Attorney for the Applicant, dated September 11, 2009, and the text reading as follows:

CPD TEXT

CPD, COMMERCIAL PLANNED DEVELOPMENT DISTRICT

4.7 ACRES +/-

EXISTING DISTRICT: CPD, Commercial Planned Development and R-4, Residential Districts

PROPOSED DISTRICT: Sub-Area I: CPD, Commercial Planned District
Sub-Area II: CPD, Commercial Planned District

PROPERTY ADDRESS: 1441 Parsons Avenue / Parcel ID: 010-047919

PROPERTY OWNER: The Kroger Co.; 4111 Executive Parkway; Westerville, Ohio 43081

APPLICANT: The Kroger Co.; 4111 Executive Parkway; Westerville, Ohio 43081; c/o: Christopher A. Rinehart, Esq.; Rinehart & Rishel, Ltd.; 300 East Broad Street, Suite 190; Columbus, Ohio 43215

DATE OF TEXT: September 25, 2009

APPLICATION NUMBER: Z09-010

The subject property consists of six (6) parcels totaling 4.7 +/- acres located at 1441 Parsons Avenue and consists of a primary grocery store with an auxiliary parking lot originally developed in 1996 and zoned as CPD, Commercial Planned District, by Columbus City Ordinance No. 2448-96 ("Site"). Applicant proposes to rezone the Site according to two subareas identified herein. Subarea I would be rezoned to CPD, Commercial Planned District, to accommodate a fuel

center. Subarea II would be rezoned to CPD, Commercial Planned District, and maintain the current zoning for the remainder of the store site. In consultation with the local community and Columbus city staff, the auxillary parking lot shown on the site plan currently located on the site will be rezoned to R-2F but is not included as part of this text.

I. PERMITTED USES:

A. Subarea I

1. Chapter 3356 (C-4), Regional Scale Commercial District

a. Unless otherwise indicated herein, the permitted uses in, on or upon Subarea I, as designated on the attached site plan, shall be those allowed in Chapter 3356 of the Columbus City Code. The following uses shall not be permitted:

- Billboards
- Bowling alley
- Skating rink
- Stables
- Cabaret
- Night Club
- Private Club

2. Chapter 3357 (C-5), Highway Oriented Commercial Development

a. Unless otherwise indicated herein, the permitted uses in, on or upon Subarea I, as designated on the attached site plan, shall also include a filling station as authorized by Chapter 3357 of the Columbus City Code.

A. Subarea II

1. Chapter 3356 (C-4), Regional Scale Commercial District

a. Unless otherwise indicated herein, the permitted uses in, on or upon Subarea II, as designated on the attached site plan, shall be those allowed in Chapter 3356 of the Columbus City Code. The following uses shall not be permitted:

- Billboards
- Bowling alley
- Skating rink
- Stables
- Cabaret
- Night Club
- Private Club

II. DEVELOPMENT STANDARDS:

A. Development Standards Generally Applicable to Subareas

1. For Subareas I and II, the applicable development standards shall be as specified in Chapters 3356 of the Columbus City Code (as specifically related to automobile service stations), except as specifically set forth herein.

B. Density, Lot and/or Setback Commitments

1. Building Setbacks: The minimum building setbacks for Subareas I and II shall be as shown on the attached site plan.

2. Parking Setbacks: The minimum parking, loading and maneuvering setback for Subareas I and II

shall be as shown on the attached site plan.

C. Access, Loading, Parking, and/or Other Traffic Related Commitments

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Transportation Division.
2. Curb cuts shall be approved by the City of Columbus Transportation Division. Access to and from the Site is proposed to be provided through three primary curbcuts on East Moler Street and three primary curbcuts on Sheldon Avenue, as shown on the submitted site plan.
3. The Applicant proposes to use existing parking within the existing grocery store development and, in consultation with the local community, to revert the auxillary parking lot back to residential use.

D. Buffering, Landscaping, Open Space and Screening Commitments

1. Loading areas along the west side of the primary grocery store building in Subarea II shall be screened with a six (6) foot high wood fence and a row of five (5) foot high evergreens fifteen feet on center and with ornamental trees at the Moler Road and Sheldon Avenue intersection.
2. Unless otherwise stated herein, the perimeter of the parking lots shall be landscaped as shown on the submitted site plan.
3. With respect to the islands shown in the parking lot of the submitted site plan, no less than one (1) shade tree of two and one-half inches or more in caliper shall be provided in each island or peninsula.
4. Applicant shall maintain one (1) shade tree of two and one-half inches or more in caliper in the interior parking lot area for every ten (10) parking spaces provided.
5. The maximum height of the clock tower contained in the primary store shall be forty feet.
6. The landscaping shall be maintained in a healthy fashion and dead/diseased material shall be removed and replaced with new landscaping which meets the original size requirements within six (6) months or the next planting season, whichever comes first.
7. The existing fence shown on the submitted site plan shall be maintained in a workmanship manner and any graffiti shall be removed.
8. Minimum tree size at installation: ornamental tree 1 inch caliper, shade tree 2 ½ inch caliper; and evergreens 5 feet in height.
9. Unless otherwise stated herein, all other landscaping shall be developed in accordance with the submitted site plan.

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

1. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors, and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.
2. The subject site shall be developed in accordance with the submitted site plan.
3. All buildings in Subarea I shall be constructed in accordance with the submitted building elevation drawing. Said drawing shows the building elevation for the filling station. The commitment of this drawing is only to the building elevation and does not include the signage and graphics. The balance of the site is committed to on the submitted site plan.

4. The buildings in Subarea I shall be finished as shown with brick, brick veneer, glass, metal, or related materials as shown on the submitted building elevation.

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

1. Unless otherwise stated, all external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage.
2. Along the perimeter of the parking lot designated in Subareas I and II, decorative lighting fixtures which are not cut-off style fixtures may be used. Any new light posts added to Subareas I or II shall be no more than eighteen (18) feet in height if located within one hundred feet of residentially zoned property or no more than twenty-eight (28) feet in height if located greater than one hundred feet from residentially zoned property.
3. Up-lighting may only be used to illuminate signage and the building in Subarea II except that only cut-off style lighting fixtures shall be used on the west wall of the building in Subarea II.
4. With respect to Subarea I, outdoor displays shall be limited to the area immediately surrounding the kiosk and between the fuel pumps shown on the submitted site plan.
5. With respect to Subarea II, outdoor displays shall be limited to the sidewalk in front of the building and shopping cart return areas in the parking lot.
6. All waste and refuse shall be containerized and screened from public view by a fence which shall be a minimum of five feet (5') high.
7. The subject property shall be kept free of trash and debris.

G. Graphic and Signage Requirements

1. Any proposed signs shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to those uses designated as C-4 or C-5, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

H. Miscellaneous Commitments

1. Section 3357.18 of the Columbus City Code shall apply if fuel sales are abandoned in Subarea I according to the definition included in this section of the Columbus City Code. The owner/lessee shall follow the requirements found in Section 3357.18 (a through e) in order to secure the site and maintain the aesthetics of the property.

I. CPD Criteria

1. Natural Environment

- a. Subareas I and II are located on the west side of Parsons Avenue between East Moler Street and Sheldon Avenue. The area is urban in nature.
- b. Subareas I and II are flat and drained through existing storm lines. All utilities are in place.

2. Existing Land Use

- a. The Site is currently zoned CPD and is used as a commercial grocery store. Subareas I and II constitute the existing grocery store development.

3. Transportation and Circulation

a. The curb cuts, internal circulation patterns and parking shall be as generally shown on the submitted site plan.

4. Visual Form of the Environment

a. As described in this text, the Site will be developed to complement the existing area.

5. View and Visibility

a. Locations of buildings, signs, and entry points have been planned to maximize visibility and safety of motorists and pedestrians.

b. Architectural and landscaping elements will be incorporated into the design to create an attractive urban shopping environment.

6. Proposed Development

a. The proposed development is compatible and complementary to existing surrounding commercial uses.

7. Behavior Patterns

a. This development will be an enhancement of the existing development in Subareas I and II. It will provide an additional convenience to existing customers of the applicant as well as the local community. It is not expected to significantly alter existing traffic behavior patterns.

8. Emissions

a. No adverse emissions are expected from this development.

9. Variance(s) to Section(s):

a. 3342.28, Minimum Number of Parking Spaces Required

In order to accommodate the wishes of the community in reverting the auxiliary parking lot back to residential and/or parkland use, the Applicant seeks a variance to the above-referenced Code Section and permit a reduction of at least eighty-two (82) required spaces as provided in the auxiliary parking lot.

b. 3372.601 - 3372.615, Urban Commercial Overlay

In order to develop the Site in accordance with the site plan and the standards identified herein and to retain the existing aesthetic and architectural features of the Site that were developed in accordance with the original development of the Site, the Applicant seeks a variance to the above-referenced Code Sections to permit the Site to be developed in accordance with the submitted plans.

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 Development or his 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: 09/16/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This ordinance authorizes the Director of Public Safety to modify and increase contract FL004191 (authorized by Ordinance 1777-2008, on December 3, 2008) with Montgomery W. Mills Enterprises Inc., d/b/a Viper Protection Services, for the additional purchase and installation of Beam Detectors at the Police and Fire Communication Tower sites. On December 3, 2008, Ordinance #1777-2008 allowed the purchase of a video surveillance system for the Police and Fire Communication Towers installed during the first quarter of 2009. There is an immediate need for the addition of Beam Detectors, which are now required to eliminate the recurring triggering of false alarms at the communication tower sites.

This ordinance will also amend the 2009 Capital Improvement Budget and authorize the transfer of \$10,667.00 between projects within the Public Safety Voted Bond Fund.

Bid Information: Montgomery W. Mills Enterprises Inc., d/b/a Viper Protection Services, is the provider of the original equipment.

*FBE

Contract Compliance: Montgomery W. Mills Enterprises, Inc., d/b/a Viper Protection Services #311645196
Expires: 09/04/2010

FISCAL IMPACT: This ordinance authorizes an expenditure of \$10,667.00 from the Public Safety Voted Bond fund for the purchase and installation of Beam Detectors for video security systems at communication tower sites throughout Franklin County for the Support Services Division. The Public Safety Department is transferring funds within the Safety Voted Bond fund to modify this contract. The total cost of the contract with Montgomery W. Mills Enterprises Inc, including this modification is \$233,591.79.

Emergency Designation: Emergency designation is requested to ensure the continued reliability and security of the Police and Fire Radio Communications Tower Sites throughout Franklin County.

TitleTo amend the Department of Public Safety's 2009 Capital Improvement budget, to authorize the City Auditor to transfer funds between projects in the Safety Voted Bond Fund, to authorize and direct the Director of Public Safety, on behalf of the Division of Support Services, to modify a contract with Montgomery W. Mills Enterprises, Inc., d/b/a Viper Protection Services, for the purchase and installation of Beam Detectors for the Video Security Cameras for Police and Fire radio communications tower sites, to authorize the expenditure of \$10,667.00 from the Public Safety's Voted Bond Fund; and to declare an emergency. (\$10,667.00)

Body

WHEREAS, it is necessary to amend the 2009 Capital Improvement Budget and to transfer funds within the Safety Voted Bond Funds in order to modify a contract with Montgomery W. Mills Enterprises, Inc d/b/a Viper Protection Services; and

WHEREAS, the Division of Support Services, Department of Public Safety, must secure the Police and Fire Communications Radio Tower Sites, and

WHEREAS, it is necessary to modify and increase contract FL004191 for the purchase and installation of Beam Detectors for security cameras at these sites; and

WHEREAS, it is necessary to use Montgomery W. Mills Enterprises Inc., d/b/a Viper Protection Services as they are the original providers of the installed equipment; and

WHEREAS, an emergency exists in the daily operation of the Division of Support Services, Department of Public Safety,

in that it is necessary to authorize and direct the Director Public Safety to modify and increase the amount of the previous contract FL004191 with Montgomery W. Mills Enterprises Inc. d/b/a Viper Protection Services for the purchase and installation of Beam Detectors at the Police and Fire Communication Tower sites 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 2009 Capital Improvement Budget (ordinance No. 0809-2009) is hereby amended as follows:

PROJECT	PROJECT NO	CURRENT CIB	REVISED CIB
Police & Fire Comm. (Carryover)	320001-100000	\$ 0	\$10,667
Comp Aided Dispatch Sys. (Carryover)	320016-100000	\$38,777	\$28,110

SECTION 2. That the City Auditor is hereby authorized and directed to transfer funds within the Safety Capital Improvement Fund as follows:

FROM:

Dept/Div: 30-02|Fund: 701|Project Number 320016|Project Name - Police-Fire Comp Aided Dispatch Sys|OCA Code 701016|Amount \$10,667.00

TO:

Dept/Div: 30-02|Fund: 701|Project Number 320001|Project Name - Police & Fire Communications Sys|OCA Code 642629|Amount \$10,667.00

SECTION 3. That the Director of Public Safety, on behalf of the Division of Support Services, be and is hereby authorized to modify and increase the existing contract with Montgomery W. Mills Enterprises Inc., d/b/a Viper Protection Services, for the purchase and installation of Beam Detectors for the Video Security Cameras for Police and Fire Radio Communications Tower Sites throughout Franklin County.

SECTION 4. That for the purpose stated in Section 3 hereof, the expenditure of \$10,667.00, or so much thereof as may be needed, is hereby authorized from:

Div: 30-02 | **Fund:** 701 | **Project:** 320001 | **OCA** 642629 | **Obj. Level:** 3: 6644 | **Amount:** \$10,667.00

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

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

Drafting Date: 09/17/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of Finance and Management to enter into a contract with Utility Truck Equipment, Inc. for the purchase of a Cab and Chassis with Utility Service Body and 20 Foot Crane for the Division of Power and Water (Water). This equipment is used by Water Consumer Service crews to assist in removing and installing heavy water meters from vaults and as a general heavy material handler for loading/unloading trucks.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation SA003334). Thirty two (32) vendors (30 MAJ/2 MBR) were solicited and five (5) bids (5 MAJ) were received and opened on August 20, 2009. Byers Ford was the apparent low bid in the amount of \$78,152.00. They, however, did not meet the bid specifications. Curry Supply Co., Inc. was the second lowest bid in the amount of \$81,250.00. They, however, did not meet the bid specifications. The third lowest bid received from Utility Truck Equipment, Inc. in the amount of \$83,980.00, met specifications and an award is recommended as the lowest responsive, responsible, and best bidder. The bid tabulation is attached for your review. The equipment has been approved by the City of Columbus, Fleet Management Division.

It is requested that this ordinance be handled in an emergency manner in order to expedite the completion of the contract, as this purchase is subject to a Ford 2010 model order cut-off date of November 20, 2009.

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.

SUPPLIER: Utility Truck Equipment, Inc., Contract Compliance Number: 31-0989420, expires 12/06/2009. This supplier does not hold MBE/FBE status.

FISCAL IMPACT: \$83,980.00 is budgeted and needed for this purchase.

Expenditures for Equip-Trucks & Other Motorized (6652) in 2008 was \$1,397,098.08

Title

To authorize the Director of Finance and Management to enter into a contract with Utility Truck Equipment, Inc. for the purchase of a Cab and Chassis with Utility Service Body and 20 Foot Crane for the Division of Power and Water and to authorize the expenditure of \$83,980.00 from the Water Operating Fund; and to declare an emergency. (\$83,980.00)

Body

WHEREAS, a Cab and Chassis with Utility Service Body and 20 Foot Crane is required by the Division of Power and Water for various maintenance and rehabilitation projects; and

WHEREAS, the Purchasing Office opened formal bids on August 20, 2009 for the purchase of an Cab and Chassis with Utility Service Body and 20 Foot Crane for the Division of Power and Water (Water); and

WHEREAS, the Division of Power and Water recommends an award to be made to the lowest, responsive and responsible bidder, Utility Truck Equipment, Inc.; and

WHEREAS, a contract will be issued by the Purchasing Office in accordance with the terms, conditions and specifications of Solicitation Number: SA003334 on file in the Purchasing Office; now, therefore

BE IT ORADINED 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

Utility Truck Equipment, Inc. for the purchase of an Cab and Chassis with Utility Service Body and 20 Foot Crane for the Division of Power and Water, in accordance with specifications on file in the Purchasing Office.

SECTION 2. That the expenditure of \$83,980.00, or so much thereof as may be needed, be and the same hereby is authorized from the Water Operating Fund, Fund No. 600, OCA 602672, Object Level 1: 06, Object Level 3: 6652.

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 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: 1249-2009

Drafting Date: 09/17/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: This legislation authorizes the Finance and Management Director to issue a purchase order on behalf of the Division of Fire for telephone services from an existing Universal Term Contract established by the Purchasing Office with AT&T for such purpose in the amount of \$59,830.00.

Bid Information: A Universal Term Contract exists for these services.

Contract Compliance: 363258076 - exp. 8/10/11

Emergency Designation: Emergency action is requested as funds are needed immediately to ensure these services can continue without interruption.

FISCAL IMPACT: The Division of Fire budgeted approximately \$260,000.00 in the 2009 General Fund operating budget for services from AT & T. The Division spent and/or encumbered \$299,992 in 2008 for these services, and \$200,000.00 thus far in 2009. This ordinance authorizes an additional \$59,830.00 in services with AT & T. Title To authorize and direct the Finance and Management Director to issue a purchase order on behalf of the Division of Fire for telephone services from an existing Universal Term Contract with AT&T, to authorize the expenditure of \$59,830.00 from the General Fund; and to declare an emergency. (\$59,830.00)

Body **WHEREAS,** there is a need to purchase telephone services for the Division of Fire, and

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

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to issue a purchase order for telephone services in accordance with the existing Universal Term Contract established by the Purchasing Office with AT&T for such purpose.

SECTION 2. That the expenditure of \$59,830.00, or so much thereof as may be necessary, be and is hereby authorized from the General Fund, Fund 10, Division of Fire No. 30-04, Object Level One 03, Object Level Three 3320, OCA 301481.

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

hereby declared an emergency measure and shall take effect 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: 1250-2009

Drafting Date: 09/17/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: The Fire Division needs to purchase EMS medical supplies. This legislation authorizes the Finance and Management Director to issue purchase orders for EMS medical supplies from existing Universal Term Contracts established by the Purchasing Office for such purposes with Alliance Medical, Inc., and BoundTree Medical LLC, in the total amount of \$90,000.00. EMS medical supplies include, but are not limited to, bandages, IV's, pharmaceuticals, splints, etc.

Bid Information: Universal Term Contracts exist for these purchases.

Contract Compliance: Alliance Medical 431465457 expires 3/12/2010; BoundTree Medical LLC 311739487 expires 10/31/2009.

Emergency Designation: Emergency action is requested, as funds are needed to keep medical supplies stocked at adequate levels.

FISCAL IMPACT: The Fire Division budgeted \$1,000,000 in the 2009 General Fund budget for EMS medical supplies. Approximately \$801,259 has been spent and or encumbered to date. The division spent approximately \$1,123,101 in 2008 for EMS supplies.

TitleTo authorize and direct the Finance and Management Director to issue purchase orders for EMS medical supplies from existing Universal Term Contracts established for such purposes with Alliance Medical, Inc., and BoundTree Medical LLC, to authorize the expenditure of \$90,000.00 from the General Fund; and to declare an emergency. (\$90,000.00)

Body**WHEREAS,** the Fire Division needs to purchase EMS medical supplies; and

WHEREAS, Universal Term Contracts established by the Purchasing Office exist for these purchases; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to issue purchase orders for the purchase of medical supplies in accordance with the existing Universal Term Contracts established by the Purchasing Office with Alliance Medical, Inc., and BoundTree Medical LLC.

SECTION 2. That the expenditure of \$90,000.00, or so much thereof as may be necessary, be and is hereby authorized from the Fire Division's General Fund Budget, Fund 010, Division of Fire No. 30-04, Object Level One 02, Object Level Three 2207, OCA 301531 as follows:

Alliance Medical ~ \$30,000.00

BoundTree ~ \$60,000.00

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect 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: 1255-2009

Drafting Date: 09/18/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: Ordinance Number 1001-2009 passed by City Council on July 27, 2009, authorized the Finance and Management Director to procure a Gas Chromatograph/Mass Spectrometer in the amount of \$97,139.30 from the Law Enforcement Seizure fund for use by the Police Crime Lab. However, Section 3 of the ordinance mistakenly authorized an expenditure of \$91,139.30 instead of the correct amount of \$97,139.30. This ordinance corrects this mistake by amending Section 3. as follows: "That the expenditure of \$91,139.30...", must be changed to read, "That the expenditure of \$97,139.30...".

Bid Information: N/A

Contract Compliance: N/A

Emergency Designation: Emergency legislation is requested so that a purchase order may be issued based upon the original ordinance authorization.

Fiscal Impact: The effect of this amendment change noted in the BACKGROUND section will require the encumbering of an additional \$6,000.00 from the Law Enforcement Seizure fund for the purchase of the Gas Chromatograph/Mass Spectrometer. There are sufficient funds in the Law Enforcement Seizure fund to accommodate this additional encumbrance.

Title

To amend Ordinance No. 1001-2009 passed on July 27, 2009 to reflect the correct dollar amount in Section 3 of the Ordinance; and to declare an emergency. (\$0.00)

Body

WHEREAS, Ordinance No. 1001-2009 passed by City Council on July 27, 2009 must be amended to address a clerical error; and

WHEREAS, Specificall, Section 3 needs to be amended to reflect the correct dollar amount of \$97,139.30 instead of \$91,139.30; 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 amend Ordinance No. 1001-2009 to reflect the correct dollar amount for the preservation of the public health, peace, property, safety, welfare; now, therefore

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

SECTION 1. That Section 3 of Ordinance No. 1001-2009 passed by City Council on July 27, 2009 shall be amended to read as follows:

That the expenditure of \$97,139.30 or so much as may be needed, be and the same is hereby authorized as follows:

DIV 30-03/ FUND 219/ SubFund 016/ OCA 300988/ OBJ LEVEL (1)06/ OBJ LEVEL (3) 6697

SECTION 2. That existing Section 3 of Ordinance No. 1001-2009 is hereby repealed.

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: 1260-2009

Drafting Date: 09/21/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Alum Creek Drive Improvement Project.

Fiscal Impact: Funding for this project is from the Department of Public Service, Division Design and Construction, Fed-State Highway Engineering Fund

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order that the project may meet its deadline.

Title

To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary the Alum Creek Drive Improvement Project, to authorize the expenditure of \$415,300.00 from the Fed-State Highway Engineering Fund; and to declare an emergency. (\$415,300.00).

Body

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Alum Creek Drive Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0030X-2008, on the 25th day of February, 2008, declaring the necessity and intent to appropriate the real property interests hereinafter described and the purpose of the appropriation, and notice of such adoption of said resolution has been served in accordance with Columbus City Code Sec. 909.03; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Division of Design and Construction, in that it is necessary to appropriate such real property interests so that there will be no delay in the aforementioned project, 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 fee simple title and lesser interests in and to the parcels listed in Section 4 hereof, as are fully described in Resolution No. 0030X-2008, on the 25th day of February, 2008, said descriptions being incorporated herein, be appropriated for the public purpose of the Alum Creek Drive Improvement Project, #597015 (fka 561005), pursuant to the power and authority granted to the City of Columbus by the Constitution of the State of Ohio, the Ohio Revised Code, Sec. 715.01, Sec. 717.01, Sec. 719.01 through Sec. 719.02; the Charter of the City of Columbus; and the Columbus City

Code (1959), Chapter 909.

Section 2. That the Council of the City of Columbus, Ohio, declares that the appropriation of said real property interests is necessary for the stated public purpose, and that the City of Columbus, Ohio, has been unable to agree with the owner(s) as to the just compensation to be paid by the City of Columbus, Ohio.

Section 3. That the Council of the City of Columbus hereby declares its intention to obtain immediate possession of the real property interests described herein.

Section 4. That the Council of the City of Columbus hereby fixes the value of said fee simple title and lesser interests as follows:

- | | | |
|----|--------------|--------------|
| 1. | 113WD, T | \$300.00 |
| 2. | 108WD, CH, T | \$415,000.00 |

Section 5. That the City Attorney be and hereby is authorized to file a complaint for appropriation of real property, in a Court of competent jurisdiction, and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the foregoing described real property interests.

Section 6. That the City Attorney's Office, Real Estate Division, be and is hereby authorized to expend \$415,300.00 or so much thereof as may be necessary from fund 765, the Fed State Highway Engineering Fund, Department No. 59-12, Division of Design and Construction, Object Level One Code 06, Object Level Three Code 6601, Auditors Certificate #029733, OCA 591294, Grant 597015, to pay those costs relative to the acquisition of the additional rights-of-way required for the Alum Creek Drive Improvement 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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1263-2009

Drafting Date: 09/21/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Columbus Health Department has a need to purchase security paper for birth and death certificates in the Vital Statistics area of the Planning and Preparedness Division. This paper is mandated by the Ohio Department of Health and must be purchased from the State; therefore, this purchase is made in accordance with sole source provisions of the Columbus City Code. This legislation authorizes the purchase of 126 boxes of security paper from the Treasurer, State of Ohio for \$10,000 for the period ending December 31, 2009.

The primary objective of the Vital Statistics program is to issue certified copies of certificates for births and deaths occurring from 1908 to present in Franklin County only.

- Registers all births, deaths, and fetal deaths occurring in Franklin County.
- Issues burial transit permits.
- Helps single parents with completing "Acknowledgement of Paternity Affidavits."
- Assists customers with correcting information on birth and death certificates issued in Franklin County.

Emergency action is requested to avoid delays in providing services to residents requesting birth and death certificates provided by the Columbus Health Department.

FISCAL IMPACT: The funds to purchase this security paper are budgeted and available in the Health Special Revenue Fund, Fund 250.

Title

To authorize and direct the Director of Finance and Management to purchase security paper from the Treasurer, State of Ohio, to waive the competitive bidding provisions of the Columbus City Codes; to authorize the expenditure of \$10,000 from the Health Special Revenue Fund; and to declare an emergency. (\$10,000)

Body

WHEREAS, the Ohio Department of Health mandates security paper be used in all Vital Statistic offices throughout the State of Ohio; and,

WHEREAS, the purchase of security paper will be made according to Sole Source provisions 329.07(e)(1) of the Columbus City Code; and,

WHEREAS, it is necessary to purchase a minimum of 126 boxes of security paper for the Vital Statistics program from the Treasurer, State of Ohio, 311334820-021; and,

WHEREAS, an emergency exists in the usual daily operation of the Health Department in that it is immediately necessary to purchase security paper 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 Finance and Management is hereby authorized and directed to purchase 126 boxes of security paper for the period ending December 31, 2009.

SECTION 2. That the expenditure of \$10,000 is hereby authorized from the Health Special Revenue Fund, Fund No. 250, Division No. 50-01, Object Level One 02, Object Level Three 2217, OCA Code 500280.

SECTION 3. That the provisions of Section 329.07(e)(1) of the Columbus City Code are hereby met.

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: 1264-2009

Drafting Date: 09/21/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: The City of Columbus has been awarded a grant from the U.S. Department of Housing and Urban Development for the Lead Safe Columbus Program. Columbus Public Health is a partner in Lead Safe Columbus. Columbus Public Health will employ a successfully demonstrated and recognized lead program that utilizes real-time environmental monitoring techniques to assist tenants and property owners in the City of Columbus to make educated and timely decisions about lead poisoning hazards. The environmental monitoring portion of this program includes testing for lead paint. This ordinance authorizes the Director of Finance to establish a purchase order with RMD Instruments in the amount of \$27,150 for the purchase of two (2) LPA-1 Lead Paint Spectrum Analyzers for the purpose of testing for lead paint hazards. RMD Instruments is the sole manufacturer of the RMD LPA-1 Lead Paint Spectrum Analyzers. The

contract compliance number for RMD Instruments is 262897356 and is effective through 9/22/2011.

This ordinance is submitted as an emergency to ensure the lead paint analyzers are available for the timely use of the Columbus Public Health Childhood Lead Poisoning Prevention Program.

FISCAL IMPACT: This purchase is funded by monies received from the U.S. Department of Housing and Urban Development for Lead Safe Columbus.

Title

To authorize the Director of Finance to establish a purchase order with RMD Instruments for the purchase of two Lead Paint Spectrum Analyzers for the Lead Safe Columbus Program in accordance with sole source provisions; to authorize the expenditure of \$27,150 from the unappropriated balance of the Health Department Grants Fund; and to declare an emergency. (\$27,150)

Body

WHEREAS, the City of Columbus has received a grant from the U.S. Department of Health and Urban Development for the Lead Safe Columbus Program; and,

WHEREAS, the Health Department has a need to purchase two (2) lead paint analyzers to provide lead-paint analysis for tenants and property owners in the City of Columbus for the prevention of lead poisoning; and,

WHEREAS, RMD Instruments is the sole supplier of RMD LPA-1 Lead Paint Spectrum Analyzers; and,

WHEREAS, an emergency exists in the usual daily operation of the Columbus Public Health Department in that it is immediately necessary to establish a purchase order with RMD Instruments 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 Finance is hereby authorized to establish a purchase order with RMD Instruments for the purchase of two RMD LPA-1 Lead Paint Spectrum Analyzers.

SECTION 2. That the total expenditure of \$27,150 is hereby authorized from the Health Department Grants Fund, Fund No. 220, Grant No. 447027, Health Department, Division 50-01, OCA Code 507027, Object Level One 06, Object Level Three 6690.

SECTION 3. That this purchase is in accordance with the provisions of the Columbus City Code, Section 329.07(e), "Sole Source Procurement."

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: 1265-2009

Drafting Date: 09/21/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

Ordinance 0696-2009, passed June 1, 2009 authorizing the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary the Alum Creek Drive Improvement Project. Section 4 of the ordinance did not declare the revised values of the subject property interests. The following legislation amends Section 4 of Ordinance 0696-2009 and declares the correct values of the subject real property interests.

Fiscal Impact:

Emergency Justification: Emergency justification is requested to allow for the immediate repeal and amendment of section 4 of Ordinance 0696-2009, passed June 01, 2009, as not to the delay the acquisition of those parcels necessary to the completion of the project.

Title

To amend Section 4 of Ordinance 0696-2009, passed on June 01, 2009, (Alum Creek Drive Improvement Project), to declare the revised values of the subject real property interests and to repeal the existing Section 4, and to declare an emergency.

Body

WHEREAS, Ordinance 0696-2009, passed June 01, 2009 authorizing the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary the Alum Creek Drive Improvement Project; and

WHEREAS, it has been brought to the attention of the City Attorney that Section 4 of the ordinance did not declare the revised values of the subject property interests; and

WHEREAS, the revised amounts reflect the correct real property values; and

WHEREAS, an emergency exists in the usual daily operation of the City Attorney's Office, in that it is immediately necessary to amend Section 4 of Ordinance 0696-2009, passed June 01, 2009, to reflect the correct real property values, and to repeal the existing Section 4 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 Section 4 of Ordinance 0696-2009 shall be and hereby is amended to read as follows:

That the Council of the City of Columbus hereby fixes the value of said fee simple title and lesser interests as follows:

1. 90WDV, 90T	O.J. Inc.	\$3,217.00
2. 101WDV	Albert Dowden Juanita Dowden	\$4,439.00
3. 102WDV, 102T	Sadie R. McGee	\$7,370.00
4. 105WDV, 105SV, 105T	Family Dollar Stores of Ohio Inc.	\$60,750.00
5. 112WDV, 112T	Michael A. Dennis	\$300.00
6. 115WDV, 115T	Guy Wolfenbarger	\$3,658.00
7. 121WDV	Nikita Bates	\$2,498.00
8. 129WDV, 129T	Village @ Wms Creek Owners Assoc.	\$95,917.00
9. 130WDV, 130T-1, 130T-2	Viking Properties	\$636.00
10. 137WDV-1, 137WDV-2, 137CHV, 137SLV,		

137T-1, 137T-2, 137T-3, 137T-4, 137T-5	JAL Realty Co.	\$36,742.00
11. 142T-1, 142T-2	Coca Cola Company	\$300.00
12. 143WDV, 143T	O'Creek Properties LLC	\$133,507.00
13. 144WDV, 144T-1, 144T-2, 144T-3, 144T-4/	Old Dominion Freight Line Inc.	\$29,371.00
14. 148WDV, 148SLV	Alum Creek Investment LLC	\$7,820.00
15. 151WDV	Tracy Hanks & Tracy L. Hanks	\$523.00
16. 152WDV, 152T	Amos Johnson Myrna M. Johnson	\$3,840.00
17. 155/WDV	Boots Fulton Partnership	\$103,202.00
18. 157WDV, 157T	Carl Wilson Sr., Phyllis K. Wilson	\$7,783.00
19. 163WDV, 163SLV	Robert Taylor Jr., Sherry A. Taylor	\$30,000.00
20. 168WDV, 168SLV	Curtis S. Hardaway, Debra Nappier Hardaway	\$30,000.00
21. 169WDV, 169T	Curtis S. Hardaway, Debra Nappier Hardaway	\$3,244.00
22. 173WDV, 173T	Cols. Jewish Cemetery Assoc.	\$19,356.00
23. 181WDV, 181SLV	Fieldstone Court Homes LLC	\$14,654.00

Section 2. That the existing Section 4 found in Ordinance 0696-2009, passed June 01, 2009, is hereby repealed.

Section 3. 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: 1267-2009

Drafting Date: 09/22/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Rezoning Application # Z09-015

APPLICANT: Lee Ashley Marie LLC; c/o Dave Perry, The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215 and Donald T. Plank, Atty.; 145 East Rich Street; Columbus, Ohio 43215.

PROPOSED USE: Office development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on July 9, 2009.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.86± acre site is developed with an office that was converted from a single-family dwelling and is zoned in the R, Rural District. The property has been recently annexed from Sharon Township. It was zoned SCPD, Select Commercial Planned District in the township, and the applicant is requesting a comparable zoning to CPD, Commercial Planned Development District in the City of Columbus. The CPD text limits the property to office uses excluding retail banking centers, and provides landscaping provisions, exterior building material commitments, and lighting controls. Variances for building setbacks, parking lot lighting, parking surface, and minimum number of parking spaces are included in the request. The requested CPD, Commercial Planned Development District will conform the existing office building and will establish standards that are consistent with the zoning and development patterns of the area.

To rezone **7844 FLINT ROAD (43235)**, being 0.86± acres located at the southeast corner of Flint Road and Forest Ridge Drive, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District (Rezoning # Z09-015).

Body

WHEREAS, application #Z09-015 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.86± acres from R, Rural District to CPD, Commercial Planned Development District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because requested CPD, Commercial Planned Development District will conform the existing office building and will establish standards that are consistent with the zoning and development 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:

7844 FLINT ROAD (43235), being 0.86± acres located at the southeast corner of Flint Road and Forest Ridge Drive, and being more particularly described as follows:

Situated in Farm Lot No. 43 in 2nd Quarter of Township 2 North Range 18 West, I.S. Military Lands, and being a portion of the tract of land conveyed to Delbert H and Dorothy M. York, by deed of record in Deed Book 2566, Page 287, Records Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an Iron Pin in the south line of said York tract, said iron pin being 83 degrees 52' 44" E, a distance of 44.98 feet from the center punched railroad spike in the centerline of Flint Road at the southwest corner of said York tract; Thence N. 33 degrees 20' 00" E parallel with and 40.00 feet southeasterly by perpendicular measurement from the centerline of Flint Road a distance of 241.89 feet to an iron pin; Thence S. 84 degrees 38' 30" E parallel with and 60.00 feet southerly perpendicular measurement from the north line of said York tract a distance of 31.87 feet to an iron pin at the point of curvature of a curve; thence southeasterly with a curve to the right having a radius of 120.00 feet and delta of 37 degrees 00' 00" a chord distance of 76.15 feet bearing S 66 degrees 08' 30" E to an iron pin at the point of tangency of said curve; Thence S 47 degrees 38' 30" E a distance of 23.86 feet to an iron pin; Thence S 5 degrees 32' 59" W perpendicular to the south line of said York tract a distance of 177.26 feet to an iron pin in the south line of said York tract; thence N 84 degrees 27' 01" W along the south line of said York tract a distance of 98.50 feet to an iron pin at an angle point in the south line of said York tract; thence N 83 degrees 52' 44" W along the south line of said York tract a distance of 137.52 feet to the place of beginning, containing 0.862 acres of land, more or less.

To Rezone From: R, Rural District,

To: CPD, Commercial Planned Development District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development District on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD, Commercial Planned Development District and Application among the records of the Building Services Division as required by Section 3311.12 of the Columbus City Codes; said plan being titled, "**SITE PLAN**," and text titled, "**DEVELOPMENT TEXT**," signed by David B. Perry, agent for the Applicant, and Donald Plank, attorney for the Applicant, dated September 1, 2009, and the text reading as follows:

DEVELOPMENT TEXT

CPD, COMMERCIAL PLANNED DEVELOPMENT

0.862 +/- ACRES

EXISTING ZONING: R, Rural District (Columbus)

PROPOSED ZONING: CPD, Commercial Planned Development District (Columbus, comparable zoning)

PROPERTY ADDRESS: 7844 Flint Road, Columbus, OH 43235

OWNER: Lee Ashley Marie LLC et al c/o David B. Perry, Agent; The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215; and Donald Plank, Attorney; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

APPLICANT: Lee Ashley Marie LLC c/o David B. Perry, Agent; The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215; and Donald Plank, Attorney; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

DATE OF TEXT: 09/01/09

APPLICATION NUMBER: Z09-015

1. INTRODUCTION: The site is located at the southeast corner of Flint Road and Forest Ridge Boulevard. The 0.862 +/- Ac site was zoned (1999) SCPD, Select Commercial Planned Development in Sharon Township/Franklin County. This rezoning request (Columbus) is for comparable zoning. The site is developed with a 3,400 +/- sq. ft. office building, which consists of a house changed to office use and an office addition (1999). The site has been annexed to the City of Columbus (Resolution No. 0146-09, Case # ANX-EXP2-01-09, annexation accepted by the City of Columbus on June 8, 2009). The site plan titled "Site Plan", hereafter referred to as the "Plan", dated September 1, 2009, is submitted with this application as the development plan for the site, as referenced in Section I, 1.

2. PERMITTED USES: All office uses of Section 3353.03, Permitted Uses, C-2, Commercial District, except banks, savings and loans, credit unions and ATM's.

3. DEVELOPMENT STANDARDS: Unless otherwise indicated on the Plan or in the written text, the applicable development standards shall be those standards contained in Chapter 3353, C-2 Office Commercial District.

A.) Density, Height, Lot and/or Setback commitments.

1. Setbacks are as depicted on the Plan and as noted in Section H.1.

B.) Access, Loading, Parking and/or other Traffic related commitments.

1. Vehicular access shall be as depicted on the Plan, from the existing driveway access points (2) on Flint Road.

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

1. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months with landscape materials per the original requirements.

2. Landscaping and trees indicated on the Plan as existing shall be maintained and preserved.

3. Minimum tree sizes at installation: deciduous trees, 2 1/2" caliper, ornamental trees 1 1/2" inch caliper; evergreen five (5) feet in height.

D.) Building design and/or Interior-Exterior treatment commitments.

1. The exterior of the existing building is brick and vinyl siding. The exterior of any building addition, which shall only be permitted within the area designated on the Plan, shall be brick, faux brick (brick appearance and/or vinyl siding). An addition, if any, shall not exceed one (1) story in height.

E.) Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. All non-decorative lighting shall be down lighting (cut off fixtures).
2. All external outdoor lighting fixtures shall be from the same or similar manufacturer's type to insure compatibility.
3. Pole mounted parking lot lighting shall not exceed twelve (12) feet in height. No parking lot lighting shall be required for the existing 12 space parking lot nor shall parking lot lighting be required for expansion of the parking lot within the areas designated on the Plan.

F.) Graphics and Signage commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code as it applies to the C-2, Commercial District, except all ground signage shall be monument-style and shall not exceed an overall height above grade of seven (7) feet and not exceeding 40 sq. ft. Any variance to the sign requirements, other than as stated herein, shall be submitted to the Columbus Graphics Commission for consideration.

G). Other CPD Requirements.

1. Natural Environment: The natural environment of the site is flat to slight change in grade. The site is located at the southeast corner of Flint Road and Forest Ridge Boulevard. The site is developed with an office building, accessory parking and accessory garage/barn.
2. Existing Land Use: The site is developed with an office building, accessory parking and accessory garage/barn.
3. Circulation: Access to and from the site is presently from Flint Road.
4. Visual Form of the Environment: The site is developed with an office building and fronts on Flint Road. The property also fronts on Forest Ridge Boulevard, but there is no vehicular access to Forest Ridge Boulevard. There is an office building southeast of the site. There are residential uses on Flint Road, Forest Ridge Boulevard and to the south.
5. Visibility: The site is located at the southeast corner of Flint Road and Forest Ridge Boulevard. The building is oriented to Flint Road and all vehicular access is from Flint Road.
6. Proposed Development: Application is made for comparable zoning. The site plan depicts the existing development and a designated area for future expansion of the office building and additional parking.
7. Behavior Patterns: Vehicular access is presently and will continue to be from Flint Road.
8. Emissions: Development will conform to City of Columbus requirements as further controlled by development standards of this development text for light levels, sounds and dust. There will be no objectionable emissions.

H). Modification of Code Standards.

1. Section 3353.09, C-2 District Setback Lines, to permit the existing building setback of less than 25 feet (16 feet) from Forest Ridge Boulevard and to permit an open porch (existing) at less than thirty (30) feet from Flint Road, based on the C, Collector, designation of Flint Road in the Columbus Thoroughfare Plan. Both setback reductions reflect existing conditions.
2. Section 3342.12, Lighting, to permit the existing 12 space parking lot, and expansion of the parking in the areas designated on the site plan, without parking lot lighting.
3. 3342.24, Surface, to permit the existing gravel surface parking area (12 spaces, as depicted) and new parking within the areas identified on the site plan ("Plan").

4. 3342.28, Minimum Number of Parking Spaces Required, to permit the existing 3,400 +/- sq. ft office use with 12 parking spaces (1 space per 283 sq. ft gross office area).

I.) Miscellaneous commitments.

1. Development of the site shall be in accordance with the site plan titled "Site Plan", dated September 1, 2009 and signed by David B. Perry, Agent, and Donald Plank, Attorney. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed and/or the construction of additional office area and accessory parking in the areas noted on the plan. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Department of Development or his 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.

Legislation Number: 1270-2009

Drafting Date: 09/22/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: The following legislation authorizes the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Parsons/Livingston Avenue Roadway Improvement Project.

Fiscal Impact: It has been determined that Funding for this project will come from the Department of Public Service, Division of Design and Construction, Fed-State Highway Engineering Fund.

Emergency Justification: Emergency action is requested to allow appropriation actions to proceed without delay thereby allowing this project to meet it acquisition schedule.

Title

To authorize the City Attorney to file the necessary complaints for the appropriation of fee simple title and lesser interests in and to real estate necessary for the Parsons/Livingston Avenue Roadway Improvement Project, to authorize the expenditure of \$220,924.00 from the Department of Public Service, Fed-State Highway Engineering Fund; and to declare an emergency. (\$220,924.00).

Body

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Parsons/Livingston Avenue Roadway Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 0142X-2009, on the 21st day of September, 2009, declaring the necessity and intent to appropriate the real property interests hereinafter described and the purpose of the appropriation, and notice of such adoption of said resolution has been served in accordance with Columbus City Code Sec. 909.03; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is necessary to appropriate such real property interests so that there will be no delay in the aforementioned project, and for the immediate preservation of the public peace, property, health and safety; now, therefore:

thence across said 1.995 acre tract, the following courses:
North 05° 01' 42" West, a distance of 74.05 feet, to an iron pin set;
North 02° 45' 57" West, a distance of 162.02 feet, to an iron pin set;
North 42° 17' 02" West, a distance of 19.16 feet, to an iron pin set;
North 86° 17' 09" West, a distance of 292.02 feet, to an iron pin set in the easterly right-of-way line of said Lehman Street;
thence North 03° 37' 59" East, with said easterly right-of-way line, a distance of 5.50 feet, to the *Point of Beginning*, containing 0.148 acre (6457 square feet), more or less, being from Auditor's Parcel Number 010-288104.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments Frank 43 & Frank 143, having a bearing of South 87° 56' 16" East, established by the Franklin County Engineering Department.

EVANS, MECHWART, HAMBLETON & TILTON, INC., Edward J. Miller Date
Professional Surveyor No. 8250, EJM:sg/04Sept2009

13T
TEMPORARY EASEMENT
0.071 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 5, Range 22, Refugee Lands, being part of the 1.955 acre tract conveyed to JMM Real Estate, LLC of record in Instrument Number 200906040080458, being part of Lots 5 through 8, inclusive, of William F. Lehman's Executors Subdivision, of record in Plat Book 3, Page 201, Lots 1 through 4, inclusive, of Joseph, Benjamin and Siron Fisher's Subdivision, of record in Plat Book 3, Page 93, and the 20 foot wide alley vacated in Ordinance Number 774-69, and described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line of Livingston Avenue (60 feet wide) and the easterly right-of-way line of Lehman Street (40 feet wide), being the northwesterly corner of said Lot 5 (Lehmans), being South 03° 45' 33" West, a distance of 0.81 feet from a 3/4 inch pipe found;

thence South 03° 37' 59" West, with said easterly right-of-way line, a distance of 5.50 feet, to the *True Point of Beginning*;

thence across said 1.995 acre tract, the following courses:

South 86° 17' 09" East, a distance of 292.02 feet, to a point;

South 42° 17' 02" East, a distance of 19.16 feet, to a point;

South 02° 45' 57" East, a distance of 162.02 feet, to a point;

South 05° 01' 42" East, a distance of 74.05 feet, to a point in the southerly line of said 1.995 acre tract and the northerly line of the remainder of the tract conveyed to The Bobb Chevrolet Company of record in Deed Book 3535, Page 13;

thence North 86° 17' 22" West, with the line common to said 1.995 acre tract and said The Bobb Chevrolet Company tract, a distance of 4.05 feet, to a point;

thence across said 1.995 acre tract, the following courses:

North 05° 01' 42" West, a distance of 73.52 feet, to a point;

North 02° 45' 57" West, a distance of 160.66 feet, to a point;

North 42° 17' 02" West, a distance of 16.11 feet, to a point;

North 86° 17' 12" West, a distance of 45.38 feet, to a point;

South 03° 42' 48" West, a distance of 11.00 feet, to a point;

North 86° 17' 12" West, a distance of 82.30 feet, to a point;

North 03° 42' 48" East, a distance of 11.00 feet, to a point;

North 86° 17' 12" West, a distance of 162.71 feet, to a point in the easterly right-of-way line of said Lehman Street;

Thence North 03° 37' 59" East, a distance of 4.00 feet, with said easterly right-of-way line, to the *True Point of Beginning*, containing 0.071 acre (3081 square feet), more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Edward J. Miller

Date Professional Surveyor No. 8250 EJM:sg/04Sept2009

Section 3. That the Council of the City of Columbus, Ohio, declares that the appropriation of said real property interests is necessary for the stated public purpose, and that the City of Columbus, Ohio, has been unable to agree with the owner(s) as to the just compensation to be paid by the City of Columbus, Ohio.

Section 4. That the Council of the City of Columbus hereby declares its intention to obtain immediate possession of the real property interests described herein.

Section 5. That the Council of the City of Columbus hereby declares the value of said fee simple title and lesser interests as follows:

- | | | | |
|----|---------|----------------------------|--------------|
| 1. | 12WD, T | The Bobb Chevrolet Company | \$8,728.00 |
| 2. | 13WD, T | JMM Real Estate LLC | \$212,196.00 |

Section 6. That the City Attorney be and he hereby is authorized to file complaints for appropriation of real property, in the Franklin County Court of Common Pleas, and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the foregoing described real property interests.

Section 7. That the expenditure of \$220,924.00, or so much thereof as may be necessary from the Fed-State Highway Engineering Fund, Dept./Div. 59-12; Project No. 598091; OCA Code 598091; Object Level Three 6601, Auditor Certificate(s) #AC030040 for acquisition costs related to the aforesaid purpose is hereby authorized.

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 promulgated pursuant to the Internal Revenue Code of 1986, as amended.

Section 9. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 10. That for the reasons state 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 its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1272-2009

Drafting Date: 09/23/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND:

This ordinance authorizes the Administrative and Presiding Judge of the Franklin County Municipal Court to enter into the third twelve months of a thirty-six month contract with Thomson West (West Group Payment Ctr.) for the provision of on-line legal research resources.

Thomas West (West Group Payment Ctr.) contract compliance number is 411426973/001 expiration 5/29/2010

FISCAL IMPACT: The funds are available from the 2009 budget.

This legislation is considered an emergency measure to ensure the continuation of uninterrupted on-line legal research services for the court.

Title

To authorize the Administrative and Presiding Judge of the Franklin County Municipal Court to enter into the third twelve months of a thirty-six month contract with Thomson West (West Group Payment Ctr.) for the provision of on-line legal research resources, to authorize the expenditure of up to \$29,500 from the Municipal Court computer fund; and to declare an emergency. (\$29,500)

Body

WHEREAS, the Administrative and Presiding Judge of the Franklin County Municipal Court would like to enter into the third twelve months of a thirty-six month contract with Thomson West for the receipt of on-line legal research services; and

WHEREAS, the Administrative and Presiding Judge of the Franklin County Municipal Court Office has selected a subscription package which provides the required services for a monthly rate beginning December 1, 2009 through November 30, 2010.

WHEREAS, the solicitation of proposals for like-kind services satisfied the intent of the competitive procurement 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 to authorize the Franklin County Municipal Court to contract for on-line legal research services preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That the Administrative and Presiding Judge of the Franklin County Municipal Court be and is hereby authorized to enter into contract with Thomson West for on-line legal research resources for the period ending November 30, 2010.

SECTION 2. That the expenditure of \$29,500 or as much thereof as may be necessary is hereby authorized from the Franklin County Municipal Court Judges, department number 2501, computer fund, fund number 227, subfund 001 as follows: \$29,500 from oca 250340, object level 1 - 03, object level 3 - 3332.

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

Legislation Number: 1273-2009

Drafting Date: 09/23/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

The Columbus Health Department has been awarded a grant from the U.S. Department of Health and Human Services, Impact Community Action agency. This ordinance is needed to accept and appropriate \$60,000 in grant money to fund the Healthy Children, Healthy Weights program for the period June 1, 2009 through September 30, 2010.

The Healthy Children, Healthy Weights program provides training and tools to make positive changes in the nutrition and physical activity environments of children in childcare centers that serve families with incomes less than 200% poverty level.

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

FISCAL IMPACT: The program is primarily funded by the U.S. Department of Health and Human Services Department through the American Recovery and Reinvestment Act of 2009 Funds and does not generate revenue.

Title

To authorize and direct the Columbus Health Department to accept a grant from the U.S. Department of Health and Human Services in the amount of \$60,000, to authorize the appropriation of \$60,000 from the Health Department Grants Fund; and to declare an emergency. (\$60,000.00)

Body

WHEREAS, \$60,000.00 in grant funds have been made available through the U.S. Department of Health and Human Services, Impact Community Action agency; and,

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

WHEREAS, an emergency exists in the usual daily operation of the Columbus Health Department in that it is immediately necessary to accept this grant from the U.S. Department of Health and Human Services, Impact Community Action agency, 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 Columbus Health Department is hereby authorized and directed to accept a grant award of \$60,000.00 from the U.S. Department of Health and Human Services for the Healthy Children, Healthy Weights program for the period June 1, 2009 through September 30, 2010.

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 during the twelve months ending September 30, 2010, the sum of \$60,000 is hereby appropriated to the Health Department, Division No. 50, as follows:

Healthy Children, Healthy Weights

OCA: 509080 Grant No.: 509080 Obj. Level 01: 01 Amount \$59,017
OCA: 509080 Grant No.: 509080 Obj. Level 01: 03 Amount \$ 983

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

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

Legislation Number: 1274-2009

Drafting Date: 09/23/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The need exists to amend the legislation authorizing the third amendment to the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation. The AmerisourceBergen Drug Corporation Enterprise Zone Agreement (EZA) was authorized by City Council on September 16, 2002, and was entered into effective July 14, 2003. City Council approved the first amendment to the AmerisourceBergen EZA on December 6, 2004, which added Fifth Third Leasing Company to the EZA and allowed the personal property exemptions granted to the AmerisourceBergen Drug Corporation under the EZA to extend to personal property leased from the Fifth Third Leasing Company and/or any assignee or successor lessor subsequently identified in writing to the City's Director of Development. City Council approved the second amendment to the AmerisourceBergen EZA on October 31, 2007, which reduced the job creation requirement from 64 jobs to 19 jobs, to make a commensurate reduction in the payroll requirement for the new jobs, and to eliminate the personal property tax abatement for 2008. City Council approved the third amendment to the AmerisourceBergen EZA on October 20, 2008, which was to reduce the job creation requirement from 19 to 8 jobs, to make a commensurate reduction in the payroll requirement for the new jobs, to reduce the job retention requirement from 200 to 196 jobs, for an overall job level of 204 jobs, and that should these new job levels not be achieved by the end of 2008 that the abatement be reduced to 50% from the current 75%. This legislation seeks to amend the job creation and job retention requirements as set forth in the third amendment, removing specific requirements for the creation and retention of jobs and replacing that with maintaining an overall job level of 160 jobs, and to reduce the abatement to 50% from the current 75%.

FISCAL IMPACT: No funding is required for this legislation.

Title

To amend Ordinance 1550-2008, passed on October 20, 2008, authorizing the Director of Development to amend the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation.

Body

WHEREAS, the Columbus City Council approved the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation on September 16, 2002 by Ordinance 1350-02 and entered into effective July 14, 2003; and

WHEREAS, the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation was subsequently amended to include the Fifth Third Leasing Company by Ordinance 2046-04, approved by City Council on December 6, 2004; and

WHEREAS, the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation was again subsequently amended to reduce the job creation requirement to 19 jobs, with a commensurate reduction in the payroll requirement, and to eliminate the personal property tax abatement for 2008 by Ordinance 1646-2007, approved by City Council on November

12, 2007; and

WHEREAS, the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation (the "EZA") provides for a 75%/10-Year tax abatement on real property improvements and new personal property, requires a project investment of \$43,275,000, including approximately \$19.5 million in new personal property and requires the retention of 200 jobs and the creation of 19 new jobs; and

WHEREAS, the project has met the real and personal property investment goals of the EZA but job creation and retention have fallen short, with only 1 jobs created and 169 jobs retained, as of December 31, 2008, compared to the job creation goal of 19 and job retention goal of 200; and

WHEREAS, the Tax Incentive Review Council (the "TIRC") met on August 18, 2009 and recommended that the City amend the EZA to reduce the total job commitment from 219 jobs to 160 jobs, to make a commensurate reduction in the payroll requirement for the jobs, and that the abatement be reduced to 50% from the current 75%; and

WHEREAS, the City desires to amend the EZA to reflect the recommendations of the TIRC; and **NOW THEREFORE,**

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

Section 1. That the existing legislation (Ordinance 1550-2008), passed by City Council on October 20, 2008 that authorized the Director of Development to amend for the third time the Enterprise Zone Agreement with AmerisourceBergen Drug Corporation be amended, with this amendment to the legislation removing the separate job creation and retention commitments and replacing these with an overall job commitment of 160 total jobs, changing new job payroll to total job payroll with this level of payroll being commensurate with the new total job level, and a reduction in the amount of abatement from 75% to 50%.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1279-2009

Drafting Date: 09/24/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

ExplanationBACKGROUND: This legislation authorizes the Director of Public Safety to enter into an agreement with Franklin County Emergency Management and Homeland Security (FCEMHS) for the purchase of equipment upgrades for existing City of Columbus outdoor warning sirens (tornado) that are outdated. There are a total of fifty-eight (58) emergency sirens covering the City of Columbus. Most of the sirens are of the advanced WPS 4000 variety. There are eleven older WPS 3000 sirens that need upgraded. This ordinance will provide funds to upgrade these eleven WPS 3000 sirens with new amplifiers, battery chargers, and controllers. The purchase and installation of a new siren cost approximately \$20,000 per unit. This upgrade will cost less than \$8,000 per siren. This legislation authorizes FCEMHS to upgrade the eleven (11) WPS 3000 warning sirens.

Under State of Ohio law, FCEMHS is the agency that has the responsibility to coordinate, operate and maintain the outdoor warning siren system within Franklin County. FCEMHS competitively bid their contracts with the assistance of the Franklin County Purchasing Department and comply with all basic laws pertaining to government contracting pursuant to the Ohio Revised Code, adjudicated case law, and Attorney General opinions concerning public contracts and competitive bidding. By entering into this agreement with FCEMHS, the City of Columbus will improve its portion of the outdoor warning siren system.

This legislation also amends the 2009 Capital improvement budget, Ordinance No 0806-2009 and authorizes the transfer of \$80,000.00 between projects within the Safety Voted Bond Fund.

Emergency Designation: Emergency legislation is needed to expedite the upgrade and ensure continued emergency coverage for the areas affected.

Bid Information: N/A.
Contract Compliance No: N/A

Fiscal Impact: This ordinance authorizes an expenditure of \$80,000 from the Safety Voted Bond fund for the upgrade of the outdoor warning siren system maintained by the Franklin County Emergency Management and Homeland Security agency. These capital funds will be transferred from various Public Safety Projects with existing cash in the Voted Public Safety Bond Fund. The Department's 2009 spending plan of remaining cash includes the cost of these upgrades.

TitleTo amend the Department of Public Safety's 2009 Capital Improvement Budget, to authorize the City Auditor to transfer funds between projects in the Safety Voted Bond Fund, to authorize the Director of Public Safety to enter into an agreement with the Franklin County Emergency Management and Homeland Security agency to upgrade the existing warning sirens, to authorize the expenditure of \$80,000 from the Voted Public Safety Bond Fund; and to declare an emergency. (\$80,000.00)

Body**WHEREAS,** it is necessary to amend the Capital Improvement Budget, Ordinance No 0806-2009 and to transfer funds within Safety Voted Bond for the upgrade of outdated warning sirens within the City of Columbus; and

WHEREAS, the FCEMHS is responsible for managing the outdoor warning siren system within Franklin County not only by coordinating siren locations but also for their maintenance, relocation, replacement and activation; and

WHEREAS, the City of Columbus intends to improve its portion of the Emergency Management Agency outdoor warning siren system; and

WHEREAS, the Franklin County Emergency Management and Homeland Security has entered into competitively bid contracts for the necessary sirens, controls, installation and testing needed for improving the City of Columbus' portion of the outdoor warning siren system; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary to enter into an agreement with the Emergency Management Agency of Franklin County for the aforementioned purpose 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 2009 Capital Improvement Budget (ordinance No. 0806-2009) is hereby amended as follows:

<u>PROJECT</u>	<u>PROJECT NO</u>	<u>CURRENT CIB</u>	<u>REVISED CIB</u>
Sirens (Carryover)	310106-100000	\$0.00	\$80,000.00
Police Apparatus Repl. (Carryover)	330034-100000	\$284,849	\$204,849

SECTION 2. That the City Auditor is hereby authorized and directed to transfer funds within the Safety Capital Improvement Fund as follows:

FROM:

Dept/Div: 30-03|Fund: 701|Project Number 330034|Project Name - Police Apparatus Replacement |OCA Code 330034|Amount \$80,000.00

TO:

Dept/Div: 30-01|Fund: 701|Project Number 310106|Project Name - Sirens|OCA Code 644518|Amount \$80,000.00

SECTION 3. That the Director of Public Safety be and is hereby authorized and directed to enter into an agreement with the Franklin County Emergency Management and Homeland Security for the purchase and installation of front panel upgrades to existing City of Columbus outdated sirens.

SECTION 4. That the expenditure of \$80,000.00, or so much thereof as may be necessary for said purpose, is hereby authorized from the voted Public Safety Bond fund as follows:

<u>Division</u>	<u>Fund.</u>	<u>OCA Code</u>	<u>Object Level 3</u>	<u>Project Name</u>	<u>Project No.</u>	<u>Amount</u>
30 - 01	701	644518	6644	Sirens	310106	\$80,000

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

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

Legislation Number: 1280-2009

Drafting Date: 09/24/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of the Development Department to amend a contract with The Ransom Company for the demolition of structures found to be unsafe and public nuisances under the Demolition Program. The Development Department solicited competitive bids through Solicitation No. SA -002936 in 2008 and received one bid. The Ransom Company bid 24 cents per cubic foot. The contract allows for a one year extension.

Contract Compliance # is 26-9401266 and is effective until 3-4-2010

Emergency action is requested so that the demolition of unsafe structures can continue without interruption.

FISCAL IMPACT: A transfer within the General Fund from the Economic Development Division will provide the funding for this increase.

Title

To authorize the City Auditor to transfer \$100,000 between divisions within the Development Department; to authorize the Development Director to increase the contract with The Ransom Company for the demolition of unsafe structures; to authorize the expenditure of \$100,000.00 from the General Fund; and to declare an emergency. (\$100,000.00)

Body

Whereas, the Columbus City Code, Chapter 4109, authorizes the demolition of unsafe buildings; and

Whereas, the Columbus City Code, Chapter 4701, authorizes the demolition of buildings declared to be public nuisances; and

Whereas, the Columbus City Code, Chapter 4509, authorizes the demolition of buildings posing an imminent danger to

the public health and safety; and

Whereas, emergency exists in the usual daily operation of the Department of Development, in that it is immediately necessary to authorize an increase to the contract with the Ransom Company so that the demolition of unsafe structures can continue without interruption, all for the preservation of the public peace, health, safety and welfare; **NOW, THEREFORE,**

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

Section 1. That the City Auditor be and is hereby authorized and directed to transfer \$100,000 within the Development Department, General Fund, Fund 010, as follows:

FROM:

Division 44-02 / Object Level One 05 / Object Level Three 5513 / OCA 440314 / Amount \$100,000

TO:

Division 44-03 / Object Level One 03 / Object Level Three 3292 / OCA 499046 / Amount \$100,000

Section 2. That the Director of the Development Department is hereby authorized to increase the contract with The Ransom Company in accordance with Columbus City Code for the demolition of structures determined to be unsafe and public nuisances under the Demolition Program .

Section 3. That for the purpose stated in Section 2 the sum of \$100,000.00, or so much thereof as may be necessary, be and is hereby authorized to be expended from the General Fund, Fund 010, Department of Development, Building Services Division, Division 44-03, OCA Code 499046, Object Level One 03, Object Level Three 3292.

Section 4. That for the reasons stated in the preamble thereto, 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: 1281-2009

Drafting Date: 09/24/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Division of Police was awarded funding through the FY09 American Recovery and Reinvestment Act (ARRA) for a S.T.O.P. Violence Against Women Act (VAWA) project. The project goal is to develop a standardized method to collect evidence from the bodies of male sexual assault suspects. Project activities include the development of a suspect exam kit, a protocol for its use, and training for consultants to respond and collect evidence when necessary and appropriate. Acceptance and appropriation of the awarded funds are needed for the purchase of exam kit items and the payment of consultant collection contract fees. In addition, overtime expenses are included in this grant, a portion of which will be reimbursed by the grant, with the remainder being borne by the General Fund as the City's match.

This is a small pilot project by the Division of Police Sexual Assault Unit to collaborate with Sexual Assault Nurse Examiners (SANE) and advocates to document court worthy evidence in sexual assault cases. The City must act as a sub-grantee to the Franklin County Board of Commissioner through the Franklin County Office of Homeland Security and Justice Programs according to the federal grant guidelines. Therefore, the Mayor is required to sign a sub-grantee award and contract documents to accept the award on behalf of the city.

EMERGENCY DESIGNATION: Emergency legislation is necessary to enable grant activities to begin as soon as practical. The grant award start date is September 1, 2009.

FISCAL IMPACT: The General Fund is responsible for sworn officer overtime, including benefits, of \$3,280.00 associated with this grant. This is required as the city's match. The total award, including the City Match, is \$13,120.00

Title

To authorize and direct The Mayor of the City of Columbus to accept a sub-grantee award and enter into a contract with the Franklin County Board of Commissioners via the Franklin County Office of Homeland Security and Justice Programs for a FY09 American Recovery and Reinvestment Act (ARRA) Violence Against Women Act (VAWA) grant, to authorize an appropriation of \$9,840.00 from the unappropriated balance of the General Government Grant Fund to the Division of Police; and to declare an emergency. (\$9,840.00)

Body

WHEREAS, The Division of Police has been awarded a FY09 American Recovery and Reinvestment Act (ARRA) Violence Against Women Act (VAWA) grant to develop a standardized method to collect evidence from the bodies of male sexual assault suspects; and

WHEREAS, the grant award period started on September 1, 2009; and

WHEREAS, an emergency exists in the usual and daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to accept and appropriate the FY09 American Recovery and Reinvestment Act (ARRA) Violence Against Women Act (VAWA) grant award for the immediate preservation of the public peace, health, property, safety and welfare; now, therefore

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

SECTION 1. That the Mayor of the City of Columbus be and is hereby authorized and directed to enter into contract with the Franklin County Board of Commissioners to accept a FY09 American Recovery and Reinvestment Act (ARRA) Violence Against Women Act (VAWA) sub-grantee award for the Sexual Assault Suspect Evidence Collection project.

SECTION 2. That from the unappropriated monies in the General Government Grant Fund and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purposes during the grant period, the sum of \$9,840.00 is appropriated as follows:

DIV	FD	OBJ#1	OBJ#3	OCACD	GRANT AMOUNT
30-03	220	01	1127	339047 339047	\$163.20
30-03	220	01	1131	339047 339047	\$2,176.13
30-03	220	01	1161	339047 339047	\$424.32
30-03	220	01	1171	339047 339047	\$31.55
30-03	220	01	1173	339047 339047	\$108.80
30-03	220	02	2206	339047 339047	\$2,215.00
30-03	220	02	2290	339047 339047	\$721.00
30-03	220	03	3336	339047 339047	\$4,000.00

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

SECTION 4. That for 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: 1283-2009

Drafting Date: 09/24/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

Background: The Department of Development has determined to facilitate the urban redevelopment of certain parcels of real property in the City known as the former Columbus Coated Fabrics Site and adjacent properties and, in connection with that redevelopment, the City has entered into an Economic Development Agreement with Wagenbrenner Development, Inc., by which the City agreed to establish certain tax increment financing (TIF) areas on certain redevelopment parcels pursuant to Sections 5709.40 and 5709.41 of the Ohio Revised Code. The City has previously by its Ordinance No. 1966-2008 passed January 26, 2009, found those redevelopment parcels to be a "blighted area" within the meaning of Sections 1728.01 and 1.08 of the Ohio Revised Code and certified that the City is an "impacted city" within the meaning of Section 1728.01 of the Ohio Revised Code.

In order to implement that urban redevelopment under the Economic Development Agreement, the attached Ordinance establishes two TIF areas and provides for a 100% exemption from real property taxation on all improvements to the parcels within the TIF areas for a period of not more than thirty (30) years. The Columbus City School District will receive, in the same manner as usual, all amounts that it would have received in real property taxes had the tax exemption not been granted. Annual service payments in lieu of taxes will be made with respect to improvements to the TIF parcels. The applicable portion of those service payments will be distributed directly to the Columbus City School District, with the remaining non-school portion of those service payments paid to the City for deposit into the applicable TIF fund established in the Ordinance to be used to fund public improvements benefiting the TIF parcels.

As contemplated in the Economic Development Agreement, the attached Ordinance also authorizes the Director of the City Department of Development to accept title to certain real property in and around the former Columbus Coated Fabrics site and to transfer that property back to the current owners for the purpose of subsequently incorporating that real property in the TIF area to be established by this Ordinance pursuant to Section 5709.41 of the Ohio Revised Code.

Fiscal Impact: No funding is required for this legislation. The City is foregoing real property tax revenue that it would have received from development on the TIF parcels. Instead, the non-school portion of that revenue will be diverted to the specified TIF funds.

Title

To create tax increment financing areas encompassing certain parcels of real property in the area known as Weinland Park; to declare improvements to those parcels to be a public purpose and exempt from real property taxation; to require the owners of those parcels to make service payments in lieu of taxes; to require the distribution of the applicable portion of those service payments to the Columbus City School District; to establish a municipal public improvement tax increment equivalent fund and an urban redevelopment tax increment equivalent fund for the deposit of the remainder of those service payments; to authorize the Director of the City Department of Development to accept title to certain real property in and around the former Columbus Coated Fabrics site and to transfer that property back to the current owners; and to declare an emergency.

Body

WHEREAS, Sections 5709.40 through 5709.43 of the Ohio Revised Code (collectively, the "TIF Statutes") authorize this Council, by ordinance, to declare the improvements to certain parcels of real property located within the corporate boundaries of the City of Columbus, Ohio (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, provide for the distribution of the applicable portion of such service payments to the Columbus City School District, and establish tax increment equivalent funds for the deposit of the remainder of such service payments; and

WHEREAS, the City Department of Development has determined to facilitate the urban redevelopment of the parcels of real property generally known as the former Columbus Coated Fabrics site and other properties in the area (collectively, the "Project"), all located in the City, and has entered into an Economic Development Agreement with Wagenbrenner Development, Inc. (the "Developer"), by which the City agreed to establish tax increment financing ("TIF") areas on those parcels pursuant to Sections 5709.40(B) and 5709.41 of the Ohio Revised Code; and

WHEREAS, in support of urban redevelopment, the City Department of Development desires to establish a TIF area under Section 5709.41 of the Ohio Revised Code which shall include the parcels of real property specifically identified and depicted in Exhibit A-1 attached hereto (each a ".41 Parcel" and collectively the ".41 Parcels") and a TIF area under Section 5709.40(B) of the Ohio Revised Code which shall include the parcels of real property specifically identified and depicted in Exhibit A-2 attached hereto (each a ".40(B) Parcel" and collectively the ".40(B) Parcels" and, together with the .41 Parcels, referred to herein individually as a "Parcel" and collectively as the "Parcels"); and

WHEREAS, Section 5709.41 of the Ohio Revised Code requires the City to have held title to the .41 Parcels prior to the passage of an ordinance declaring the improvements to those parcels to be a public purpose, and the City held title to the .41 Parcels prior to the passage of this Ordinance; and

WHEREAS, it is necessary for the City to execute certain documents to accomplish the acceptance and subsequent transfer back to the current owner of title to certain parcels of real property (the "Transferred Property") contained within the areas shown on Exhibit A-3 attached hereto for the purpose of subsequently incorporating that Transferred Property in the TIF area established by this Ordinance pursuant to Section 5709.41 of the Ohio Revised Code in furtherance of urban redevelopment; and

WHEREAS, a portion of the improvements to the Parcels will be used for residential purposes, and to declare those improvements to be a public purpose under Sections 5709.40(B) and 5709.41 of the Ohio Revised Code, those improvements must be in a "blighted area" of an "impacted city" as both of those terms are defined in Section 1728.01 of the Ohio Revised Code; and

WHEREAS, by Ordinance No. 1966-2008 passed January 26, 2009, this Council found the Parcels to be in a "blighted area" within the meaning of Sections 1728.01 and 1.08 of the Ohio Revised Code and the Director of the Ohio Department of Development has certified the City is an "impacted city" within the meaning of Section 1728.01 of the Ohio Revised Code; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the improvement to each Parcel as permitted and provided in Sections 5709.40(B) and 5709.41 of the Ohio Revised Code, as applicable, for up to thirty (30) years (each, a "TIF Exemption" and together, the "TIF Exemptions") and to simultaneously direct and require the current and future owners of each Parcel (each individually an "Owner" and collectively the "Owners") to make annual Service Payments (as defined in Section 3 of this Ordinance) in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Ordinance; provided that each TIF Exemption and the obligation to make Service Payments are subject and subordinate to any tax exemption applicable to the improvement pursuant to Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code (each, a "Tax Abatement"); and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to the Columbus City School District (the "School District") in an amount equal to the real property taxes that School District would have been paid if the improvement to each Parcel located within that School District had not been exempt from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43 of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund into which there shall be deposited the remaining Service Payments distributed to the City pursuant to Section 5709.40(B) of the Ohio Revised Code and an urban redevelopment tax increment equivalent fund into which there shall be deposited the remaining Service Payments distributed to the City pursuant to Section 5709.41 of the Ohio Revised Code; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the School District in accordance with and within the time periods prescribed in Sections 5709.40, 5709.41 and 5709.83 of the Ohio Revised Code, as applicable; and

WHEREAS, an emergency exists in that this Ordinance is required to be immediately effective in order to facilitate the

redevelopment of the Parcels, such immediate action being necessary 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. Chain of Title of and Urban Redevelopment for .41 Parcels. This Council hereby finds and determines that the City held fee title to the .41 Parcels prior to the passage of this Ordinance and the City is engaged in urban redevelopment of those .41 Parcels within the meaning of Section 5709.41 of the Ohio Revised Code.

Section 2. Authorization of TIF Exemptions. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each .40(B) Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the ".40(B) Improvement" and is the "improvement" as defined in Sections 5709.40(A) of the Ohio Revised Code), is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing the first tax year that begins after the effective date of this Ordinance and in which a .40(B) Improvement would first appear on the tax list and duplicate of real and public utility property for that .40(B) Parcel (as specified in Sections 13 and 14 hereof) were it not for the TIF Exemption or Tax Abatement and ending on the earlier of (a) thirty (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. Pursuant to and in accordance with the provisions of Section 5709.41 of the Ohio Revised Code, this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each .41 Parcel subsequent to the acquisition of that Parcel by the City (which increase in assessed value is hereinafter referred to as the ".41 Improvement" and is the "improvement" as defined in Section 5709.41(A) of the Ohio Revised Code), is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing the first tax year that begins after the effective date of this Ordinance and in which a .41 Improvement due to the construction of a new structure would first appear on the tax list and duplicate of real and public utility property for that .41 Parcel were it not for the TIF Exemption or Tax Abatement (as specified in Sections 13 and 14 hereof) and ending on the earlier of (a) thirty (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.

Notwithstanding any other provision of this Ordinance, the TIF Exemptions granted pursuant to this Section 2 and the service payment obligations established pursuant to Section 3 of this Ordinance are subject and subordinate to any Tax Abatement.

Section 3. Service Payments and Property Tax Rollback Payments. Subject to any Tax Abatement, and pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the .40(B) Improvement or .41 Improvement allocable thereto to the Franklin County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121 and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments"), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the .40(B) Improvement or the .41 Improvement as if it were not exempt from taxation pursuant to Section 2 of this Ordinance. The Service Payments, and any other payments with respect to each .40(B) Improvement or .41 Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised

Code, 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"), shall be allocated and distributed in accordance with Section 5 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

Section 4. Tax Increment Equivalent Funds. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, an urban redevelopment tax increment equivalent fund (the "Weinland Park .41 Fund"), into which the County Treasurer shall deposit the Service Payments and Property Tax Rollback Payments collected from the .41 Parcels that are not required to be distributed to the School District pursuant to Section 5 of this Ordinance, and a municipal public improvement tax increment equivalent fund (the "Weinland Park .40(B) Fund" and, together with the .41 Fund, individually a "TIF Fund and collectively the "TIF Funds"), into which the County Treasurer shall deposit the Service Payments and Property Tax Rollback Payments collected from the .40(B) Parcels that are not required to be distributed to the School District pursuant to Section 5 of this Ordinance. The TIF Funds shall be maintained in the custody of the City and shall receive the distributions to be made to the City pursuant to Section 5 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the .41 Parcels and deposited in the .41 Fund pursuant to Sections 5709.42 and 5709.43 of the Ohio Revised Code shall be used solely for paying for or financing the costs of improvements to or on, or servicing, the .41 Parcels or the Project, including but not limited to water, sewer and storm sewer improvements; road, sidewalk and streetscape improvements; parks and recreation improvements; 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 construction of private improvements on the .41 Parcels and all costs enumerated in Section 133.15(B) of the Ohio Revised Code. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the .40(B) Parcels and deposited into the .40(B) Fund pursuant to Sections 5709.42 and 5709.43 of the Ohio Revised Code shall be used to pay costs of public infrastructure improvements designated in Section 6 of this Ordinance. Each TIF Fund shall remain in existence so long as the applicable Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time each TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

Section 5. Distribution of Service Payments. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to the School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the .40(B) Improvement or .41 Improvement to the Parcels if the .40(B) Improvement or .41 Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the applicable TIF Fund.

All distributions required under this Section 5 are requested to be made at the same time and in the same manner as real property tax distributions.

Section 6. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements, as public infrastructure 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 .40(B) Parcels.

Section 7. Authorization to Transfer Property. The Director is hereby authorized and directed to accept on behalf of the City title to the Transferred Property and cause such ownership interest to be recorded according to State of Ohio law; provided, however, that no interest in that Transferred Property shall be accepted without execution of an agreement providing indemnification on terms acceptable to the City for any liability that may arise from the City holding title to that Transferred Property.

The Director is further authorized and directed to execute in accordance with this Ordinance all documents necessary, and to take any other required measures, to transfer the City's ownership interest in the Transferred Property back to the current owner, which transfer shall occur immediately following the City's acceptance of the fee simple interest in that Transferred Property.

Section 8. Additional TIF Parcels. The City and the Developer acknowledge and agree that future legislation may be enacted by the City to expand the area to which a TIF Exemption applies.

Section 9. Non-Discriminatory Hiring Policy. In accordance with Section 5709.832 of the Ohio Revised Code, this Council hereby determines that no employer located on any Parcel shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

Section 10. Further Authorizations. This Council ratifies the delivery of the notice of this Ordinance to the School District and hereby authorizes and directs the Director, the City Clerk or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners. This Council further authorizes and directs the Director, the City Clerk or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 11. Filings with Ohio Department of Development. Pursuant to Sections 5709.40(I) and 5709.41(E) of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its effective date. Further, on or before March 31 of each year the TIF Exemption remains in effect, the Director, Clerk of Council or other authorized officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Sections 5709.40(I) and 5709.41(E) of the Ohio Revised Code.

Section 12. Tax Incentive Review Council. The City's Tax Incentive Review Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other matters as may properly come before that Council, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 13. Consolidated Ordinance. This Council hereby determines that it is in the best interests of the City, in lieu of passing a separate ordinance applicable to each .40(B) Parcel under Section 5709.40(B) of the Ohio Revised Code and each .41 Parcel under Section 5709.41 of the Ohio Revised Code, to combine all of those separate ordinances into this single consolidated tax increment financing ordinance. Consistent with that determination, this Ordinance shall be applied and interpreted to apply to the .40 Improvement to each .40 Parcel as if applicable only to that .40 Parcel and to the .41 Improvement to each .41 Parcel as if applicable only to that .41 Parcel, and otherwise will be implemented in the manner provided herein.

Section 14. Effective Date. 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 the passage if the Mayor neither approves nor vetoes the same; *provided, however*, that Section 2 of this Ordinance shall be in full force and take effect as to each .40(B) Parcel commencing with the year prior to the first year a .40(B) Improvement to that .40(B) Parcel would first be taxable were that .40(B) Parcel not exempt from taxation pursuant to this Ordinance or the Tax Abatement, so that the TIF Exemption first applies to that .40(B) Parcel the first year there is a .40(B) Improvement to that .40(B) Parcel; and *provided further* that Section 2 of this Ordinance shall be in full force and take effect as to each .41 Parcel commencing with the first year prior to the first year a .41 Improvement due to the construction of a new structure on that .41 Parcel would first be taxable were that .41 Parcel not exempt from taxation pursuant to this Ordinance or the Tax Abatement, so that the TIF Exemption first applies to that .41 Parcel the first year there is a .41 Improvement due to the construction of a new structure on that .41 Parcel.

Legislation Number: 1285-2009

Drafting Date: 09/25/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the Director of the Department of Development to increase contracts with various contractors for grass mowing and litter control services during the 2009 season. These services are needed to protect the health and safety of the citizens of Columbus.

FISCAL IMPACT: Funds will be transferred within the General Fund from the Economic Development Division to provide the funding for these increases. A transfer of \$10,000 is also included to provide funding for increased tipping fees to SWACO.

Emergency action is required so that weed abatement efforts will not be interrupted.

Title

To authorize the City Auditor to transfer \$60,000 between divisions within the Development Department; to authorize the Development Director to increase contracts with various contractors for grass mowing and litter control services during the 2009 season; to authorize the expenditure of \$50,000.00 from the General Fund; and to declare an emergency. (\$60,000.00)

Body

Whereas, grass mowing and litter control is necessary to public health; and

Whereas, it is the responsibility of the Weed Abatement Program to clear public sites and private properties deemed in violation; and

Whereas, in order to carry out this responsibility it is necessary to contract for grass mowing and litter control services; and

Whereas, an emergency exists in the usual daily operation of the Department of Development, in that it is immediately necessary to transfer funds and increase contracts with certain contractors to provide these services without interruption; all for the immediate preservation of the public peace, health, safety, and welfare; **now, therefore**,

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

Section 1. That the City Auditor be and is hereby authorized and directed to transfer \$60,000 within the Development Department, General Fund, Fund 010, as follows:

FROM:

Division 44-02 / Object Level One 05 / Object Level Three 5513 / OCA 440314 / Amount \$60,000

TO:

Division 44-03 / Object Level One 03 / Object Level Three 3354 / OCA 499046 / Amount \$50,000

Division 44-03 / Object Level One 03 / Object Level Three 3389 / OCA 499046 / Amount \$10,000

Section 2. That the Director of the Department of Development is hereby authorized to increase contracts with the vendors listed below in accordance with Columbus City Code for grass mowing and litter control services for the Department of Development, Building Services Division.

Vendor

- A-1 Swimming Pools Supplies
- Chapman's Lawn Care
- Higher Ground Commercial Maintenance
- Curb Appeal Lawn Care
- Cut it Now Lawn Care & Hauling Service
- DMS Lawn Care
- Johns Industrial Landscaping
- Lyles Landscape & Maintenance
- Martha Walker Garden Club
- Quality Lawn Care Service
- Shining Company

Section 3. That the expenditure of \$50,000, or so much thereof as may be necessary, from the Department of Development, Building Services Division, Division 44-03, General Fund, Fund 010, Object Level One 03, Object Level Three 3354, OCA Code 499046 for the aforesaid purpose is hereby authorized.

Section 4. That for the reasons stated in the preamble thereto, 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: 1290-2009

Drafting Date: 09/25/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: The City of Columbus, Ohio holds title to an easement, located in the vicinity of Harlem Road and Central College Road, by virtue of a recorded deed of easement. New Albany Company LLC, has requested that the subject easement be released in exchange for a replacement easement previously granted to the City of Columbus. The Division of Sewerage and Drainage has determined that the proposed exchange of easements will not adversely affect the City and therefore should be granted. The following legislation authorizes the Director of the Department of Public Utilities to execute those instruments necessary to release the aforementioned sewer easement in exchange for a previously granted replacement easement.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to allow for the immediate release of the subject easement in exchange for an easement already receive by the City as not to delay the development of the property.

Title

To authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement, located in the vicinity of Harlem Road and Central College Road, at the request of New Albany Company LLC, in exchange for a replacement easement previously granted to the City of Columbus, Ohio and to declare an emergency

Body

WHEREAS, The City of Columbus, Ohio holds title to an easement, located in the vicinity of Harlem Road and Central College Road, by virtue of a recorded deed of easement; Instrument Number: 200905120067738, Franklin County Recorder's Office; and

WHEREAS, The New Albany Company LLC, a Delaware limited liability company, has requested that said easement described below be released in exchange for the replacement easement given to the City of Columbus, Ohio, Instrument No. 200907280110336, Franklin County Recorder's Office; and

WHEREAS, the Division of Sewerage and Drainage has determined that the release of said easement, Instrument No. 200905120067738, will not adversely affect the City of Columbus; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is necessary to immediately authorize the Director of the Department of Public Utilities to execute those documents necessary to release a certain utility easement at the request of New Albany Company LLC, 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 Public Utilities be, and hereby is authorized to execute those documents, prepared by the Department of Law, Real Estate Division, necessary to release unto New Albany Company LLC, a Delaware limited liability company, the sewer easement rights in the following described real property:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 14, Quarter Township 2, Township 2, Range 16, United States Military Lands, being out of that 4.998 acre tract as conveyed to The New Albany Company LLC by deed of record in Instrument Number 200511100239032 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning at the northeast corner of Grantors tract;
Thence South 05° 44' 42" East, with an easterly line of Grantor's tract, a distance of 187.12 feet to the southeast corner of Grantor's tract;
Thence North 86° 11' 50" West, with Grantor's south line, a distance of 25.35 feet to a point;
Thence North 05° 44' 42" West, across Grantor's tract, a distance of 187.12 feet to a point in Grantor's north line;
Thence South 86° 11' 49" East, with said north line, a distance of 25.35 feet to the POINT OF BEGINNING, and containing 0.107 acres of land, more or less.

Franklin County Tax Parcel Number: 460-282291 Prior Instrument Reference: 200905120067738,
Recorder's Office Franklin County, Ohio

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 passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor

vetoed the same.

Legislation Number: 1291-2009

Drafting Date: 09/25/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: Ordinance No. 0453-2009, passed April 6, 2009, authorized the City Attorney to acquire certain property rights, and to expend certain monies in connection with the Chatterton Road Water Main Improvement Project. The original amount of funding made available for this project was done so with the understanding that additional monies may be needed at a later date. It is now necessary to increase the Auditor's Certificate established by the aforementioned ordinance by the amount of \$50,000.00 to pay for additional costs in connection with this project.

Fiscal Impact: This legislation includes a transfer of funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund as a temporary measure until such time as the proceeds from an upcoming bond sale can be made available. An amendment to the 2009 Capital Improvements Budget is also necessary.

Emergency Justification: is requested to allow right-of-way acquisition to begin immediately so that the City can meet current acquisition schedules.

Title

To increase an existing Auditor's Certificate by \$50,000.00 for the Chatterton Road Water Main Improvement Project; to authorize the appropriation and transfer of \$50,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$50,000.00 from the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$50,000.00)

Body

WHEREAS, the City of Columbus is engaged in the Chatterton Road Water Main Improvement Project; and

WHEREAS, the original amount of funding made available for this project was done so with the understanding that additional monies may be needed at a later date; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; 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 construction of the Project described in this Ordinance (collectively, the "Project"); and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Water Reserve Fund the amount transferred; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$50,000.00; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and

Water, in that it is immediately necessary to increase an Auditor's Certificate to pay additional professional service costs and other fees incidental to the acquisition of real estate for the Chatterton Road Water Main Improvement Project, in an emergency manner to allow right-of-way acquisition to begin immediately so that the City can meet current acquisition schedules, to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund, 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 from the unappropriated monies in the Water System Reserve Fund, 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, 2009, the sum of \$50,000.00, is hereby appropriated to the Division of Power and Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

SECTION 2. That the City Auditor is hereby authorized and directed to transfer \$50,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund, Fund No. 606, into the appropriate project account as specified within Section 3 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the appropriation of \$50,000.00 is hereby authorized for the Chatterton Road Water Main Improvement Project as follows: Division of Power and Water, Fund No. 606, Division 60-09, Water Works Enlargement Voted Bonds Fund, Auditor's Certificate No. AC029744, Project No. 690483-100000, Object Level Three 6601, OCA Code 690483.

SECTION 4. That the expenditure of \$50,000.00, or so much thereof as may be necessary from the Water Works Enlargement Voted Bonds Fund No. 606; Dept./Div. 60-09; Project No. 690483; OCA Code 690483-100000; Object Level Three 6601; AC029744 for the aforesaid purpose is hereby authorized.

SECTION 5. That the 2009 Capital Improvements Budget is hereby amended as follows (to make corrections under for Ordinances that have already passed):

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>change</u>
606	690449-100000 (New)	Dublin Rd. 36" W.M. Imp's	\$7,416,835	\$7,366,835	-\$50,000
606	690483-100000 (New)	Chatterton Rd. 30" W.M.	\$4,695,000	\$4,745,000	+\$50,000

SECTION 6. That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

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 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 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 \$50,000.00 (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 Water System Reserve Fund 603, which is the fund from which the advance for costs of the Project will be made.

SECTION 11. 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: 1292-2009

Drafting Date: 09/27/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: This ordinance authorizes the Director of Public Safety to enter into a contract with Intergraph Corporation to install a new Computer Aided Dispatch (CAD) System at the Police and Fire Communications Center. CAD is used to assist in processing calls from the public to the Department of Public Safety's dispatch center (both Police and Fire). The system dramatically aids the call-takers and dispatchers by electronically moving pertinent data to the proper field personnel over voice or data communications. CAD also stores data for record-keeping purposes. The current CAD system was purchased in 1991 and was upgraded in 1999. Because of the age of the system, maintenance has grown costly in recent years and the system requires frequent updates that causes downtime. In 2007, the city contracted with eGov Consulting Services LLC to assist in Request For Proposal (RFP) development, vendor evaluation, vendor negotiation, and the transition to a new system.

The selection process for this contract was completed in accordance with the competitive procurement provisions under Section 329.14 of the Columbus City Code. Proposals were received for a new system in late 2008, with negotiations on-going throughout 2009. The new CAD will include a new base system with Mobile Environment features, a Fire RMS (record management system), interfaces with existing technologies, automated false alarm billing, and a backup communication center.

Five (5) firms submitted proposals as follows:

Firm	City/State	Status	Minority
Intergraph Corporation	Huntsville, Al.	Compliant: 9/21/09 - 9/21/2011	NO
Tiburon	Pleasanton, CA	Compliant: 9/03/08 - 9/03/2010	NO
Positron	Atlanta, GA	Compliant: 10/1/08 - 10/1/2010	NO
Motorola, Inc.	Westminister, CO	Compliant: 3/07/08 - 3/07/2010	NO
Sungard Public Sector	Wayne, PA	Not Compliant	NO

After an in depth evaluation and demonstrations of the proposals from the vendors, the evaluation committee determined that Intergraph Corporation submitted the best overall proposal for the new CAD system. The Public Safety Director concurs with the recommendation of the evaluation committee and selects Intergraph Corporation as the best proposal. Project completion is scheduled for June 2011.

This ordinance also authorizes the appropriation and transfer of \$7,200,000 from the Special Income Tax Fund to the Public Safety Capital Improvement Fund.

EMERGENCY DESIGNATION: Emergency designation is requested due to the need to have a new system up and running as soon as possible due to the age of the current CAD system.

Contract compliance: Intergraph Corporation # 63-0573222 expires 09/21/2011

FISCAL IMPACT: This ordinance authorizes an appropriation and expenditure of \$7.2 million from the Safety Voted Bond fund to enter into contract to replace the Police and Fire CAD system. This project is included in the current 2009 Capital Improvement Budget through ordinance 1199-2009, which is an amendment to the original 2009 Capital Improvement Budget. The transfer of funds from the Special Income Tax (SIT) Fund is only a temporary measure until bonds are sold later in the year to reimburse the SIT.

TitleTo authorize the Director of Public Safety to enter into contract with Intergraph Corporation on behalf of the Division of Support Services, for the purchase and installation of a Computer Aided Dispatch System at the Police and Fire communication center, to authorize and direct the City Auditor to appropriate and transfer \$7,200,000.00 from the Special Income Tax Fund to the Public Safety Capital Improvement Fund, to authorize the expenditure of \$7,200,000 from the Public Safety Capital Improvement Fund; and to declare an emergency. (\$7,200,000.00).

Body

WHEREAS, there is a need to replace the existing Computer Aided Dispatch System, and

WHEREAS, Request for Proposals (RFP) were solicited and received in accordance with Columbus City Codes, and

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

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

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

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this renovation is presently expected not to exceed \$7,200,000.00, 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, an emergency exists in the usual daily operation of the Department of Public Safety, Division of Support Services, in that it is immediately necessary to authorize the Director of Public Safety to enter into a contract with Intergraph Cooperation for the replacement of the Computer Aided Dispatch system, 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 Public Safety Director is hereby authorized to enter into contract with Intergraph Corporation on behalf of the Division of Support Services, for the purchase and installation of a Computer Aided Dispatch System at the Police and Fire communication center.

SECTION 2. That the sum of \$7,200,000.00 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, 2009 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Public Safety Capital Improvement Fund 701, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 4. That the amount of \$7,200,000.00 is hereby transferred and appropriated to the Support Services Division, 30-02, Public Safety Capital Improvement Fund, Fund 701, Police-Fire Comp. Aided Dispatch System - 320016-100000,

Object Level One 06, Object Level Three Code 6644, OCA 701016.

SECTION 5. That upon obtaining other funds for the purchase and installation of the CAD System at the Police and Fire dispatching center, 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 Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 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 \$7,200,000.00 (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 the 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 the expenditure of \$7,200,000.00, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 30-02
Fund: 701
OCA Code: 701016
Object Level: 06
Object Level 3: 6644
Project: 320016
Amount \$7,200,000.00

SECTION 9. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contract or contract modifications associated with this ordinance.

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

Legislation Number: 1294-2009

Drafting Date: 09/28/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kokosing Construction Company, Inc., in the amount of \$2,615,704.96; for the Parsons Avenue Water Plant (PAWP) Sludge Disposal - Lagoon 2 Project, Division of Power and Water Contract Number 1118 - Part 1. This legislation will also authorize the appropriation and expenditure of said funds from the Ohio Water Development Authority (OWDA) Fund.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened four bids on September 23 2009. Bids were received from: Burch Hydro, Inc. - \$2,576,755.32, Kokosing Construction Company, Inc. - \$2,615,704.96; Mark Haynes Construction, Inc. - \$2,745,613.42; and Metropolitan Environmental Services, Inc. -

\$4,385,139.70 (non-responsive).

Burch Hydro, Inc. submitted the lowest bid, however, Kokosing Construction Company, Inc. is considered the lowest bidder after the Tier II Creditable Factors were taken into account. Kokosing Construction Company scored higher credits in the areas of: local vendor, local workforce, quality training, retirement/pension plan, and environmental preference. The Division's project manager has recommended the award go to Kokosing Construction Company based on the estimate and evaluation of their proposal, and the Administrator of the Division of Power and Water has agreed.

Their Contract Compliance Number is 31-1023518 (expires 3/14/10, Majority). Additional information regarding each bidder, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner to allow removal of sludge from Lagoon #2 as soon as possible because all process residuals (sludge) from the Parsons Avenue Water Plant go to one of the three lagoons on the plant site. All three of the lagoons are very close to capacity with only approximately 210 days of sludge storage available on site. The contract completion time for this project is 180 calendar days after the Notice to Proceed. Without the ability to store process residuals the plant will be unable to continue to treat water.

3. FISCAL IMPACT: This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan with the Ohio Water Development Authority (OWDA) and reimburse the Water System Reserve Fund. The loan is expected to be approved on Thursday, October 22, 2009. An amendment to the 2009 Capital Improvements Budget is also necessary in order to reduce authority to actual needs.

Title

To authorize the Director of Public Utilities to execute a contract with Kokosing Construction Company, Inc. for construction of the Parsons Avenue Water Plant (PAWP) Sludge Disposal - Lagoon 2 Project; to authorize the appropriation and transfer of \$2,615,704.96 from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund; to authorize the appropriation and expenditure of \$2,615,704.96 from the Ohio Water Development Authority (OWDA) Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$2,615,704.96)

Body

WHEREAS, four bids for the Parsons Avenue Water Plant (PAWP) Sludge Disposal - Lagoon 2 Project were received and publicly opened in the offices of the Director of Public Utilities on September 23, 2009; and

WHEREAS, it was determined that Kokosing Construction Company, Inc. submitted the lowest, best, responsive and responsible bid proposal in the amount of \$2,615,704.96; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the PAWP Sludge Disposal - Lagoon 2 Project; and

WHEREAS, it is immediately necessary to both appropriate funds from the Water System Reserve Fund and to authorize the transfer of said funds into the Ohio Water Development Authority (OWDA) Fund, in order to temporarily fund this expenditure, until such time as the City is able to execute a loan for the above stated purpose and reimburse the Water System Reserve Fund; 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 construction of the Project described in this Ordinance (collectively, the "Project"); and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$2,615,704.96; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with Kokosing Construction Company, Inc. for the PAWP Sludge Disposal - Lagoon 2 Project, to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund, in an emergency manner as the plant's three lagoons are very close to capacity and without storage ability the plant will be unable to treat water, for the immediate preservation of the public health, peace, property and safety; now therefore,

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

SECTION 1. That the Director of Public Utilities be and hereby is authorized to award and execute a construction contract for the Parsons Avenue Water Plant (PAWP) Sludge Disposal - Lagoon 2 Project with the lowest and best bidder, Kokosing Construction Company, Inc., 6235 Westerville Rd., Ste. 200, Westerville, Ohio 43081; in the amount of \$2,615,704.96; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water.

SECTION 2. That from the unappropriated monies in the Water System Reserve Fund 603, 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, 2009, the sum of \$2,615,704.96 is hereby appropriated to the Division of Power and Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

SECTION 3. That the City Auditor is hereby authorized to transfer \$2,615,704.96 to the Ohio Water Development Authority (OWDA) Fund, Fund No. 616, into the appropriate project accounts as specified within Section 5 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

SECTION 4. That the 2009 Capital Improvements Budget is hereby amended as follows:

Fund No. | Project No. | Project Name | Current Authority | Revised Authority | change
616 | 690414-100000 | PAWP Sludge Disposal | \$5,100,000 | \$2,615,705 | -\$2,484,295

SECTION 5. That for the purpose of paying the cost of the Ohio Water Development Authority (OWDA) Fund Eligible Items within the aforementioned contract, the following appropriation and expenditure, or as much thereof as may be needed is hereby authorized as follows: Fund No. 616, Dept/Div. No. 60-09, Project: 690414, OCA Code 616414, Object Level One 06, Object Level Three 6623, Amount \$2,615,704.96.

SECTION 6. That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

SECTION 7. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

SECTION 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 \$2,615,704.96 (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 Water System Reserve Fund 603, which is the fund from which the advance for costs of the Project will be made.

SECTION 9. 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 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 12. That for 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: 1295-2009

Drafting Date: 09/28/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: To appropriate \$66,668.00 in the Urban Development Action Grants Fund, to the Department of Finance and Management, and to authorize the expenditure of \$66,668.00 from the Urban Development Action Grants Fund for the immediate and long term maintenance of the Ohio Theatre.

The development agreements for the use of two UDAGs (0120 and 0128) received by the City for renovation of the Ohio Theatre require that loan repayments from the Columbus Association for the Performing Arts (CAPA, tax id. #31-0749884) to the city be used for maintenance of the theatre.

The development agreements established a 30-year term at 0% interest for CAPA to repay the UDAG. Minimum payments are established at \$50,000 annually on UDAG 0120, and \$16,668 on UDAG 0128. The use of the loan repayments for maintenance activities constitutes an expenditure by the City and is not a loan. 2009 is the 26th year of this 30 year agreement, which was initially authorized by Ordinances 1230-82 and 1231-82 (passed June 21, 1982) for UDAG 0120; and Ordinances 1529-82 and 1530-82 for UDAG 0128 (passed July 26, 1982).

FISCAL IMPACT: Funds are available for these transactions in the Urban Development Action Grants subfunds.

This legislation is presented as an emergency to effectively execute the requirements of the UDAG agreement. The terms of the UDAG contract stipulate that CAPA make payment to the City, which in turn must reimburse that amount to CAPA on a timely basis to fund the aforementioned maintenance expenses.

Title

To authorize an appropriation of \$66,668.00 from the unappropriated balance of the Urban Development Action grants Fund, to the Department of Finance and Management, and to authorize the expenditure of \$66,668.00 from the Urban Development Action Grants Fund, to provide for the immediate and long term maintenance of the Ohio Theatre; and to declare an emergency. (\$66,668.00)

Body

SECTION 1. That from the unappropriated monies in the fund known as the Urban Development Action Grants Fund, Fund No. 243, 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, 2009 there be and hereby is appropriated the following sum for use during the 12 months ending December 31, 2009, to provide for long term maintenance of the Ohio Theatre:

Division No. 45-01 - Department of Finance and Management

<u>Subfund</u>	<u>OCA</u>	<u>Object Level One</u>	<u>Object Level Three</u>	<u>Amount</u>
243009	450171	03	3337	\$50,000.00
243010	450189	03	3337	\$16,668.00
TOTAL APPROPRIATION				\$66,668.00

SECTION 2. That the expenditure of \$66,668.00, or so much thereof as may be necessary, be and hereby authorized from the Department of Finance and Management, Department No. 45-01, Urban Development Action Grants Fund, Fund No. 243, as follows:

<u>Subfund</u>	<u>OCA</u>	<u>Object Level One</u>	<u>Object Level Three</u>	<u>Amount</u>
243009	450171	03	3337	\$50,000.00
243010	450189	03	3337	\$16,668.00
TOTAL EXPENDITURE				\$66,668.00

SECTION 3. That the monies appropriated in the foregoing Section 1 shall be paid upon order of the Department 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 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: 1300-2009

Drafting Date: 09/29/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: This ordinance authorizes the acceptance, appropriation and expenditure of a \$100,000 grant from the Columbus Board of Education to the Department of Development. The grant funds will be used for a contract with the Young Men's Christian Association of Central Ohio (YMCA of Central Ohio) to support the truancy prevention and intervention program.

In 2009 the City of Columbus received a \$100,000 grant, awarded by the Board of Education, to support a truancy

prevention and intervention program. These programs meet the Senate Bill 181 mandate to provide truancy intervention for habitual and chronic truants. The funds will be directed towards a community-based program that seeks to reduce truancy through educational procedures, case management and other interventions. In addition to monetary support, the Columbus City Schools will be responsible for coordination and communication of program expectations to its' school system and to the at-large community. The City of Columbus will provide Police Officers to transport truant students to the designated Truancy Centers, and to serve as the fiduciary for the contract. The contract period will be in effect from September 1, 2009 to August 31, 2010.

This legislation is presented as an emergency to avoid interruption of service to the truancy centers and to comply with the recent passage of legislation from the Board of Education that is the first authorization phase in the transfer of the program operation funds to the City of Columbus.

FISCAL IMPACT: Funds for this activity are provided through the Alternative Schools /Programs Grant Fund awarded by the Columbus Board of Education.

Title

To authorize the Director of the Department of Development to accept an Alternative Schools/ Programs Grant from the Columbus Board of Education in the amount of \$100,000; to authorize the appropriation of \$100,000 from the General Government Grant Fund to the Department of Development; to authorize the Director of the Department of Development to enter into the contract with the YMCA of Central Ohio to support the truancy prevention and intervention program; to authorize the expenditure of \$100,000 from the General Government Grant Fund; and to declare an emergency. (\$100,000)

Body

WHEREAS, the City of Columbus was awarded a \$100,000 grant from the Columbus Board of Education; and

WHEREAS, the Director of the Department of Development desires to accept, appropriate and expend these grant funds from the Columbus Board of Education to fund truancy prevention and intervention programs in the amount of \$100,000; and

WHEREAS, this program meets the Senate Bill 181 mandate to provide truancy intervention for habitual and chronic truants; and

WHEREAS, the Columbus City Schools will provide program coordination and communicate program expectations in its school system and to the at-large community; and

WHEREAS, the City of Columbus will serve as the fiduciary to the contract and provide Police Officers to transport truant students to designated Truancy Centers; and

WHEREAS, this program services all Columbus City Schools with emphasis at the middle and high school levels; and

WHEREAS, this legislation is presented as an emergency to avoid interruption of service to the Truancy Centers and to comply with the passage of legislation from the Board of Education, that is the first authorization phase in the transfer of the operation funds to the City of Columbus, 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 accept a grant award of \$100,000.00 from the Columbus Board of Education to support truancy prevention and intervention programs.

Section 2. That from the unappropriated monies in the fund known as the General Government Grant Fund, the sum of \$100,000.00 be and is hereby appropriated to the Department of Development, Division 44-01, Fund 220, Grant 441001, Object Level One 03, Object Level Three 3337, OCA Code 441101.

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

Section 4. That the Director of the Department of Development be and is hereby authorized to enter into a contract with the YMCA of Central Ohio to support the truancy prevention and intervention program for the period of September 1, 2009 to August 2010.

Section 5. That this contract is awarded pursuant to Section 329.15 of the Columbus City Codes, 1959 as amended.

Section 6. That for the purpose as stated in Section 4, the expenditure of \$100,000.00, or so much thereof as may be necessary, be and is hereby authorized to be expended from the General Government Grant Fund, Department of Development, Division 44-01, Fund 220, Grant 441001, Object Level One 03, Object Level Three 3337, OCA Code 441101.

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: 1302-2009

Drafting Date: 09/29/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance increases the normal and temporary complements of deputy chiefs of police by one. The increases are being made to more equitably spread out the duties of the Deputy Chiefs and prepare younger officers to be mentors in higher ranked positions before the 'DROP' retirement program becomes effective. While a commensurate lower level strength reduction is not being taken, the financial impacts are negligible as pay increases associated with this action will be minimal.

Title

To establish a new authorized strength ordinance for the Division of Police to increase the normal and temporary complements of police deputy chiefs by one; to repeal ordinance 1043-2009; and to declare an emergency.

Body

WHEREAS, the Division of Police desires to increase the normal and temporary complements of deputy police chiefs by one (1) to more equitably spread out the duties of the Deputy Chiefs and prepare younger officers to be mentors in higher ranked positions before the 'DROP' retirement program becomes effective; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Police in that it is immediately necessary to establish a new authorized strength ordinance to provide for the efficient operation of the city, 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 pursuant to Section 14 of the City Charter, the maximum number of officers and employees authorized to be employed within the various Departments, Boards and Offices of the City and hereby fixed and established as follows:

The foregoing positions authorized include all positions within each department, division, board, office or commission, whether appointed or elected except the members of any board or commission authorized by charter or ordinance.

No Appointing Authority shall appoint full-time or part-time personnel in excess of the maximum permitted by this ordinance unless authorized by ordinance of City Council.

SECTION 2. Such of the positions within the Division of Fire as the Director of Public Safety and Fire Chief shall designate, shall be within the uniformed ranks and all other positions therein shall be deemed civilian positions, provided there shall not be in excess of five (5) Fire Assistant Chiefs and there shall not be in excess of four (4) Fire Deputy Chiefs; as a normal complement in excess of thirty-four (34) Fire Battalion Chiefs nor as a temporary complement in excess of thirty-five (35) Fire Battalion Chiefs at any one time; fifty-six (56) Fire Captains nor as a temporary complement in excess of fifty-nine (59) Fire Captains at any one time; one (1) Fire Chief; and one-hundred ninety six (196) Fire Lieutenants. The complements of fire captains and fire lieutenants are intended to be temporary, subject to review and change at any time.

Such of the positions within the Division of Police as the Director of Public Safety and the Police Chief shall designate, shall be within the uniformed ranks and all other positions therein shall be deemed civilian positions, provided there shall not be, as a normal complement, in excess of eighteen (18) Police Commanders nor as a temporary complement in excess of nineteen (19) Police Commanders at any one time; one (1) Police Chief; **in excess of, as a normal complement six (6) Police Deputy Chiefs nor as a temporary complement in excess of seven (7) Police Deputy Chiefs at any one time, as a normal complement five (5) Police Deputy Chiefs nor as a temporary complement in excess of six (6) Police Deputy Chiefs at any one time;** in excess of, as a normal complement, fifty-seven (57) Police Lieutenants nor as a temporary complement; in excess of fifty-nine (59) Police Lieutenants at any one time; in excess of, as a normal complement; two hundred twenty-five (225) Police Sergeants nor as a temporary complement in excess of two hundred twenty-nine (229) Police Sergeants at any one time.

SECTION 3. That temporary appointments are not subject to the authorized strength ordinance. Additionally, limited appointments made to cover full-time and part-time employees on authorized leave (injury, disability or military leave) are not subject to the authorized strength ordinance.

SECTION 4. That Ordinance No. 1043-2009 and all other ordinances relative to the authorization of employees for any department, division, board or commission and all other ordinances in conflict herewith be and the same are hereby repealed.

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: 1304-2009

Drafting Date: 09/30/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: For the option to contract for Collection, Recycling & Sale of Mixed Office By-Products for use by various City departments. These operations are an essential part of the City's commitment to maintain its' operations in an environmentally responsible manner. The term of the proposed option contract would be from the contract execution date until December 15, 2011, with the option to extend for one additional year. The Purchasing Office opened formal bids on

September 24, 2009.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA003357). Twenty six (26) Bids were solicited. One (1) Bid was received.

The Purchasing Office is recommending award to the lowest, responsive, responsible and best bidder:

Rumpke of Ohio, Inc. CC#311617611 (expires 3-21-2010)

Total Estimated Annual Expenditure: \$50,000.00

This 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 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. The various departments will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

Title

To authorize and direct the Finance & Management Director to enter into a contract for Collection, Recycling & Sale of Mixed Office By-Products for use by various City departments as needed with Rumpke of Ohio, Inc. to authorize the expenditure of One dollar to establish the contracts from the Mail, Print Services and UTC Fund: and to declare an emergency. (\$1.00)

Body

WHEREAS, the Purchasing Office advertised and solicited formal bids on September 24, 2009 and selected the lowest responsive, and 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 the Collection, Recycling & Sale of Mixed Office By-Products for use by various City departments; and

WHEREAS, these Collection, Collection, Recycling & Sale of Mixed Office By-Products are necessary for the various departments to maintain the operations of the City in an environmentally responsible manner, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the various departments, in that it is immediately necessary to enter into contracts for an option to purchase Collection, Recycling & Sale of Mixed Office By-Products, 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 Collection, Recycling & Sale of Mixed Office By-Products for use by various City departments for the term ending December 15, 2011 with the option to extend for One (1) additional year in accordance with Solicitation No. SA003357 as follows:

Rumpke of Ohio, Inc. All Items: Amount \$1.00

SECTION 2. That the expenditure of \$1.00 is hereby authorized from the Mail, Print Services and UTC Fund, Organization Level 1: 45-01, Fund: 05-517, Object Level 3: 2270, OCA: 451130, to pay the cost thereof.

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

Legislation Number: 1307-2009

Drafting Date: 09/30/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. **BACKGROUND**

The Department of Public Service, Division of Refuse Collection, Keep Columbus Beautiful (KCB) program is eligible to apply for a grant sponsored by Anheuser Busch in conjunction with KCB's affiliation with KEEP AMERICA BEAUTIFUL. The grant, called "2009 KAB/Anheuser-Busch Environmental Grant" is requesting support to expand KickButtColumbus, to an awareness and abatement campaign with a focus on Fast Food litter on area highway ramps and neighborhood intersections in spring of 2010. KickButtColumbus! is a collaborative effort between the City of Columbus, State of Ohio, area businesses, young professional organizations and citizens who organize and participate in a one-day volunteer event to remove accumulated trash and debris from highway interchanges and exit ramps which serve as gateways into city neighborhoods.

The "2009 KAB/Anheuser-Busch Environmental Grant" will distribute \$55,000 in grant awards with the maximum of \$10,000 to be awarded to affiliates in good standing who meet all grant qualifications. The announcement of awards will take place in December with funds available shortly after in 2009 and all funds must be used by August of 2010. The affiliate must partner with a local Anheuser-Busch wholesaler. (The Columbus Distributing Company)

Keep Columbus Beautiful is requesting an award of \$10,000.00 to re-implement a sustainable litter abatement program for select ramps and interchanges leading to core city neighborhoods with designated driving points such as Children's Hospital, The Ohio State University, Short North/Arena District/Convention Center, Capital University/DeVry Institute, State Offices, Crew Stadium and more. This legislation authorizes the Director of Public Service to formally apply for the grant on behalf of Keep Columbus Beautiful and accept it, if awarded, on behalf of the City of Columbus; it also authorizes the appropriation and expenditure of these funds within the Private Grant Fund.

2. FISCAL IMPACT

No city match is required for this grant. No use of city dollars is expected. Keep Columbus Beautiful can and should recruit local non-City of Columbus financial or in-kind contributions to support the initiative that grant dollars will be used for. Local support will showcase the community's sense of commitment to the mission, ability to sustain the initiative beyond 2010, and offset the overall cost of the project. KCB resources that will be dedicated to managing/implementing this grant are included in the program's 2009 operating budget within the Street Construction, Maintenance and Repair Fund and 2010 General Fund.

3. EMERGENCY DESIGNATION

Emergency action is requested to apply for this funding to meet the application deadline. Applications must be submitted online by October 12, 2009. If awarded, monies must be used to complete a litter cleanup activity by August of 2010. TitleTo authorize the City of Columbus Director of Public Service to apply on behalf of Keep Columbus Beautiful (affiliate member) to Keep America Beautiful to request funding from the 2009 KAB/Anheuser-Busch Environmental community improvement grant partnership to support and expand KickButtColumbus! into an awareness and abatement effort to remove FAST FOOD LITTER from targeted ramps and interchanges leading into neighborhoods with highly visible destination areas and accept said grant; if awarded to authorize the appropriation of \$10,000.00 within the Private Grant Fund; and to authorize the expenditure of \$10,000.00 or so much thereof as may be needed for this purpose from the Private Grant Fund; and to declare an emergency. (\$10,000.00)

WHEREAS, the Keep Columbus Beautiful program is eligible to apply for the 2009 KAB/Anheuser-Busch Environmental Grant; and

WHEREAS, this grant is designed to facilitate a fast food litter awareness promotion and abatement event in Spring of 2010 and collaborative efforts with community partners and the City of Columbus, state and local county jurisdictions who remove litter on highways and partnering with KEEP OHIO BEAUTIFUL and their annual spring partnership with the Ohio Department of Transportation for roadway cleanups; and

WHEREAS, Keep Columbus Beautiful must submit an online application by October 12, 2009; and

WHEREAS, it is immediately necessary to authorize the Director of Public Service to apply for the grant and accept it if awarded as soon as possible to allow the planning for an effective public-private litter abatement project and miscellaneous sustainable efforts in Spring of 2010; 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 apply for the 2009 KAB/Anheuser-Busch Environmental Grant designed to facilitate a Fast Food Litter awareness promotion and abatement event in Spring of 2010 and collaborative efforts with community partners and the City of Columbus, state and local county jurisdictions who clean up litter on highways and partnering with KEEP OHIO BEAUTIFUL annual spring partnership with the Ohio Department of Transportation for roadway cleanups and to accept said grant if awarded.

Section 2. That from the unappropriated balance of the Private Grant Fund, Fund 291, 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, 2009, the sum of \$10,000.00 be and hereby is appropriated to the Division of Refuse Collection, Department No. 59-02, Object Level One Code 02, Object Level Three Code 2200, OCA codes and grant numbers to be established by the City Auditor as necessary.

Section 3. That dollars remaining as of December 31, 2009, appropriated from the Private Grant Fund be allowed to be rolled into the following year appropriation.

Section 4. That the monies appropriated in 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 the Director of Public Service be and hereby is authorized to expend \$10,000.00 or so much thereof as may be needed to pay appropriate "2009 KAB/Anheuser-Busch Environmental Grant " program expenses from the Private Grant Fund, Fund 291, Division of Refuse Collection, Department No. 59-02, Object Level One Code 02, Object Level Three Code 2200, OCA codes and grant numbers to be established by the City Auditor as necessary.

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: 1308-2009

Drafting Date: 10/01/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation1. BACKGROUND

The Division of Planning and Operations is responsible for routine and emergency street repairs and maintenance throughout the year. The Division uses Various Asphalt Concrete in its surface treatment program to effect repairs and maintenance to streets, gravel alleys and berms, and patch potholes.

The Purchasing Office has established a citywide universal term contract with Kokosing Materials, Inc., for the purchase of these materials (FL003940). This legislation will authorize the expenditure of \$100,000.00 for Various Asphalt Concrete per the terms and conditions of the universal term contract.

2. CONTRACT COMPLIANCE

Kokosing Materials, Inc., contract compliance number is 31-0980603 and it expires 2/5/2010.

3. FISCAL IMPACT

Funds in the amount of \$100,000.00 are available in the Street Construction, Maintenance and Repair Fund for this purpose.

4. EMERGENCY DESIGNATION

Emergency action is requested to assure an uninterrupted supply of this critical commodity.

TitleTo authorize the Director of Finance and Management to establish a purchase order with Kokosing Materials, Inc. for the purchase of Various Asphalt Concrete, in accordance with the terms and conditions of an established citywide universal term contract for the Division of Planning and Operations; to authorize the expenditure of \$100,000.00 from the Street Construction, Maintenance and Repair Fund; and to declare an emergency. (\$100,000.00)

Body**WHEREAS**, the daily activities of the Division of Planning and Operations require the purchase and use of Various Asphalt Concrete to effect repairs and maintenance to streets, gravel alleys and berms and to patch potholes on city streets; and

WHEREAS, funds are available in the Street Construction, Maintenance and Repair Fund for the purchase of Various Asphalt Concrete; and

WHEREAS, an emergency exists in the Department of Public Service, Division of Planning and Operations, in that it is immediately necessary to purchase Various Asphalt Concrete in order to assure an uninterrupted supply in order to conduct routine and emergency street repairs; 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 establish a purchase order with Kokosing Materials, Inc., PO Box 334, Fredricktown OH 43019-9159, for the procurement of Various Asphalt Concrete in an amount not to exceed \$100,000.00 for the Division of Planning and Operations in accordance with the terms and conditions of applicable existing citywide universal term contract (FL003940).

Section 2. That the expenditure of \$100,000.00 or so much thereof as may be needed, be and hereby is authorized from Fund 265, the Street Construction, Maintenance and Repair Fund, Department 59-11, Division of Planning and Operations, Object Level One Code 02, Object Level Three Code 2262, OCA Codes 591117 (\$100,000.00), for the purchase of Various Asphalt Concrete.

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

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

Legislation Number: 1310-2009

Drafting Date: 10/01/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Background: This ordinance authorizes and directs the Director of the Department of Finance and Management on behalf of the Franklin County Municipal Court Clerk to establish a purchase order with TAB Products Company LLC for the purchase of customized case file folders.

The Franklin County Municipal Court Clerk utilizes case file folders to store civil, criminal, traffic, and environmental court documents and case information 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 582-87 authorizes the City of Columbus to purchase from this contract. Due the time constraints and 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. The storage services, freight and handling are all included in the state term schedule price of the case file folders.

Contract Compliance: 52-2390162; Expiration Date: 9/22/2011

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.

Fiscal Impact: Funding for this purchase is available within the Municipal Court Clerk 2009 general fund budget.

Contract:

ED039844 - 10/2/2009 - \$368.92

Emergency: To maintain uninterrupted storage of civil, criminal, traffic, and environmental court documents and case information for the Franklin County Municipal Court Clerk's Office.

Title

To authorize and direct the Director of the Department of Finance and Management on behalf of the Franklin County Municipal Court Clerk to establish a purchase order with TAB Products Company LLC for the purchase of customized case file folders for the Clerk's Office; to authorize the expenditure of \$94,303.63 from the Municipal Court Clerk general fund; and to declare an emergency. (\$94,303.63)

Body

Whereas, the Franklin County Municipal Court Clerk has a need to purchase customized case file folders for the storing of civil, criminal, traffic, and environmental court documents and case file information; and

Whereas, a State of Ohio, State Term Schedule (STS), schedule number: 800023 is available with TAB Product Company LLC; and

Whereas, an emergency exists in the daily operation of the Franklin County Municipal Court, Clerk of Court in that it is immediately necessary for the Director of the Department of Finance and Management to establish a purchase order with TAB Products Company LLC, in order to maintain uninterrupted supply of customized case file folders and storage services, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

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

Section 1. That 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 Franklin County Municipal Court Clerk for the purchase of customized case file folders through a State of Ohio, State Term Schedule (STS), schedule number 800023 and the purchase of storage services for the case file folders.

Section 2. That the expenditure sum of \$94,303.63 or so much as may be needed, be and hereby is authorized within the Franklin County Municipal Court Clerk, department number 2601, general fund, fund number 010, subfund number 001, oca 260158, object level 1 - 02, object level 2 - 2211 - \$94,303.63 .

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

Legislation Number: 1312-2009

Drafting Date: 10/01/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: The Central Ohio Minority Business Association (COMBA) is a non-profit agency founded in 1978. Through its programs and services, entrepreneurial development assistance and high-end business consulting to start-up and emerging business owners is provided. Services are provided at "no cost" to the client and all services are provided on a non-discriminatory basis.

During the last two years COMBA has provided one-to-one consulting services to over 2,700 existing and potential business persons. From these businesses over 216 jobs were created and 481 jobs retained. The business owners were also awarded contracts in the amount of \$14,491,831; and awarded loans in the amount of \$3,814,690. Over 150 conferences and workshops were facilitated with attendance in excess of 5,100.

This legislation authorizes the appropriation and expenditure of \$50,000 from the Urban Site Acquisition Fund and authorizes the Director of the Department of Development to enter into an agreement with the Central Ohio Minority Business Association for administrative costs associated with increased employment opportunities and business growth in the City of Columbus.

Emergency action is requested to allow COMBA to continue providing services to start-up and emerging businesses in a timely manner.

FISCAL IMPACT: The \$50,000 for the administrative costs will come from the Urban Site Acquisition Loan Fund. This legislation authorizes the transfer, appropriation and expenditure of funds.

Title

To authorize the transfer of \$50,000 between subfunds within the Urban Site Acquisition Loan Fund; to authorize the appropriation of \$50,000 within the Urban Site Acquisition Loan Fund to the Department of Development; to authorize the Director of the Department of Development to enter into an agreement with the Central Ohio Minority Business Association for administrative costs; to authorize the expenditure of \$50,000 from the Urban Site Acquisition Loan Fund; and to declare an emergency. (\$50,000)

Body

WHEREAS, the Central Ohio Minority Business Association (COMBA) is a non-profit agency founded in 1978; and

WHEREAS, COMBA provides entrepreneurial development assistance and high-end business consulting to start-up and emerging business through its programs and services; and

WHEREAS, COMBA services are provided at "no cost" to the client and all services are provided on a non-discriminatory basis; and

WHEREAS, \$50,000 is available from the Urban Site Acquisition Loan Fund for administrative costs for COMBA; and

WHEREAS, COMBA desires to enter into an agreement with the City for administrative costs associated with programs and services for start-up and emerging businesses; and

WHEREAS, emergency action is requested to allow COMBA to continue providing services to start-up and emerging businesses in a timely manner; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to transfer, appropriate and expend funds for administrative costs associated with COMBA, 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. The City Auditor is hereby authorized to establish a subfund within the Urban Site Acquisition Fund, Fund 292, to provide for administrative costs associated with COMBA programs and services for start-up and emerging businesses.

Section 2. The City Auditor is hereby authorized to transfer \$50,000 in cash from the Urban Site Acquisition Fund, Fund 292, subfund 003 to the subfund created by Section 1 of this ordinance.

Section 3. That the City Auditor be and is hereby authorized to appropriate \$50,000 for the Urban Site Acquisition Loan Fund, Fund 292, to the Department of Development, Economic Development Division, Division 44-02, Object Level One 03, Object Level Three 3336 for administrative costs associated with COMBA programs and services for start-up and emerging businesses.

OCA Codes and subfund numbers will be issued by the City Auditor upon establishment of the subfund.

Section 4. That the Director of the Department of Development is hereby authorized to enter into an agreement with the Central Ohio Minority Business Association for administrative costs associated with start-up and emerging businesses.

Section 5. That for the purpose stated in Section 4, the expenditure of \$50,000 or so much as may be necessary be and is hereby authorized to be expended from the Urban Site Acquisition Loan Fund, Fund 292, Department of Development, Economic Development Division, Division 44-02, Object Level One 03, Object Level Three 3336.

OCA Codes and subfund numbers will be issued by the City Auditor upon establishment of the subfund.

Section 6. 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: 1313-2009

Drafting Date: 10/02/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation1. 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 study of the extension of Gemini Parkway to connect with Polaris Parkway or Worthington Road as part of the redevelopment of the old amphitheater site. As part of this project land use information within the review area will be updated and 2009 traffic volumes will be developed using MORPC's regional travel demand model. Also, several transportation network alternatives will be developed to represent the different possibilities for extending Gemini Parkway eastward. Future year traffic assignments will also be performed.

Upon completion of the project MORPC will deliver a final report documenting all land use, traffic forecasting and analysis information.

2. CONTRACT COMPLIANCE

MORPC's contract compliance number is 311009675 and expires 11/18/10.

3. FISCAL IMPACT

The City of Columbus will be responsible for one-third of the cost of this study with Delaware County and the City of Westerville being responsible for the other two-thirds. Funds for this study in the amount of \$11,000.00 are available within Streets and Highways G.O. Bond Fund in the Arterial Street Rehabilitation category.

TitleTo authorize the Director of Public Service to enter into an agreement with the Mid-Ohio Regional Planning Commission to undertake the Gemini Parkway study; and to authorize the expenditure of up to \$11,000.00 from the Streets and Highways G.O. Bond Fund for the Division of Planning and Operations. (\$11,000.00)

Body **WHEREAS**, the City of Columbus Division of Planning and Operations has identified the need to study the extension of Gemini Parkway to connect with Polaris Parkway or Worthington Road as part of the redevelopment of the old amphitheater site; and

WHEREAS, the City of Columbus Division of Planning and Operations, Delaware County, and the City of Westerville have agreed to a cost, funding shares, and schedule for the Gemini Parkway Extension Study, to participate in the conduct of the study, and to provide funding to undertake the study; and

WHEREAS, funds are available in the Streets and Highways G.O. Bond Fund for this study; now, therefore

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

Section 1. That the Director of Public Service be authorized to enter into an agreement with the Mid-Ohio Regional Planning Commission, 285 East Main Street, Columbus, Ohio 43215, up to \$11,000.00 to undertake the Gemini Parkway Study to develop a strategic plan for the purpose of addressing the redevelopment of the old amphitheater site.

Section 2. That the 2009 CIB authorized within ordinance 0806-2009 be amended due to encumbrance cancellations as follows:

<u>Project Number / Project / Current CIB Amount / amendment amount / CIB amount as amended</u>				
530086-100000	/	Miscellaneous Intersection Improvements (Carryover)	/	\$25,000.00 (Carryover) / \$87,882.00 (Carryover) / \$112,882.00 (Carryover)
530103-100000	/	Arterial Street Rehabilitation (Carryover)	/	\$0.00 (Carryover) / \$766.00 (Carryover) / \$766.00 (Carryover)

Section 3. That the 2009 CIB authorized within ordinance 0806-2009 be amended as follows:

<u>Project Number / Project / Current CIB Amount / amendment amount / CIB amount as amended</u>				
530086-100000	/	Miscellaneous Intersection Improvements (Carryover)	/	\$112,882.00 (Carryover) / (\$11,000.00) (Carryover) / \$101,882.00 (Carryover)
530103-100000	/	Arterial Street Rehabilitation (Carryover)	/	\$766.00 Carryover) / \$11,000.00 (Carryover) / \$11,766.00 (Carryover)

Section 4. That the transfer of cash and appropriation be authorized as follows:

Transfer from:

project number / project / Object Level 01/03 Codes / OCA Code / Amount
530086 / Miscellaneous Intersection Improvements / 06-6600 / 590040 / \$11,000.00

Transfer to:

project number / project / Object Level 01/03 Codes / OCA Code / Amount

530103 / Arterial Street Rehabilitation / 06-6682 / 590041 / \$11,000.00

Section 5. That the expenditure of \$11,000.00 or so much thereof as may be necessary be and hereby is authorized from Fund 704, the Streets and Highways G.O. Bonds, Department 59-11, Division of Planning and Operations, Object Level One Code 06, Object Level Three Code 6682, OCA Code 590041 and Project 530103 to pay the cost of said study.

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 place and be in force from and after the earliest period allowed by law.

Legislation Number: 1314-2009

Drafting Date: 10/02/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background:

The Central Ohio Area Agency on Aging of the Recreation and Parks Department was awarded federal and state grants from the Ohio Department of Aging for the continuation of services to older adults in the Central Ohio area including Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Pickaway and Union Counties. This legislation is contingent upon passage of the appropriation Ordinance No. 1219-2009.

This legislation authorizes thirty-two community services contracts for the provision of meals, adult day care, homemaker, personal care, transportation, home repair and legal services for the period January 1, 2010 through December 31, 2010.

The service providers were selected from proposals submitted to the Central Ohio Area Agency on Aging in 2008, and these contracts represent the 1st year of a 4-year proposal period. Approximately 40,000 individuals are expected to be served.

Emergency action is requested in order to have the contracts in place by January, 2010 as stipulated in the grant requirements, so there is no interruption of services to older adults.

Fiscal Impact:

\$6,103,215.00 is required and budgeted from the Recreation and Parks Grant Fund to meet the financial obligation of these contracts.

Title To authorize and direct the Director of Recreation and Parks to enter into contracts with thirty-two community agencies to provide social and nutrition services to older adults in Central Ohio during 2010; to authorize the expenditure of \$6,103,215.00 from the Recreation and Parks Grant Fund; and to declare an emergency. (\$6,103,215.00)

Body WHEREAS, funding to enter into contract with community agencies to provide social and nutrition services to older adults in Central Ohio during 2010 was made available to the Central Ohio Area Agency on Aging from the Ohio Department of Aging; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to enter into said contracts to avoid interruption of services to older adults, 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 Recreation and Parks be and he is hereby authorized and directed to enter into thirty-two contracts for the provision of social and nutrition services to older adults in Central Ohio from January 1, 2010

through December 31, 2010 with the following community agencies:

American Red Cross (Franklin)
CAO of Delaware, Madison, Union Counties
CAC of Fayette County
Catholic Social Services (Franklin)
Carol Strawn Center (Licking)
Community Resource Center (Franklin)
Constance Care Home Health (Pickaway)
Council for Older Adults (Delaware)
Employment for Seniors (Franklin)
Fayette County Commissioners
Franklin County Commissioners
Heritage Day Health Center (Franklin)
FairHope (Fairfield)
Interim Health Care (Franklin and Fayette)
Isabelle Ridgway Adult Day Services (Franklin)
LEADS (Licking)
Legal Aid Society (Delaware, Franklin, Madison, Union)
Licking County Aging Program
LifeCare Alliance (Franklin and Madison)
Madison County Senior Center
Meals on Wheels-Older Adult Alternatives of Fairfield County
Memorial Hospital of Union County
Nightingale Home Care (Franklin)
Ohio State Legal (Fairfield, Pickaway, Licking, Fayette)
PICCA (Pickaway)
Pickaway County Commission on Aging
Salvation Army (Fairfield)
Senior Independence (Franklin)
Senior Services for Independent Living (Delaware)
Synergy Software Technologies (Area-wide)
Union County Senior Services
Union County Aging Transportation Service

Section 2. That these contracts are awarded pursuant to Section 329.15 of Columbus City Codes.

Section 3. That to pay the cost of said contracts, the expenditure of \$6,103,215.00 or so much thereof as may be necessary, be and is hereby authorized from Recreation and Parks Grant Fund No. 286, Department No. 51, Object Level Three 3337, to pay the cost thereof as follows:

Grant Title: Title IIIB, Project No. 518301, OCA Code: 514505, Amount: \$1,928,215.00
Grant Title: Title IIIC/NSIP, Project No. 518303, OCA Code: 514513, Amount: \$2,800,000.00
Grant Title: Senior Block Grant, Project No. 518315, OCA Code: 514539, Amount: \$500,000.00
Grant Title: Long-Term Care Ombudsman, Project No. 518308, OCA Code: 514547, Amount: \$325,000.00
Grant Title: Title IIIE, Project No. 518307, OCA Code: 518307, Amount: \$550,000.00
TOTAL: \$6,103,215.00

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

Legislation Number: 1316-2009

Drafting Date: 10/04/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Nickolas Savko & Sons, Inc., in the amount of \$3,733,005.24; to encumber funds with the Transportation Division for inspection, testing, and prevailing wage coordination services in the amount of \$601,000.00; to authorize the City Auditor to transfer a total of \$3,934,005.24 within the Storm Sewer Bond Fund; and to amend the 2009 Capital Improvements Budget; all in connection with the Southard/Fornoff Area Stormwater System Improvements Project.

This project also includes \$400,000.00 for Water Line Improvements and for services by the Transportation Division, as directed by the Project Engineer, which will be paid from the Water Works Enlargement Voted Bonds Fund. This legislation also authorizes the City Auditor to transfer \$400,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund for this expenditure; and to amend the 2009 Capital Improvements Budget.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened two (2) bids on September 30, 2009. These bids were received from: Nickolas Savko & Sons, Inc., \$3,733,005.24 and Complete General Construction Co., \$4,828,472.88.

The lowest and best bid was from Nickolas Savko & Sons, Inc, for \$3,733,005.24. Additional information regarding each bidder, description of work, contract timeframe, detailed amounts and sub-contractors can be found on the attached Legislation Information Form.

Contract Compliance Information: 31-0907362, expires 03/10/11, Majority

3. FISCAL IMPACT: This legislation includes a transfer of funds within the Storm Sewer Bonds Fund for Stormwater's portion; transfer from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund for Water's portion; and an amendment to the 2009 Capital Improvements budget to allow sufficient cash and authority in the proper account for this project.

This legislation includes a transfer of funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund as a temporary measure until such time as the proceeds from a bond sale can be made available. Monies for this contract from the Water System Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

4. EMERGENCY DESIGNATION: The Department of Public Utilities is requesting City Council to consider this legislation an emergency measure, in order to execute a contract for this project no later than January 1, 2010 and to provide work for available Construction Administration/Inspection personnel in the Transportation Division.

Title

To authorize the Director of Public Utilities to execute a construction contract with Nickolas Savko & Sons, Inc.; to provide for payment of inspection, material testing and related services to the Transportation Division for the Southard/Fornoff Area Stormwater System Improvements Project; for the Divisions of Sewerage and Drainage & Power and Water; to authorize the transfer of \$3,934,005.24 within the Storm Sewer Bond Fund; to authorize the expenditure of \$3,934,005.24 from the Storm Sewer Bond Fund; to authorize the appropriation and transfer of \$400,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$400,000.00 from the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$4,334,005.24)

Body

WHEREAS, two (2) bid proposals were received and publicly opened in the offices of the Director of Public Utilities on September 30, 2009 for the construction of the Southard/Fornoff Area Stormwater System Improvements Project; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of inspection, testing and prevailing wage coordination services costs associated with the Southard/Fornoff Area Stormwater System Improvements Project; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Storm Sewer Bond Fund; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund for purposes of providing sufficient funding for this project expenditure; 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 construction of the Project described in this Ordinance (collectively, the "Project"); and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Water Reserve Fund the amount transferred; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$400,000.00; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

WHEREAS, this project will mitigate street and yard flooding within the area located north of Loxley Drive, east of High Street, south of Fornoff and west of Parsons Avenue; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Divisions of Sewerage and Drainage & Power and Water in that it is immediately necessary to enter into a construction contract with Nickolas Savko & Sons, Inc. for the Southard/Fornoff Area Stormwater System Improvements Project in order to execute a contract for this project no later than January 1, 2010 and to provide work for available Construction Administration/Inspection personnel in the Transportation Division; now therefore,

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

SECTION 1. That the Director of Public Utilities be, and hereby is, authorized to award and execute a contract for construction of the Southard/Fornoff Area Stormwater System Improvements Project with the lowest and best bidder, Nickolas Savko & Sons, Inc., 4636 Shuster Rd.; Columbus, Ohio 43214; in the amount of \$3,733,005.24 in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Transportation Division; and to pay up to a maximum amount of \$601,000.00.

SECTION 2. That the City Auditor is hereby authorized to transfer \$3,934,005.24 within the Storm Sewer Bonds Fund, Fund 685, Division of Sewerage and Drainage, Division 60-15, Object. Level 3 - 6621 as follows:

Proj. No. | Proj. Name | OCA | Change

610683-100000 | Orchard/Milton Area Sanitary Sewer | 685683 | -\$9,754.50
610702-100000 | Olde Sawmill Areawide Storm System | 685702 | -\$21,450.53
610704-100000 | Linden Areawide Storm System | 685704 | -\$41,891.41
610706-100000 | Marsdale Avenue SSI | 685706 | -\$80,641.12
610712-100000 | Pump Station ST-24 | 685712 | -\$614,219.36
610714-100000 | Mock Road SSI | 685714 | -\$11,647.03
610715-100000 | Shady Lane Road SSI | 685714 | -\$59,947.37
610722-100000 | Iuka Ravine Park SSI | 685722 | -\$4,760.40

610735-100000 | Richards Road SSI | 685735 | -\$22,448.50
 610736-100000 | Glendower/Llewellyn SSI | 685736 | -\$67,662.49
 610737-100000 | Noe-Bixby Road SSI | 685737 | -\$38,497.50
 610740-100000 | Olive/Westgate SSI | 685740 | -\$5,368.84
 610741-100000 | Wicklow Road SSI | 685741 | -\$7,050.85
 610744-100000 | Parkside Road SSI | 685744 | -\$66,514.38
 610747-100000 | Southgate/Landers SSI | 685747 | -\$18,249.85
 610748-100000 | Oakland Park Avenue SSI | 685748 | -\$70,091.76
 610750-100000 | Clintonville Area SSI | 685750 | -\$164,859.07
 610751-100000 | Olentangy & E. 5th Avenue | 685751 | -\$76.72
 610755-100000 | Neighborhood Phase 9 (Parklane Ave) | 685755 | -\$151,558.65
 610775-100000 | Evergreen & Dewberry SSI | 685775 | -\$3,400.00
 610787-100000 | Westside SSI Phase I | 685787 | -\$7,779.75
 610790-100000 | Manchester/Hiawatha/Cooke | 685790 | -\$16,371.96
 610815-100000 | Rundell Ditch | 685815 | -\$41,258.40
 610824-100000 | Dry Run Flood Routing | 685824 | -\$295,791.05
 610833-100000 | Willow Spring Subdivision | 685833 | -\$18,707.63
 610840-100000 | Parklawn/Piedmont | 685840 | -\$138,391.61
 610850-100000 | Maize Road Area | 685850 | -\$154,014.97
 610860-100000 | Valleyview Heights SSI | 685860 | -\$459.50
 610863-100000 | Leland Avenue Ditch SSI | 685863 | -\$187,036.98
 610872-100000 | Napoleon/Broad SSI | 685872 | -\$53,243.50
 610874-100000 | Cassady Avenue | 685874 | -\$11,304.09
 610931-100000 | Olde Orchard Area | 685931 | -\$43,324.29
 610940-100000 | Wilson Road Drainage | 685940 | -\$2,500.00
 610941-100000 | Jasonway Avenue Drainage | 685941 | -\$551,969.65
 610943-100000 | Hilliard Rome Road | 685943 | -\$3,124.20
 610944-100000 | Olentangy River Road | 685944 | -\$99,837.94
 610946-100000 | Trentwood/Shadyhill SSI | 685946 | -\$145,366.67
 610963-100000 | Hague Avenue Drainage | 685963 | -\$53,504.12
 610974-100000 | Woodland & Fifth Avenue | 685974 | -\$633,792.02
 610988-100000 | Francisco Road | 685988 | -\$3,587.69
 610996-100000 | Briarmeadow Drive Culvert Repl. | 685966 | -\$12,548.89
 610746-100000 | Southard/Fornoff Area SSI | 685746 | +\$3,934,005.24

SECTION 3. That from the unappropriated monies in the Water System Reserve Fund, 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, 2009, the sum of \$400,000.00, is hereby appropriated to the Division of Power and Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

SECTION 4. That the City Auditor is hereby authorized and directed to transfer \$400,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund, Fund No. 606, into the appropriate project account as specified within Section 5 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

SECTION 5. That the appropriation and expenditure of \$400,000.00 is hereby authorized for the Southard/Fornoff Area Water Line Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690236-100031, Object Level Three 6629, OCA Code 642900.

SECTION 6. That for the purpose of paying the cost of the construction contract, the cost of inspection, testing and prevailing wage coordination services, the following expenditure, or as much thereof as may be needed is hereby authorized as follows: Division 60-15, Storm Sewer Bond Fund No. 685, Project 610746-100000, Object Level Three 6621, OCA Code 685746, Amount \$3,934,005.24.

SECTION 7. That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 4 above, and said funds are hereby deemed appropriated for such purpose.

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 \$400,000.00 (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 Water System Reserve Fund 603, which is the fund from which the advance for costs of the Project will be made.

SECTION 9. That the said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrators of the Division of Sewerage and Drainage & Power and Water.

SECTION 10. 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 11. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 12. 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 13. That the 2009 Capital Improvements Budget is hereby amended as follows, to provide sufficient budget authority for the execution of the construction contract stated in Section 1 herein.

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>Change</u>
610683-100000	Orchard/Milton Area Sanitary Sewer	\$9,755	\$0	-\$9,755
610706-100000	Marsdale Avenue SSI	\$80,641	\$0	-\$80,641
610714-100000	Mock Road SSI	\$11,648	\$0	-\$11,648
610715-100000	Shady Lane Road SSI	\$59,948	\$0	-\$59,948
610736-100000	Glendower/Llewellyn SSI	\$67,663	\$0	-\$67,663
610740-100000	Olive/Westgate SSI	\$5,369	\$0	-\$5,369
610741-100000	Wicklow Road SSI	\$7,051	\$0	-\$7,051
610744-100000	Parkside Road SSI	\$66,515	\$0	-\$66,515
610747-100000	Southgate/Landers SSI	\$18,250	\$0	-\$18,250
610748-100000	Oakland Park Avenue SSI	\$15,315	\$0	-\$15,315
610750-100000	Clintonville Area SSI	\$164,860	\$0	-\$164,860
610787-100000	Westside SSI Phase I	\$7,780	\$0	-\$7,780
610815-100000	Rundell Ditch	\$41,259	\$0	-\$41,259
610833-100000	Willow Spring Subdivision	\$18,708	\$0	-\$18,708
610840-100000	Parklawn/Piedmont	\$5,303	\$0	-\$5,303
610850-100000	Maize Road Area	\$120,527	\$0	-\$120,527
610863-100000	Leland Avenue Ditch SSI	\$185,468	\$0	-\$185,468
610872-100000	Napoleon/Broad SSI	\$53,244	\$0	-\$53,244
610874-100000	Cassady Avenue	\$11,305	\$0	-\$11,305
610940-100000	Wilson Road Drainage	\$2,500	\$0	-\$2,500
610943-100000	Hilliard Rome Road	\$3,125	\$0	-\$3,125
610944-100000	Olentangy River Road	\$99,838	\$0	-\$99,838

610946-100000 | Trentwood/Shadyhill SSI | \$145,367 | \$0 | -\$145,367
610963-100000 | Hague Avenue Drainage | \$53,505 | \$0 | -\$53,505
610988-100000 | Francisco Road | \$3,588 | \$0 | -\$3,588
610996-100000 | Briarmeadow Drive Culvert Repl. | \$12,549 | \$0 | -\$12,549
610746-100000 | Southard/Fornoff Area SSI | \$0 | \$3,934,006 | +\$3,934,006

690449-100000 | Dublin Rd. 36" W.M. | \$8,000,000 | \$7,416,835 | -\$583,165 (\$95,318 from correction on Ord# 0982-2009, \$87,847 from correction on Ord# 1123-2009, and \$400,000 to 690236-100031)
690236-100031 | Southard/Fornoff Area W.L. Imp's | \$0 | \$400,000 | +\$400,000

SECTION 14. 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: 1318-2009

Drafting Date: 10/05/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Decker Construction Company, in the amount of \$739,539.10; to encumber funds with the Transportation Division for inspection, testing, and prevailing wage coordination services in the amount of \$116,000.00; to authorize the City Auditor to transfer a total of \$435,653.42 within the Storm Sewer Bond Fund; to transfer \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; and to amend the 2009 Capital Improvements Budget; all in connection with the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened nine (9) bids on September 30, 2009. These bids were received from: Decker Construction Company - \$739,539.10; Nickolas Savko & Sons - \$741,748.68; John Eramo - \$788,982.73; Tata Excavating - \$801,862.20; Conie Construction - \$803,431.80; Seals Construction - \$817,843.20; Bale Contracting - \$1,067,073.60; Columbus Asphalt Paving - \$1,080,112.20; and Complete General Construction Co. - \$1,091,048.40.

The lowest and best bid was from Decker Construction Company for \$739,539.10. Additional information regarding each bidder, description of work, contract timeframe, detailed amounts and sub-contractors can be found on the attached Legislation Information Form.

Contract Compliance Information: 31-0983557, expires 11/26/09, Majority

3. FISCAL IMPACT: This legislation includes a transfer of funds within the Storm Sewer Bonds Fund, a transfer from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; and an amendment to the 2009 Capital Improvements budget to allow sufficient cash and authority in the proper account for this project.

The transfer of funds from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund is a temporary measure until such time as the proceeds from a bond sale can be made available. Monies for this contract from the Storm Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

The authority for this project will be increased by \$435,653.42 based on cancellation cash transferred within the Storm Sewer Bonds Fund.

4. EMERGENCY DESIGNATION: The Department of Public Utilities is requesting City Council to consider this

legislation an emergency measure, in order to execute a contract for this project no later than January 1, 2010 and to provide work for available Construction Administration/Inspection personnel in the Transportation Division.

Title

To authorize the Director of Public Utilities to execute a construction contract with Decker Construction Company; to provide for payment of inspection, material testing and related services to the Transportation Division for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project, for the Division of Sewerage and Drainage; to authorize the transfer of \$435,653.42 within the Storm Sewer Bond Fund; to authorize the transfer of \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; to authorize the expenditure of \$855,539.10 from the Storm Sewer Bond Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$855,539.10)

Body

WHEREAS, nine (9) bid proposals were received and publicly opened in the offices of the Director of Public Utilities on September 30, 2009 for the construction of the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of inspection, testing and prevailing wage coordination services costs associated with the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Storm Sewer Bond Fund; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund for purposes of providing sufficient funding for this project expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; 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 construction of the Project described in this Ordinance (collectively, the "Project").

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Storm Sewer Reserve Fund the amount transferred; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$419,885.68; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage in that it is immediately necessary to enter into a construction contract with Decker Construction Company for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project in order to execute a contract for this project no later than January 1, 2010 and to provide work for available Construction Administration/Inspection personnel in the Transportation Division; now therefore,

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

SECTION 1. That the Director of Public Utilities be, and hereby is, authorized to award and execute a contract for construction of the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project with the lowest and best bidder, Decker Construction Company, 3040 McKinley Avenue.; Columbus, Ohio 43204; in the amount of \$739,539.10 in

accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Transportation Division; and to pay up to a maximum amount of \$116,000.00.

SECTION 2. That the City Auditor is hereby authorized to transfer \$435,653.42 within the Storm Sewer Bonds Fund, Fund 685, Division of Sewerage and Drainage, Division 60-15, Object. Level 3 - 6621 as follows:

Proj. No. | Proj. Name | OCA | Change

610722-100000 | Iuka Ravine Park SSI | 685722 | -\$435,653.42

610768-100000 | Shattuck/Clearview Area SSI | 685768 | +\$435,653.42

SECTION 3. That from the unappropriated monies in the Storm Sewer Reserve Fund, Fund No. 690 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, 2009, the sum of \$419,885.68, is hereby appropriated to the Division of Sewerage and Drainage, Division 60-15, Object level One 10, Object level Three 5502, OCA 690001.

SECTION 4. That the City Auditor is hereby authorized and directed to transfer \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund, Fund No. 685, into the appropriate project account as specified within Section 5 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

SECTION 5. That the appropriation and expenditure of \$419,885.68 is hereby authorized for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project within the Storm Sewer Bonds Fund, Fund No. 685, Division 60-15, Project No. 610768-100000, Object Level Three 6621, OCA Code 685768.

SECTION 6. That for the purpose of paying the cost of the construction contract, the cost of inspection, testing and prevailing wage coordination services, the following expenditure, or as much thereof as may be needed is hereby authorized as follows: Division 60-15, Storm Sewer Bond Fund No. 685, Project 610768-100000, Object Level Three 6621, OCA Code 685768, Amount \$855,539.10.

SECTION 7. That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Storm Sewer Reserve Fund the amount transferred under Section 4 above, and said funds are hereby deemed appropriated for such purpose.

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 \$419,885.68 (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 Storm Sewer Reserve Fund 690, which is the fund from which the advance for costs of the Project will be made.

SECTION 9. That the said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage.

SECTION 10. 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 11. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 12. 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 13. That the 2009 Capital Improvements Budget is hereby amended as follows, to provide sufficient budget authority for the execution of the construction contract stated in Section 1 herein.

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

610768-100000 | Shattuck/Clearview Area SSI (carryover) | \$0 | \$435,654 | +\$435,654

SECTION 14. 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: 1323-2009

Drafting Date: 10/05/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND: For the option to establish two (2) UTC contracts to purchase Andritz Decanter Centrifuge Parts and Services for the Division of Sewerage and Drainage, the sole user. The equipment is used in the sludge dewatering process at the Jackson Pike WWTP.

The term of the proposed option contracts would be two (2) years, expiring December 31, 2011, with the option to renew for one (1) additional year. The Purchasing Office opened formal bids on July 23, 2009.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA003303). Eleven (11) bids were solicited: (M1A-0, F1-0, MBR-0). Two bids were received.

The apparent low bidders are acceptable. The Purchasing Office is recommending award to the lowest, responsive, responsible and best bidders:

Andritz Separation, Inc., MAJ, CC# 59-3773483 expires 5/13/10, Items 1, 2, 8-10, 14, 15, 18, 19, 23- 25, 27, 30-34 and 37-39, \$1.00

Alfa Laval, Inc., MAJ, CC# 13-1681631 expires 2/13/11, Items 3-7, 11-13, 16, 17, 20-22, 26, 28, 29, 35, 36 and 40-45, \$1.00

Total Estimated Annual Expenditure: \$75,000.00, Division of Sewerage and Drainage, the sole user.

The companies are 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.

Title

To authorize and direct the Finance and Management Director to enter into two (2) contracts for the option to purchase Andritz Decanter Centrifuge Parts and Service with Andritz Separation, Inc. and Alfa Laval, Inc., to authorize the expenditure of two (2) dollars to establish the contracts from the Mail, Print Services and UTC Fund;and to declare an emergency. (\$2.00)

Body

WHEREAS, the Purchasing Office advertised and solicited formal bids on July 23, 2009 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 City agencies to efficiently maintain their supply chain and service to the public; and

WHEREAS, in order to maintain a supply of Andritz Decanter Centrifuge Parts and Services, 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 an option to purchase Andritz Decanter Centrifuge Parts and Services, thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

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

SECTION 1. That the Finance and Management Director be and is hereby authorized and directed to enter into the following contracts for the option to purchase Andritz Decanter Centrifuge Parts and Services in accordance with Solicitation No. SA003303 for a term of approximately two (2) years, expiring December 31, 2011, with the option to renew for one (1) additional year, as follows:

Andritz Separation, Inc., Items 1, 2, 8-10, 14, 15, 18, 19, 23- 25, 27, 30-34 and 37-39, Amount: \$1.00
Alfa Laval, Inc., Items 3-7, 11-13, 16, 17, 20-22, 26, 28, 29, 35, 36 and 40-45, 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 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: 1324-2009

Drafting Date: 10/05/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to execute a construction contract with the Reynolds Inliner, LLC, in the amount of \$1,405,442.00 and provide funding for Department of Transportation for prevailing wages in the amount of \$1,000.00 for the construction of the 2009 Annual Lining Contract Project for the Division of Sewerage and Drainage; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund, to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,406,442.00 from the Voted Sanitary Sewer Bond Fund.

This project has been developed to repair and reduce infiltration to public sanitary sewers. Work to be completed by this contract consists of the rehabilitation of approximately 15,360 LF of 8-, 10-, 12-, 15- and 21-inch sewers utilizing the Cured-in-Place Pipe (CIPP) process, manhole rehabilitation and such other work as may be necessary to complete the contract in accordance with the plans and specifications. The work is to be completed within 365 calendar days after the effective date of the Notice to Proceed.

The Director of Public Utilities publicly opened three competitive bid proposals on September 2, 2009. Bids were submitted by Insituform Technologies, Inc., Kokosing Construction Company, Inc., and Reynolds Inliner, LLC. The bid order is listed as follows:

Reynolds Inliner, LLC | 01-0684682 | 06/18/2010 | Maj | \$1,405,442.00
Kokosing Const. Co., Inc | 31-1023518 | 03/14/2010 | Maj | \$1,562,202.50
Insituform Tech., Inc. | 13-3032158 | 12/12/2009 | Maj | \$1,698,621.40

2. FISCAL IMPACT:

This ordinance authorizes the transfer and appropriate funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,406,442.00 from the Voted Sanitary Sewer Bond Fund, and 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.

3. CONTRACT COMPLIANCE INFO: Reynolds Inliner, LLC | 01-0684682 | Exp. 06/18/2010 | Maj

4. EMERGENCY DESIGNATION:

The Department of Public Utilities is requesting that this ordinance be made an emergency measure in order to expedite the establishment of the contract services that are necessary to ensure that the Sanitary systems are being rehabilitated and/or replaced to ensure the continued operation of this vital infrastructure.

TitleTo authorize the Director of Public Utilities to enter into contract with Reynolds Inliner, LLC for the construction and to provide funding for the Department of Transportation for prevailing wages for the 2009 Annual Lining Contract Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund, to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,406,442.00 from the Voted Sanitary Sewer Bond Fund; and to declare an emergency. (\$1,406,442.00)

Body

WHEREAS, three competitive bids for the construction of the 2009 Annual Lining Contract Project were received on September 2, 2009, whereupon it was determined that the Reynolds Inliner, LLC, Inc., submitted the lowest, best, responsive and responsible bid proposal; and

WHEREAS, funding is needed to pay Department of Transportation for prevailing wages for the construction of the 2009 Annual Lining Contract Project; and

WHEREAS, it is necessary repair and reduce infiltration to public sanitary sewers and that this work consists of the rehabilitation of approximately 15,360 LF of 8-, 10-, 12-, 15- and 21-inch sewers utilizing the Cured-in-Place Pipe (CIPP) process; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund 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 Voted Sanitary Sewer Bond Fund; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$1,406,442.00; 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 Reynolds Inliner, LLC and to provide funding for prevailing wages, for

the construction of the 2009 Annual Lining Contract 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 this legislation and City Council authorizes the Director of Public Utilities to execute a construction contract with the Reynolds Inliner, LLC, 4143 Weaver Court, Hilliard, Ohio 43026, for the construction of the 2009 Annual Lining Contract Project for the Division of Sewerage and Drainage for the rehabilitation of approximately 15,360 LF of 8-, 10-, 12-, 15- and 21-inch sewers utilizing the Cured-in-Place Pipe (CIPP) process.

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, 2009, the sum of \$1,406,442.00 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 transfer a total \$1,406,442.00 from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund 664, into the 2009 Annual Lining Contract, Project 650404.100034, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the appropriation and expenditure of \$1,405,442.00 or as much thereof as may be needed, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund 664| Division 60-05| Project 650404.100034| OCA Code 664404 | Object Level Three 6630.

Section 5. That the appropriation and expenditure of \$1,000.00 or as much thereof as may be needed to pay the Department of Transportation for prevailing wages, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund 664| Division 60-05| Project 650404.100034| OCA Code 664404 | Object Level Three 6621.

Section 6. That the said firm 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 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 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 \$1,406,442.00 (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 Sanitary/Sewer Reserve Fund 654, which is the fund from which the advance for costs of the Project will be made.

Section 9. 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 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all

contracts or contract modifications associated with this ordinance.

Section 12. That for the reasons stated in the preamble hereto, 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: 1329-2009

Drafting Date: 10/06/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND

This ordinance authorizes the Administrative Judge of the Franklin County Municipal Court to accept a grant in the amount of \$43,388 from the State of Ohio, Crime Victim Assistance Office, and to appropriate from the unappropriated balance of the general government grant fund to the Probation Department of the Franklin County Municipal Court, the total amount of the grant.

This grant will fund a portion of the salaries and fringe benefits of two (2) victim assistant staff for the continuation of a program to assist probation officers primarily in the domestic violence unit. The staff acts as liaisons to the City Prosecutor and work with the victims of crime when a perpetrator has been placed on probation. In addition, this ordinance authorizes a transfer of \$73,000 from the Court's special revenue fund, probation fees as a grant match to fund the balance of the salaries and fringe benefits not funded by the State of Ohio.

FISCAL IMPACT

No general fund resources are needed as the grant match is available from the Court's special revenue fund, probation fees.

Emergency legislation is requested to expedite funding for the new grant cycle as close to its commencement on October 1, 2009 as possible.

Title

To authorize and direct the Administrative Judge of the Franklin County Municipal Court to accept a grant award from the State of Ohio, Crime Victims Assistance Office; to appropriate \$43,388 from the unappropriated balance of the general government grant fund to the Franklin County Municipal Court; to transfer \$73,000 from the Municipal Court special revenue fund, probation fees to the general government grant fund; and to declare an emergency. (\$116,388.00)

Body

WHEREAS, it is in the best interest of the City of Columbus to provide victim services in the Franklin County Municipal Court, Department of Probation Services; and

WHEREAS, a grant from the State of Ohio, Crime Victims Assistance Office in the amount of \$43,388 has been awarded to provide a portion of the personnel costs; and

WHEREAS, a grant match in the amount of \$73,000 will be provided by probation user fees for the remaining portion; and

WHEREAS, an emergency exists in the usual daily operation of the city, in that it is immediately necessary to accept the aforementioned grant to continue probationary services in the area of victim assistance and to appropriate and transfer the necessary funds for the 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 Administrative Judge of the Franklin County Municipal Court be and is hereby authorized to accept a grant in the amount of \$43,388 from the State of Ohio, Crime Victims Assistance Office.

SECTION 2. That the City Auditor be and is hereby authorized and directed to transfer \$73,000 from the Franklin County Municipal Court, probation fees, fund number 227, subfund 003, oca 250324, object level 1 - 10, object level 3 - 5501 to the general government grant fund, fund number 220, grant number 259103, oca number 258003, object level 1 - 80, object level 3 - 0886.

SECTION 3. That from the unappropriated balance in the general government grant fund, fund 220, and from all monies estimated to come into said fund from any and all sources and appropriated for any other purpose during the twelve months ending September 30, 2010, the sum of \$116,388 is appropriated to the Franklin County Municipal Court, department number 2501 as follows: grant number 259103, oca 259103, object level 1 - 01, object level 3 - 1101.

SECTION 4. That the expenditure of \$116,388 or as much as may be necessary is hereby authorized from the Franklin County Municipal Court, department number 2501, general government grant fund, fund 220, grant number 2591003, oca 259103, object level 1 - 1101.

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon the order of the Administrative Judge of the Franklin County Municipal Court and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That at the end of the grant term, the City Auditor is authorized to transfer the unused portion of the grant match, returning the funds to the Franklin County Municipal Court, probation fees, fund number 227, subfund 003.

SECTION 7. That the City Auditor is authorized to make any accounting changes necessary to ensure that these transactions are properly accounted for and recorded accurately on the city's financial records.

SECTION 8. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1331-2009

Drafting Date: 10/06/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to execute a construction contract with the Complete General Construction Co., in the amount of \$1,611,440.00 for the construction of the 2009 General Construction Contract Project and for the Division of Sewerage and Drainage, provide funding for Department of Transportation for construction administration / inspection services and prevailing wages in the amount of \$242,716.00; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund, to authorize the total expenditure of \$1,854,156.00 from the Voted Sanitary Sewer Bond Fund, and to amend the 2009 Capital Improvement Budget.

The work to be completed by this contract consists of raising manhole frames or reconstructing manholes to grade, repair

of State Route 315 storm inlets, and sewer point repairs and such other work as may be necessary to complete the contract in accordance with the plans and specifications. Work is to be completed within 365 calendar days after the effective date of the Notice to Proceed.

The Director of Public Utilities publicly opened five competitive bid proposals on September 2, 2009. Bids were submitted by Bale Contracting, Inc., Complete General Construction Co., Danbert Inc., George J. Igel & Co. Inc., and The Righter Co. I

Title

To authorize the Director of Public Utilities to enter into contract with Complete General Construction Co. and to provide funding for the Department of Transportation for construction administration / inspection services and prevailing wages for the 2009 General Construction Contract Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund, to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,854,156.00. from the Voted Sanitary Sewer Bond Fund, and to amend the 2009 Capital Improvement Budget; and to declare an emergency. (\$1,854,156.00.)

Body

WHEREAS, five competitive bids for the construction of the 2009 General Construction Contract Project were received on September 2, 2009, whereupon it was determined that the Complete General Construction Co., Inc., submitted the lowest, best, responsive and responsible bid proposal; and

WHEREAS, funding is needed to pay Department of Transportation for prevailing wages and construction administration / inspection services for the construction of the 2009 Annual Lining Contract Project; and

WHEREAS, the work consists of raising manhole frames or reconstructing manholes to grade, repair of State Route 315 storm inlets, and sewer point repairs; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund 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 Voted Sanitary Sewer Bond Fund; and

WHEREAS, it is necessary to authorize an amendment the 2009 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 phase of the project is presently expected not to exceed \$1,854,156.00; 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 Complete General Construction Co., for the construction of the 2009 Annual Lining Contract 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 this legislation and City Council authorizes the Director of Public Utilities to execute a construction contract with the Complete General Construction Co., 1221 E. 5th Ave., Columbus, Ohio 43219, for the 2009 General

Construction Contract Project for the Division of Sewerage and Drainage for the work consists of raising manhole frames or reconstructing manholes to grade, repair of State Route 315 storm inlets, and sewer point repairs.

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, 2009, the sum of \$1,854,156.00. 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 transfer a total \$1,854,156.00. from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund 664, into the 2009 Annual Lining Contract, Project 650745.100000, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the appropriation and expenditure of \$1,611,440.00 or as much thereof as may be needed, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund 664| Division 60-05| Project 650745.100000 | OCA Code 664745 | Object Level Three 6630.

Section 5. That the 2009 Capital Improvements Budget, Ordinance No. 0806-2009, is hereby amended as follows, to provide sufficient budget authority for the execution of the contract stated herein:

Proj. No. | Project Name | Current | Revised | (Change)

650350-100002 | SWWTP Corrosion Prevention & Protection | \$500,000| \$145,844 | (-\$354,156)

650745-100000 | 2009 General Construction Contract | \$1,500,000 | \$1,854,156 | (+\$354,156)

Section 6. That the appropriation and expenditure of \$242,716.00 or as much thereof as may be needed to pay the Department of Transportation for prevailing wages, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund 664| Division 60-05| Project 650745.100000| OCA Code 664745 | Object Level Three 6621.

Section 7. That the said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 8. 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 9. That the City intends that this Ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$1,854,156.00. (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 Sanitary/Sewer Reserve Fund 654, which is the fund from which the advance for costs of the Project will be made.

Section 10. 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 11 That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 12. 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 13. 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: 1342-2009

Drafting Date: 10/07/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND: For the option to purchase Liquid Ferric Chloride for the Sewerage and Drainage Division. Liquid Ferric Chloride will be used as a chemical pretreatment for the sludge dewatering process at the Sewerage and Drainage facilities.

The term of the proposed option contract would be through June 30, 2012 with the option to extend the contract for one additional year, subject to mutual agreement. The Purchasing Office opened formal bids on October 5, 2009.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06, Solicitation SA003398. Twenty-three (23) bids were solicited (F1: 0, M1A: 0). Three (3) bids were received.

The Purchasing Office is recommending award of the contract to the lowest, responsive, responsible and best bidder:

Kemira Water Solutions, Inc. CC#593657872 (Expires October 6, 2011), All items.

Total Estimated Annual Expenditure: \$162,000.00

This 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 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. The Sewerage and Drainage Division will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

Title

To authorize and direct the Finance & Management Director to enter into a contract for the option to purchase Liquid Ferric Chloride for the Sewerage and Drainage Division, 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)

Body

WHEREAS, the Purchasing Office advertised and solicited formal bids on October 5, 2009 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, because the Liquid Ferric Chloride will be used as a chemical pretreatment for the sludge dewatering process at the Sewerage and Drainage facilities, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the Sewerage and Drainage Division in that it is immediately necessary to enter into a contract for an option to purchase Liquid Ferric Chloride, 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 & Management Director be and is hereby authorized and directed to enter into the following contract for an option to purchase Liquid Ferric Chloride or the Sewerage and Drainage Division for the term ending June 30, 2012 with the option to extend the contract for one (1) additional one-year periods, subject to mutual agreement, in accordance with Solicitation No. SA003398 as follows:

Kemira Water Solutions, Inc., All items, Amount: \$1.00

SECTION 2. That the expenditure of \$1.00 is hereby authorized from the Mail, Print Services and UTC Fund, Organization Level 1: 45-01, Fund: 05-517, Object Level 3: 2270, OCA: 451130, to pay the cost thereof.

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

Legislation Number: 1345-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$23,185,000.00 for transportation projects . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$23,185,000 for transportation improvements (\$23,185,000). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of One Hundred Eighty-Four Million Four Hundred Twenty Thousand Dollars (\$184,420,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$23,185,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose widening, opening, extending, constructing, paving, repaving, improving and changing the line of expressways, freeways, roads, highways, bikeways, streets, alleys, bridges, viaducts, 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 fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Twenty-Three Million One Hundred Eighty-Five Thousand Dollars (\$23,185,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest

on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds

surrendered, and bearing interest at the same rate and maturing on the same date.

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their

stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$23,185,000) 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	530301-100004	\$1,674,614	Bridge Rehabilitation - Rich Street Bridge
704	530161-100013	1,300,000	Road Improvements - SCMRP Reimbursement
704	530282-100044	587,000	Resurfacing - Urban Paving Central - Hague
704	530282-100046	550,000	Resurfacing - Urban Paving Bexley to Whitehall
704	530282-100045	240,000	Resurfacing - Urban Paving Polaris - South Old State
704	530282-100047	40,000	Resurfacing - Urban Paving - West Broad Street
704	590955-100014	34,288	Operations Safewalks - South High Street G&G
704	530087-100004	251,628	ADA Curb Ramps - South High Street
704	530282-100040	3,797,084	Resurfacing 2010 - Project 1
704	530103-100017	3,720,000	Arterial Street Rehabilitation - Lockbourne Road
704	540008-100001	94,627	Sign Upgrade/Street Name - Sign Upgrade

704	540007-100003	404,017	Traffic Signal Installations - Signal Commodities
704	771007-100000	6,425,000	Hayden Run Improvements
704	440104-100002	<u>4,066,742</u>	Misc Economic Development- Cols. Coated Fabric
	Total	<u>\$23,185,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Break1

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in e Certificate of Fiscal Officer and the Municipality hereby covenants tht i will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Eomic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as

Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1347-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$69,600,000.00 for sanitary sewer projects . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$69,600,000 for sanitary sewer improvements (\$69,600,000). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of 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, it is now deemed necessary to issue and sell up to \$69,600,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose 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 City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Sixty Nine Million Six Hundred Thousand Dollars (\$69,600,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond

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

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall

be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Break1

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$69,600,000) 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	650046-100000	\$ 1,000,000	Alum Creek Relief Tunnel Project
664	650100-100000	650,000	Sanitary Sewer Contingenciec
664	650252-100000	1,623,540	JPWWTP Headworks/Sanitary Sewer
664	650255-100000	300,000	JPWWTP Skimmings Concentrator System Improve.
664	650344-100001	543,075	SWWTP New Effluent Pump St & Effluent Conduit

664	650347-100001	190,000	Combined Sewer Overflow Reduction Improvements
664	650348-100002	7,020,000	WWTFS Instrumentation & Control System Upgrade
664	650350-100002	500,000	SWWTP Corrosion Prevention & Protection Coating
664	650351-100001	2,700,000	Wastewater Treatment Facilities Upgrade-Gen.
664	650360-100001	4,388,000	Wastewater Treatment Facilities Upgrade-Gen.
664	650361-100002	2,418,000	Wastewater Treatment Facilities Construction Mgmt.
664	650390-100001	15,298,078	Program Mgt of WWMO 2005-2010 Projects (PPM)
664	650404-100000	2,000,000	Sanitary System Rehab - City Wide (Contingency)
664	650404-100030	200,000	2009 Annual Lining Contract
664	650404-100034	2,100,000	2009 Annual Lining Contract
664	650404-100038	29,835	Riversouth Phase I
664	650404-100039	769,433	Riversouth Phase II
664	650405-100013	1,500,000	Sewer System Remediation I/I Plum Ridge Area
664	650430-100001	199,955	Big Walnut Rickenbacker
664	650460-100000	2,502,854	Sewer System Capacity Model Update 2006
664	650491-100001	199,955	Big Walnut Augmentation/Rickenbacker
664	650510-100031	819,512	Sewer Maintenance Operations Center (SMOC)
664	650618-100000	138,195	Chestnut Street Combined Sewer Rehabilitation
664	650620-100000	1,000,000	Lockbourne Road Area Assessment Sewer
664	650676-100000	26,870	Stanton Area Sanitary Impr, Mod 3; DLZ
664	650691-100000	2,620,000	Short Street Demolition & Remediation Project
664	650691-100001	2,000,000	OSIS Downtown Odor Control Short St Demo & Remediation
664	650691-100002	5,825,000	OSIS Downtown Odor Control
664	650696-100000	1,000,000	Scioto Main/West Side Relief Rehab
664	650704-100001	2,139,083	OSIS Augmentation and Relief Sewer Project
664	650714-100000	90,917	Richards/Granden/Torrence Area Relief
664	650725-100000	669,000	Large Diameter Sewer Rehabilitation - Olentangy Main Trunk
664	650725-100002	664,000	Large Diameter Alum Creek Trunk Sewer
664	650726-100000	183,700	Northwest Alum Creek Area Sanitary
664	650743-100000	500,000	Fifth Ave Dam Removal
664	650744-100000	50,000	Brimfield Area Sanitary System Repair Project
664	650745-100000	1,725,000	2009 General Construction Contract
664	650746-100000	2,327,182	OSIS Stabilization and North Floodwall Repair
664	650747-100000	45,000	Fenway Court Sanitary Pump Station
664	650748-100000	50,000	Stella Court Sanitary Pump Station
664	650750-100000	550,000	Children's Hospital/Livingston/Parsons Sewer Rehab
664	650752-100000	850,000	Columbus Coated Fabrics
664	650758-100000	<u>193,816</u>	1145 Olentangy River Road (Gowdy Field)
	Total	<u>\$69,600,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the tababove, 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 Bon are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council has authorized, by separate ordinances adopted on the date of this Ordinance, the issuance by the City of new money and refunding bonds for various purposes. To provide for the payment of the costs of issuance of such obligations, 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 Obligations and printing fees, the Municipality is hereby authorized to expend a sum not to exceed One Million Dollars (\$1,000,000), 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 Obligations from the proceeds of the sale of the Obligations.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1348-2009

Drafting Date: 10/08/2009

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$5,060,000.00 for refuse collection purposes. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$5,060,000 for refuse collection projects (\$5,060,000) Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Twenty-One Million One Hundred Thousand Dollars (\$21,100,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$5,060,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose 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 City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Five Million Sixty Thousand Dollars (\$5,060,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest

on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds

surrendered, and bearing interest at the same rate and maturing on the same date.

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their

stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$5,060,000) 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	520001-100000	<u>\$5,060,000</u>	Mechanized Collection
Total		<u>\$5,060,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the

City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

Break1

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby

authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1349-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$4,175,000.00 for electrical improvements. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$4,175,000 for electricity projects (\$4,175,000). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Twelve Million Two Hundred Thirty-Five Thousand Dollars (\$12,235,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$4,175,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose acquiring, constructing and improving facilities for the Division of Electricity, including the expansion and improvement of the municipal street lighting system, the construction and improvement of electrical distribution facilities, power lines, underground tunnels for power lines and other structures, the making of substation improvements and acquisition of real estate and interests in real estate and related equipment, landscaping and making site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Four Million One Hundred Seventy-five Thousand Dollars (\$4,175,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the

principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification

of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$4,175,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
553	440007-100000	\$ 55,720	Urban Infrastructure Recovery Fund - Street Lighting
553	670003-100002	478,878	Street Lighting Force Account Reimbursement
553	670003-100005	100,000	Street Lighting Materials
553	670608-100000	737,469	Distribution System Improvements
553	670608-100004	250,000	Dublin Avenue Sub Station 138 KV Switch Replace.
553	670620-100000	200,000	Streetlight Inspection/Betterment
553	670637-100000	722,915	Vehicle Purchase
553	670784-100000	347,201	North High Street Circuit Improvements
553	670787-100000	120,317	Willow Creek Street Lighting
553	670790-100000	492,500	Front Street/RiverSouth Phase II
553	670791-100000	470,000	New County Courthouse
553	670827-100000	<u>200,000</u>	GIS Mapping
	Total	<u>\$4,175,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

Break1

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150

of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1350-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$43,095,000.00 for water system improvements . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$43,095,000 for water system improvements (\$43,095,000). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 2, 2004 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of One Hundred Million Dollars (\$100,000,000) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$43,095,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose 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 City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Forty Three Million Ninety-Five Thousand Dollars (\$43,095,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than

thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized

denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Break1

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$43,095,000) 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	452501-100000	\$ 1,019,841	Tap Card Research
606	690026-100000	253,136	Miscellaneous Water Facilities
606	690026-100002	300,000	910 & Indianola Building Improvements
606	690026-100004	638,815	910 Vehicle Fueling Station
606	690026-100005	250,000	Indianola Parking Lot Drainage Improve.
606	690026-100006	100,000	Indianola Trench Drains
606	690236-100000	701,612	Water Main Rehabilitation
606	690236-100009	1,000,000	Columbus Coated Fabric Water Line
606	690236-100011	200,000	Briggs Road Water Main
606	690236-100012	300,000	Emergency Repair Contract
606	690236-100019	410,000	Alton-Darby Road Water Line

606	690236-100023	1,200,000	Second Street Area Water Line Improvements
606	690236-100025	350,000	General Engineering Services - URS
606	690236-100026	200,000	General Engineering Services - Stantec
606	690236-100027	200,000	Project No. 4 Water Main
606	690251-100000	48,300	O'Shaughnessy Indepent Consultant
606	690278-100000	178,200	DRWP Raw Water Intake
606	690290-100001	500,000	Comprehensive Master Plan
606	690331-100000	1,563,240	HCWP Lagoon 3 Embankment Improvements
606	690358-100000	50,000	Automatic Meter Reading
606	690368-100000	1,750,000	Long Street Water Line Cleaning
606	690370-100000	129,265	Upground Reservoir
606	690379-100000	4,668,965	DRWP Chlorine Disinfection
606	690391-100000	200,000	HCWP A&B Raw & Finish Pump Rehab
606	690394-100000	680,179	Water Meter Renewal Program
606	690395-100000	2,000,000	Valve Renewal Program
606	690404-100000	1,800,000	Livingston Ave. Ph III (Children's Hospital)
606	690407-100000	600,000	Mound/Harrisburg Pike
606	690411-100000	250,000	Watershed Management Misc. Improvements
606	690414-100000	394,406	PAWP Sludge Diposal
606	690424-100000	5,274,427	Lazelle Road 2 MG Storage Tank
606	690425-100000	190,100	Hines Road Storage Tank
606	690428-100000	572,502	DRWP Treatment Capacity Increase
606	690430-100000	6,000,000	HCWP Treatment Improvements
606	690446-100000	288,666	General Engineering Services - Supply Group
606	690449-100000	90,232	Dublin Road 36" Water Main
606	690450-100000	65,000	Griggs Booster Station
606	690460-100000	1,009,000	Dublin Road 8"&12" Water Main
606	690473-100001	100,804	Bethel & Henderson Booster Station Improve.
606	690473-100003	297,858	Smoky Row Booster Station
606	690473-100002	130,525	Morrison Road Booster Station
606	690474-100000	2,498,572	Morse Road 36" Water Main
606	690477-100000	1,432,450	Water Storage Tank Painting
606	690480-100000	470,000	Morse/Hamilton Booster Station
606	690483-100000	195,000	Chatterton Road 30" Water Main
606	690485-100000	259,926	Technolgy Resources
606	690506-100000	686,642	Watershed Impervious Surf Pollution Reduct.
606	690507-100000	325,000	HCWP Floc & Lime Basing
606	690509-100000	979,000	Asset Management Program Development
606	690510-100000	293,337	HCWP Sludge Disposal Line Replacement
	Total	<u>\$43,095,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof

are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality

have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1351-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$49,805,000.00 for water system improvements. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$49,805,000 for water system improvements (\$49,805,000). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of 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, it is now deemed necessary to issue and sell up to \$49,805,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose 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 City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Forty Nine Million Eight Hundred Five Thousand Dollars (\$49,805,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$49,805,000) 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	690006-100000	\$ 500,000	Hoover Reservoir Erosion Control
606	690026-100000	100,000	Miscellaneous Water Facilities
606	690026-100003	1,000,000	910 Fire Alarm System
606	690236-100031	400,000	Southard-Fornoff
606	690236-100014	95,318	Mt. Vernon/King Lincoln (Whitney)
606	690236-100020	2,600,000	Canyon Drive Area Water Line Improvements
606	690236-100021	2,500,000	River South Phase 2
606	690236-100028	200,000	Project No. 5 Water Main Replacement
606	690236-100029	200,000	Project No. 6 Water Main Replacement
606	690236-100030	200,000	Project No. 7 Water Main
606	690263-100000	87,847	Doherty Road 12" Water Line
606	690278-100000	200,000	DRWP Miscellaneous Improvements
606	690286-100000	200,000	HCWP Miscellaneous Improvements
606	690291-100000	200,000	PAWP Improvement Facilities
606	690331-100000	5,500,000	HCWP Lagoon 1 & 3 Sludge Removal
606	690359-100000	3,000,000	South Wellfield - South Expansion
606	690370-100000	414,000	Upground Reservoir
606	690384-100000	200,000	Watershed Road Improvements
606	690414-100000	8,600,000	PAWP Sludge Disposal
606	690421-100000	200,000	Watershed Protection Easements
606	690441-100000	500,000	Alum Creek Pumping Station
606	690446-100000	500,000	General Engineering Services - Supply Group

606	690449-100000	7,366,835	Dublin Road 36" Water Main
606	690460-100000	1,691,000	Dublin Road 8" & 12" Water Main
606	690473-100001	200,000	Bethel & Henderson Booster Station Improve.
606	690473-100004	300,000	Fisher Rd. Drainage Booster Station Improve.
606	690479-100000	1,400,000	Security Enhancements
606	690483-100000	4,550,000	Chatterton Road 30" Water Main
606	690485-100000	1,000,000	Technology Resources
606	690493-100000	1,500,000	PAWP Automation Upgrade
606	690494-100000	2,500,000	DRWP New Low Service Pumps
606	690497-100000	1,100,000	Water Supply Facilities Elevator Replacement
606	690510-100000	<u>800,000</u>	HCWP Sludge Disposal Line Replacement
	Total	<u>\$49,805,000</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.

Break1

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or

protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1353-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$6,300,000.00 for construction management projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

To authorize the issuance of limited tax bonds in the amount of not to exceed \$6,300,000 for construction management projects (\$6,300,000) Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$6,300,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, constructing and improving municipal facilities, including the acquisition of real estate, easements and other interests in real estate, the construction, reconstruction, relocation, remodeling, enlargement and improvement of buildings and other structures and related appurtenances thereto, the acquisition of furnishings, apparatus, communications equipment and other equipment, landscaping and site improvements; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is fifteen (15) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Six Million Three Hundred Thousand Dollars (\$6,300,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds may be issued in one or more series and shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds, 2009B" or as otherwise provided in the Certificate of Fiscal Officer hereinafter identified.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of

Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A Series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment

of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund

Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$6,300,000) 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	570030-100120	\$ 729,390	Facility Renovation - Various
733	570034-100001	4,971,262	Impound Lot
733	570043-100001	<u>599,348</u>	Municipal Court Renovations
Total		<u>\$6,300,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

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The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy

Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 the Municipality regarding compliance by the Municipality with Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. Ordinance No. 1009-04 authorized the Master Lease and First Supplemental Lease Agreement; Ordinance No. 1312-05 authorized the Second Supplemental Lease Agreement between the City and the RiverSouth Authority. Ordinance No. 1776-07 authorized the issuance of bonds to provide funds for the City to make the first lease payment; a net payment of \$886,670.25 on November 29, 2007.

Ordinance No. 0780-08 authorized the transfer of funds from the Special Income Tax Fund no. 430 to pay lease payments of June 1, 2008 and December 1, 2008 in the net amount of \$2,781,482.79 pending the sale of City bonds as the ultimate source of such funds.

Ordinances No. 1850-08 and No. 770-09 authorized the transfer of funds from the Special Income Tax Fund no. 430 to pay lease payment of June 1, 2009 and December 1, 2009 in the amount of \$5,154,976.26 pending the sale of City bonds as the ultimate source of such funds.

Notwithstanding Ordinances No. 0780-08, No. 1850-08 and No. 770-09; lease payments for June 1, 2008, December 1, 2008, June 1, 2009 and December 1, 2009, net of interest earned by the RiverSouth bond trustee on the initial lease payment of December 1, 2007 in the amount of \$28,329.75; which have now authorized the transfer and use of Special Income Tax Fund No. 430 monies in the amount of \$7,908,129.30 pending the sale of City bonds as the ultimate source of such funds, and in order to avoid interest payment obligations on the issuance of such bonds, the City now declines to issue such bonds and authorizes the use of such funds transferred from Special Income Tax Fund No. 430 as the permanent financing, source of funds, for the lease payment of June 1, 2008, December 1, 2008, June 1, 2009 and December 1, 2009 and such funds are deemed appropriated for this purpose.

Section 12. Section 4 of Ordinance No. 0581-2005 authorized the transfer of \$2,148,044.87, or so much thereof as may be necessary, from Debt Service Fund No. 481 to Capital Projects Fund No. 725 until bonds are sold by the City providing permanent financing. The most recent expenditure from Fund No. 725 occurred in July 2005. Only \$698,221.67 of the authorized \$2,148,044.87 was actually transferred on December 16, 2005.

With the lapse of time of more than four years since the most recent expenditure from Fund No. 725, and approximately four years since the actual and sole transfer of \$698,221.67 from Fund No. 481, the issuance of tax-exempt bonds to fund this purpose is no longer appropriate. The City Auditor is authorized and directed, therefore, to return \$698,221.67 to Fund No. 481 from resources contained in Debt Service Fund No. 430 and such funds are hereby deemed appropriated.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to

and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 14. 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 15. 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 16. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1354-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$6,410,000.00 for information services projects . The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$6,410,000 for information services projects (\$6,410,000).Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$6,410,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring, developing, designing, improving and installing information systems software and hardware and related network infrastructure and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is seven (7) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Six Million Four Hundred Ten Thousand Dollars (\$6,410,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the

Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds may be issued in one or more series and shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds, 2009B" or as otherwise provided in the Certificate of Fiscal Officer hereinafter identified.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond

Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond

Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$6,410,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
514	470030-100000	\$ 142,995	Operation Equipment
514	470030-100001	303,108	Server Virtualization
514	470036-100000	636,000	Data Center Facility Upgrade
514	470037-100000	790,715	Disaster Recovery Project
514	470046-100000	735,000	Connectivity Project
514	470046-100001	500,000	Fiber
514	470046-100002	325,000	Routing Equipment
514	470047-100000	668,760	Enterprise System Project
514	470047-100002	233,200	Enterprise System Project - Security Program
514	470047-100003	222,555	Enterprise System Project - Asset Management
514	470049-100000	175,977	CHRIS
514	470050-100000	177,763	E-GOV
514	470052-100000	1,108,927	Telephony Upgrade
514	470054-100001	110,000	GTC-3 Control Room
514	510041-100000	<u>280,000</u>	1111 East Broad Street- Whittier Peninsula Relocation
	Total	<u>\$6,410,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the

City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

Break1

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, such action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby

authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1355-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$1,000,000.00 for housing projects. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$1,000,000 for housing projects (\$1,000,000).Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$1,000,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose facilitating housing preservation, promoting housing renovation and encouraging the improvement of housing stock within the City of Columbus, including providing funds for (i) providing assistance for the renovation and improvement of homes owned or to be owned by low and moderate-income households to correct substandard and deteriorating conditions; (ii) providing assistance for the purchase and rehabilitation of vacant homes or construction of new homes; (iii) repairing and rehabilitating existing homeless shelters in the City and (iv) demolishing vacant and abandoned housing structures to prepare sites for residential 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 ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of One Million Dollars (\$1,000,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds may be issued in one or more series and shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds, 2009B" or as otherwise provided in the Certificate of Fiscal Officer hereinafter identified.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or

become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized

denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 8. A Series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the

amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$1,000,000) 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>
782	782001-100000	\$ 400,000	Housing Preservation - Home Again
782	782001-100001	<u>600,000</u>	Rebuilding Lives
	Total	<u>\$1,000,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and

operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

Break1

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1356-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$2,000,000.00 for Lincoln Theater Improvements. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

To authorize the issuance of limited tax bonds in the amount of not to exceed \$2,000,000 for Lincoln Theater improvements (\$2,000,000).Section 55(B) of the City Charter.

Body

WHEREAS, it is now deemed necessary to issue and sell up to \$2,000,000 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose renovating and otherwise improving the Lincoln Theater, including exterior maintenance and improvements and related appurtenances thereto; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty (20) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Two Million Dollars (\$2,000,000) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay

interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds may be issued in one or more series and shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds, 2009B" or as otherwise provided in the Certificate of Fiscal Officer hereinafter identified.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the

Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this

Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

the owners of beneficial interests in those Combined Bonds.

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

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the first day of September in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and

one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$2,000,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
735	441736-100000	<u>\$2,000,000</u>	Lincoln Theater
	Total	<u>\$2,000,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of

the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status.

Break1

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy 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 or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development 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 Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the

adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1361-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$275,005,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

Authorizing the issuance of unlimited tax bonds in an amount not to exceed \$275,005,000 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City (\$275,005,000). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City") unlimited tax general obligation of the Municipality to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Sewerage System Refunding, Series 1999-1	3/15/99	\$ 3,410,000	\$ 3,410,000
Various Purpose UT, Series 2002-1	11/15/02	86,715,000	49,335,000
Various Purpose UT, Series 2004-1	7/27/04	117,310,000	67,300,000
Various Purpose UT, Series 2005D	12/14/05	206,685,000	104,600,000
Various Purpose UT, Series 2006A	12/12/06	115,180,000	50,360,000

(the "Outstanding Series Bonds"), were issued and sold by the Municipality for the purposes described in those ordinances and in the Outstanding Bonds; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to

refund the Refunded Bonds using the proceeds of refunding bonds, authorized by Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in the principal sum not to exceed Two Hundred Seventy-Five Million Five Thousand Dollars (\$275,005,000) (the "Series 2009-1 Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of, along with other funds available for such purpose, to refund, either currently or in advance, all or a portion of the Refunded Bonds. The Series 2009-1 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 Series 2009-1 Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Series 2009-1 Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Series 2009-1 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 Series 2009-1 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 Series 2009-1 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 Series 2009-1 Bonds in accordance with law.

Section 4. The Series 2009-1 Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Refunding Bonds Series 2009-1" or as otherwise provided in Certificate of Fiscal Officer hereinafter defined.

It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Series 2009-1 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 will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated " City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2009A" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered Combined Bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Combined Bonds is authorized, the Bond Registrar shall select Series 2009-1 or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are

payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Series 2009-1 are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Combined Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address appearing therein.

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

Subject to the foregoing provisions of this Section 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 7 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing

interest at the same rate and maturing on the same date.

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 9. The Combined Bonds shall 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 Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Combined Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (iv) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on the Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next 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 Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or

are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 10. Certain terms of the Combined Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Combined Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Combined Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Combined Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Original Purchasers, shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Combined Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Combined Bonds included in the Combined Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Combined Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on such Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Combined Bonds shall not exceed five and one-half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Combined Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Inc., as representative of the Original Purchasers, at the Purchase Price, plus any accrued interest on the principal amount of the Combined Bonds from the date of the Combined Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Combined Bonds, including premium, if any, received from the sale of the Combined Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Combined Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and

such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale, shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation Bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Combined Bonds, are hereby deemed appropriated.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Combined Bonds so that the Combined Bonds will not constitute "private activity Bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage Combined Bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

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

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby

authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Series 2009-1 Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Combined Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Combined Bonds on their first optional redemption dates.

Section 15. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 16. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1362-2009

Drafting Date: 10/08/2009

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$141,030,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding general obligation bonds of the City. The bond sale will be conducted on a negotiated basis with Stifel, Nicolaus & Company, Inc., as senior manager, and J.P. Morgan Securities, co-senior manager.

Title

Authorizing the issuance of limited tax bonds in an amount not to exceed \$141,030,000 for the purpose of providing funds to refund, either currently or in advance, certain outstanding general obligation bonds of the City (\$141,030,000). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio

(the "Municipality" or the "City"), to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Refunding LT, Series 1998A	01/15/98	\$ 4,040,000	\$ 4,040,000
Various Purpose LT, Series 1998-1	12/15/98	6,705,000	6,705,000
Various Purpose LT, Series 2002-2	11/15/02	10,815,000	7,065,000
Various Purpose LT, Series 2004-2	07/27/04	99,155,000	55,295,000
Various Purpose LT, Series 2005E	12/14/05	32,080,000	14,800,000
Various Purpose LT, Series 2006B	12/12/06	71,625,000	33,125,000

(the "Outstanding Limited Tax Bonds"), and unlimited tax general obligation bonds of the Municipality, to wit:

<u>Title</u>	<u>Dated</u>	<u>Outstanding Amount</u>	<u>Callable Amount</u>
Sewerage System Refunding, Series 1999-1	3/15/99	\$ 3,410,000	\$ 3,410,000
Various Purpose UT, Series 2002-1	11/15/02	86,715,000	49,335,000
Various Purpose UT, Series 2004-1	7/27/04	117,310,000	67,300,000
Various Purpose UT, Series 2005D	12/14/05	206,685,000	104,600,000
Various Purpose UT, Series 2006A	12/12/06	115,180,000	50,360,000

(the "Outstanding Unlimited Tax Bonds" and together with the Outstanding Limited Tax Bonds, the "Outstanding Bonds"), were issued and sold for the purposes described in those ordinances and in the Outstanding Bonds; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the "Callable Amount" of such Outstanding Bonds (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the process of refunding bonds, authorized by pursuant to Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the principal sum not to exceed One Hundred Forty-One Million Thirty Thousand Dollars (\$141,030,000) (the "Series 2009-2 Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of refunding, either currently or in advance, all or a portion of the Refunded Series 2009-2 Bonds. The Series 2009-2 Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Series 2009-2 Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Series 2009-2 Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Series 2009-2 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 Series 2009-2 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 Series 2009-2 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 Series 2009-2 Bonds in accordance with law.

Section 4. The Series 2009-2 Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Refunding Bonds, Series 2009-2" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

It is hereby determined that, for purposes of issuance and sale, it is in the best interests of the Municipality to combine the Series 2009-2 Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances of this Council adopted on the date hereof. The Series 2009-2 Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". The Combined Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds, Series 2009B" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price as specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Combined Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Combined Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address

appearing therein.

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

Subject to the foregoing provisions of this Section 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 7 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

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

Section 9. The Combined Bonds shall 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 Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Combined Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (iv) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next 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 Combined Bonds as provided in this Ordinance.

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

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system.

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

For purposes of this Ordinance the following terms shall have the following meanings:

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

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

Section 10. Certain terms of the Combined Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the

Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Combined Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Original Purchasers, shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which the Combined Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Combined Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to the Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means Stifel, Nicolaus & Company, Inc., as senior manager, and such additional firms as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Combined Bonds included in the Combined Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Combined Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 98% of the aggregate principal amount of the Combined Bonds, together with accrued interest on such Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Combined Bonds shall not exceed five and one-half per centum (5.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Combined Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Combined Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and Stifel, Nicolaus & Company, Inc., as representative of the Original Purchasers, at the Purchase Price, plus any accrued interest on the principal amount of the

Combined Bonds from the date of the Combined Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Combined Bonds, the manner of sale and the terms of the Combined Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Combined Bonds, including premium, if any, received from the sale of the Combined Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Combined Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale, shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Combined Bonds, are hereby deemed appropriated.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

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Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Combined Bonds so that the Combined Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

The City Auditor or the Director of Finance and Maagement, or any other officer, ncluding the City Clerk, is hereby

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

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Series 2009-2 Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all

legal requirements including Section 121.22 of the Ohio Revised Code.

Section 16. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1794-2008

Drafting Date: 11/04/2008

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND

Duranceau Park is located south of Fishinger Road along the Griggs Reservoir portion of the Scioto River. In the early 1900's this area was subdivided into lots, parks, streets, alleys and roadways by The Riverview Realty Company. A plat titled Duranceau Park was approved and the roads, streets, alleys and parks shown on the plat were dedicated to the public use by the Franklin County Commissioners on January 4, 1911. In 1974 a portion of this area was annexed into the City of Columbus. Over the years the area that was annexed into the City has been developed into a City park. Recently the City's Recreation and Parks Department requested the Department of Public Service abandon the roads, streets and alleys within this platted area as public rights-of-way and transfer these assets to the Recreation and Parks Department. After investigation, it has been determined that there are utilities currently located within these rights-of-way that must be protected through the retention of a general utility easement. A general utility easement will be retained for those utilities with facilities currently located within these rights-of-way.

TitleTo abandon, as public rights-of-way, the roads, streets and alleys within the City of Columbus and shown on the plat titled Duranceau Park, and to authorize the transfer of these assets from the Department of Public Service to the Recreation and Parks Department.

Body**WHEREAS,** Duranceau Park is located south of Fishinger Road along the Griggs Reservoir portion of the Scioto River; and

WHEREAS, this area was subdivided into lots, parks, streets, alleys and roadways by The Riverview Realty Company; and

WHEREAS, the plat titled Duranceau Park was approved and the roads, streets, alleys and parks shown on the plat were dedicated to the public use by the Franklin County Commissioners on January 4, 1911; and

WHEREAS, in 1974 a portion of this area was annexed into the City of Columbus; and

WHEREAS, over the years the area that was annexed into the City has been developed into a City park; and

WHEREAS, recently the City's Recreation and Parks Department requested the Department of Public Service abandon the roads, streets and alleys within this platted area as public rights-of-way and transfer these assets to the Recreation and Parks Department; and

WHEREAS, after investigation it has been determined that there are utilities currently located within these rights-of-way that must be protected through the retention of a general utility easement; now, therefore

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

Section 1. That the roads, streets and alleys located within the City of Columbus and shown on the plat titled Duranceau Park, of record in Plat Book 7, Page 447, Franklin County, Ohio, Recorder's Office, be and hereby are abandoned as

publicly dedicated rights-of-way.

Section 2. That control of these assets shall be transferred from the Department of Public Service to the Recreation and Parks Department.

Section 3. That a general utility easement in, on, over, across and through the above referenced rights-of-way shall be and hereby is retained for those utilities currently located within said rights-of-way.

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

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 361.34 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.

DELINQUENT PERSONAL PROPERTY TAX: All bidders are charged with notice of Section 5719.042 of the Ohio Revised Code and agree that if this contract is awarded to them, the successful bidder, prior to the time the contract is entered into, will submit to the City Auditor the affidavit required by said section of the Ohio Revised Code. Said affidavit, when filed with City Auditor, is thereby incorporated into and made a part of this contract and no payment shall be made with respect to this contract unless such statement has been so incorporated as a part thereof.

LOCAL CREDIT: For all contracts EXCEPT PROFESSIONAL SERVICE CONTRACTS: In determining the lowest bid for purpose of awarding a contract not exceeding \$20,000.00, a local bidder shall receive a credit equal to five percent (5%) of the lowest bid submitted by a non-local bidder. In determining the lowest bid for purposes of awarding a contract in excess of \$20,000.00, a local bidder shall receive a credit equal to one percent (1%) or \$10,000.00, whichever is less, of the lowest bid submitted by a non-local bidder. A local bidder is a person, corporation or business which (a) has listed its principal place of business as being located within the corporation limits of the City of Columbus or the County of Franklin in official documents filed with Secretary of State, State of Ohio, or a valid vendor's license which indicates its place of business is located within the corporation limits of the City of Columbus or County of Franklin.

FOR COPIES OF ANY OF THE FOLLOWING BID PROPOSALS CALL THE LISTED DIVISION

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - October 28, 2009 12:00 pm

SA003410 - CourtView Version 2.34 Support Service

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope:

1.1.1 It is the intent of the City of Columbus, the Franklin County Municipal Court, Clerk of Court to obtain formal bids to establish a contract for the purchase of support for the pre-existing CourView version of 2.34 Integrated Case Management System utilized at the Franklin County Municipal Court. The service period is for a maximum of 800 hours of support for a period of one (1) year, which may be renewable for two (2) additional consecutive years by mutual agreement of both parties and with the approval of Columbus City Council.

1.2 Classification:

1.2.1 Proposals will be received by the Franklin County Municipal Court, Clerk of Court located at 375 South High Street, 3rd Floor, Columbus, Ohio 43215 Attn: Ken Euman, Assistant Fiscal Administrator.

1.2.2 To be eligible for consideration, all vendors must meet the following requirements:

General Technical Qualifications:

Six (6) or more years experience supporting database systems including but not limited to Oracle versions 8i through 10g.

Six (6) or more years experience using SQL and PL/SQL database tools.

Six (6) or more years experience supporting client/server software systems.

Integrated Case Management System Specific Qualifications:

Three (3) or more years experience supporting the CourtView application.

Three (3) or more years experience supporting the CourtView database structure.

Additional service requirements are listed in section 2.0 Scope of Services of the Request for Proposal.

1.3 Questions

All questions must be submitted by 10/16/2009 at 5:00 p.m. EST via email to Roy Ball at ballr@fmcclerk.com and must include the company name, address and contact name followed by the question. The final addendum listing questions and answers will be communicated to each vendor via email by 10/19/2009 at 12:00 p.m. EST.

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: October 08, 2009

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003408 - SOUTH WELLFIELD EXPANSION CIP 690359

SCOPE: Sealed proposals will be received by the Director of Public Utilities of the City of Columbus, Ohio at the office of the Director of Public Utilities, 4th Floor, 910 Dublin Road, Columbus, Ohio 43215, until 3:00 P.M. local time, on October 28, 2009 and publicly opened and read at the hour and place for construction of the South Wellfield Expansion, Collector Well Site CW-120 Phase 1A, Contract No. 1000, Project No. 690359.

The Division of Power and Water has recently completed construction of a new horizontal collector well in Phase 1 of this project. The work for which proposals are invited consists of furnishing, as appurtenant structures for this well, all materials; equipment and labor necessary to provide a new pump building, pumps, raw waterline, and such other work as may be necessary to complete the contract in accordance with the plans and specifications. The plans are separated into two parts. Part 1 of this Contract consists of the collector well pump building and pumps and Part 2 consists of the raw waterline. All work not specifically addressed in the detailed specifications will be covered by the latest version of City of Columbus CMS and the Drawings. Copies of the Contract Documents are on file in the office of the Water Supply & Treatment Coordinator, Water Supply, Utilities Complex, 2nd Floor, 910 Dublin Road, Columbus, Ohio 43215, Phone (614-645-7100) and at the office of URS Corporation, 277 W. Nationwide Blvd., Columbus, Ohio 43215 (614-464-4500) and are available there on or after October 5, 2009. Copies of the Contract Documents are available to prospective bidders through the office of URS Corporation upon payment of \$150.00 per set, none of which will be refunded. Checks for Contract Documents shall be made payable to "URS Corporation".

CLASSIFICATION: A Pre-Bid Conference for this bid will be held at Parsons Avenue Water Plant (5600 Parsons Avenue/ Lockbourne, Ohio 43137) Tuesday October 13, 2009 at 9:00am. This conference is not mandatory; however, bidders shall comply with and be responsible for the information discussed at the pre-bid conference. A brief tour of the affected plant and site areas will be conducted following the pre-bid conference. Any Bidder wishing to inspect the work in the Plant must furnish their own steel toe safety shoes/boots and safety glasses/goggles. (Note: Mon. October 12, 2009 is a holiday for City of Columbus employees) Prevailing wage rates apply to this project. A 10% (ten percent) proposal bond and a 100% (One hundred percent) performance bond are required for this bid.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing. From the solicitation listing, click on the box marked "continue" and open the Bidder's Guide for this additional information.

ORIGINAL PUBLISHING DATE: October 06, 2009

BID OPENING DATE - October 29, 2009 11:00 am

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003411 - ALUMINUM SIGN BLANKS UTS/TRANSPORTATION

1.0 SCOPE AND CLASSIFICATION:

1.1 Scope: The City of Columbus is seeking bids for aluminum overlay sheeting material and sign blanks. This sheeting material is to be used in the fabrication of traffic signs and street name signs. Various sign sheet types in various shapes are required. New and recycled aluminum sheeting and sign blanks will be accepted. It is the intent to issue a "firm offer for sale" blanket type contract. It is anticipated the contract(s) will be in effect from and after its execution by the City to and including December 1, 2011. The initial order is expected to be approximately twenty percent (20%) of the quantities in the proposal pages, subject to available budget.

1.2 Classification:

Bids are requested for the following sign sheet types:

ITEM 1 - 0.030" THICK ALUMINUM OVERLAY SHEETING

ITEM 2 - 0.063" THICK ALUMINUM SIGN BLANKS

ITEM 3 - 0.080" THICK ALUMINUM SIGN BLANKS

ITEM 4 - 0.100" THICK ALUMINUM SIGN BLANKS

Recycled aluminum Series 3000 sheeting.

ITEM 5 - 0.030" THICK RECYCLED OVERLAY ALUMINUM SHEETING

ITEM 6 - 0.063" THICK RECYCLED ALUMINUM SIGN BLANKS

ITEM 7 - 0.080" THICK RECYCLED ALUMINUM SIGN BLANKS

ITEM 8 - 0.100" THICK RECYCLED ALUMINUM SIGN BLANKS

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: October 08, 2009

SA003415 - Traffic and Street Name Sign Posts UTC

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.0 SCOPE AND CLASSIFICATION:

1.1 Scope: The City of Columbus is seeking bids for Traffic Sign Posts, specified herein for use as supports for traffic control signs and delineators; and for Street Name Sign Posts, specified herein for use as supports for traffic control signs, delineators, and street name signs. It is the intent to issue "firm offer for sale" blanket type contracts. The Contracts shall be in effect from and after its execution by the City to and including September 30, 2011. The initial order is expected to be approximately twenty percent (20%) of the quantities in the proposal pages, subject to available budget.

1.2 Classification: Bids are requested for the following items: U-Channel Traffic Posts of various sizes and finishes; Square Channel Traffic Posts, Punched, of various sizes and finishes; Square Channel Traffic Posts, Un-punched, of various sizes and finishes; and Street Name Sign Posts, of various sizes and finishes.

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: October 14, 2009

SA003416 - PURCHASING/LIGHT DUTY TRUCKS

1.1 Scope: It is the intent of the City of Columbus to obtain proposals to establish a Universal Term Contract(s) (UTC) to supply approximately 200 various light duty trucks for various City agencies up to and including September 30, 2010 or manufacturer's buildout date.

1.2 Classification: The contract (s) resulting from this bid proposal will provide for the option of purchase and delivery of new and unused light duty trucks with specified options installed.

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: October 15, 2009

SA003417 - FINANCE/PURCHASING/AUTOMOBILES

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: It is the intent of the City of Columbus to obtain proposals to establish a Universal Term Contract(s) (UTC) to supply approximately 200 various automobiles for various City agencies up to and including September 30, 2010 or manufacturer's buildout date.

1.2 Classification: The contract(s) resulting from this bid proposal will provide for the option of purchase and delivery of new and unused automobiles with specified options installed.

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: October 16, 2009

SA003403 - LOCKBOURNE ROAD/GROVEPORT TO SR104

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: The City of Columbus, Department of Public Service, is receiving proposals until 3:00 P.M., October 29, 2009, for Arterial Street Rehabilitation - Lockbourne Road/Groveport to SR104 and Lockbourne Road Area Assessment Sewer, CIP No. 530103-100017 and CIP No. 620, 1835 Drawer E and CC-12757. Proposals are being received at Department of Public Service, Office of Support Services, 90 W. Broad St., Room 301, Columbus, OH, 43215. The location of the project is Lockbourne Road from S.R. 104 to Groveport Road; Koebel Road from Lockbourne Road to Fairwood Avenue; Evergreen Road east of Lockbourne Road for a distance of approximately 1000 feet. The scope of the project shall consist of widening Lockbourne Road to three lanes; constructing new curbs, curb ramps, bicycle lanes, storm sewerage, water lines, and lighting. A new sanitary system will also be installed. The contract duration is 519 calendar days with an interim completion date of November 12, 2009 for all lanes of Lockbourne Road, adjoining roadways, and driveways to be open to traffic. The City will issue a Notice to Proceed on or about December 29, 2009.

1.2 Classification: Prevailing wage rates apply. The bidder is required to submit a proposal bond in the form provided in the Bid Submittal documents. The amount of the guaranty shall be expressed in dollars and cents or as a percentage of the bid amount, and shall not be less than ten (10) percent of the bid, including all alternates submitted which increases the bid. Each offeror shall submit with its proposal an active City of Columbus Contract Compliance Certification Number, or a completed application for certification. Plans can be purchased at 109 N. Front St, Room 301 for the non refundable price of \$60.00 for half sized plans and \$190.00 for full sized plans. A pre-bid meeting will be held at 1:00pm on October 20, 2009 at 1800 E. 17th Ave. All questions concerning the project are to be sent to capitalprojects@columbus.gov. The last day to submit questions is October 22, 2009. Responses will be posted on the Vendor Services web site as an addendum and an e-mail will be sent to each firm who purchased plans. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the "open solicitations" listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: October 03, 2009

BID OPENING DATE - November 3, 2009 2:00 pm

SA003420 - Mailroom Equipment and Operations

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

It is the intent of the City of Columbus, Franklin County Municipal Court, Clerk of Court to obtain formal bids to establish a purchase order for the purchase of Mailroom Equipment and Operations for the Administration Division, 375 South High Street, 4th Floor, Columbus, Ohio 43215.

Minimum requirements:

This section includes the minimum requirements for providing Mailroom Operational and Material Support.

Service requirements:

Provide workflow and business rules (business process) for operation of internal mailroom services as outlined in the RFP. Provide business process for applying and tracking postage. It will be necessary that the Clerk's office prepare all mailing for delivery by USPS. Provide business process for leveraging the Electronic Return Receipt service of the USPS in its entirety.

Service options:

The Clerk seeks as an option the ability to transfer source documents electronically to a Vendor Managed service provider for mail processing.

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: October 21, 2009

BID OPENING DATE - November 4, 2009 3:00 pm

SA003418 - MARKISON AVE AREA WATER LINE IMP

SCOPE: The City of Columbus Department of Public Utilities, Division of Power and Water is receiving proposals for the Markison Avenue Area Water Line Improvements Project. The work for which proposals are invited consists of the installation of 12-inch, 6-inch and 2 inch water lines and appurtenances and service transfers and such other work as may be necessary to complete the contract in accordance with the plans (C-1109) and specifications. All work shall be completed within 270 days from date of the Notice to Proceed.

CLASSIFICATIONS: There is not a Pre-Bid Conference for this bid. Prevailing wage rates apply. A 10% (ten percent) proposal guaranty (proposal bond or certified check) and a 100% (one hundred percent) performance and payment bond are required for this bid. Plans are available to prospective bidders after October 18, 2009. The Bid Date for the project is November 4, 2009.

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: October 15, 2009

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003419 - RECONDITION HIGH SERVICE PUMP MOTOR

1.1 Scope: It is the intent of the City of Columbus, Division of Power & Water, Dublin Road Water Plant (DRWP) to obtain formal bids to establish a contract for the purchase of reconditioning services of high service pump motor.

1.2 Classification: #1 - Formal bid #2 - Reconditioning of high service pump motor at DRWP. #3 - No bonds required.

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: October 16, 2009

BID OPENING DATE - November 5, 2009 11:00 am

SA003426 - I3 SOFTWARE AND SUPPORT UTC

Scope: This proposal is to provide the City of Columbus, Department of Technology (DoT) with a Universal Term Contract (blanket type) for engineering services, platform support, hardware and software purchases, annual license renewal and other related telecommunication needs for the City's current Interactive Intelligence (I3) VoIP/IVR telephone platform. The proposed contract may potentially be in effect through March 31, 2013.

Classification: This contract will provide including but not limited to: hardware and software installation services, design, analysis, project management and maintenance of various items as specified herein. Offerors are required to show experience in providing these types of services and installations as well as meet or exceed the personnel requirements as detailed in these specifications.

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: October 22, 2009

BID OPENING DATE - November 6, 2009 5:00 pm

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003414 - CIP 650704 OSIS Augmentation & Relief Se

2009 SEWER SYSTEMS ENGINEERING SECTION
CIP 650704 - OSIS AUGMENTATION AND RELIEF SEWER FROM THE HENRY STREET
REGULATOR TO THE JACKSON PIKE WASTEWATER TREATMENT PLANT - PHASES I AND II
REQUEST FOR PROPOSAL
PROFESSIONAL CONSTRUCTION MANAGEMENT (PCM) SERVICES
PROPOSAL DUE DATE: November 6, 2009

Proposal Requirements:

The Division of Sewerage and Drainage is seeking proposals for the subject Capital Improvement Project. Copies of the RFP CD are on file at the Division of Sewerage and Drainage, Sewer System Engineering Section, 1250 Fairwood Avenue, Room No. 1021, Columbus, Ohio 43206, 614-645-3756. CDs will be available beginning Tuesday, October 13, 2009. There is no fee for this CD.

General Requirements:

The cover of the Proposal should state:

Proposal for Professional Construction Management Services
OSIS Augmentation and Relief Sewer, CIP 650704, Phases I and II

Submission of Proposals:

Each Offeror should submit five copies of their proposal, each in an appropriately sized three-ring binder, to the City by 5:00 p.m. on Friday, November 6, 2009, to: James M. Gross, P.E., SSES Manager, 1250 Fairwood Avenue, Room 1021, Columbus, Ohio 43206.

The body of the Proposal shall follow the format described in the RFP, separated by a tabbed divider.

Minimum Qualifications:

The Construction Manager Team Leader and Field Project Representation personnel shall not be an employee of the firms of the Engineer of Record or who prepared and stamped any of the projects' design.

The Construction Manager Team Leader has to demonstrate over 5 years of successful experience in managing construction of large diameter tunnel projects over \$50 million in total cost.

General Information:

Please be advised that proposals submitted to the City are subject to applicable federal, state, and local public information disclosure regulations. Requests to view a proposal will be arranged only upon receipt by the City of a written request for such; therefore, any proposal may be subject to viewing by the public. If any information contained in the documents submitted is deemed proprietary in nature, the offeror is required to defend the City concerning any litigation arising from the offeror's request for confidentiality.

Any questions regarding this request for proposal shall be directed to John Newsome at jnewsome@columbus.gov.

ORIGINAL PUBLISHING DATE: October 10, 2009

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - November 9, 2009 2:00 pm

SA003423 - Banking Services

It is the intent of the City of Columbus, Franklin County Municipal Court, Clerk of Court to obtain formal bids to establish a purchase order for the purchase of Banking Services for use by the Accounting/Finance Division, 375 South High Street, 3rd Floor, Columbus, Ohio 43215.

This contract is for one (1) year and six (6) renewable option years.

Minimum Eligibility Requirements for Banking Institutions

1. To be eligible for consideration, all Banking Institutions must meet the following qualifications:

2. General Qualifications

- i. Federally or State of Ohio Chartered;
- ii. Must be Federally insured;
- iii. State, National Bank, or domestic Savings and Loan Association.

3. Financial Qualifications:

- i. Must currently have and maintain a minimum Sheshunoff "CAMEL" rating of thirty (30).
- ii. The Bank's parent company must have a minimum Sheshunoff "CAMEL" rating of 30.

4. Certifications and Compliance:

- i. Must have a current "contract compliance number" approved by the City of Columbus' Equal Business Opportunity Office (The Equal Business Opportunity office can be reached at 645-4764 or online at vendorservices.columbus.com for information obtaining a "contract compliance number");
- ii. Must have a CRA rating of "satisfactory" or better on the most recent examination.

5. Experience and Location:

- i. Must have a minimum of two (2) years experience with a government or corporate account comparable to the size of the Clerk's Office;
- ii. Depositories must be located within the county limits of Franklin County, Ohio.

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: October 20, 2009

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - November 10, 2009 2:00 pm

SA003412 - OCM-RENOV OF FIRE LAUNDRY FACILITY

ADVERTISEMENT FOR BIDS

RENOVATION FOR A CENTRAL LAUNDRY FACILITY,
FOR THE DIVISION OF FIRE,
3639 PARSONS AVENUE, COLUMBUS, OHIO 43207

1.1 Scope: It is the intent of the City of Columbus, Department of Finance and Management, Office of Construction Management, to obtain formal bids to establish a contract for: RENOVATION FOR A CENTRAL LAUNDRY FACILITY, FOR THE DIVISION OF FIRE, 3639 PARSONS AVENUE, COLUMBUS, OHIO 43207 for October 19 thru November 10, 2009. Work to be completed within 75 calendar days upon notification of award of contract.

1.2 Classification: Renovation/installation for a central laundry facility. This is a single prime project. There will be a pre-bid and site walk thru on Monday, October 19, 2009 at 10:00 a.m., at the rear (northwest exterior corner) of the building at 3639 Parsons Avenue, Columbus, Ohio 43207. This is a prevailing wage project requiring bonding and insurance.

Brief description- renovation of 767 S.F. of an existing area and installation of laundry equipment. This is a single prime project requiring general trades. Construction estimate of \$230,000.00

Printing- Drawings and specifications will be available October 15, 2009 from DC Reprographics, 1072 W. Fifth Avenue, Columbus, Ohio 43212 @ (614) 297-1200 or by contacting www.dcreprographics.com for an \$80 non-refundable fee.

Addendums will be issued accordingly.

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: October 08, 2009

BID OPENING DATE - November 11, 2009 3:00 pm

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003421 - GROUP 3 WATER LINE IMPROVEMENTS C939

SCOPE: The City of Columbus, Department of Public Utilities, Division of Power and Water is receiving proposals for the Group 3 Water Line Improvements. The work for which proposals are invited consists of the installation of 12 inch, 8 inch, and 6 inch water lines and appurtenances and service transfers and such other work as may be necessary to complete the contract in accordance with the plans (C-939) and specifications. All work shall be completed within 365 days from date of the Notice to Proceed.

CLASSIFICATIONS: There is not a Pre-Bid Conference for this bid. Prevailing wage rates apply. A 10% (ten percent) proposal guaranty (proposal bond or certified check) and a 100% (One hundred percent) performance and payment bond are required for this bid. Plans are available to prospective bidders after October 25, 2009. The Bid Date for the project is November 11, 2009.

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: October 20, 2009

SA003424 - STREET LIGHTING - NORTH 21st STREET

SCOPE: Sealed proposals will be received by the Director of Public Utilities of the City of Columbus at the office of the Director of Public Utilities, 910 Dublin Road, Room 4002, Columbus, Ohio 43215 until 3:00 p.m., Local Time on Wednesday November 11, 2009, and publicly read at that hour in Department of Public Utilities Complex 910 Dublin Road, 1st Floor Auditorium, Columbus, OH 43215 for the following project: NORTH TWENTY-FIRST STREET, STREET LIGHTING, FROM LONG STREET TO MT. VERNON AVENUE 2009.

The work for which Proposals are invited consists of furnishing all labor, material and equipment necessary to construct a pedestrian scale street lighting system with buried cable comprised of 9 fiberglass post top poles, concrete reinforced foundations, and 100 Watt, High Pressure Sodium, Acorn luminaries and such other work as may be necessary to complete the contract in accordance with the plans (2688 DR E) and specifications. All work shall be completed in 90 days from date of the Notice to Proceed.

CLASSIFICATIONS: Prevailing wage rates apply. A 10% (ten percent) proposal bond and a 100% (One hundred percent) performance bond are required for this bid.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 21, 2009

BID OPENING DATE - November 12, 2009 11:00 am

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003422 - SLUDGE SAMPLER SYSTEM PARTS UTC

1.1 Scope: It is the intent of the City of Columbus, Division of Sewerage and Drainage to solicit formal bids to establish a Universal Term Contract (Blanket Type) for the purchase of Sludge Sampler System Parts for Municipal Sludge/Slurry for the Jackson Pike and Southerly Wastewater Treatment Plants. The City estimates spending annually from this contract \$35,000.00. The equipment and parts are used to monitor the sewerage sludge in the wastewater treatment process. The contract will be in effect for a period of one (1) year to an including March 31, 2011.

1.2 Classification: The resulting contract will be for the purchase and delivery of Isolok Samplers, Parts and Accessories manufactured by Sentry Equipment.

If you have an interest in receiving this proposal, please FAX this form in its entirety to: Purchasing Office, (614) 645-7051 a complete copy of the specifications will be mailed to those who request the mailing and specifications are also available in person at 50 West Gay Street, Beacon Building - First Floor, Columbus, Ohio, 43215

ORIGINAL PUBLISHING DATE: October 20, 2009

BID OPENING DATE - November 13, 2009 4:00 pm

SA003413 - HIV PREVENTION SERVICES 2010

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.1 Scope: It is the intent of the City of Columbus, Department of Health, to obtain formal bids to establish community-based contracts for the purchase of an array of CDC-defined Effective Behavioral Interventions for eligible persons infected with or at risk for acquiring HIV/AIDS for implementation from January 1, 2010 to December 31, 2011.

1.2 Classification: ***** (3 PARTS) *****

#1 - Very briefly describe the structure in which you are receiving bids (describe proposal page):

The City of Columbus - Columbus Public Health is announcing the availability of funds for a two (2) year competitive grant award from the Centers for Disease Control (CDC) through the Ohio Department of Health (ODH) which is awarded to Columbus, Ohio to serve Franklin County. These funds are available to eligible grant applicants that are located in and providing services to people infected with or at risk for acquiring HIV/AIDS living in the Central Ohio. The FY 2010/11 award is for \$270,000.00. The grant cycle is 1/1/2010-12/31/11, based upon the confirmed availability of federal funds, satisfactory program performance, measurable outcomes and documented continued community need. Columbus Public Health intends to make these funds available on a competitive basis. Columbus Public Health determines the final award totals of all submitted applications, based upon current, documented community need priorities. To respond to the "Request for Proposals for the 2010/11 Federal HIV Prevention Grant Funds" agencies can access the complete Request for Proposals via Vendor Services for the City of Columbus Public Health Department.

<http://vendorservices.columbus.gov> Hard copies of the RFP can be picked-up at: Columbus Public Health, 240 Parsons Avenue, 2nd floor / Room 211, Columbus, Ohio 43215 or send an e-mail to <mailto:lindal@columbus.gov> to request an electronic copy or a postal service mailed copy. Completed proposals can not be submitted online. Deliver hard copy proposals to:

Attention: Linda Laroche
Columbus Public Health Information Desk, 1st floor lobby
240 Parsons Avenue
Columbus Ohio 43215
No later than 4pm Friday, November 13, 2009

There are two (2) steps to applying for these funds; completion of the Vendor Services City of Columbus Administrative forms and the actual HIV Prevention RFP. This dual process is NEW. Applicants must do both - Apply via Vendor Services for the City of Columbus and submit a hard copy proposal. For additional information or to obtain Technical Assistance, please contact: Linda Laroche, HIV Prevention Coordinator, Columbus Public Health at 614-645-6445 or lindal@columbus.gov

#2 - List any vendor requirements to be able to bid (local place of business required, ability to service warranty, etc.).

Eligible grant applicants include:

- ? Private, nonprofit organizations incorporated with the Ohio Secretary of State and granted 501 C (3) status by the Internal Revenue Service, including existent
- ? Project Sponsors utilizing 2005-2008 HIV Prevention Program funds;

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

? Units of local government;

? Agencies must have a City of Columbus Contract Compliance Number, register with Vendor Services to obtain a number and the agency must be "Contract Compliance in Status Active."

#3 - Add separate paragraphs if prebid exists, prevailing wage, bid bond, etc.

N/A

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: October 10, 2009

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: PN0002-2009

Drafting Date: 12/26/2008

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

**Title OFFICIAL NOTICE
CIVIL SERVICE COMMISSION
COMPETITIVE EXAMINATION ANNOUNCEMENTS**

Notice/Advertisement Title: Civil Service Commission Notice

Contact Name: Annette Bigham

Contact Telephone Number: 614.645.7531

Contact Email Address: eabigham@columbus.gov

Body

OFFICIAL NOTICE
CIVIL SERVICE COMMISSION
COMPETITIVE EXAMINATION ANNOUNCEMENTS

APPLY ON-LINE 24 HOURS A DAY, 7 DAYS A WEEK OR APPLY IN PERSON 9:00 A.M. to 4:00 P.M. MONDAY, WEDNESDAY or THURSDAY.

The Civil Service Commission continuously administers competitive examinations. Information regarding examinations, for which the Civil Service Commission is currently accepting applications, is located on our website at www.csc.columbus.gov <<http://www.csc.columbus.gov>> and is also posted at the Commission offices located at 50 West Gay Street, 6th Floor, Columbus, Ohio. Please note that all visitors to the Beacon Building are required to produce a picture ID, authenticating their identity, in order to visit the applications area. Applicants interested in City jobs should check our website or visit the Commission offices.

Legislation Number: PN0059-2009

Drafting Date: 03/02/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

**Title
Notice/Advertisement Title:** 2009 Recreation and Parks Committee Meeting Notice

Contact Name: Carl Williams

Contact Telephone Number: (614) 645-2932

Contact Email Address: CGWilliams@columbus.gov

Body

Council Member Priscilla R. Tyson will host a Recreation and Parks Committee Meeting on the dates listed below. Unless otherwise noted, the meetings will begin at 5:30 P.M. in City Council Chambers, located on the second floor of City Hall, 90 West Broad Street, Columbus, Ohio.

A valid picture ID is needed to enter City Hall. Members of the general public wishing to address the meeting must fill out a speaker slip. These speaker forms will be made available in Council Chambers from 5:30 until 6:00 P.M. on the day of the meeting.

* **Thursday, October 22, 2009**

THE TIME FOR THIS MEETING HAS BEEN CHANGED TO 5:00 PM

This meeting will serve as the public hearing for the proposed "theft of free newspaper" code change ordinance that will soon be considered by Columbus City Council.

* **Thursday, November 19, 2009**

* *No December Meeting - Holiday Recess*

Meeting dates and times subject to change

Legislation Number: PN0060-2005

Drafting Date: 02/23/2005

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Published Columbus City Health Code

Contact Name: Richard Hicks

Contact Telephone Number: 654-6189

Contact Email Address: rickh@columbus.gov

Body"The Columbus City Health Code is updated and maintained by the Columbus Health Department.

To view the most current City Health Code, please visit:

<http://www.publichealth.columbus.gov/>

Legislation Number: PN0140-2009

Drafting Date: 06/08/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Health, Housing and Human Services Committee & Workforce Development Committee Meeting

Contact Name: James Ragland

Contact Telephone Number: (614) 645-8580

Contact Email Address: jragland@columbus.gov

Body

Councilmember Tavares' Health, Housing and Human Services Committee / Workforce Development Committee meeting schedule is listed below. Unless otherwise noted, meeting time and location is 5:30 p.m. in the Columbus City Council Chambers. A picture ID is needed to enter City Hall.

Meeting Chair: Councilmember Charleta B. Tavares

Agendas will be posted on the Columbus City Council Website (www.columbuscitycouncil.org) as soon as they are available.

2009

Wednesday, January 21, 2009

Wednesday, February 4, 2009

Wednesday, February 18, 2009

Wednesday, March 4, 2009

Wednesday, March 25, 2009
Wednesday, April 8, 2009
Wednesday, April 22, 2009
Wednesday, May 6, 2009
Wednesday, May 20, 2009
Wednesday, June 3, 2009
Wednesday, July 1, 2009
Wednesday, July 15, 2009
August Recess
Wednesday, September 2, 2009
Wednesday, September 16, 2009
Wednesday, October 7, 2009
Wednesday, October 21, 2009
Wednesday, November 4, 2009
Wednesday, November 18, 2009
Wednesday, December 2, 2009
Wednesday, December 16, 2009

Meeting dates and times subject to change

Legislation Number: PN0217-2009

Drafting Date: 10/05/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Accountability Committee Meeting Notice

Contact Name: Mark Freeman, Performance Management Coordinator

Contact Telephone Number: 645-6285

Contact Email Address: mafreeman@columbus.gov <<mailto:mafreeman@columbus.gov>>

Body

Mayor Michael B. Coleman and Columbus City Council President Michael C. Mentel have convened the Columbus Reform Accountability Committee, naming Thomas Hoaglin as its chair. The committee is charged with monitoring the progress of the Columbus 10-Year Reform and Efficiency Action Plan. The Accountability Committee will hold its first meeting on October 30, 2009 from 2pm-4pm. The meeting will be held in the Buckeye Room of the Jerry Hammond Center, located at 1111 East Broad Street, Columbus, OH 43205. Parking is available on the West side of the building. The Buckeye Room can be accessed from the North entrance of the building.

Legislation Number: PN0223-2009

Drafting Date: 10/08/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Appeals Agenda-Board of Zoning Adjustment Oct. 27, 2009

Contact Name: David Reiss

Contact Telephone Number: (614) 645-7973

Contact Email Address: djreiss@columbus.gov

**APPEALS AGENDA
BOARD OF ZONING ADJUSTMENT
CITY OF COLUMBUS
OCTOBER 27, 2009**

The Columbus Board of Zoning Adjustment will hold a public hearing on the following applications on **TUESDAY, OCTOBER 27, 2009 at 6:00 P.M.** in the First Floor Hearing Room of the Building Services Division Offices, 757 Carolyn Avenue.

The Board of Zoning Adjustment hears requests for Special Permits, Appeals and Variances to the requirements of the Columbus Zoning Code, Title 33, of the Columbus City Codes. The Board does not hear applications to amend the Official Zoning Map. Specific case information may be obtained by contacting the Building and Development Services Section, 757 Carolyn Avenue, 645-7314.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing. It is the rule of the Board to dismiss an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter to "Sign" this meeting will be made available for anyone with a need for this service, provided the Building Services Division is made aware of this need and given a reasonable notice of at least four (4) hours prior to the scheduled meeting time. To schedule an interpreter, please contact the City of Columbus, Human Resources Department at 645-6373 or TDD 645-3293.

THE FOLLOWING CASES WILL BE HEARD BEGINNING AT 6:00 P.M.:

1. 09312-00150
3040 SOUTH HIGH STREET
Far South Columbus Area Commission
C-4, Commercial

To Appeal Zoning Code Violation Order No. 09440-01425 issued on 5/8/2009 for:

1. 3392.10, Performance requirements.
2. 3305.01, Certificate of zoning clearance.

City Staff: Edgar Dillon

City Staff Phone: 645-0659

Appellant: Mullens Brothers, Inc.; Lloyd & Barbara Mullens, 3040 S. High St., Columbus, Ohio 43207

Owner: Same as appellant

Legislation Number: PN0225-2009

Drafting Date: 10/08/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Board of Zoning Adjustment-Agenda Oct. 27, 2009

Contact Name: David J. Reiss

Contact Telephone Number: (614) 645-7973

Contact Email Address: djreiss@columbus.gov

Body

SEE ATTACHMENT

Legislation Number: PN0226-2009

Drafting Date: 10/08/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Graphics Commission Public Hearing Oct. 27, 2009

Contact Name: David J Reiss

Contact Telephone Number: (614) 645-7973

Contact Email Address: djreiss@columbus.gov

Body

SEE ATTACHMENT

Legislation Number: PN0229-2009

Drafting Date: 10/15/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: City Council Zoning Agenda for 10/26/2009

Contact Name: Shezronne Zaccardi

Contact Telephone Number: 614-645-1695

Contact Email Address: sezaccardi@columbus.gov

Body

REGULAR MEETING NO. 48

CITY COUNCIL (ZONING)

OCTOBER 26, 2009

6:30 P.M.

COUNCIL CHAMBERS

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

ZONING: TYSON, CHR. CRAIG GINTHER MILLER PALEY TAVARES MENTEL

1257-2009

To grant a Variance from the provisions of Sections 3356.03, AR-4 Permitted Uses and 3342.15, Maneuvering, of the Columbus City Codes for the property located at 28 EAST ELEVENTH AVENUE (43201), to permit a property management office in the AR-4, Apartment Residential District with one stacked parking space. (Council Variance #CV08-028)

1277-2009

To rezone 1729 NORTHWEST BOULEVARD (43212), being 1.76± acres located at the southwest corner of Northwest Boulevard and Chambers Road, From: C-4, Commercial District, To: CPD, Commercial Planned Development District (Rezoning # Z09-011).

1332-2009

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area requirements; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3342.15, Maneuvering; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3372.521 (D) (E), Supplemental parking requirements, of the Columbus City Codes; for the property located at 1283 SUMMIT STREET (43201), to permit three separate single-family lots with reduced development standards in the AR-1, Apartment Residential District (Council Variance # CV07-028).

Legislation Number: PN0230-2009

Drafting Date: 10/16/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Livingston Ave. Area Commissioner Recruitment-11/7/09

Contact Name: Bonita Lee

Contact Telephone Number: (614) 645-7964

Contact Email Address: btleec@columbus.gov

Body

SEE ATTACHMENT

Legislation Number: PN0231-2009

Drafting Date: 10/16/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Request for Purchase Proposals, Champions Golf Course

Contact Name: Real Estate Management Office

Contact Telephone Number: 614-645-5189

Contact Email Address: aekelly@columbus.gov

Body

REQUEST FOR PURCHASE PROPOSALS

The City of Columbus Recreation and Parks Department's Golf Division is inviting purchase offers for its 18-hole golf course, known currently as Champions Golf Course. The site is approximately 208.574 acres situated in the City of Columbus and Township of Mifflin in Franklin County, Tax Parcel No. 010-104558 and Tax Parcel No. 190-003738.

SUBMISSION AND REVIEW OF PROPOSALS

A minimum of five (5) copies of each proposal for the purchase of the property must be submitted on or before 5:00 p.m., **Friday, December 18, 2009** (the "Submission Date"). The City of Columbus reserves the right to extend the Submission Date at its sole discretion. The City will accept proposals for both continued use of the property as a golf course and for development uses.

This request for proposals shall not obligate the City of Columbus to award, transfer, or convey the subject real property. The City of Columbus hereby reserves the absolute right to accept or reject any and all proposals submitted.

Proposals may be submitted via U.S. Mail or courier to:

City of Columbus
Recreation and Parks Golf Division
Attn: Golf Administrator
1111 E. Broad St., Suite 101
Columbus, Ohio 43205-1303

Proposals may also be submitted electronically via e-mail to:

tsleist@columbus.gov <<mailto:tsleist@columbus.gov>>

All proposals must contain, at a minimum:

- The proposed purchase price for the property.
- A description of the proposed use or development of the property. Prospective purchasers are encouraged to submit a schematic or conceptual rendering of any proposed development use in order to aid the City in its review.
- A proposed schedule for the use or development of the property.

SITE DESCRIPTION

The property is located at 3900 Westerville Road, Columbus, Franklin County, Ohio, 43224 and has been operated by the City of Columbus as Champions Golf Course since 1988. Prior to City ownership, the site was The Winding Hollow Country Club and has operated as a golf course since 1927.

Located in northeast Columbus, the property is on the east side of Westerville Road, just north of the intersection of Ferris Road and 1/3 mile south of Morse Rd. The site has an area of 208.574 gross acres and is irregularly shaped. Based upon the amount of frontage, depth of right-of-way and other easements, the effective area of the site is approximately 206.0 acres.

The survey and legal description indicate the property extends to the centerline of Westerville Road, which has a right-of-way depth of 50 feet within the subject property boundaries. Also of note is an irregular area encumbered by a State of Ohio highway easement. The Westerville Road frontage is divided by the presence of four residential lots in the northern area of the site. The southern frontage is 1,451 feet in length, with the frontage north being ±562 feet. The depth of the site varies, but is in the range of 3,300 feet from most of its frontage. The site has 3,667 front feet on Alum Creek which forms the entire eastern boundary of the property.

All public utilities are available to the subject property including natural gas, electric, and City of Columbus water and sewer service. Based upon the lines in the area, as noted in the Northeast Area Plan, residential development on the site could be supported.

ZONING

The subject property is zoned R1-Residential. The golf course is permitted under the City's Rural Residential zonings. The site was developed in the early 1900's prior to zoning and the current golf course is a grandfathered use.

PROPERTY SURVEY

A copy of the property survey plat and legal description, dated April 16, 2009, are attached as Exhibit A and Exhibit B.

USE OR DEVELOPMENT PROPOSALS

The highest and best use of the property may be for development rather than continued operation as a golf course. Respondents must indicate their intended use of the property, that is, continued use as a golf course or

a new development use. If a Respondent indicates its intent to continue to operate the golf course, the Purchase Contract will require continued use of the property as a golf course for a minimum number of years unless certain conditions are met and the property will transfer with deed restrictions, one of which will require the continued operation of the golf course for the prescribed minimum number of years.

FINANCIALS

A copy of the five-year financials for the golf course operation is available upon request.

QUESTIONS

All questions regarding this Request for Purchase Proposal may be referred to Terri S. Leist, Golf Administrator, at 614-645-5420, or tsleist@columbus.gov.

Legislation Number: PN0232-2009

Drafting Date: 10/16/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: CITY OF COLUMBUS, OHIO APPLICATION FOR DEPOSIT OF PUBLIC MONEY

Contact Name: Deborah Klie

Contact Telephone Number: 614-645-7737

Contact Email Address: dklie@columbus.gov

Body

Notice is hereby given in accordance with Chapter 321 of the Columbus City Codes, 1959 to all banks, building and loan or savings associations or companies located in Franklin County, Ohio duly organized under the laws of the State of Ohio or of the United States, that application for deposit of public money for fiscal year 2010 will be accepted by the Columbus Depository Commission at the Office of the Columbus City Auditor, Secretary of said Commission, until 2:00 p.m., Tuesday, December 8, 2009.

Said application shall determine the eligibility of the applicant to receive active and inactive deposits from the Columbus City Treasurer for the period beginning January 1, 2010 and ending December 31, 2010. Said application shall be in such a form prescribed by the Commission and shall contain such information, as the Commission shall require.

Applications may be obtained from the Office of: Deborah L. Klie, City Treasurer, 90 West Broad Street, Columbus, Ohio 43215, telephone 645-7737.

All information and statements contained on said application shall be verified by affidavit.

Address envelope containing application to: Hugh J. Dorrian, Secretary, Columbus Depository Commission, City Hall, 90 West Broad Street, Columbus, Ohio 43215.

By the order of the Columbus Depository Commission.

Deborah L. Klie, Chairperson

Hugh J. Dorrian, Secretary

Paul R. Rakosky, Member

Legislation Number: PN0233-2009

Drafting Date: 10/21/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Public Service Director's Orders - Placement of Traffic Control Devices as Recommended by the Transportation Division - Effective Date: October 15, 2009

Contact Name: Patricia Rae Grove

Contact Telephone Number: (614) 645-7881

Contact Email Address: prgrove@columbus.gov

Body

Please see Public Service Director's Orders - Placement of Traffic Control Devices as Recommended by the Transportation Division - Effective Date: October 15, 2009

Legislation Number: PN0307-2008

Drafting Date: 12/22/2008

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: 2009 REGULAR MEETINGS OF COLUMBUS RECREATION AND PARKS COMMISSION

Contact Name: Chris Snyder

Contact Telephone Number: 645-7468

Contact Email Address: crsnyder@columbus.gov

Body

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 14, 2009 -1111 East Broad Street, 43205

Wednesday, February 11, 2009 -1111 East Broad Street, 43205

Wednesday, March 11, 2009 -- 1111 East Broad Street, 43205

Wednesday, April 8, 2009 -- 1111 East Broad Street, 43205

Wednesday, May 13, 2009 - 1111 East Broad Street, 43205

Wednesday, June 10, 2009 - Gillie Recreation Center, 4625 Morse Centre Drive, 43229

Wednesday, July 8, 2009 - Westgate Shelterhouse, 3271 Wicklow Road, 43204

August Recess - No meeting

Wednesday, September 9, 2009 - Schiller Recreation Center, 1069 Jaeger Street, 43206

Wednesday, October 14, 2009 - Mentel Golf Course, 6005 Alkire Road, Galloway, 43119

Wednesday, November 11, 2009 - 1111 East Broad Street, 43205

Wednesday, December 9, 2009 - 1111 East Broad Street, 43205

**AGENDA
BOARD OF ZONING ADJUSTMENT
CITY OF COLUMBUS, OHIO
OCTOBER 27, 2009**

The Columbus Board of Zoning Adjustment will hold a public hearing on the following applications on **TUESDAY, OCTOBER 27, 2009 at 6:00 P.M.** in the First Floor Hearing Room of the Building Services Division, 757 Carolyn Avenue.

The Board of Zoning Adjustment hears requests for Special Permits, Appeals and Variances to the requirements of the Columbus Zoning Code, Title 33, of the Columbus City Codes. The Board does not hear applications to amend the Official Zoning Map. Specific case information may be obtained by contacting the Building Services Division, 757 Carolyn Avenue, 645-7314.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing. It is the rule of the Board to dismiss an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter will be made available for anyone in need of this service. To request an interpreter, please contact the City of Columbus, Building Services Division at 645-4522 at least four (4) hours before the scheduled meeting time.

- 1. Application No.:** 09310-00218
Location: 121 WEST OAKLAND AVENUE (43201), located on the south side of West Oakland Ave., approximately 120' east of Neil Avenue.
Area Comm./Civic: University Area Commission
Existing Zoning: R-2F, Residential District
Request: Variance(s) to Section(s):
3332.24, Side yard.
To reduce the minimum side yard from 3' to 0'.
3342.24, Surface.
To allow a gravel parking area.
Proposal: To allow an existing non-conforming gravel parking lot.
Applicant(s): E. David Colwell
7212 Ballantrae Loop
Dublin, Ohio 43016
Property Owner(s): Applicant
Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov#<http://JFFreise@Columbus.gov>#

2. **Application No.:** 09310-00218
Location: 125 WEST OAKLAND AVENUE (43201), located on the south side of West Oakland Ave., approximately 120' east of Neil Avenue.
Area Comm./Civic: University Area Commission
Existing Zoning: R-2F, Residential District
Request: Variance(s) to Section(s):
3332.24, Side yard.
To reduce the minimum side yard from 3' to 0'.
3342.24, Surface.
To allow a gravel parking area.
Proposal: To allow an existing non-conforming gravel parking lot.
Applicant(s): E. David Colwell
7212 Ballantrae Loop
Dublin, Ohio 43016
Property Owner(s): Applicant
Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov#http://JFFreise@Columbus.gov#
3. **Application No.:** 09310-00229
Location: 1250-1258 SOUTH HIGH STREET (43206), located at the southeast corner of Hanford Street and South High Street.
Area Comm./Civic: Columbus Southside Area Commission
Existing Zoning: C-4, Commercial District
Request: Variance(s) to Section(s):
3372.604, Setback requirements
To increase the maximum building setback from 10' to 20'.
3372.605, Building Design Standards
To allow the main entrance door to be located on the north side of the building and to allow less than 60% of the area between the height of 2' and 10' to be glass.
3372.607, Landscaping and screening.
To reduce the height of the required fence from 4' to 3'3" and to reduce the minimum amount of landscaped islands from 4 to 0 and to not provide a shade tree in any parking islands.
Proposal: An addition to an existing dental office.
Applicant(s): Gary J. Alexander
1324 Dublin Road
Columbus, Ohio 43206
Property Owner(s): Dr. Harvey Vesha, DDS
1250 South High Street
Columbus, Ohio 43206
Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov#http://JFFreise@Columbus.gov#

4. **Application No.:** 09310-00230
Location: 2840 MANOLA DRIVE (43209), located at the northeast corner of Kenview Rd. & Manola Dr.
Area Comm./Civic: None
Existing Zoning: SR, Suburban Residential District
Request: Variance(s) to Section(s):
3332.27, Rear yard.
To reduce the minimum rear yard required from 25% of the total lot area (2,221.56 sq. ft.) to 9.04% (803.35 sq. ft.); a reduction of 1,418.21 sq. ft.
3332.38, Private garage.
To increase the maximum square footage of allowable garage space for a single-family dwelling from 720 sq. ft. to 1,072 sq. ft. (an increase of 352 sq. ft.).
Proposal: To construct a 784 sq. ft. detached garage.
Applicant(s): R. Bruce Coleman
2840 Manola Dr.
Columbus, Ohio 43209
Property Owner(s): Linda K. Coleman (Walton)
2840 Manola Dr.
Columbus, Ohio 43209
Case Planner: Dave Reiss, 645-7973
E-mail: DJReiss@Columbus.gov<http://DJReiss@Columbus.gov>

5. **Application No.:** 09310-00239
Location: 3124-3134 NORTH HIGH STREET (43221), located at the northeast corner of E. California Ave. & N. High St.
Area Comm./Civic: Clintonville Area Commission
Existing Zoning: C-4, Commercial District
Request: Variance(s) to Section(s):
3309.14A, Height districts.
To increase the allowable height of a building from 35 ft. to 43 ft. along N. High St. and to 38 ft. along E. California Ave.
3342.17, Parking lot screening.
To reduce opacity of screening on east lot line within 80 ft. of residentially zoned district to 20%. (75% required.)
3372.607B, Landscaping and screening.
To eliminate UCO interior parking lot landscaping.
3342.28, Minimum number of parking spaces required.
To reduce the required number of parking spaces from 64 to 38.
3342.19, Parking space.
To reduce the required size of parking spaces from 9 ft. x 18 ft. to 8.75 ft. x 17 ft.
Proposal: To construct a mixed-use building.
Applicant(s): Jonathan Barnes
153 E. Main St.
Columbus, Ohio 43215
Property Owner(s): Guilford Properties, L.L.C.
P.O. Box 21562
Columbus, Ohio 43221
Case Planner: Dave Reiss, 645-7973
E-mail: DJReiss@Columbus.gov<http://DJReiss@Columbus.gov>

6. **Application No.:** 09310-00204
Location: 2195 NORTH HIGH STREET (43201), located at the southwest corner of High Street and W. Norwich Ave.
Area Comm./Civic: University Area Commission
Existing Zoning: C-4, Commercial District
Request: Variance(s) to Section(s):
3342.28, Minimum number of parking spaces required.
To reduce the minimum number of parking spaces from 4 to 0.
Proposal: A patio.
Applicant(s): Dave Pontia
1441 King Ave.
Columbus, OH 43212
Property Owner(s): Fimok, LLC
858 North High Street
Columbus, OH 43201
Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov#<http://JFFreise@Columbus.gov>#

7. **Application No.:** 07311-00004
Location: 1177 BONHAM AVENUE (43211), located at the terminus of Bonham Ave., approximately 200' feet east of Dolle Ave.
Area Comm./Civic: South Linden Area Commission
Existing Zoning: M, Manufacturing District
Request: Variance(s) to Section(s):
3342.24, Surface.
To allow a gravel surface.
3363.41, Storage.
To allow storage of junk to be located within six hundred (600) feet from any residential and apartment residential district.
Proposal: To permit an impound lot, junk yard or salvage yard.
Applicant(s): David J Chakeres, Esq.
3307 Kirkham Road
Columbus, Ohio 43221
Property Owner(s): Kirk C. Russell
1184 Bonham Road
Columbus, Ohio 43221
Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov#<http://JFFreise@Columbus.gov>#

AGENDA**GRAPHICS COMMISSION
CITY OF COLUMBUS, OHIO
OCTOBER 20, 2009**

The Columbus Graphics Commission will hold a public hearing on the following applications on **TUESDAY, OCTOBER 20, 2009 at 4:15 p.m.** in the First Floor Hearing Room of the Building Services Division, 757 Carolyn Avenue.

The Graphics Commission hears requests for Variances, Special Permits, Appeals, Graphics Plans and certain Miscellaneous Graphics, as provided by the Columbus Graphics Code, Title 33, Article 15, of the Columbus City Code. Specific case information may be obtained by contacting the Building Services Division, 757 Carolyn Avenue, 645-4522.

SPECIAL NOTE TO APPLICANT: YOU OR YOUR REPRESENTATIVE MUST ATTEND THIS MEETING. It is the rule of the Commission to withdraw an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter will be made available for anyone in need of this service. To request an interpreter, please contact the City of Columbus, Building Services Division at 645-4522 at least four (4) hours before the scheduled meeting time.

1. **Application No.:** **09320-00244**
 Location: **2293 BRIGGS ROAD (43223)**, located at the northwest corner of Briggs Road and Harrisburg Pike.
 Area Comm./Civic: Southwest Area Commission
 Existing Zoning: C.P.D., Commercial Planned Development District
 Request: Variance(s) to Section(s):
 3377.17, Setback regulations for permanent on-premises ground signs.
 To reduce the minimum setback from 15' to 4'6" along Harrisburg Pike and to 5' along Briggs Road.
 Proposal: To relocate an existing ground sign
 Applicant(s): Stanley W. Young III, c/o Allied Sign Co.
 PO Box 07760
 Columbus, Ohio 43207
 Property Owner(s): Stump Property Group, LLC
 PO Box 23084
 Columbus, Ohio 43223
 Attorney/Agent: Applicant
 Case Planner: Jamie Freise, 645-6350
 E-mail: JFFreise@Columbus.gov#http://JFFreise@Columbus.gov

2. **Application No.:** **09320-00169**
 Location: **364 WEST LANE AVE. (43201)**, located at the northeast corner of Lane and Marble Avenues.
 Area Comm./Civic: University Area Review Board and University Area Commission
 Existing Zoning: AR-4, Apartment Residential District
 Request: Miscellaneous Graphic(s) to Section(s):
 3375.12, Graphics requiring Graphics Commission approval
 To permit the installation of a banner.
 Proposal: Riverwatch Tower Condominium Association.
 Applicant(s): Orange Barrel Media
 3400 Southwest Blvd.
 Grove City, Ohio 43123
 Property Owner(s): Riverwatch Tower Condominium Association
 364 West Lane Ave.
 Columbus, Ohio 43201
 Attorney/Agent: Applicant
 Case Planner: Jamie Freise, 645-6350
 E-mail: JFFreise@Columbus.gov#http://JFFreise@Columbus.gov

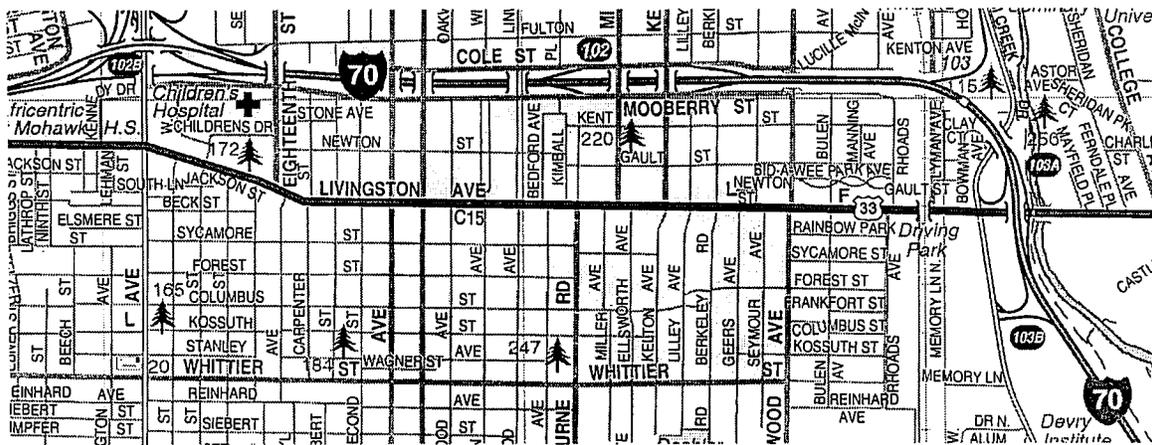
3. **Application No.:** **08320-00004**
 Location: **6803 REFUGEE ROAD (43110)**, located at the southwest corner of Gender Road and Refugee Road.
 Area Comm./Civic: Southeast Community Council
 Existing Zoning: CPD, Commercial Planned District District
 Request: Variance(s) to Section(s):
 3377.05 C, Ground Signs
 To increase the allowable area of a ground sign from 97 sq.ft. to 132 sq.ft.
 Proposal: A gas station.
 Applicant(s): Marathon Petroleum Co., LLC.
 539 South Main St.
 Findlay, OH 45840
 Property Owner(s): EMRO Marketing Co., c/o Speedway Superamerica, LLC, et al.
 539 South Main St.
 Findlay, OH 45840
 Attorney/Agent: David L. Hodge; c/o Smith & Hale
 37 W. Broad St, Suite 725
 Columbus, Ohio 43215
 Case Planner: Jamie Freise, 645-6350
 E-mail: JFFreise@Columbus.gov#http://JFFreise@Columbus.gov

We Want You!

Livingston Avenue Area Commission Is Seeking Area Commissioners



Help Us Make The Livingston Avenue Corridor A
Better Place to Live, Work and Play!



WWW.LIVINGSTONAVE.COM

Must be 18 years of age or older

Must be a resident of LAAC for at least 30 days prior to running

Must be a registered voter

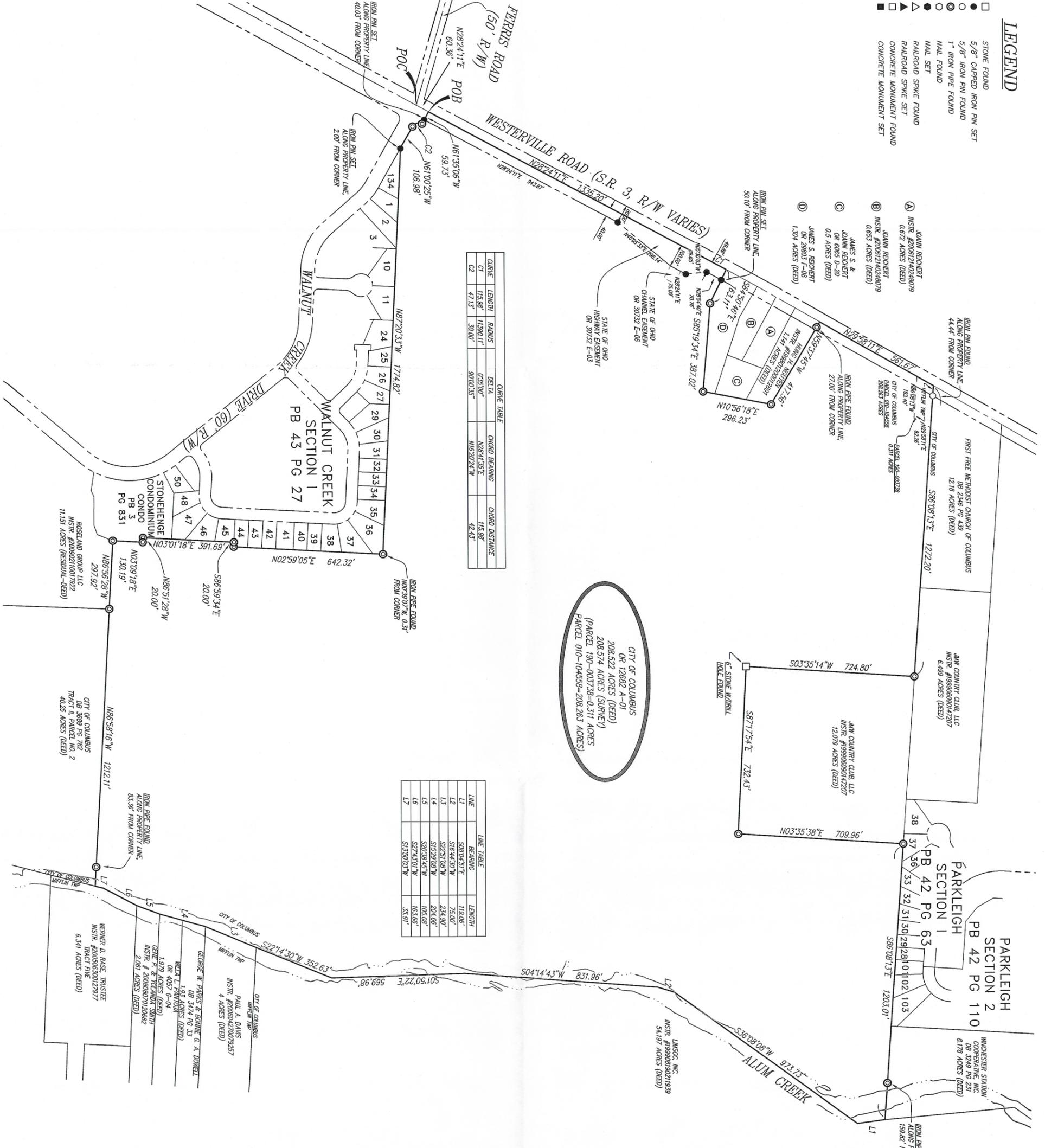
If these 3 conditions are met, a petition can be obtained by contacting Commissioner Donna Shephard at 253-6421 or at dcshep50@aol.com.

The deadline for returning properly executed petitions is October 23 rd.

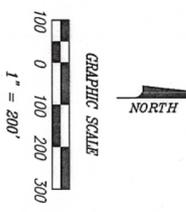
The election will be held November 7th from 10.00 am to 2.00 pm at 640 S. Ohio Ave St John's Learning Center.

LEGEND

- STONE FOUND
- 5/8" CAPPED IRON PIN SET
- 5/8" IRON PIN FOUND
- 1" IRON PIPE FOUND
- NAIL FOUND
- NAIL SET
- RAILROAD SPIKE FOUND
- RAILROAD SPIKE SET
- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET



CITY OF COLUMBUS
OR 12882 A-01
208.574 ACRES (DEED)
208.574 ACRES (SURVEY)
(PARCEL 190-003738-0.311 ACRES
PARCEL 010-104558-208.263 ACRES)



- NOTES**
- 1) OCCUPATION IN GENERAL THIS SURVEY.
 - 2) SOURCE DOCUMENTS AS NOTED.
 - 3) BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, OHIO SOUTH ZONE (NAD83-CORS), WITH A PORTION OF THE CENTERLINE OF WESTERVILLE ROAD BEING NORTH 28°24'11" EAST, AS DETERMINED BY A GPS SURVEY UTILIZING CORNS STATION 024 AS MONUMENTED BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND MONUMENT "A" MARK RESET.
 - 4) ALL IRON PIN SETS ARE 5/8" x .30" REBAR WITH CAP STAMPED "KLEINGERS & ASSOC."
 - 5) CENTERLINE AND RIGHT-OF-WAY LINES FOR WESTERVILLE ROAD (STATE ROUTE 17) SHOWN PER 0001 PLANS ENTITLED "COLUMBUS AND WOODSTER ROAD, STATE SEC. A, FRANKLIN COUNTY, AND 0001 PLANS ENTITLED "774-5-2223, MIFFLIN TOWNSHIP, FRANKLIN COUNTY."
 - 6) SPONSORING AND MEMBERS OF ALUM CREEK SPRAWL FOR FRANKLIN COUNTY AUDITOR'S GIS MAPS.
 - 7) THIS SURVEY IS BASED ON AN ASSOCIATED SURVEY FORMED BY MEMBERS AND ASSOCIATES IN APRIL, 2008.



I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON A FIELD SURVEY MADE UNDER MY DIRECTION.
 MICHAEL L. KELLNER
 OHIO PROFESSIONAL SURVEYOR NO. 7978
 DATE: 4/16/09

BOUNDARY SURVEY
 208.574 ACRES - CHAMPIONS GOLF COURSE,
 PARCELS 010-104558 & 190-003738
 QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 17, USML,
 CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO
 TOWNSHIP OF MIFFLIN, FRANKLIN COUNTY, OHIO

NO.	REVISIONS

KLEINGERS & ASSOCIATES
 350 Worthington Rd. Suite B, Westerville, OH 43082
 (614) 882-4311 Fax (614) 882-4479
 www.kleingers.com



208.574 ACRE TRACT

Situated in the City of Columbus and Township of Mifflin, County of Franklin, State of Ohio; also being a part of Quarter Township 2, Township 1, Range 17, United States Military Lands; also being a 208.522 acre tract (208.574 acres as surveyed) as conveyed to City of Columbus as described in Official Record 12682 A-01, also being Tax Parcel No. 010-104558 and Tax Parcel No. 190-003738; being more particularly described as follows:

Commencing at the intersection of the centerline of Ferris Road (50' right-of-way) and Westerville Road (State Route 3, right-of-way varies); thence,

Along the centerline of Westerville Road, *North 28° 24' 11" East, for a distance of sixty and thirty-six one-hundredths feet (60.36')* to a point, said point being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along the centerline of Westerville Road, *North 28° 24' 11" East, for a distance of one thousand three hundred thirty-five and twenty one-hundredths feet (1,335.20')* to a point of curvature; thence,

Along the centerline of Westerville Road following a curve to the right having a *radius of 11,390.11'*, an *arc length of 115.98'*, a *central angle of 00° 35' 00"*, and a *chord that bears North 28° 41' 35" East for a distance of 115.98'* to a point, said point being the westerly-most corner of a 1.304 acre tract as conveyed to James S. Reichert as described in Official Record 29803 F-08; thence,

Departing the centerline of Westerville Road along a southerly line of said 1.304 acre tract, said line being non-tangent and non-radial to the previous course, *South 64° 50' 46" East*, for a distance of one hundred sixty-three and eleven one-hundredths feet (163.11') to a 1" iron pipe found, said point being a southerly corner of said 1.304 acre tract, passing over an iron pin set at a distance of 50.10' from the beginning of this course; thence,

Along a southerly line of said 1.304 acre tract, *South 85° 19' 34" East*, for a distance of three hundred eighty-seven and two one-hundredths feet (387.02') to a 1" iron pipe found, said point being the southeasterly corner of said 1.304 acre tract; thence,

Along the easterly line of said 1.304 acre tract and then along the easterly line of a 0.5 acre tract as conveyed to James S. & Joann Reichert as described in Official Record 6065 D-20 and then along the easterly line of a 1.141 acre tract as conveyed to Hung H. Nguyen as described in Instrument No. 199801200012691, *North 10° 56' 18" East, for a distance of two hundred ninety-six and twenty-three one-hundredths feet (296.23')* to a 1" iron pipe found, said point being the easterly-most corner of said 1.141 acre tract; thence,

Along the northerly line of said 1.141 acre tract, *North 59° 37' 45" West, for a distance of four hundred seventeen and fifty-six one-hundredths feet (417.56')* to a point along the centerline of Westerville Road, passing over a 1" iron pipe found at a distance of 27.00' from the terminus of this course; thence,

Along the centerline of Westerville Road, *North 29° 58' 11" East, for a distance of five hundred sixty-one and sixty-seven one-hundredths feet (561.67')* to a point, said point being the southwest corner of a 12.18 acre tract as conveyed to First Free Methodist Church of Columbus as described in Deed Book 2346 Page 439; thence,

Along the southerly line of said 12.18 acre tract and then along a portion of a southerly line of a 6.499 acre tract as conveyed to JMW Country Club, LLC as described in Instrument No. 199906090147207, *South 86° 08' 13" East, for a distance of one thousand two hundred seventy-two and twenty one-hundredths feet (1,272.20')* to a 1" iron pipe found, said point being along the southerly line of said 6.499 acre tract, said point also being the northwesterly corner of a 12.079 acre tract as conveyed to JMW Country Club, LLC as described in Instrument No. 199906090147207, passing over a 5/8" iron pin found at a distance of 44.44' from the beginning of this course; thence,

Along the westerly line of said 12.079 acre tract, *South 03° 35' 14" West, for a distance of seven hundred twenty-four and eighty one-hundredths feet (724.80')* to a 6" stone with drill hole found, said point being the southwesterly corner of said 12.079 acre tract; thence,

Along the southerly line of said 12.079 acre tract, *South 87° 17' 54" East, for a distance of seven hundred thirty-two and forty-three one-hundredths feet (732.43')* to a 1" iron pipe found, said point being the southeasterly corner of said 12.079 acre tract; thence,

Along the easterly line of said 12.079 acre tract, *North 03° 35' 38" East, for a distance of seven hundred nine and ninety-six one-hundredths feet (709.96')* to a 1" iron pipe found, said point being the northeasterly corner of said 12.079 acre tract, said point also being along the southerly line of Parkleigh Section 1 as recorded in Plat Book 42 Page 63; thence,

Along a portion of the southerly line of said Parkleigh Section 1 and then along the southerly line of Parkleigh Section 2 as recorded in Plat Book 42 Page 110 and then along the southerly line of an 8.178 acre tract as conveyed to Winchester Station Cooperative, Inc. as described in Deed Book 3249 Page 231, *South 86° 08' 13" East, for a distance of one thousand two hundred three and one one-hundredths feet (1,203.01')* to a point, said point being the southeasterly corner of said 8.178 acre tract, said point also being along a westerly line of a 54.197 acre tract as conveyed to Limsoc, Inc. as described in Instrument No. 199908190211939, passing over an iron pin set at a distance of 159.82' from the terminus of this course; thence the following six (6) courses along westerly lines of said 54.197 acre tract, said courses also being along Alum Creek and the meanders thereof,

South 08° 04' 51" East, for a distance of one hundred nineteen and six one-hundredths feet (119.06') to a point; thence,

South 36° 08' 08" West, for a distance of nine hundred seventy-three and seventy-three one-hundredths feet (973.73') to a point; thence,

South 16° 44' 30" West, for a distance of seventy-five and zero one-hundredths feet (75.00') to a point; thence,

South 04° 14' 43" West, for a distance of eight hundred thirty-one and ninety-six one-hundredths feet (831.96') to a point; thence,

South 01° 50' 22" East, for a distance of five hundred sixty-nine and ninety-eight one-hundredths feet (569.98') to a point; thence,

South 22° 14' 30" West, for a distance of three hundred fifty-two and sixty-three one-hundredths feet (352.63') to a point, said point being within Alum Creek, said point also being the southwesterly corner of said 54.197 acre tract, said point also being the northwesterly corner of a 4 acre tract as conveyed to Paul A. Davis as described in Instrument No. 200604270079257; thence,

Along Alum Creek, also being along the westerly line of said 4 acre tract, *South 22° 51' 08" West, for a distance of two hundred thirty-four and ninety one-hundredths feet (234.90')* to a point, said point being the southwesterly corner of said 4 acre tract, said point also being the northwesterly corner of a 1.93 acre tract as conveyed to George W. Parks & Bonnie G.A. Dowell as described in Deed Book 3474 Page 33; thence,

Along Alum Creek, also being along the westerly line of said 1.93 acre tract and then along the westerly line of a 1.979 acre tract as conveyed to Willa L. Pantoja as described in Official Record 4057 G-04, *South 15° 29' 08" West, for a distance of two hundred four and sixty-six one-hundredths feet (204.66')* to a point, said point being the southwesterly corner of said 1.979 acre tract, said point also being the northwesterly corner of a 2.061 acre tract as conveyed to Gene P. & Yolanda Smith as described in Instrument No. 200808070120682; thence,

Along Alum Creek, also being along the westerly line of said 2.062 acre tract, *South 20° 38' 45" West, for a distance of one hundred five and eight one-hundredths feet (105.08')* to a point, said point being the southwesterly corner of said 2.062 acre tract, said point being the northwesterly corner of a 6.341 acre tract as conveyed to Werner D. Rase, Trustee as described in Instrument No. 200506300127977, Tract Five; thence,

Along Alum Creek, also being along a westerly line of said 6.341 acre tract, *South 27° 43' 01" West, for a distance of one hundred sixty-three and sixty-six one-hundredths feet (163.66')* to a point, said point being a westerly corner of said 6.341 acre tract; thence,

Along Alum Creek, also being along a portion of a westerly line of said 6.341 acre tract, *South 13° 50' 03" West, for a distance of thirty-five and ninety-one one-hundredths feet (35.91')* to a point, said point being the northeasterly corner of a 40.25 acre tract as conveyed to City of Columbus as described in Deed Book 3689 Page 782, Tract II, Parcel No. 2; thence,

Along a northerly line of said 40.25 acre tract, *North 86° 58' 16" West, for a distance of one thousand two hundred twelve and eleven one-hundredths feet (1,212.11')* to a 1" iron pipe found, said point being the northwesterly corner of said 40.25 acre tract, said point also being the northeasterly corner of an 11.151 acre tract as conveyed to Roseland Group LLC as described in Instrument No. 200902110017922, passing over a 1" iron pipe found at a distance of 83.36' from the beginning of this course; thence,

Along a northerly line of said 11.151 acre tract; *North 86° 56' 28" West, for a distance of two hundred ninety-seven and ninety-two one-hundredths feet (297.92')* to a 1" iron pipe found, said point being a northwesterly corner of said 11.151 acre tract, said point also being a southeasterly corner of Stonehenge Condominium as recorded in Condominium Plat Book 3 Page 831; thence,

Along an easterly line of said Stonehenge Condominium, *North 03° 09' 18" East, for a distance of one hundred thirty and nineteen one-hundredths feet (130.19')* to a 1" iron pipe found; said point being an easterly corner of said Stonehenge Condominium; thence,

Along a northerly line of said Stonehenge Condominium, *North 86° 51' 28" West, for a distance of twenty and zero one-hundredths feet (20.00')* to a 1" iron pipe found, said point being a corner of said Stonehenge Condominium; thence,

Along an easterly line of said Stonehenge Condominium and then along an easterly line of Walnut Creek Section 1 as recorded in Plat Book 43 Page 27; *North 03° 01' 18" East, for a distance of three hundred ninety-one and sixty-nine one-hundredths feet (391.69')* to a 1" iron pipe found; thence,

Along a southerly line of said Walnut Creek Section 1, *South 86° 59' 34" East, for a distance of twenty and zero one-hundredths feet (20.00')* to a 1" iron pipe found, said point being a southeasterly corner of said Walnut Creek Section 1; thence,

Along an easterly line of said Walnut Creek Section 1, *North 02° 59' 05" East, for a distance of six hundred forty-two and thirty-two one-hundredths feet (642.32')* to a point, said point being a northeasterly corner of said Walnut Creek Section 1, said point witnessed by a 1" iron pipe found that bears North 00° 39' 07" West for a distance of 0.31'; thence,

Along a northerly line of said Walnut Creek Section 1, *North 87° 20' 33" West, for a distance of one thousand seven hundred seventy-four and eighty-two one-hundredths feet (1,774.82')* to a point, said point being along the northerly right-of-way line of Walnut Creek Drive (60' right-of-way), passing over an iron pin set at a distance of 2.00' from the terminus of this course; thence,

Along the northerly right-of-way line of Walnut Creek Drive, *North 61° 00' 25" West, for a distance of one hundred six and ninety-eight one-hundredths feet (106.98')* to a 1" iron pipe found at a point of curvature; thence,

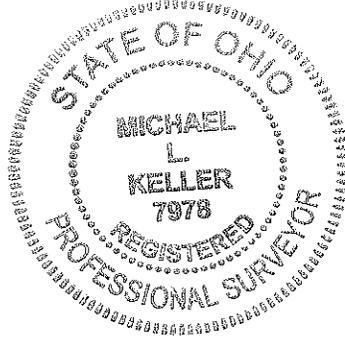
Along the northerly right-of-way line of Walnut Creek Drive along a curve to the right having a radius of 30.00', an arc length of 47.13', a central angle of 90° 00' 35", and a chord that bears North 16° 20' 24" West for a distance of 42.43' to a 1" iron pipe found; thence,

Along a line through Westerville Road, North 61° 35' 06" West, for a distance of fifty-nine and seventy-three one-hundredths feet (59.73'), passing over an iron pin set at a distance of 19.70' from the beginning of this course, to the point of beginning, containing 208.574 acres of land, more or less, of which 208.263 acres is within Tax Parcel No. 010-104558 and of which 0.311 acres is within Tax Parcel No. 190-003738, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in April, 2009.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the centerline of Westerville Road being North 28° 24' 11" East, as determined by a GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and monument "Clark Reset".

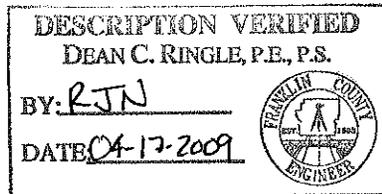
Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.



Michael L. Keller
Michael L. Keller
Professional Surveyor, Ohio License No. 7978

4/16/09
Date



0-056-B
ALL OF
(010)
104558
2
(190)
003738

PLACEMENT OF TRAFFIC CONTROL DEVICES AS RECOMMENDED BY THE
TRANSPORTATION DIVISION
EFFECTIVE DATE: OCTOBER 15, 2009

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that certain traffic control devices must be authorized immediately in order to preserve the public health, peace, property, and safety; now, therefore,

Under the power vested in me by Chapters 2105 and 2155 of the Traffic Code of Columbus, Ohio, I hereby determine that based on studies conducted by and recommendations made by the Transportation Division, that the following traffic regulations are necessary and I hereby authorize on the effective date of this order, or as soon thereafter as practical, the installation and/or removal of appropriate traffic control devices as follows:

SECTION 2105.095 TURNS AGAINST A RED SIGNAL

Turns against a red signal shall be prohibited as follows:

FOURTH ST at HUDSON ST
The northbound right turn on red shall be prohibited.
Prohibition applies: All Times - All Days
The curb lane is prohibited

PARKING REGULATIONS

The parking regulations on the 713 foot long block face along the E side of AZELDA ST from WEBER RD extending to COMO AVE shall be

Range in feet	Code Section	Regulation
0 - 40	2105.17	NO STOPPING ANYTIME
40 - 121	2105.17	NO PARKING ANY TIME
121 - 141	2105.17	NO STOPPING ANYTIME
141 - 156		NAMELESS ALLEY
156 - 713	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 478 foot long block face along the E side of BRIDGEWALK ST from AGLER RD extending to TERMINUS shall be

Range in feet	Code Section	Regulation
0 - 57	2105.17	NO STOPPING ANYTIME
57 - 146	2105.21	NO PARKING EXCEPT CITY PERMIT X
146 - 166	2151.01	(STATUTORY RESTRICTIONS APPLY)
166 - 216	2105.17	NO STOPPING ANYTIME
216 - 450	2151.01	(STATUTORY RESTRICTIONS APPLY)
450 - 478	2105.17	NO STOPPING ANYTIME

The parking regulations on the 478 foot long block face along the W side of BRIDGEWALK ST from AGLER RD extending to TERMINUS shall be

Range in feet	Code Section	Regulation
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0	-	62	2105.17	NO STOPPING ANYTIME
62	-	152	2151.01	(STATUTORY RESTRICTIONS APPLY)
152	-	213	2105.17	NO STOPPING ANYTIME
213	-	328	2105.21	NO PARKING EXCEPT CITY PERMIT X
328	-	412	2151.01	(STATUTORY RESTRICTIONS APPLY)
412	-	478	2105.17	NO STOPPING ANYTIME

The parking regulations on the 586 foot long block face along the E side of BURGESS AVE from PALMETTO ST extending to OLIVE ST shall be

Range in feet	Code Section	Regulation
0 - 43	2105.17	NO STOPPING ANYTIME
43 - 491	2151.01	(STATUTORY RESTRICTIONS APPLY)
491 - 514	2105.03	HANDICAPPED PARKING ONLY
514 - 586	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 323 foot long block face along the S side of COLUMBUS ST from HEYL AVE extending to CARPENTER ST shall be

Range in feet	Code Section	Regulation
0 - 323	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 214 foot long block face along the N side of HOSTER ST from WALL ST extending to HIGH ST shall be

Range in feet	Code Section	Regulation
0 - 13	2105.17	NO STOPPING ANYTIME
13 - 100	2155.03	2 HR PARKING METERS 8AM - 6PM EXCEPT SUNDAYS AND HOLIDAYS
100 - 124	2105.17	NO PARKING ANY TIME
124 - 147	2155.03	2 HR PARKING METERS 8AM - 6PM EXCEPT SUNDAYS AND HOLIDAYS
147 - 214	2105.17	NO STOPPING ANYTIME

The parking regulations on the 216 foot long block face along the S side of HOSTER ST from HIGH ST extending to PEARL ST shall be

Range in feet	Code Section	Regulation
0 - 30	2105.17	NO STOPPING ANYTIME
30 - 163	2155.03	2 HR PARKING METERS 8AM - 6PM EXCEPT SUNDAYS AND HOLIDAYS
163 - 216	2105.17	NO STOPPING ANYTIME

The parking regulations on the 334 foot long block face along the W side of LISLE ALLEY from FOREST ST extending to SYCAMORE ST shall be

Range in feet	Code Section	Regulation
0 - 334	2105.17	NO PARKING ANY TIME

The parking regulations on the 334 foot long block face along the E side of LISLE ALLEY from FOREST ST extending to SYCAMORE ST shall be

Range in feet	Code Section	Regulation
0 - 334	2105.17	NO PARKING ANY TIME

The parking regulations on the 532 foot long block face along the W side of OHIO AVE from ATCHESON ST extending to TORONTO ST shall be

Range in feet	Code Section	Regulation
0 - 60	2105.17	NO STOPPING ANYTIME
60 - 144	2151.01	(STATUTORY RESTRICTIONS APPLY)
144 - 159		NAMELESS ALLEY
159 - 492	2151.01	(STATUTORY RESTRICTIONS APPLY)
492 - 532	2105.17	NO STOPPING ANYTIME

The parking regulations on the 315 foot long block face along the N side of PLYMOUTH AVE from WEYANT AVE extending to NAPOLEON AVE shall be

Range in feet	Code Section	Regulation
0 - 148	2151.01	(STATUTORY RESTRICTIONS APPLY)
148 - 160		NAMELESS ALLEY
160 - 315	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 315 foot long block face along the S side of PLYMOUTH AVE from WEYANT AVE extending to NAPOLEON AVE shall be

Range in feet	Code Section	Regulation
0 - 148	2151.01	(STATUTORY RESTRICTIONS APPLY)
148 - 160		NAMELESS ALLEY
160 - 315	2151.01	(STATUTORY RESTRICTIONS APPLY)

The parking regulations on the 311 foot long block face along the S side of TORONTO ST from TREVITT ST extending to OHIO AVE shall be

Range in feet	Code Section	Regulation
0 - 148	2151.01	(STATUTORY RESTRICTIONS APPLY)
148 - 161		NAMELESS ALLEY
161 - 230	2151.01	(STATUTORY RESTRICTIONS APPLY)
230 - 255	2105.03	HANDICAPPED PARKING ONLY
255 - 311	2105.17	NO STOPPING ANYTIME

The parking regulations on the 553 foot long block face along the S side of TWENTY-FOURTH AVE from ONTARIO ST extending to MEDINA AVE shall be

Range in feet	Code Section	Regulation
0 - 50	2151.01	(STATUTORY RESTRICTIONS APPLY)
501 - 522	2105.03	HANDICAPPED PARKING ONLY
522 - 553	2105.17	NO STOPPING ANYTIME

The parking regulations on the 741 foot long block face along the S side of TWENTY-THIRD AVE from MEDINA AVE extending to CLEVELAND AVE shall be

Range in feet	Code Section	Regulation
0 - 109	2151.01	(STATUTORY RESTRICTIONS APPLY)
109 - 130	2105.03	HANDICAPPED PARKING ONLY
130 - 593	2151.01	(STATUTORY RESTRICTIONS APPLY)
593 - 608		NAMELESS ALLEY
608 - 741	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